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*Status: Point in time view as at 12/12/2014.*

*Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Power to call in subtidal notifications of SSSIs is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 13

#### MARINE BOUNDARIES OF SSSIS AND NATIONAL NATURE RESERVES

##### PART 2

##### SITES OF SPECIAL SCIENTIFIC INTEREST

##### *Power to call in subtidal notifications of SSSIs*

8 After section 28CA of the 1981 Act (inserted by paragraph 7) insert—

##### **“28CB Power to call in subtidal notifications**

- (1) This section applies where a notification under section 28(1), 28B(2) or 28C(2) has been given in relation to land lying below mean low water mark (“the subtidal land”) by virtue of section 28(1B), 28B(2B) or 28C(2B) (as the case may be).
- (2) Natural England may not give notice under section 28(5)(b) confirming the notification unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.  
(For the meaning of “the ministerial authority”, see section 28CA.)
- (3) At any time before the notification is confirmed the ministerial authority may give notice to Natural England that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.
- (4) If the ministerial authority gives notice under subsection (3), Natural England may not give notice under section 28(5) until the ministerial authority has given a direction under subsection (5).
- (5) The ministerial authority may direct—
  - (a) that the notification (if confirmed) must include all of the subtidal land;
  - (b) that the notification (if confirmed) must not include any of the subtidal land;
  - (c) that the notification (if confirmed) must, or must not, include such part of that land as is specified in the direction;
  - (d) that the decision whether the notification (if confirmed) should include the subtidal land is to be taken by Natural England.
- (6) If the ministerial authority gives a direction under subsection (5), Natural England must give notice under section 28(5)(a) or (b), in accordance with

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that direction, within the period of three months beginning with the date on which the direction is received by them.

- (7) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—
- (a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;
  - (b) providing written representations to such a person.
- (8) A person appointed under subsection (7) must make a report to the ministerial authority of any oral or written representations made under that subsection.
- (9) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (7).
- (10) The power to make regulations under subsection (9) is exercisable by statutory instrument.
- (11) A statutory instrument containing regulations made under subsection (9) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) A statutory instrument containing regulations made under subsection (9) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

**Commencement Information**

- 11** Sch. 13 para. 8 partly in force; Sch. 13 para. 8 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 13 para. 8 in force for further specified purposes on 12.1.2010 see s. 324(2)(b)(ii)
- 12** Sch. 13 para. 8 in force at 12.12.2014 in so far as not already in force by S.I. 2014/3088, art. 2(b)

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