
STATUTORY INSTRUMENTS

2010 No. 1627

The Marine Strategy Regulations 2010

PART 1

Preliminary and interpretation

Citation, commencement and application

1.—(1) These Regulations may be cited as the Marine Strategy Regulations 2010 and come into force on 15th July 2010.

(2) These Regulations apply only in relation to the marine strategy area.

Interpretation

2.—(1) In these Regulations—

“baseline” means the baseline from which the breadth of the territorial sea is measured;

“coastal water” has the meaning given by the Water Framework Directive (set out in Part 3 of Schedule 1);

^{F1}

“competent authority” means—

(a) in relation to the Scottish inshore region and the Scottish offshore region, the Scottish Ministers;

(b) in relation to the Welsh inshore region [^{F2}and the Welsh offshore region] , the Welsh Ministers;

(c) in relation to the Northern Ireland inshore region, the [^{F3}Department of Agriculture, Environment and Rural Affairs] in Northern Ireland;

(d) in relation to all other areas within the marine strategy area, the Secretary of State;

“Counsel General” has the same meaning as in the Government of Wales Act 2006⁽¹⁾;

“devolved function”, in relation to the marine strategy area, means any function which is not a retained function as respects that area;

“devolved marine area” means—

(a) in relation to any function exercisable by the Scottish Ministers, the Scottish inshore region and the Scottish offshore region,

(b) in relation to any function exercisable by the Welsh Ministers, the Welsh inshore region [^{F4}and the Welsh offshore region] , and

(c) in relation to any function exercisable by the [^{F5}Department of Agriculture, Environment and Rural Affairs] in Northern Ireland, the Northern Ireland inshore region;

⁽¹⁾ 2006 c. 32.

“devolved policy authority” means the Scottish Ministers, the Welsh Ministers [^{F6}or] the [^{F7}Department of Agriculture, Environment and Rural Affairs”] in Northern Ireland;

“the Directive” means Directive 2008/56/EC of the European Parliament and of the Council of 17th June 2008 establishing a framework for Community action in the field of marine environmental policy⁽²⁾;

“enactment” includes any Act of the Scottish Parliament, Northern Ireland legislation, any Act or Measure of the National Assembly for Wales and subordinate legislation, and for this purpose “subordinate legislation” means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made or to be made under any Act or under any Act of the Scottish Parliament, Northern Ireland legislation or under any Act or Measure of the National Assembly for Wales;

“First Minister”, other than in relation to Northern Ireland, has the same meaning as in the Government of Wales Act 2006;

“local authority” means—

- (a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Scotland, a council established by section 2(1) of the Local Government etc. (Scotland) Act 1994⁽³⁾ for any local government area;
- (c) in relation to Wales, a county council, a county borough council or a community council;
- (d) in relation to Northern Ireland, a district council;

“marine protected area” means any geographically defined area within the marine strategy area which is subject to measures for the conservation of species or habitats;

“marine strategy” has the meaning given by Part 2 of Schedule 1;

“the marine strategy area” has the meaning given by regulation 3;

“marine waters” has the meaning given by regulation 3(3);

“Northern Ireland body” means the Foyle, Carlingford and Irish Lights Commission⁽⁴⁾ and the following Departments in Northern Ireland: [^{F8}the Department for the Economy and the Department for Infrastructure] ;

“Northern Ireland inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Northern Ireland;

“Northern Ireland Minister” has the same meaning as in the Northern Ireland Act 1998⁽⁵⁾, but includes a reference to the First Minister and the deputy First Minister, within the meaning of that Act;

“Northern Ireland offshore region” means so much of the Northern Ireland zone as lies beyond the seaward limits of the territorial sea;

“Northern Ireland public authority” means any public authority so far as exercising functions in relation to which functions are exercisable by a Northern Ireland Minister or a Northern Ireland department;

(2) OJ L No. 164, 25.06.08, p. 19.

(3) 1994 c. 39.

(4) The Foyle, Carlingford and Irish Lights Commission was established by article 1(f) of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing implementation bodies on the 8th day of March 1999. This Agreement is set out in Schedule 1 to the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 (S.I. 1999/859).

(5) 1998 c. 47.

“Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998 (see section 98(1) and (8) of that Act);

“public authority” means a public body or public office holder, other than—

- (a) a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975⁽⁶⁾;
- (b) a government department;
- (c) the Scottish Ministers;
- (d) the Welsh Ministers, the First Minister or the Counsel General;
- (e) a Northern Ireland Minister; or
- (f) a Northern Ireland department;

“public body” includes—

- (a) a local authority;
- (b) a local planning authority; and
- (c) a statutory undertaker;

“public office holder” means a person holding any of the following offices—

- (a) an office under the Crown;
- (b) an office created or continued in existence by a public general Act or by legislation passed by the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly;
- (c) an office the remuneration in respect of which is paid out of money provided by Parliament or a devolved legislature;

“relevant function” has the meaning given in regulation 4(2);

“renewable energy zone” means any area within which the rights to which section 84 of the Energy Act 2004⁽⁷⁾ applies are exercisable;

“retained function” has the meaning given in Part 1 of Schedule 1;

“Scottish inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Scotland;

“Scottish offshore region” means so much of the Scottish zone as lies beyond the seaward limits of the territorial sea, and areas of sea within the marine strategy area which lie outside the Scottish zone but which are nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom;

“Scottish public authority” means any public authority so far as exercising functions in relation to which functions are exercisable by the Scottish Ministers;

“Scottish zone” has the same meaning as in the Scotland Act 1998⁽⁸⁾ (see section 126(1) and (2) of that Act);

“secondary devolved function” means—

- (a) as respects the Scottish inshore region or the Scottish offshore region, any secondary devolved Scottish function;
- (b) as respects the Welsh inshore region or the Welsh offshore region, any secondary devolved Welsh function;

⁽⁶⁾ 1975 c. 26.

⁽⁷⁾ 2004 c. 20. An area was designated under section 84(4) by S.I. 2004/2668.

⁽⁸⁾ 1998 c. 46.

(c) as respects the Northern Ireland inshore region or the Northern Ireland offshore region, any secondary devolved Northern Ireland function;

“secondary devolved Northern Ireland function” means any of the following—

- (a) a function exercisable by a Northern Ireland public authority,
- (b) a function exercisable by any other public authority, so far as relating to transferred or reserved matters (within the meaning of the Northern Ireland Act 1998),

other than any function in relation to which functions are exercisable by a Minister of the Crown or government department⁽⁹⁾;

“secondary devolved Scottish function” means any of the following—

- (a) a function exercisable by a Scottish public authority,
- (b) a function exercisable by any other public authority, so far as not relating to reserved matters (within the meaning of the Scotland Act 1998),

other than any function in relation to which functions are exercisable by a Minister of the Crown or government department⁽¹⁰⁾;

“secondary devolved Welsh function” means any of the following—

- (a) a function exercisable by a Welsh public authority,
- (b) a function conferred or imposed on a public authority by or under a Measure or Act of the National Assembly for Wales,
- (c) a function exercisable by a public authority, so far as relating to matters within the legislative competence of the National Assembly for Wales,

other than any function in relation to which functions are exercisable by a Minister of the Crown or government department⁽¹¹⁾;

“statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990⁽¹²⁾, Part 10 of the Town and Country Planning (Scotland) Act 1997⁽¹³⁾ or the Planning (Northern Ireland) Order 1991⁽¹⁴⁾;

“transitional waters” has the meaning given by the Water Framework Directive (set out in Part 3 of Schedule 1);

“Water Framework Directive” means Directive [2000/60/EC](#) of the European Parliament and of Council of 23rd October 2000 establishing a framework for Community action in the field of water policy, as [^{F9}last amended by Commission [Directive 2014/101/EU](#)];

“Welsh inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Wales;

“Welsh offshore region” means so much of the Welsh zone as lies beyond the seaward limits of the territorial sea;

“Welsh public authority” means any public authority so far as exercising functions in relation to which functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General; and

⁽⁹⁾ See also paragraph 4 of Part 1 to Schedule 2.

⁽¹⁰⁾ See also paragraph 4 of Part 1 to Schedule 2.

⁽¹¹⁾ See also paragraph 4 of Part 1 to Schedule 2.

⁽¹²⁾ [1990 c. 8](#).

⁽¹³⁾ [1997 c. 8](#).

⁽¹⁴⁾ [S.I. 1991/1220 \(N.I.11\)](#).

“Welsh zone” has the same meaning as in the Government of Wales Act 2006(15) (see section 158(1) and (3) of that Act).

(2) Any expression used both in these Regulations and in the Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Directive, and the definitions contained in the Directive of expressions used in these Regulations are set out in Part 2 of Schedule 1.

(3) References in these Regulations to an Annex or an Article are to an Annex to, or an Article of, the Directive, unless otherwise specified.

(4) References in these Regulations to Annex 1, 3, 4 or 5 are references to that Annex [F10 as it had effect immediately before exit day].

[F11(5) For the purposes of any reference to an Article or an Annex of the Directive, the Article or Annex is to be read—

- (a) subject to the modifications specified in Schedule 3; and
- (b) as if—
 - (i) references to “Member State” or “Member States” (except in Articles 20 to 22) included a reference to the United Kingdom; and
 - (ii) references to “Community legislation” or “existing Community legislation” were, in relation to the United Kingdom, references to retained EU law.

(6) Any reference in these Regulations to “the requirements of the Directive” is a reference to the requirements of the Directive in so far as any such requirements are not reflected in any provision of these Regulations or by Commission Decision (EU) 2017/848 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and read—

- (a) as if they applied in relation to the United Kingdom as they apply in relation to a member State;
- (b) with the omission of any requirement to provide any information or other matter to the European Commission (however expressed), or any rights of access to or use of any information;
- (c) subject to the modifications specified in Schedule 3.]

Textual Amendments

- F1** Words in reg. 2(1) omitted (31.12.2020) by virtue of *The Marine Environment (Amendment) (EU Exit) Regulations 2018* (S.I. 2018/1399), regs. 1, **3(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 2(1) inserted (1.4.2018) by *The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018* (S.I. 2018/287), regs. 1, **3(2)(a)(i)**
- F3** Words in reg. 2(1) substituted (1.4.2018) by *The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018* (S.I. 2018/287), regs. 1, **3(2)(a)(ii)**
- F4** Words in reg. 2(1) inserted (1.4.2018) by *The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018* (S.I. 2018/287), regs. 1, **3(2)(b)(i)**
- F5** Words in reg. 2(1) substituted (1.4.2018) by *The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018* (S.I. 2018/287), regs. 1, **3(2)(b)(ii)**
- F6** Word in reg. 2(1) substituted (31.12.2020) by *The Marine Environment (Amendment) (EU Exit) Regulations 2018* (S.I. 2018/1399), regs. 1, **3(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

(15) 2006 c. 32. Section 158(1) was amended, and section 158(3) was substituted by section 43 of the Marine and Coastal Access Act 2009 (c. 23). The sea adjacent to Wales relevant for the purposes of the definition of “the Welsh zone” in section 158(1) of the Government of Wales Act 2006 was specified by *S.I. 2010/760*, article 3 and Schedule 1.

- F7** Words in reg. 2(1) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **3(2)(c)**
- F8** Words in reg. 2(1) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **3(2)(d)**
- F9** Words in reg. 2 substituted (17.9.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (S.I. 2018/942), regs. 1(2), **16**
- F10** Words in reg. 2(4) substituted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Reg. 2(5)(6) inserted (31.12.2020) by The Marine Environment (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1399), regs. 1, **3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Meaning of “the marine strategy area” and “marine waters”

- 3.**—(1) For the purpose of these Regulations, “the marine strategy area” means—
- (a) the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom, and the sea bed and its subsoil in that area of sea;
 - (b) any area of sea within the limits of the renewable energy zone and the sea bed and its subsoil in that area of sea; and
 - (c) the sea bed and its subsoil within the limits of any areas designated under section 1(7) of the Continental Shelf Act 1964(**16**) (so far as not falling within the area mentioned in paragraph (b)).
- (2) In paragraph (1), “sea”—
- (a) includes coastal water;
 - (b) does not include any transitional waters.
- (3) For the purpose of these Regulations, “marine waters” means waters of the sea, and the seabed and subsoil of the waters in question.

(16) 1964 c. 29. Section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), section 37 and Schedule 3, paragraph 1. Areas have been designated under section 1(7) by S.I. 1987/1265, 2000/3062 and 2001/3670.

Changes to legislation:

There are currently no known outstanding effects for the The Marine Strategy Regulations 2010, PART 1.