
EXPLANATORY NOTE

(This note is not part of the Order)

This Order which is made under section 5(5) of the Marine (Scotland) Act 2010 (“the 2010 Act”) makes provision in connection with Scottish marine regions. They are areas for which Scottish Ministers may prepare and adopt a regional marine plan. That is a plan which, amongst other things, states Scottish Ministers’ policies for the sustainable development of the area. It is possible for Ministers to delegate functions in relation to regional marine planning, including the preparation and adoption of regional marine plans.

The Order designates 11 Scottish marine regions for the Scottish marine area. The “Scottish Marine area” is defined in section 1(1) of the 2010 Act. It is the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland and includes the bed and subsoil of the sea within that area. Section 1(2) of the 2010 Act provides that the boundaries between parts of the territorial sea of the United Kingdom adjacent to Scotland and the parts not so adjacent are to be determined by reference to the Scottish Adjacent Waters Boundaries Order 1999 (“the 1999 Order”). Section 2 of the 2010 Act defines “sea”, unless the context otherwise requires, as including any area submerged at mean high water spring tide and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide. Articles 2 to 12 of the Order identify the boundaries of the Scottish marine regions.

The Order makes provision as to which Scottish marine region outlying parts of the Scottish marine area belong.

The co-ordinates within the Order are shown on the Ordnance Survey of Great Britain 1936 Datum so as to be consistent with the approach taken for the 1999 Order.

An illustrative map showing the Scottish marine regions is attached to this Order.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Marine Regions Order 2015 No. 193

