
STATUTORY INSTRUMENTS

2010 No. 1627

The Marine Strategy Regulations 2010

PART 5

Directions and guidance

Directions to, and assistance from, public authorities

19.—(1) The Secretary of State may give directions to any public authority for the purpose of implementing the Directive.

(2) But the Secretary of State may only give directions in respect of the Scottish inshore region, Scottish offshore region, Welsh inshore region, Welsh offshore region, Northern Ireland inshore region or Northern Ireland offshore region in relation to the exercise by a public authority of a retained function.

(3) The Scottish Ministers may give directions to any public authority in respect of the Scottish inshore region and Scottish offshore region in relation to the exercise by that authority of a secondary devolved Scottish function.

(4) The Welsh Ministers may give directions to any public authority in respect of the Welsh inshore region and Welsh offshore region in relation to the exercise by that authority of a secondary devolved Welsh function.

(5) Where any proposal to give directions under paragraph (1), (3) or (4) includes directions in respect of retained and devolved functions, those directions may be given jointly by the Secretary of State and the relevant devolved policy authority.

(6) The Secretary of State may not give directions in relation to any decision on an application for an order granting development consent under the Planning Act 2008⁽¹⁾.

(7) Any direction given under these Regulations must be in writing and may be varied or revoked by a further direction.

(8) For the purpose of this regulation, a direction—

- (a) may be of a general or specific character for the purpose of giving effect to the Directive; and
- (b) without prejudice to the generality of sub-paragraph (a), may direct a public authority to exercise or not to exercise—
 - (i) specified powers;
 - (ii) its powers in specified circumstances; or
 - (iii) its powers in a specified manner.

(9) Directions given under this regulation must be publicised in such manner as the body giving the directions considers appropriate for the purpose of bringing the matters to which the directions relate to the attention of persons likely to be affected by them.

(10) A public authority must comply with any direction which is given to it under this regulation.

(11) A Northern Ireland public authority and a Northern Ireland body must, on the request of the Department of the Environment in Northern Ireland, provide that Department with—

- (a) any information in its possession or under its control, and
- (b) such assistance as may reasonably be sought by that Department,

in connection with the exercise of any functions exercisable by a Northern Ireland public authority or Northern Ireland body which may relate to the implementation of the Directive.

(12) The Department of the Environment in Northern Ireland must consult the relevant Northern Ireland body on proposals to prepare, modify or review any element of the marine strategy which may affect the functions of the relevant Northern Ireland body.

Guidance

20.—(1) The Secretary of State may give guidance to any person with respect to the practical implementation of the Directive.

(2) The Scottish Ministers may give guidance to any public authority in respect of the Scottish inshore region and Scottish offshore region in relation to the exercise by that public authority of secondary devolved Scottish functions.

(3) The Welsh Ministers may give guidance to any public authority in respect of the Welsh inshore region and Welsh offshore region in relation to the exercise by that authority of secondary devolved Welsh functions.

(4) In respect of the Northern Ireland inshore region and the Northern Ireland offshore region, the Department of the Environment in Northern Ireland may give guidance to—

- (a) a Northern Ireland body in relation to the exercise by that body of reserved or transferred functions; or
- (b) a Northern Ireland public authority in relation to the exercise by that authority of secondary devolved Northern Ireland functions.

(5) Where any proposal to give guidance under paragraphs (1) to (4) includes guidance in respect of both retained and devolved functions, that guidance must be given jointly by the Secretary of State and the relevant devolved policy authority.

(6) Any person to whom guidance is given under this regulation must have regard to it.