



# Marine Act (Northern Ireland) 2013

## 2013 CHAPTER 10

An Act to provide for marine plans in relation to the Northern Ireland inshore region; to provide for marine conservation zones in that region; to make further provision in relation to marine licensing for certain electricity works in that region; and for connected purposes. [17th September 2013]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### Part 1

#### Preliminary

#### **Sustainable development**

1.—(1) Nothing in this Act affects the duty of the Department under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 to exercise its functions in accordance with that section.

(2) Accordingly, the Department must in exercising its functions under this Act—

- (a) act in the way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case; and

- (b) have regard to any strategy or guidance relating to sustainable development issued by the Department.

### **The Northern Ireland inshore region**

2.—(1) In this Act the “Northern Ireland inshore region” means the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Northern Ireland, including the bed and subsoil of the sea within that area.

(2) In this Act “sea” includes—

- (a) any area submerged at mean high water spring tide,
- (b) the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.

(3) The area of sea referred to in subsection (2)(a) includes waters in any area—

- (a) which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but
- (b) into which seawater is caused or permitted to flow, whether continuously or from time to time, and
- (c) from which seawater is caused or permitted to flow, whether continuously or from time to time.

(4) In relation to Part 3, subsections (1) to (3) are subject to section 13(2).

(5) The boundaries between the parts of the territorial sea of the United Kingdom adjacent to Northern Ireland and the parts not so adjacent are to be determined by reference to an Order in Council under section 98(8) of the Northern Ireland Act 1998 if, or to the extent that, the Order in Council is expressed to apply—

- (a) for the purposes of this Act, or
- (b) if no such provision has been made, for the general or residual purposes of that Act.

### **Arrangements to promote co-ordination of functions in Northern Ireland inshore region**

3.—(1) The Department may enter into arrangements with a relevant public authority designed to promote the effective co-ordination of the exercise by the parties to the arrangements of their respective functions in the Northern Ireland inshore region.

(2) The Department shall keep arrangements made under this section under review.

(3) The Department shall—

- (a) within one year of the date on which this Act receives Royal Assent publish details of any arrangements made under this section; and
  - (b) within three years of the date on which this Act receives Royal Assent lay before the Assembly a report on the effectiveness of any arrangements made under this section.
- (4) For the purposes of this section “the relevant public authorities” are—
- <sup>F1</sup>(a) .....
  - <sup>F1</sup>(b) .....
  - (c) the Department of Enterprise, Trade and Investment;
  - (d) the Department for Regional Development;
  - (e) the Agri-food and Biosciences Institute;
  - (f) the Foyle, Carlingford and Irish Lights Commission.

#### Textual Amendments

- F1** S. 3(4)(a)(b) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), **Sch. 6 para. 89** (with art. 9(2))

## Part 2

### Marine Planning

#### *Marine plans*

#### **Marine plans for Northern Ireland inshore region**

**4.—(1)** The Department may prepare a marine plan for an area (a “marine plan area”) consisting of the whole or any part of the Northern Ireland inshore region.

(2) Where a marine policy statement governs marine planning for the Northern Ireland inshore region, the Department must seek to ensure that every part of that region is within an area for which a marine plan is in effect.

(3) A “marine plan” is a document which—

- (a) has been prepared and adopted for a marine plan area by the Department in accordance with Schedule 1,
- (b) states the policies of the relevant Northern Ireland departments (however expressed) for and in connection with the sustainable development of the area, and
- (c) states that it is a marine plan prepared and adopted for the purposes of this section.

(4) A marine plan must identify (by means of a map or otherwise) the marine plan area for which it is a marine plan.

(5) Unless relevant considerations indicate otherwise, a marine plan must be in conformity—

- (a) with any marine policy statement which governs marine planning for the marine plan area; and
- (b) in the case of a plan for part of the Northern Ireland inshore region, with any marine plan in effect for the whole of that region.

(6) A marine plan must state whether it includes provision relating to retained functions.

(7) A marine plan may also include statements or information relating to policies contained in the plan.

(8) If to any extent a policy stated in a marine plan conflicts with any other statement or information in the plan, that conflict must be resolved in favour of the policy.

(9) A marine plan comes into effect when it has been published by the Department in accordance with Schedule 1.

(10) For the purposes of this Part a marine policy statement “governs marine planning” for an area if—

- (a) it has been adopted by the Department under Schedule 5 to the 2009 Act,
- (b) it has been published in accordance with paragraph 12 of that Schedule,
- (c) it has not been replaced or withdrawn, and
- (d) the Department has not withdrawn from it.

(11) For the purposes of this Part “the relevant Northern Ireland departments” are—

- (a) the Department;
- <sup>F2</sup>(b) .....
- <sup>F2</sup>(c) .....
- (d) the Department of Enterprise, Trade and Investment; and
- (e) the Department for Regional Development.

#### Textual Amendments

- F2** S. 4(11)(b)(c) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), **Sch. 6 para. 90** (with art. 9(2))

#### Amendment of marine plan

**5.—**(1) The Department may amend a marine plan.

(2) The provisions of this Part that relate to the preparation, adoption, publication and coming into effect of a marine plan also apply in relation to amendments of a marine plan.

(3) Any reference in this Act to a marine plan includes a reference to a marine plan as amended.

### **Withdrawal of marine plan**

6.—(1) A marine plan may be withdrawn at any time, but only in accordance with the following provisions of this section.

(2) If, after consultation with the other relevant Northern Ireland departments, the Department decides to withdraw a marine plan—

- (a) it is to publish notice of the withdrawal of the plan in the Belfast Gazette, and
- (b) the marine plan is withdrawn as from the date on which the notice is so published.

(3) If at any time the Secretary of State decides to withdraw agreement previously given under paragraph 15(2) of Schedule 1 to a marine plan—

- (a) the Secretary of State is to give notice of that decision to the Department,
- (b) within 7 days of receiving that notice, the Department must publish notice of the withdrawal of the marine plan in the Belfast Gazette, and
- (c) the marine plan is withdrawn as from the date on which the notice is so published.

(4) Where a marine plan is withdrawn under this section, the Department must—

- (a) publish notice of the withdrawal of the marine plan on the Department's website; and
- (b) take such further steps as it considers appropriate to secure that the withdrawal of the marine plan is brought to the attention of interested persons.

(5) In this section “interested persons” means—

- (a) any persons appearing to the Department to be likely to be interested in, or affected by, the withdrawal of the marine plan, and
- (b) members of the general public.

### **Duty to keep relevant matters under review**

7.—(1) The Department must keep under review the matters which may be expected to affect the exercise of its functions relating to—

- (a) the identification of areas which are to be marine plan areas, and