

Why Scotland needs its own Marine Act

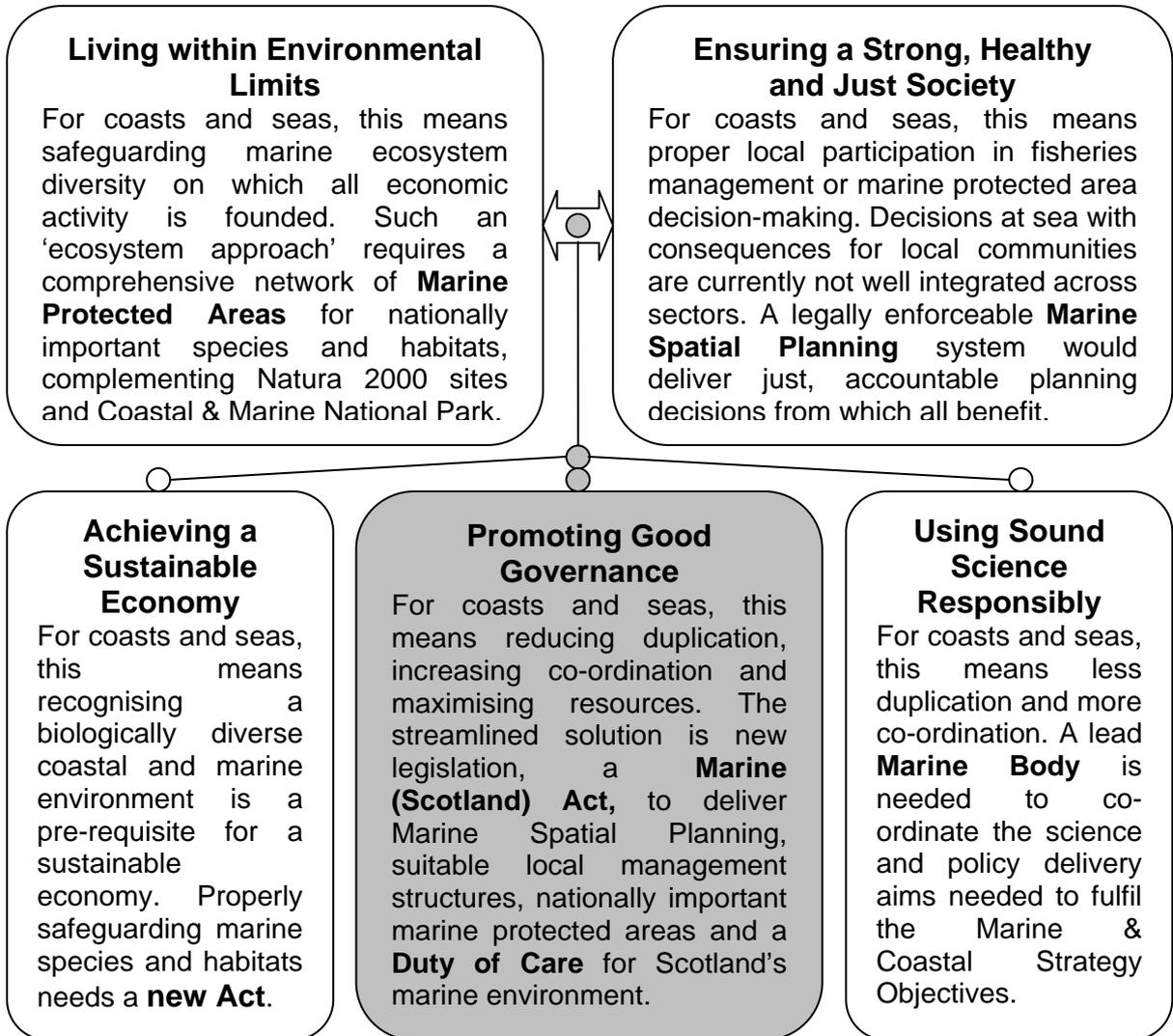
Scottish Environment LINK welcome the Scottish Executive's Marine and Coastal Strategy because it is founded on the five guiding principles of sustainable development and aims to secure:

clean, healthy, safe, productive and biologically diverse marine and coastal environments, managed to meet the long term needs of nature and people.

Why a Marine (Scotland) Act is key to marine Sustainable Development

The sustainable development goals are to **live within environmental limits** and to achieve a **strong, healthy and just society** by means of a **sustainable economy**, **sound science** and **good governance**.

Scottish Environment LINK Marine Task Force call for a **Marine (Scotland) Act** to deliver a **Marine Spatial Planning** system and proper **protection** for Scottish marine species and habitats, thus providing a solid foundation for the **sustainable development** of Scotland's coasts and seas as follows:



What is wrong with ‘business as usual’?

At least 85 pieces of legislation and 13 UK and Scottish departments govern the marine environment. As a result, marine regulation is **piecemeal** and management is: **sectoral** rather than integrated; **reactive** rather than planned; driven by **short term** decisions rather than on a long-term basis and based on resource **exploitation** rather than limited by the capacity of the marine ecosystem to support uses. As a result fish stocks, marine species and habitats and coastal communities suffer.

Why a UK Marine Bill is not enough for Scotland

Although marine species and habitats straddle political boundaries, Westminster jurisdiction over most marine activities stops outside Scotland’s 12 nautical mile (nm) territorial limit: DEFRA recognise this.

“Where they have responsibility for the management of their territorial waters it will be for the devolved administrations to determine the need to bring forward any new legislation”. Charting Progress Box 6A, Action 7: Marine Stewardship

DEVOLVED - Scottish Executive

- Marine conservation <12nm
- Inshore Fisheries (<12 nm)
- Fisheries 12-200nm (within CFP)
- Renewable Energy Development
- Coastal Management Policy
- Dumping and Dredging
- Aquaculture
- Marine works
- Pollution
- Research

So, even if a UK Marine Bill delivers a commitment to Marine Spatial Planning and new MPAs, it can only apply to reserved matters and will not cover most activities taking place in Scottish waters. Joined-up management in Scottish territorial waters requires devolved legislation.

RESERVED - UK Government

- Marine conservation >12nm
- EU commitments (e.g. Marine Strategy)
- International (e.g. OSPAR, IMO)
- Oil and Gas
- Shipping

What will a Marine (Scotland) Act do?

- establish principles and requirement for a **Marine Spatial Planning** system
- deliver legislation to achieve **better protection of marine species and habitats**
- set in statute a **duty of care** on all devolved bodies with a marine remit
- set out principles under which a lead **Marine Body** will operate
- set a framework for periodic review of **key** legislation and national planning guidance, initiating subsequent additions or amendment as required
- ensure development of and support for structures which allow and encourage the active involvement of **local stakeholders** in local marine plans
- repeal or amend legislation which is identified as **ill fit for purpose** or redundant

A **Marine (Scotland) Act** is essential to plug the glaring gap a UK Marine Bill will leave and deliver **sustainable development** in Scotland’s coasts and seas.

This statement was produced by the Scottish Environment LINK Marine Task Force

Scottish Environment LINK is the umbrella body for Scotland’s voluntary sector environmental organisations. The Marine Task Force consists of:

Hebridean Whale and Dolphin Trust
Marine Conservation Society
National Trust for Scotland
RSPB Scotland

Scottish Wildlife Trust
WWF Scotland
Whale and Dolphin Conservation Society

