

MARINE BULLETIN 2 – THE UK MARINE BILL
May 2006

“If we squander natural marine and coastal resources, we jeopardise our economic prosperity as well.”

Ross Finnie
 Minister for Environment and Rural Affairs

In March 2006 Defra, working closely with the Scottish Executive, published the consultation paper on a UK Marine Bill. LINK members believe that this offers a groundbreaking opportunity to manage the seas around the UK in a way that avoids the destructive ‘free-for-all’ that is failing both our seas and coastal livelihoods.

The UK-wide consultation establishes a general framework for managing all those activities for which the UK Government has responsibility. Defra and the Scottish Executive are working closely on this, and Defra leaves it up to the Scottish Executive to decide on how best to meet its devolved responsibilities.



LINK members welcome the scope of the UK Bill consultation and believe it provides an excellent framework for Scotland to follow, and improve upon, in preparing its own tailor-made package of legislation. It also presents a valuable opportunity for debate about whether additional marine matters should be devolved or not and an opportunity to clarify responsibilities.

One area for discussion should be where a Biodiversity Duty for 12-200nm might lie.

Why does Scotland need its own Marine Act?

While marine wildlife straddles political boundaries, Westminster jurisdiction over most marine activities stops outside Scotland’s 12 nautical mile (nm) territorial limit, and Scotland retains some important responsibilities to 200nm. This means that there would be gaps of coverage in any UK Marine Bill, particularly within 12nm of Scotland’s coast, but also for devolved activities out to 200nm. Joined-up management of Scotland’s seas therefore needs tailor-made Scottish legislation.

RESERVED - UK Government

- Marine conservation > 12nm
- EU commitments (e.g. Marine Strategy)
- International agreements (e.g. OSPAR, IMO)
- Oil and Gas 0-200nm
- Shipping 0-200nm

**DEVOLVED - Scottish Executive
 (within 12 nm unless indicated)**

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

What should a Marine Act for Scotland deliver?

LINK has campaigned, and will continue to campaign, for a Marine Act for Scotland that includes:

1. **Comprehensive and statutory Marine Spatial Planning** - a hierarchy of plans and policies to ensure wise resource management and co-ordination between sectors.

2. Adequate protection for marine species, habitats and ecosystems of national and international importance, including a network of well-managed statutory marine protected areas.

3. Local management - delegating powers and putting in place structures for local decision-making including, within the national framework, input to spatial planning and resource management.

4. An identified lead marine body - a national decision-making 'body' to oversee marine strategic and spatial planning of devolved activities in Scottish waters in co-ordination with a UK body responsible for reserved matters.

What can Scotland take from the UK Marine Bill consultation?

Principles - LINK supports the UK commitment to a Marine Bill with sustainable development and Marine Spatial Planning at its heart, balancing conservation, energy and resource needs, which works within the natural limits of ecosystems and adopts the precautionary principle to protect the environment and its resources.

A Marine Act for Scotland could adopt similar guiding principles.

Marine Spatial Planning – LINK supports the concept as outlined in the consultation, based on sustainable development, regional seas management and an ecosystem approach, and favours a comprehensive system of legally-binding plans.

A Marine Act for Scotland should establish a statutory system of Marine Spatial Planning that integrates fully with other Marine Spatial Plans throughout the UK.

Improving Marine Nature Conservation – LINK strongly supports the approach outlined in the consultation, particularly the proposal for marine protected areas selected on conservation grounds and managed according to their ecological needs. Such areas can range from multiple use areas to strict protection.

A similar approach should be adopted in Scotland through a Marine Act for Scotland.

This bulletin is the second of a series by the LINK Marine Task Force on marine issues in Scotland. The LINK members listed below make up LINK's Marine Task Force and are signatories to the bulletin:

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

RSPB Scotland
Scottish Wildlife Trust
WWF Scotland

For further information contact Becky Boyd 01463 714 746 or LINK Marine Task Force Convenor Calum Duncan 0131 226 6360, and see www.scotlink.org. Photo credit: Common dolphin © HWDT

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Delivering the Ecosystem-approach - LINK supports the concept of Marine Ecosystem Objectives that measure the success of policies and projects according to the health of the natural environment, provided that they are properly monitored and enforced.

Such a system would help the Scottish Executive measure progress towards both delivery of Coastal and Marine Strategy Outcomes and an ecosystem-approach to marine management.

Marine Management Organisation

LINK supports the concept of a lead decision-making body to oversee strategic and spatial planning in Scotland and to co-ordinate and work closely with a UK MMO.

What should Scotland do now?

Ross Finnie, Scotland's Environment and Rural Affairs Minister, is currently working with an Advisory Group of national stakeholders to deliver the vision of Scotland's marine and coastal strategy to achieve '*clean, healthy, safe, productive and biologically diverse marine and coastal environments*'.

In order to develop the best possible package of devolved legislation it is important that:

- ❑ The options outlined in the UK Marine Bill consultation are fully discussed within the national Advisory Group.
- ❑ Scotland's stakeholders should participate fully in the UK consultation.
- ❑ There is full consultation on a package of Scottish marine legislation and measures to complement the UK Bill.
- ❑ Those responsible for the legislative programme in Scotland after May 2007 should give priority to marine legislation to complement the UK Marine Bill.