



The Right Hon. Jim Murphy, MP  
Secretary of State for Scotland  
Dover House  
Whitehall  
London SW1A 2AU

8 July 2009

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Dear Mr Murphy,

I write to you on behalf of Scottish Environment LINK in your capacity as Secretary of State and Convener of the Calman Steering Group, to request urgent consideration by the Steering Group of the conclusions of the Commission in respect of the marine environment and, in particular, of Recommendation 5.17 of the Final Report of the Commission on Scottish Devolution.

**RECOMMENDATION 5.17: The effectiveness of the agreement reached by the UK and Scottish Governments should be kept under review by the inter-governmental machinery, and nature conservation should be devolved to the Scottish Parliament at the earliest appropriate opportunity, taking into account the experience and evidence to be gained from the operation of the regime set out in the respective Marine Bills.**

LINK considers that, with the Marine and Coastal Access Bill currently before the UK Parliament at Westminster and the Marine (Scotland) Bill currently before the Scottish Parliament at Holyrood, the perfect opportunity exists to devolve responsibility for marine nature conservation now.

It is our view that waiting for evidence of the operation of the regime laid out in the two Marine Bills might lead to a delay of many years in implementing the recommended devolution of legislative competence. Either the matter would have to wait for many years until the Westminster Parliament returned to marine issues, or alternatively, it might be dealt with as part of a constitutional package at Westminster in the next Parliament, (possibly well before the accrual of any significant evidence takes place). Both of these possibilities mean missing the exceptional opportunity offered by the coterminous and coordinated legislative activity currently underway.

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We ask, in the unique circumstances of the marine policy area, where legislation is at this moment before the two Parliaments, and deep and extensive consideration has been given to the matter by both Governments and Parliaments over the last four years, that the devolution of marine conservation be treated as an exceptional matter, and that the devolution takes place by the process of amending the current Marine Bills.

We are strongly of the view that the devolution of marine conservation should be dealt with immediately, and on the grounds of exceptional circumstances, be excluded from the debate as to whether the Calman proposals are divisible.

If there is any further information you require to consider this matter please do not hesitate to get in touch at the above address. I hope that the Steering Group will be able to give the matter their urgent attention.

Best wishes,

**Ian McCall**  
**LINK Chair**

Copy to:

Right Hon Hilary Benn MP, Secretary of State for the Environment, Food and Rural Affairs

Mr Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment

Mr Iain Gray MSP, Labour Leader in the Scottish Parliament

Miss Annabel Goldie MSP, Leader of the Scottish Conservative and Unionist Party

Mr Tavish Scott MSP, Leader of the Scottish Liberal Democrats

Mr David Mundell MP, Conservative Shadow Scottish Secretary

Mr Alistair Carmichael MP, Liberal Democrat Shadow Scottish Secretary