



Law Society
of Scotland

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Years
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Consultation Response

A consultation on proposals to designate four Marine Protected Areas in Scottish waters

August 2019



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Marine Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation *on proposals to designate four Marine Protected Areas in Scottish waters*¹. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

General comments

We welcome the growing regard given to marine conservation obligations. However, we also note the increasingly complex landscape of legislation and other regulation covering marine areas, such as Particularly Sensitive Sea Areas (PPSA), Marine Environment High Risk Areas (MEHRA), and Emissions/Sulphur Control Areas. As such, we suggest that there would be merit in the consideration of any future legislation to how any proposed measures interact with existing areas and whether the law can be consolidated to ensure it is clear for individuals and businesses.

We note the reference in the consultation to an Island Communities Impact Assessment in line with the Islands (Scotland) Act 2018. While draft screening has found no assessment is required, we welcome the commitment to review this following consultation.

In the interests of accessibility of the law and clarity and certainty for individuals and businesses, it would be useful to have an indicative map of the areas concerned appended to any designation order made in respect of these areas. This would allow the general Marine Protected Area to be easily identified, while the more detailed definition is that with full legal force. There may also be merit in any map showing relevant features of the area, for example shark awareness zones.

¹ <https://consult.gov.scot/marine-scotland/four-new-marine-protected-areas/>

In the event that any further restrictions on activities within a Marine Protected Areas are under consideration, we would welcome public consultation on these.

For further information, please contact:

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