

## Section 55 of the Marine and Coastal Access Act 2009

### DELEGATION OF FUNCTIONS RELATING TO MARINE PLANS

BY- The Secretary of State

TO- The Marine Management Organisation

This direction is made pursuant to section 55 of the Marine and Coastal Access Act 2009(a) ("the Act"), which gives the Secretary of State, as a marine plan authority, the power to delegate marine plan functions by directions to public bodies.

This direction is given to the Marine Management Organisation ("the MMO"), which consents to and, by virtue of section 55(4), must comply with it.

#### Direction

1. (a) From the date on which this direction is given, the Secretary of State designates the marine plan functions set out in the Schedule as functions exercisable by the MMO on his behalf.  
(b) The delegation of these functions is subject to the conditions set out in the Schedule.

#### Scope of the MMO's power

2. (a) The exercise by the MMO of any function specified in the Schedule is subject to any statutory restriction or limitation which would apply to its exercise by the Secretary of State.  
(b) Nothing in this agreement requires the MMO to perform any function that would be incompatible with the purposes for which it was established.  
(c) By virtue of section 55(4)(b) of the Act, the MMO is to be treated as having the power to perform every function specified in the Schedule.  
(d) By virtue of section 56(2), the functions specified in the Schedule are not exercisable by the Secretary of State while this direction remains in force.

#### Duration of this direction

3. This direction is given on 18 March 2010 and remains in force until it is withdrawn by the Secretary of State.

#### Amendment and withdrawal

4. The Secretary of State may amend or withdraw this direction at any time, by notice in writing to the MMO.


#### Liability under the agreement

5. Any liability arising from the MMO's performance of any function specified in the Schedule shall be a liability of the MMO.

#### Interpretation of references to the Act

6. (a) Terms used in this direction have their meaning in the Act.  
(b) References in this direction to provisions in the Act are to the Act as amended from time to time.

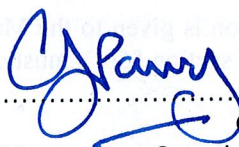
Date 18 March 2010

  
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Director General – ~~Natural Environment Group~~  
Department for Environment, Food and Rural Affairs

*Environmental and  
Rural Groups*

for and on behalf of the Secretary of State

Date 15 March 2010

  
.....  
Chair  
The Marine Management Organisation

for and on behalf of the Marine Management Organisation

## SCHEDULE

### MARINE PLAN FUNCTIONS DELEGATED TO THE MMO

<b>Function</b>	<b>Provision in the Act</b>	<b>Conditions</b>
To prepare marine plans (and amendments to marine plans) for the English inshore region and the English offshore region, having regard to the matters set out in Schedule 6, paragraph 9	Section 51 and Section 52 and Schedule 6, paragraph 9	The MMO must comply with the relevant provisions of Schedule 6 (see below). MMO only to prepare amendments to a marine plan if the Secretary of State agrees
To notify related planning authorities	Schedule 6, paragraph 1	
To take all reasonable steps to secure compatibility of marine plans with other marine plans and with Planning Act plans	Schedule 6, paragraph 3	
To prepare, publish and keep under review Statements of Public Participation (“SPPs”) and to take all reasonable steps to comply with them	Schedule 6, paragraphs 5-7	The MMO must submit draft SPPs to the Secretary of State for approval before publication
To seek expert advice and assistance (to include the convening of consultative groups)	Schedule 6, paragraph 8	
To carry out a sustainability appraisal of its proposals for inclusion in a marine plan and to publish a report of the results of the appraisal	Schedule 6, paragraph 10	
To prepare and publish consultation drafts of marine plans	Schedule 6, paragraph 11	The MMO must submit the consultation draft to the Secretary of State for approval before publication.
To consider representations made about a consultation draft when settling the text of a marine plan	Schedule 6, paragraph 12	
To settle the text of a marine plan for adoption and publication	Schedule 6, paragraph 14	(1) The MMO must have regard to any recommendations by an independent investigator and to any reasons given for such recommendations (2) The MMO must liaise very closely with the Secretary of State and must not settle the final text without the approval of the Secretary of State
To prepare and arrange for the publication of statements of the changes made to a marine plan between consultation and adoption, reasons for the changes and reasons for not implementing any recommendations by an independent investigator	Schedule 6, paragraph 15	
To arrange for the publication of a marine plan	Schedule 6, paragraph 15	The decision to publish must be taken by the Secretary of State (section 55(6)(a)).
To keep matters relevant to marine planning under review	54	
To monitor and report on the effects and effectiveness of marine plans	61	The decision to lay and what to lay under section 61(1)(b) and section 61(1)(c) must be taken by the Secretary of State.