



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES

Byelaws for protection of MCZs etc: England

129 Byelaws for protection of MCZs in England

- (1) The MMO may make one or more byelaws for the purpose of furthering the conservation objectives stated for an MCZ in England.
- (2) A byelaw under this section may be made so as to apply to any area in England.
- (3) The provision that may be made by a byelaw under this section includes, in particular, provision—
 - (a) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by persons or animals;
 - (b) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by vessels or (where appropriate) vehicles;
 - (c) restricting the speed at which any vessel may move in the MCZ or in any specified area outside the MCZ where that movement might hinder the conservation objectives stated for the MCZ;
 - (d) prohibiting or restricting the anchoring of any vessel within the MCZ;
 - (e) prohibiting or restricting the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the MCZ;
 - (f) prohibiting or restricting the doing of anything in the MCZ which would interfere with the sea bed or damage or disturb any object in the MCZ.

Status: This is the original version (as it was originally enacted).

- (4) The provision that may be made by a byelaw under this section also includes provision prohibiting or restricting entry into, or any movement or other activity on, any part of the seashore that adjoins the MCZ by persons, animals or vehicles.
- (5) A byelaw under this section may provide for the MMO to issue permits authorising anything which would, apart from such a permit, be unlawful under the byelaw.
- (6) The MMO may attach to a permit under subsection (5) any condition which the MMO thinks appropriate to attach to that permit.
- (7) A byelaw under this section may be made subject to specified exceptions.
- (8) A byelaw under this section may make different provision for different cases, including (in particular)—
 - (a) different parts of the MCZ;
 - (b) different times of the year;
 - (c) different means or methods of carrying out any activity.
- (9) In this section “specified” means specified in the byelaw.

130 Byelaws: procedure

- (1) Before making a byelaw under section 129, the MMO must comply with subsections (2) to (7) of this section.
This is subject to subsection (11).
- (2) If the byelaw would or might affect any activity in Wales, the MMO must send a copy of a draft of the byelaw to the Welsh Ministers.
- (3) The MMO must place a copy of a draft of the byelaw in such place or places as the MMO thinks is or are likely to be most convenient for the purpose of enabling the draft to be inspected by persons likely to be affected by the making of the byelaw.
- (4) The MMO must provide a copy of a draft of the byelaw to any person who requests one.
- (5) The MMO may charge a fee, not exceeding its costs, for providing a copy under subsection (4).
- (6) The MMO must publish notice of its proposal to make the byelaw.
- (7) The notice under subsection (6) must—
 - (a) be published in such manner as the MMO thinks is most likely to bring the proposal to the attention of any persons who are likely to be affected by the making of the byelaw;
 - (b) state where the copy or copies of the draft byelaw have been placed by the MMO in accordance with subsection (3);
 - (c) state the time within which representations about the byelaw must be made to the MMO.
- (8) A byelaw made under section 129 does not have effect until it is confirmed by the Secretary of State; and a byelaw which is confirmed comes into force—
 - (a) on such date as may be determined by the Secretary of State, or

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- (b) if no such date is determined, one month after the date on which it is confirmed.
- (9) As soon as is reasonably practicable after the confirmation of a byelaw made under section 129, the MMO must publish notice of the making of the byelaw.
- (10) The notice under subsection (9) must—
 - (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
 - (b) state that a copy of the byelaw may be inspected at the offices of the MMO.
- (11) Nothing in this section applies where the MMO thinks that there is an urgent need to protect an MCZ.

131 Emergency byelaws

- (1) Where the MMO thinks that there is an urgent need to protect an MCZ, a byelaw made by it for that purpose has effect without being confirmed by the Secretary of State.
- (2) A byelaw that has effect by virtue of this section (an “emergency byelaw”)—
 - (a) comes into force on a date specified in the byelaw, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the byelaw.
- (3) The MMO must publish notice of the making of an emergency byelaw.
- (4) The notice under subsection (3) must—
 - (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
 - (b) state that a copy of the byelaw may be inspected at the offices of the MMO;
 - (c) state that the Secretary of State has power to revoke the byelaw and that any person affected by the making of the byelaw may make representations to the Secretary of State.
- (5) The Secretary of State may revoke an emergency byelaw.
- (6) The MMO must keep under review the need for an emergency byelaw to remain in force.
- (7) The MMO may, by further byelaw, provide that an emergency byelaw is to remain in force for such period beyond that specified under subsection (2)(b) as is specified in the further byelaw.
- (8) The MMO may not make a byelaw under subsection (7) unless—
 - (a) it intends to make a byelaw under section 129 in respect of the MCZ in accordance with section 130 (“the permanent byelaw”), and
 - (b) it has, in respect of the permanent byelaw, complied with section 130(6).
- (9) A period specified under subsection (7) may not exceed 6 months.

132 Interim byelaws

- (1) The MMO may make one or more byelaws for the purpose of protecting any feature in an area in England if the MMO thinks—
 - (a) that there are or may be reasons for the Secretary of State to consider whether to designate the area as an MCZ, and
 - (b) that there is an urgent need to protect the feature.
- (2) In this Chapter “interim byelaw” means a byelaw made under subsection (1).
- (3) An interim byelaw must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (4) Subsections (2) to (9) of section 129 apply to an interim byelaw as they apply to a byelaw made under that section, except that any reference to an MCZ is to be read as a reference to the area to which the interim byelaw applies.
- (5) An interim byelaw—
 - (a) comes into force on a date specified in the byelaw, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the byelaw.
- (6) The MMO must publish notice of the making of an interim byelaw.
- (7) The notice under subsection (6) must—
 - (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
 - (b) state that a copy of the byelaw may be inspected at the offices of the MMO;
 - (c) state that the Secretary of State has power to revoke the byelaw and that any person affected by the making of the byelaw may make representations to the Secretary of State.
- (8) The Secretary of State may revoke an interim byelaw.
- (9) The MMO must keep under review the need for an interim byelaw to remain in force.
- (10) The MMO may by further byelaw extend the period for which an interim byelaw remains in force; but an interim byelaw may not by virtue of this subsection remain in force for an aggregate period exceeding 12 months.
- (11) If, while an interim byelaw is in force, the Secretary of State gives notice of a proposal to make an order under section 116 designating any part of the area in question as an MCZ, the Secretary of State may direct that the interim byelaw is to remain in force—
 - (a) until the Secretary of State has decided whether to make the order under section 116;
 - (b) if the Secretary of State decides to make such an order, until that order comes into effect.
- (12) The Secretary of State must publish a direction under subsection (11) in such manner as the Secretary of State thinks is most likely to bring the direction to the attention of any persons who are likely to be affected by the making of it.
- (13) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

133 Further provision as to byelaws

- (1) This section applies to any byelaw made under section 129 or 132.
- (2) A byelaw to which this section applies is to be made under the common seal of the MMO.
- (3) If a byelaw to which this section applies will or may affect any activity in Wales, the MMO must send a copy of the byelaw to the Welsh Ministers.
- (4) The MMO must—
 - (a) make a copy of any byelaw to which this section applies available for inspection at its offices at all reasonable hours without payment;
 - (b) provide a copy of any such byelaw to any person who requests one.
- (5) The MMO may charge a fee, not exceeding its costs, for providing a copy under subsection (4)(b).
- (6) In the case of a byelaw made under section 129 in accordance with section 130, subsections (3) and (4) above apply only after the byelaw has been confirmed under section 130(8).
- (7) A byelaw to which this section applies may be amended or revoked by a further byelaw.