



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES [F¹ AND MANAGEMENT OF SEA FISHERIES]

Fixed monetary penalties

142 Fixed monetary penalties

- (1) The appropriate authority for any area ^{F1}... may by order make provision to confer on any enforcement authority for that area the power by notice to impose a fixed monetary penalty on a person in relation to an offence under section 139.
- (2) Provision under this section may only confer such a power in relation to a case where the enforcement authority is satisfied beyond reasonable doubt that the person has committed the offence.
- (3) For the purposes of this Chapter a “fixed monetary penalty” is a requirement to pay to the enforcement authority a penalty of a prescribed amount.
- (4) The amount of the fixed monetary penalty that may be imposed in relation to an offence may not exceed level 1 on the standard scale.
- (5) In this section “prescribed” means prescribed in an order made under this section.

Textual Amendments

- F1** Words in s. 142(1) omitted (23.1.2021) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 25](#) (with [Sch. 4 para. 31](#))

Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Fixed monetary penalties is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 1 applied (with modifications) by S.I. 1994/2716, reg. 36(3)(4) (as substituted (E.W.) (12.1.2010 for specified purposes, 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(b)(i), **Sch. 11 para. 4(1)**; S.I. 2014/3088, art. 2(b))

Commencement Information

- I1** S. 142 partly in force; s. 142 in force for specified purposes at Royal Assent see s. 324(1)(c); s. 142 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I2** S. 142 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), **art. 2(b)**

143 Fixed monetary penalties: procedure

- (1) Provision under section 142 must secure the results in subsection (2).
- (2) Those results are that—
- (a) where the enforcement authority proposes to impose a fixed monetary penalty on a person, the authority must serve on that person a notice of what is proposed (a “notice of intent”) which complies with subsection (3),
 - (b) the notice of intent also offers the person the opportunity to discharge the person's liability for the fixed monetary penalty by payment of a prescribed sum (which must be less than or equal to the amount of the penalty),
 - (c) if the person does not so discharge liability—
 - (i) the person may make written representations and objections to the enforcement authority in relation to the proposed imposition of the fixed monetary penalty, and
 - (ii) the enforcement authority must at the end of the period for making representations and objections decide whether to impose the fixed monetary penalty,
 - (d) where the enforcement authority decides to impose the fixed monetary penalty, the notice imposing it (“the final notice”) complies with subsection (5), and
 - (e) the person on whom a fixed monetary penalty is imposed may appeal against the decision to impose it.
- (3) To comply with this subsection the notice of intent must include information as to—
- (a) the grounds for the proposal to impose the fixed monetary penalty,
 - (b) the effect of payment of the sum referred to in subsection (2)(b),
 - (c) the right to make representations and objections,
 - (d) the circumstances in which the enforcement authority may not impose the fixed monetary penalty,
 - (e) the period within which liability to the fixed monetary penalty may be discharged, which must not exceed the period of 28 days beginning with the day on which the notice of intent is received, and
 - (f) the period within which representations and objections may be made, which must not exceed the period of 28 days beginning with the day on which the notice of intent is received.
- (4) Provision pursuant to subsection (2)(c)(ii)—
- (a) must secure that the enforcement authority may not decide to impose a fixed monetary penalty on a person where the authority is satisfied that the person

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- would not, by reason of any defence, be liable to be convicted of the offence in relation to which the penalty is proposed to be imposed, and
- (b) may include provision for other circumstances in which the enforcement authority may not decide to impose a fixed monetary penalty.
- (5) To comply with this subsection the final notice referred to in subsection (2)(d) must include information as to—
- (a) the grounds for imposing the penalty,
 - (b) how payment may be made,
 - (c) the period within which payment must be made,
 - (d) any early payment discounts or late payment penalties,
 - (e) rights of appeal, and
 - (f) the consequences of non-payment.
- (6) Provision pursuant to subsection (2)(e) must secure that the grounds on which a person may appeal against a decision of the enforcement authority include the following—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (7) In this section “prescribed” means prescribed in an order made under section 142.

Commencement Information

- I3** S. 143 partly in force; s. 143 in force for specified purposes at Royal Assent see s. 324(1)(c); s. 143 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I4** S. 143 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), [art. 2\(b\)](#)

144 Further provision about fixed monetary penalties

Schedule 10 (which makes further provision about fixed monetary penalties) has effect.

Commencement Information

- I5** S. 144 partly in force; s. 144 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I6** S. 144 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), [art. 2\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)