



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 8

ENFORCEMENT

CHAPTER 1

ENFORCEMENT OFFICERS

Other enforcement officers

240 Marine licensing: oil and gas and other reserved matters

- (1) The Secretary of State may appoint persons for the purposes of enforcing Part 4 of this Act, so far as relating to—
 - (a) any activity in the Scottish offshore region falling within section 113(3) (activities relating to certain reserved matters);
 - (b) any activity in Wales or the Welsh inshore region concerning or arising from the exploration for, or production of, petroleum;
 - (c) anything done in the course of taking installation abandonment measures in any other part of the relevant enforcement area.
- (2) For the purposes referred to in subsection (1), a person appointed under this section has—
 - (a) the common enforcement powers conferred by this Act;
 - (b) the power conferred by section 263.
- (3) Subject to subsection (4), the powers which a person appointed under this section has for the purposes referred to in subsection (1) may be exercised—
 - (a) in the relevant enforcement area (and in relation to any vessel, aircraft or marine structure in that area);

Status: Point in time view as at 01/10/2011.

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- (b) in relation to any vessel or marine structure outside the UK marine area which was loaded within the relevant enforcement area;
 - (c) in relation to any British vessel, British aircraft or British marine structure outside the UK marine area;
 - (d) in Scotland or Northern Ireland, or the Scottish or Northern Ireland inshore region, in relation to an offence which the person reasonably believes has been committed—
 - (i) within the relevant enforcement area, or
 - (ii) outside the UK marine area and in circumstances where a vessel, aircraft or marine structure referred to in paragraph (b) or (c) was involved in the commission of the offence.
- (4) The powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.
- (5) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (6) In this section—
- “installation abandonment measures” means any measures taken in connection with the abandonment of—
- (a) an offshore installation or submarine pipeline, within the meaning of Part 4 of the Petroleum Act 1998 (c. 17), or
 - (b) a carbon storage installation, within the meaning of section 30 of the Energy Act 2008 (c. 32),
- whether or not the measures are taken in pursuance of an abandonment programme;
- “abandonment programme” means—
- (a) an abandonment programme under Part 4 of the Petroleum Act 1998;
 - (b) an abandonment programme under that Part, as it applies by virtue of section 30 of the Energy Act 2008;
- “the relevant enforcement area” means the area that consists of—
- (a) England and Wales, and
 - (b) the UK marine licensing area, excluding the Northern Ireland inshore region.
- (7) Any term used in this section and in Part 4 of this Act has the same meaning in this section as it has in that Part.

Commencement Information

II S. 240 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(b)

241 Marine licensing: Northern Ireland

- (1) The Department of the Environment in Northern Ireland may appoint persons for the purposes of enforcing Part 4 of this Act.
- (2) For the purposes of enforcing Part 4 of this Act, a person appointed under this section has—

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- (a) the common enforcement powers conferred by this Act;
- (b) the power conferred by section 263.

This is subject to subsection (3).

- (3) A person appointed under this section does not have the powers referred to in subsection (2) for the purposes of enforcing Part 4 of this Act so far as relating to—
 - (a) any activity in Wales or the Welsh inshore region concerning or arising from the exploration for, or production of, petroleum;
 - (b) anything done in the course of taking installation abandonment measures in any other part of the relevant enforcement area, other than Northern Ireland and the Northern Ireland inshore region.
- (4) Subject to subsection (9), the powers which a person appointed under this section has for the purposes of enforcing Part 4 of this Act may be exercised—
 - (a) in the relevant enforcement area (and in relation to any vessel, aircraft or marine structure in that area);
 - (b) in Scotland or the Scottish inshore region, in relation to an offence which the person reasonably believes has been committed within the relevant enforcement area;
 - (c) in relation to any vessel, aircraft or marine structure in the Scottish offshore region which has been pursued there in accordance with subsection (5).
- (5) A vessel, aircraft or marine structure is pursued in accordance with this subsection if—
 - (a) immediately before the pursuit of the vessel, aircraft or structure commences, the vessel, aircraft or structure is in the relevant enforcement area,
 - (b) before the pursuit of the vessel, aircraft or structure commences, a signal is given for it to stop, and
 - (c) the pursuit of the vessel, aircraft or structure is not interrupted.
- (6) The signal referred to in subsection (5)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or structure in question.
- (7) For the purposes of subsection (5)(c), pursuit is not interrupted by reason only of the fact that—
 - (a) the method of carrying out the pursuit, or
 - (b) the identity of the vessel or aircraft carrying out the pursuit,changes during the course of the pursuit.
- (8) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (9) The powers which a person appointed under this section has for the purposes of enforcing Part 4 of this Act may not be exercised in relation to any British warship.
- (10) In this section—
 - “installation abandonment measures” means any measures taken in connection with the abandonment of—
 - (a) an offshore installation or submarine pipeline, within the meaning of Part 4 of the Petroleum Act 1998 (c. 17), or
 - (b) a carbon storage installation, within the meaning of section 30 of the Energy Act 2008 (c. 32),

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whether or not the measures are taken in pursuance of an abandonment programme;

“abandonment programme” means—

- (a) an abandonment programme under Part 4 of the Petroleum Act 1998;
- (b) an abandonment programme under that Part, as it applies by virtue of section 30 of the Energy Act 2008;

“the relevant enforcement area” means the area that consists of—

- (a) England and Wales and Northern Ireland, and
- (b) the UK marine licensing area, excluding the Scottish offshore region.

- (11) Any term used in this section and in Part 4 of this Act has the same meaning in this section as it has in that Part.

Commencement Information

I2 S. 241 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(b)

242 Marine licensing: enforcement in Scottish offshore region

- (1) The Scottish Ministers may appoint persons for the purposes of enforcing Part 4 of this Act, except so far as relating to any activity falling within section 113(3) (activities relating to certain reserved matters).
- (2) For the purposes referred to in subsection (1), a person appointed under this section has—
- (a) the common enforcement powers conferred by this Act;
 - (b) the power conferred by section 263.
- (3) Subject to subsection (8), the powers which a person appointed under this section has for the purposes referred to in subsection (1) may be exercised—
- (a) in the Scottish offshore region (and in relation to any vessel, aircraft or marine structure in that region);
 - (b) in any area within the United Kingdom or the UK inshore region, in relation to an offence which the person reasonably believes has been committed within the Scottish offshore region;
 - (c) in relation to any vessel, aircraft or marine structure in any other area within the UK marine area which has been pursued there in accordance with subsection (4).
- (4) A vessel, aircraft or marine structure is pursued in accordance with this subsection if—
- (a) immediately before the pursuit of the vessel, aircraft or structure commences, the vessel, aircraft or structure is in the Scottish offshore region,
 - (b) before the pursuit of the vessel, aircraft or structure commences, a signal is given for it to stop, and
 - (c) the pursuit of the vessel, aircraft or structure is not interrupted.
- (5) The signal referred to in subsection (4)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or structure in question.
- (6) For the purposes of subsection (4)(c), pursuit is not interrupted by reason only of the fact that—

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- (a) the method of carrying out the pursuit, or
 - (b) the identity of the vessel or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (7) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (8) The powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.
- (9) In this section “UK inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom.
- (10) Any term used in this section and in Part 4 of this Act has the same meaning in this section as it has in that Part.

Commencement Information

I3 S. 242 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(b)

243 Enforcement of MCZs in Scottish offshore region

- (1) The Scottish Ministers may appoint persons for the purposes of enforcing section 140 of this Act.
- (2) For the purposes of enforcing section 140 of this Act, a person appointed under this section has the common enforcement powers conferred by this Act.
- (3) Subject to subsections (8) and (9), the powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may be exercised—
- (a) in the Scottish offshore region (and in relation to any vessel, aircraft or marine installation in that region);
 - (b) in any area within the United Kingdom or the UK inshore region, in relation to an offence which the person reasonably believes has been committed within the Scottish offshore region;
 - (c) in relation to any vessel, aircraft or marine installation in any other area within the UK marine area which has been pursued there in accordance with subsection (4).
- (4) A vessel, aircraft or marine installation is pursued in accordance with this subsection if—
- (a) immediately before the pursuit of the vessel, aircraft or installation commences, the vessel, aircraft or installation is in the Scottish offshore region,
 - (b) before the pursuit of the vessel, aircraft or installation commences, a signal is given for it to stop, and
 - (c) the pursuit of the vessel, aircraft or installation is not interrupted.
- (5) The signal referred to in subsection (4)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or installation in question.
- (6) For the purposes of subsection (4)(c), pursuit is not interrupted by reason only of the fact that—

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- (a) the method of carrying out the pursuit, or
 - (b) the identity of the vessel or aircraft carrying out the pursuit,
- changes during the course of the pursuit.
- (7) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (8) The powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may not be exercised in relation to any British warship.
- (9) The powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may not be exercised in relation to any vessel within subsection (10) unless—
- (a) in the case of a third country vessel, other than a vessel falling within paragraph (b) or (c) of that subsection, the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state, or
 - (b) the Commissioners have given authority to exercise those powers.
- (10) The vessels are—
- (a) a third country vessel;
 - (b) a warship that is being used by the government of a State other than the United Kingdom;
 - (c) any other vessel that is being used by such a government for any non-commercial purpose.
- (11) The Commissioners may give authority under subsection (9)(b) only if the flag state has consented to the United Kingdom exercising those powers (whether generally or in relation to the vessel in question).
- (12) In giving such authority, the Commissioners must impose such conditions or limitations on the exercise of the powers as are necessary to give effect to any conditions or limitations imposed by the flag state.
- (13) In this section “UK inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom.

Commencement Information

I4 S. 243 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 19

Status:

Point in time view as at 01/10/2011.

Changes to legislation:

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