

Status: Point in time view as at 22/04/2011.

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SCHEDULES

SCHEDULE 1

Section 1

THE MARINE MANAGEMENT ORGANISATION

Status of the MMO

- 1 (1) The MMO is a body corporate.
- (2) The MMO is not to be regarded—
 - (a) as a servant or agent of the Crown,
 - (b) as enjoying any status, privilege or immunity of the Crown, or
 - (c) as exempt, by virtue of any connection with the Crown, from any tax, duty, rate, levy or other charge whatsoever, whether general or local,and the property of the MMO is not to be regarded as property of, or held on behalf of, the Crown.
- (3) Accordingly, employees of the MMO are not to be regarded as—
 - (a) servants or agents of the Crown, or
 - (b) enjoying any status, immunity or privilege of the Crown.

Commencement Information

11 Sch. 1 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

The chair of the MMO

- 2 A person (the “chair of the MMO”) is to be appointed by the Secretary of State to chair the MMO.

Commencement Information

12 Sch. 1 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Membership

- 3 (1) The members of the MMO are to be—
 - (a) the person who is for the time being the chair of the MMO, and
 - (b) not fewer than 5, nor more than 8, other members (“ordinary members”) who are to be appointed by the Secretary of State.
- (2) The Secretary of State must consult the chair of the MMO before appointing any of the ordinary members.

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- (3) If a person who is an ordinary member is to become the chair of the MMO, the appointment as ordinary member ceases immediately before the person becomes the chair of the MMO.

Commencement Information

I3 Sch. 1 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

The deputy chair of the MMO

- 4 The Secretary of State may appoint one of the ordinary members to be the deputy chair of the MMO (“the deputy chair”).

Commencement Information

I4 Sch. 1 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Considerations in making appointments

- 5 In appointing any person to be the chair of the MMO or an ordinary member, the Secretary of State must have regard to the desirability—
- (a) of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of the MMO's functions, and
 - (b) of securing that a variety of skills and experience is available among the members.

Commencement Information

I5 Sch. 1 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Power to amend the numbers of members specified in paragraph 3(1)

- 6 (1) The Secretary of State may by order amend paragraph 3(1) so as to substitute a different number for any of the numbers for the time being specified there.
- (2) An order under sub-paragraph (1) must not amend paragraph 3(1)(b) so that it provides that there may be fewer than 5 ordinary members.

Commencement Information

I6 Sch. 1 para. 6 partly in force; Sch. 1 para. 6 in force for specified purposes at Royal Assent see s. 324(1)(c)
I7 Sch. 1 para. 6 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 1

Terms of appointment

- 7 (1) A person appointed as—
- (a) the chair of the MMO, or
 - (b) an ordinary member,

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holds and vacates office in accordance with the terms of the appointment.

- (2) A person appointed as the deputy chair holds and vacates that office in accordance with any particular terms of appointment there may be in the case of that appointment in addition to the terms of the person's appointment as an ordinary member.
- (3) Sub-paragraphs (1) and (2) are subject to paragraphs 3(3) and 8 to 10.
- (4) The terms of appointment to any office in any particular case are to be such as the Secretary of State may determine.
- (5) No appointment is to be for longer than 5 years.
- (6) No person may be a member for a total period of more than 10 years (whether or not continuous).

Commencement Information

18 Sch. 1 para. 7 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Resignation from office

- 8 A person may, by giving notice to the Secretary of State, resign from office as—
- (a) the chair of the MMO,
 - (b) the deputy chair, or
 - (c) an ordinary member.

Commencement Information

19 Sch. 1 para. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Suspension from, or termination of, office

- 9 (1) The Secretary of State may suspend or terminate the appointment of any person as the chair of the MMO, the deputy chair, or an ordinary member, if—
- (a) the person has become bankrupt or made an arrangement with creditors,
 - (b) the person's estate has been sequestrated in Scotland or the person has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or has, under Scots law, granted a trust deed for creditors,
 - (c) the person has been absent from meetings of the MMO for a period of more than 6 months without the permission of the MMO,
 - (d) the person is disqualified from acting as a company director,
 - (e) the person has been convicted (whether before or after appointment) of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53),
- or if the person is, in the opinion of the Secretary of State, unable or unfit to discharge the functions of the appointment for any other reason.
- (2) A person whose appointment as the chair of the MMO is suspended is accordingly also suspended as a member.

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- (3) If a person's appointment as an ordinary member is suspended, any appointment of that person as the deputy chair is also suspended.

Commencement Information

I10 Sch. 1 para. 9 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Eligibility for re-appointment

- 10 A person who ceases to hold any of the following offices—
- (a) chair of the MMO,
 - (b) deputy chair,
 - (c) ordinary member,

is not by reason of that cessation prevented from subsequently being re-appointed to that office (or, in the case of paragraph (a) or (c), from subsequently becoming a member again).

Commencement Information

I11 Sch. 1 para. 10 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Members' remuneration and allowances

- 11 The MMO may pay to its members such remuneration and allowances as the Secretary of State may determine.

Commencement Information

I12 Sch. 1 para. 11 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Pensions, allowances and gratuities

- 12 If required to do so by the Secretary of State, the MMO must—
- (a) pay such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any person who is or has been a member;
 - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such person.

Commencement Information

I13 Sch. 1 para. 12 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Compensation for loss of office

- 13 If—
- (a) a person ceases to be a member, and

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- (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation, the Secretary of State may require the MMO to make such payments to the person as the Secretary of State may determine.

Commencement Information

I14 Sch. 1 para. 13 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Chief executive

- 14 (1) The MMO must appoint a person to be its chief executive.
(2) The person appointed must have been approved by the Secretary of State.
(3) The chief executive is an employee of the MMO.
(4) The Secretary of State may appoint the first chief executive.

Commencement Information

I15 Sch. 1 para. 14 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Chief scientific adviser

- 15 (1) The MMO must appoint a person to be its chief scientific adviser.
(2) The chief scientific adviser is an employee of the MMO.
(3) The MMO may only make an appointment under sub-paragraph (1) with the approval of the Secretary of State as to any terms and conditions of employment not falling within paragraph 17 or 18.

Commencement Information

I16 Sch. 1 para. 15 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Other staff

- 16 (1) The MMO may appoint other employees.
(2) The MMO may only make an appointment under sub-paragraph (1) with the approval of the Secretary of State as to any terms and conditions of employment not falling within paragraph 17 or 18.

Commencement Information

I17 Sch. 1 para. 16 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

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Staff remuneration and allowances

- 17 (1) The MMO may pay such remuneration and allowances as it may determine to any of its employees.
- (2) The MMO may only make a determination under sub-paragraph (1) with the approval of the Secretary of State.

Commencement Information

I18 Sch. 1 para. 17 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Staff pensions etc

- 18 (1) The MMO may—
- (a) pay such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of the MMO;
 - (b) pay such sums as it may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such person.
- (2) The MMO may only make a determination under sub-paragraph (1) with the approval of the Secretary of State.

Commencement Information

I19 Sch. 1 para. 18 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Staff superannuation

- 19 (1) Employment with the MMO is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (2) Accordingly, in Schedule 1 to that Act (kinds of employment to which the Act applies) insert at the appropriate place—
- “Marine Management Organisation.”
- (3) The MMO must pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

Commencement Information

I20 Sch. 1 para. 19 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Procedure

- 20 Subject to the following provisions of this Schedule, the MMO may regulate—
- (a) its own procedure (including quorum), and
 - (b) the procedure of any of its committees or sub-committees (including quorum).

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Commencement Information

I21 Sch. 1 para. 20 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Delegation of functions

- 21 (1) The MMO may authorise a committee, sub-committee, member or employee of the MMO to exercise any of the MMO's functions.
- (2) The MMO must keep a record of any authorisations under sub-paragraph (1).
- (3) Sub-paragraph (1) does not—
- (a) prevent the MMO from exercising the function itself, or
 - (b) affect the power of the MMO to authorise an employee of the MMO to carry out functions of the MMO.

Commencement Information

I22 Sch. 1 para. 21 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Membership of committees and sub-committees

- 22 (1) A committee or sub-committee may include persons who are not members of the MMO.
- (2) The MMO may pay such remuneration and allowances as it may determine to any person who—
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member of the MMO.
- (3) The MMO may only make a determination under sub-paragraph (2) with the approval of the Secretary of State.

Commencement Information

I23 Sch. 1 para. 22 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Validity of proceedings

- 23 The validity of anything done by the MMO, or by any committee or sub-committee of the MMO, is not affected by any of the following—
- (a) any vacancy in the office of chair of the MMO or chair of the committee or sub-committee,
 - (b) any deficiency in the number of ordinary members or in the number of members of the committee or sub-committee,
 - (c) any defect in, or suspension of, any person's appointment as the chair or other member of the MMO or of the committee or sub-committee.

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Commencement Information

I24 Sch. 1 para. 23 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Application of seal and proof of documents

- 24 (1) The application of the MMO's seal must be authenticated by the signature of—
- (a) a member who is authorised (generally or specially) for that purpose, or
 - (b) an employee of the MMO who is so authorised.
- (2) A document purporting to be duly executed under the seal of the MMO is to be received in evidence and taken to be so executed, unless the contrary is shown.

Commencement Information

I25 Sch. 1 para. 24 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Documents served etc by the MMO

- 25 (1) Any document which the MMO is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the MMO by any member or employee of the MMO who has been authorised for the purpose, whether generally or specially, by the MMO.
- (2) Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the MMO, and
 - (b) to be signed by a person authorised by the MMO for the purpose,
- is to be received in evidence and taken to be so made or issued, unless the contrary is shown.

Commencement Information

I26 Sch. 1 para. 25 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Annual report

- 26 (1) For each financial year, the MMO must prepare an annual report on how it has discharged its functions during the year.
- (2) The MMO must send the report to the Secretary of State as soon as possible after the end of the year to which it relates.
- (3) The Secretary of State must lay a copy of the report before each House of Parliament.
- (4) In this paragraph “financial year” means—
- (a) the period that—
 - (i) begins with the day on which the MMO is established, and
 - (ii) ends with the next 31st March,
 - (b) each subsequent period of 12 months ending with 31st March.

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Commencement Information

I27 Sch. 1 para. 26 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Accounts and records

- 27 (1) The MMO must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, the MMO must prepare a statement of accounts in respect of that financial year.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) Within such period as the Secretary of State may direct, the MMO must send a copy of the statement to—
- (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (5) In this paragraph “financial year” has the same meaning as in paragraph 26.

Commencement Information

I28 Sch. 1 para. 27 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Audit

- 28 (1) This paragraph applies where, in pursuance of paragraph 27, the MMO has sent a copy of a statement of accounts to the Comptroller and Auditor General.
- (2) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.
- (3) The Secretary of State must lay before each House of Parliament a copy of the certified statement and of the report.

Commencement Information

I29 Sch. 1 para. 28 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Duty to provide information to the Secretary of State

- 29 (1) The MMO must provide the Secretary of State with—
- (a) copies of such returns or accounts, or
 - (b) such information,
- as the Secretary of State may require.
- (2) Sub-paragraph (1) applies only in relation to accounts, returns or information relating to—
- (a) the MMO's property, or

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- (b) the discharge, or proposed discharge, of the MMO's functions.
- (3) The MMO must also—
 - (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of the MMO, and
 - (b) provide such explanation of them as the Secretary of State or that person may require.

Commencement Information

I30 Sch. 1 para. 29 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

SCHEDULE 2

Section 1

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO THE MMO

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records) in Part 2 of the Table at the end of paragraph 3 insert at the appropriate place—
- “The Marine Management Organisation.”

Commencement Information

I31 Sch. 2 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) insert at the appropriate place—
- “The Marine Management Organisation.”

Commencement Information

I32 Sch. 2 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

House of Commons Disqualification Act 1975 (c. 24)

- 3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place—
- “The Marine Management Organisation.”

Commencement Information

I33 Sch. 2 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 1

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Race Relations Act 1976 (c. 74)

- 4 [F1 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) insert at the appropriate place under the heading “ Other Bodies, Etc. ”
“The Marine Management Organisation.”]

Textual Amendments

F1 Sch. 2 para. 4 repealed (E.W.S.) (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(a), **Schs. 3**

Commencement Information

I34 Sch. 2 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, **Sch. para. 1**

Inheritance Tax Act 1984 (c. 51)

- 5 In Schedule 3 to the Inheritance Tax Act 1984 (gifts for national purposes etc) after the entry for the Countryside Council for Wales insert—
“The Marine Management Organisation.”

Commencement Information

I35 Sch. 2 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, **Sch. para. 1**

Freedom of Information Act 2000 (c. 36)

- 6 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) insert at the appropriate place—
“The Marine Management Organisation.”

Commencement Information

I36 Sch. 2 para. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, **Sch. para. 1**

SCHEDULE 3

Section 39

TRANSFER SCHEMES

Introductory

- 1 In this Schedule—
“transferor” means the person from whom any property, rights or liabilities are transferred;
“transferee” means the person to whom any property, rights or liabilities are transferred.

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Commencement Information

I37 Sch. 3 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

The property, rights and liabilities that may be transferred

- 2
- (1) A scheme may provide for the transfer of any property, rights or liabilities, whether or not otherwise capable of being transferred or assigned.
 - (2) A scheme may provide for the transfer of any property, rights or liabilities to take effect regardless of any such—
 - (a) contravention,
 - (b) liability, or
 - (c) interference with an interest or right,
 as there would be (apart from this sub-paragraph) by reason of an inhibiting provision.
 - (3) For the purposes of sub-paragraph (2) an “inhibiting provision” is a provision having effect (whether under an enactment or an agreement or in any other way) in relation to the terms on which the transferor is entitled to the property or right, or is subject to the liability, that is the subject of the transfer.

Commencement Information

I38 Sch. 3 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Creation and apportionment of property, rights or liabilities

- 3
- (1) A scheme may—
 - (a) create for the transferor interests in or rights over property transferred by virtue of the scheme;
 - (b) create for the transferee interests in or rights over property retained by the transferor;
 - (c) create rights or liabilities between the transferor and the transferee.
 - (2) In this Schedule, any reference—
 - (a) to the transfer of interests, rights or liabilities by virtue of a scheme, or
 - (b) to any interests, rights or liabilities transferred by virtue of a scheme,
 includes a reference to the creation of interests, rights or liabilities, or to interests, rights or liabilities created, by virtue of sub-paragraph (1).
 - (3) A scheme may make incidental provision as to the interests, rights and liabilities of persons other than the transferor and the transferee with respect to the subject matter of the scheme.

Commencement Information

I39 Sch. 3 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

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Vesting certificates

- 4 A certificate by the Secretary of State that anything specified in the certificate has vested in any person by virtue of a scheme is conclusive evidence of that fact for all purposes.

Commencement Information

I40 Sch. 3 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Employment contracts

- 5 (1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.
- (2) The contract of employment—
- (a) is not terminated by the transfer, and
 - (b) has effect from the transfer date as if made between the employee and the transferee.
- (3) The rights, powers, duties and liabilities of the transferor under or in connection with the contract are transferred to the transferee on the transfer date.
- (4) Anything done before the transfer date by or in relation to the transferor in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
- (5) This paragraph is subject to paragraph 6.

Commencement Information

I41 Sch. 3 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Employee expressing objection to transfer of contract of employment

- 6 (1) Rights and liabilities under a contract of employment are not transferred under this Schedule if the employee objects to the transfer and informs the transferor or transferee of that objection.
- (2) If the employee informs the transferor or transferee of an objection under subparagraph (1)—
- (a) the employee's contract of employment is terminated immediately before the transfer date, but
 - (b) the employee is not to be treated, for any purpose, as having been dismissed by the transferor.

Commencement Information

I42 Sch. 3 para. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

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Right to terminate contract of employment for substantial detrimental change in conditions

- 7 Nothing in this Schedule affects any right a person has to terminate a contract of employment if (apart from the change of employer) a substantial detrimental change is made in the person's working conditions.

Commencement Information

I43 Sch. 3 para. 7 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Civil servants

- 8 (1) This Schedule applies with the following modifications in relation to employment in the civil service of the State on terms which do not constitute a contract of employment.
- (2) In the case of an individual who holds employment in the civil service of the State immediately before the transfer date—
- (a) the individual is to be treated as employed by virtue of a contract of employment,
 - (b) the terms of that employment are to be regarded as constituting the terms of that contract, and
 - (c) the reference in paragraph 6 to dismissal by the transferor is to be read as a reference to termination of that employment.
- (3) In the case of an individual who is to hold employment in the civil service of the State on and after the transfer date, the terms and conditions of the individual's contract of employment immediately before that date have effect on and after that date as if they were terms and conditions of the individual's employment in the civil service of the State.

Commencement Information

I44 Sch. 3 para. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Compensation

- 9 A scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by the scheme.

Commencement Information

I45 Sch. 3 para. 9 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Validity

- 10 A transfer under this Schedule does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

I46 Sch. 3 para. 10 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Continuity

- 11 (1) Anything which—
- (a) is done by the transferor for the purposes of, or otherwise in connection with, anything transferred by virtue of a scheme, and
 - (b) is in effect immediately before the transfer date,
- is to be treated as done by the transferee.
- (2) There may be continued by or in relation to the transferee anything (including legal proceedings)—
- (a) which relates to anything transferred by virtue of a scheme, and
 - (b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.

Commencement Information

I47 Sch. 3 para. 11 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Documents

- 12 In any document which—
- (a) relates to anything transferred by virtue of a scheme, and
 - (b) is in effect immediately before the transfer date,
- any reference to the transferor is to be read as a reference to the transferee.

Commencement Information

I48 Sch. 3 para. 12 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Remedies

- 13 As from the date on which a transfer takes effect—
- (a) the transferee, and
 - (b) any other persons,
- are to have the same rights, powers and remedies with regard to any right or liability transferred as if the right or liability had at all times been a right or liability of the transferee.

Commencement Information

I49 Sch. 3 para. 13 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Interim arrangements

- 14 (1) A scheme may include provision requiring a transferor to make available to a transferee during any interim period any of the following—
- (a) any designated premises or facilities occupied or used by the transferor;
 - (b) any designated officers or employees of the transferor.
- (2) In this paragraph “interim period”, in the case of any transfer by virtue of a scheme, means a period—
- (a) beginning with the day following the making of the scheme, and
 - (b) ending with the date on which the transfer takes effect.

Commencement Information

I50 Sch. 3 para. 14 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Retrospective modification of schemes

- 15 (1) If, at any time after a scheme has come into force, the Secretary of State considers it appropriate to do so, the Secretary of State may direct that the scheme shall be taken to have come into force with such modifications as may be specified in the direction.
- (2) A direction under this paragraph—
- (a) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and
 - (b) in connection with giving effect to that provision from that time, may contain such incidental, consequential, supplemental or transitional provision or savings as the Secretary of State thinks fit.

Commencement Information

I51 Sch. 3 para. 15 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Incidental, consequential, supplemental or transitional provision or savings

- 16 A scheme may include such incidental, consequential, supplemental or transitional provision or savings as the Secretary of State thinks fit.

Commencement Information

I52 Sch. 3 para. 16 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 5

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULE 4

Sections 41 and 43

EXCLUSIVE ECONOMIC ZONE AND WELSH ZONE: CONSEQUENTIAL AMENDMENTS

PART 1

EXCLUSIVE ECONOMIC ZONE

VALID FROM 31/03/2014

Continental Shelf Act 1964

- 1 (1) Section 8 of the Continental Shelf Act 1964 (c. 29) (application of the Submarine Telegraph Act 1885 (c. 49) to pipe-lines and submarine cables) is amended as follows.
- (2) In subsection (1A) (submarine cables and pipe-lines under waters in an area designated under section 1(7) of the 1964 Act) for “section 1(7) of this Act” substitute “ section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone). ”.

Fishery Limits Act 1976

- 2 (1) Section 1 of the Fishery Limits Act 1976 (c. 86) (British fishery limits) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subject to the following provisions of this section, British fishery limits extend to the seaward limits of any area for the time being designated by Order in Council under section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone).”.
- (3) In consequence of the amendment made by sub-paragraph (2), subsections (3) and (4) of that section cease to have effect.
- (4) Her Majesty may by Order in Council repeal, substitute or amend section 1 of the Fishery Limits Act 1976 (British fishery limits), in so far as it extends to the Channel Islands or the Isle of Man, to make appropriate provision in consequence of the creation of the exclusive economic zone.
- (5) An Order in Council under sub-paragraph (4) may—
- make incidental, consequential, supplementary or transitional provision or savings;
 - make different provision for different cases.

Commencement Information

I53 Sch. 4 para. 2 partly in force; Sch. 4 para. 2 in force for specified purposes at Royal Assent see s. 324(1)(c)

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

VALID FROM 31/03/2014

Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996

- 3 (1) Article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 (S.I. 1996/282) (provision that may be made by regulations) is amended as follows.
- (2) In paragraph (2)(g) (power to specify areas of sea in which jurisdiction and rights of the United Kingdom are exercisable) for “above any of the areas for the time being designated under section 1(7) of the Continental Shelf Act 1964” substitute “within any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone)”.
- (3) After paragraph (2)(g), insert—
- “(h) varying the area within which areas may for the time being be specified under paragraph (g) to such area as may be specified or described in the regulations.”.
- (4) The amendment by this paragraph of a provision contained in subordinate legislation is without prejudice to any power to amend that provision by subordinate legislation.

VALID FROM 31/03/2014

Energy Act 2004

- 4 (1) Section 84 of the Energy Act 2004 (c. 20) (exploitation of areas outside the territorial sea for energy production) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) The area within which the rights to which this section applies are exercisable (the “Renewable Energy Zone”)—
- (a) is any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone), but
- (b) if Her Majesty by Order in Council declares that the Renewable Energy Zone extends to such other area as may be specified in the Order, is the area resulting from the Order.”.

Energy Act 2008

- 5 (1) The Energy Act 2008 (c. 32) is amended as follows.
- (2) In section 1 (exploitation of areas outside the territorial sea for gas importation and storage), for subsection (5) substitute—
- “(5) The area within which the rights to which this section applies are exercisable (the “Gas Importation and Storage Zone”)—

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (a) is any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone), but
 - (b) if Her Majesty by Order in Council declares that the Gas Importation and Storage Zone extends to such other area as may be specified in the Order, is the area resulting from the Order.”.
- (3) In section 35 (interpretation of Chapter 3), in subsection (1), for the definition of “Gas Importation and Storage Zone” substitute—
““Gas Importation and Storage Zone” is to be read in accordance with section 1(5);”.

Commencement Information

I54 Sch. 4 para. 5 partly in force; Sch. 4 para. 5 in force for specified purposes at Royal Assent see s. 324(1)(c)

PART 2

WELSH ZONE

Government of Wales Act 2006

- 6 (1) The Government of Wales Act 2006 (c. 32) is amended as follows.
- (2) In section 37(2) (power of Assembly to call for witnesses and documents) after “Wales” insert “ or the Welsh zone ”.
- (3) In section 58 (transfer of Ministerial functions)—
- (a) in subsection (1)(a), after “Wales” insert “ or the Welsh zone ”,
 - (b) in subsection (1)(c), after “Wales” insert “ or the Welsh zone ”, and
 - (c) after subsection (1) insert—
“(1A) An Order in Council under this section may not make provision about a function of a Minister of the Crown exercisable in relation to the area of the Welsh zone beyond the seaward limit of the territorial sea unless the function is connected with fishing, fisheries or fish health.

(1B) Subsection (1A) does not have effect in relation to an Order in Council to the extent that it contains provision made by virtue of paragraph 4 of Schedule 3 (functions exercisable beyond the territorial sea).”
- (4) In section 59 (implementation of [F²EU] law)—
- (a) in subsection (4)(c) for “Wales or a part of Wales” substitute “ Wales, the Welsh zone or a part of Wales or the Welsh zone ”, and
 - (b) in subsection (7)(c) for “Wales or a part of Wales” substitute “ Wales, the Welsh zone or a part of Wales or the Welsh zone ”.
- (5) In section 80(2)(b) ([F²EU] law) for “the whole or part of Wales” substitute “ the whole or part of Wales or of the Welsh zone ”.
- (6) In section 82(5)(b) (international obligations) for “the whole or part of Wales” substitute “ the whole or part of Wales or of the Welsh zone ”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(7) In section 155(1)(b) (functions exercisable in relation to Wales) after “Wales” insert “or the Welsh zone”.

(8) In section 159 (index of defined expressions), insert at the appropriate place—

““Welsh zone”

section 158(1), (3) and (4)”.

Textual Amendments

F2 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3, 6](#) (with [art. 3\(2\)\(3\)4\(2\)6\(4\)6\(5\)](#))

Commencement Information

I55 Sch. 4 para. 6 partly in force; Sch. 4 para. 6 in force for specified purposes at Royal Assent see s. 324(1)(d)
I56 Sch. 4 para. 6 in force at 12.1.2010 in so far as not already in force by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 7](#)

SCHEDULE 5

Sections 44 and 47

PREPARATION OF AN MPS OR OF AMENDMENTS OF AN MPS

Introductory

1 Before any policy authorities publish a relevant document, they must comply with the requirements imposed by the following provisions of this Schedule.

Commencement Information

I57 Sch. 5 para. 1 wholly in force at 12.1.2010; Sch. 5 para. 1 in force for specified purposes at Royal Assent see s. 324(1)(a)(i); Sch. 5 para. 1 in force in so far as not already in force at 12.1.2010 see s. 324(2)(a)

Interpretation

- 2 (1) In this Schedule—
- “consultation draft” is to be read in accordance with paragraph 8;
 - “the final text” means that draft of the relevant document which is adopted by the relevant authorities and published by them under paragraph 12 as the relevant document;
 - “the relevant authorities” means the policy authorities that publish the relevant document;
 - “relevant document” means—
 - (a) an MPS, or
 - (b) amendments of an MPS;
 - “SPP” means a statement of public participation under paragraph 4.
- (2) In this Schedule—
- (a) any reference to each, some or any of the relevant authorities is a reference to those authorities separately,

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- (b) any other reference to the relevant authorities is a reference to those authorities acting jointly.

Commencement Information

I58 Sch. 5 para. 2 wholly in force at 12.1.2010; Sch. 5 para. 2 in force for specified purposes at Royal Assent see s. 324(1)(a)(i); Sch. 5 para. 2 in force in so far as not already in force at 12.1.2010 see s. 324(2)(a)

Consultation in Northern Ireland

- 3 (1) If one of the relevant authorities is the Department of the Environment in Northern Ireland, that Department must consult the other relevant Northern Ireland departments—
- (a) during the preparation of the consultation draft, and
- (b) during the settling of the final text.
- (2) For the purposes of this paragraph, the relevant Northern Ireland departments are those Northern Ireland departments which have functions in relation to the whole or any part of the UK marine area.

Statement of public participation

- 4 (1) The relevant authorities must prepare and publish a statement of public participation (an “SPP”).
- (2) An SPP is a statement of the policies settled by the relevant authorities for or in connection with the involvement of interested persons in the preparation of the relevant document.
- (3) The relevant authorities must publish the SPP in a way calculated to bring it to the attention of interested persons.
- (4) In this paragraph “interested persons” means—
- (a) any persons appearing to the relevant authorities to be likely to be interested in, or affected by, policies proposed to be included in the relevant document, and
- (b) members of the general public.
- (5) Each of the relevant authorities must take all reasonable steps to comply with the SPP.

Commencement Information

I59 Sch. 5 para. 4 wholly in force at 12.1.2010; Sch. 5 para. 4(1)-(4) in force at Royal Assent see s. 324(1)(a)(i); Sch. 5 para. 4 in force in so far as not already in force at 12.1.2010 see s. 324(2)(a)

Further provision about the content of an SPP

- 5 (1) An SPP must include a proposed timetable.
- (2) The proposed timetable must include such provision as the relevant authorities consider reasonable for each of the following—

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Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (a) the preparation and publication of a consultation draft under paragraph 8 (including the carrying out of the sustainability appraisal under paragraph 7);
 - (b) the making of representations about the consultation draft;
 - (c) the consideration of representations under paragraph 9 and the settling of the final text;
 - (d) the adoption and publication of the relevant document.
- (3) An SPP may include provision for or in connection with the holding of public meetings about the consultation draft.
- (4) An SPP must include provision about the making of representations under paragraph 9 about the consultation draft, including provision about—
- (a) the manner in which representations may be made;
 - (b) the time within which representations must be made.
- (5) An SPP must state the period which it is proposed will be allocated for legislative scrutiny of the consultation draft under paragraph 10 (resolution or recommendations by appropriate legislative body or committee).

Review and revision of an SPP

- 6 (1) The relevant authorities must keep the SPP under review.
- (2) If at any time the relevant authorities consider it necessary or expedient to revise the SPP, they must do so.
- (3) Where the relevant authorities revise the SPP, they must publish it as revised.
- (4) Any reference in this Schedule to an SPP includes a reference to an SPP as revised.

Sustainability appraisal

- 7 (1) The relevant authorities must carry out an appraisal of the sustainability of their proposals for inclusion in the relevant document.
- (2) The relevant authorities may proceed with those proposals only if they consider that the results of the appraisal indicate that it is appropriate to do so.
- (3) The relevant authorities must publish a report of the results of the appraisal.
- (4) The report is to be published when the relevant authorities publish the consultation draft under paragraph 8.

Preparation and publication of a consultation draft

- 8 (1) The relevant authorities must prepare and publish a draft of the proposed relevant document (the “consultation draft”).
- (2) The relevant authorities must publish the consultation draft in such manner as they consider appropriate.
- (3) They must also take such steps as they consider appropriate to secure that the proposals contained in the consultation draft are brought to the attention of interested persons.
- (4) In sub-paragraph (3) “interested persons” means—

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- (a) any persons appearing to the relevant authorities to be likely to be interested in, or affected by, policies proposed to be included in the relevant document, and
- (b) members of the general public.

Representations about the consultation draft

- 9
- (1) Any person may make representations about the consultation draft.
 - (2) Any such representations are to be made in accordance with the SPP.
 - (3) If any representations are made about the consultation draft, the relevant authorities must consider them in the course of settling the final text.

The appropriate legislative procedure

- 10
- (1) A policy authority must not adopt the final text unless it has complied with the requirements of this paragraph.
 - (2) The policy authority must lay a copy of the consultation draft before the appropriate legislature.
 - (3) The appropriate legislature is—
 - (a) in the case of the Secretary of State, Parliament;
 - (b) in the case of the Scottish Ministers, the Scottish Parliament;
 - (c) in the case of the Welsh Ministers, the National Assembly for Wales;
 - (d) in the case of the Department of the Environment in Northern Ireland, the Northern Ireland Assembly.
 - (4) If during the period allocated to it for legislative scrutiny of the consultation draft—
 - (a) an appropriate legislative body makes a resolution with regard to the consultation draft, or
 - (b) an appropriate legislative committee makes recommendations with regard to the consultation draft,sub-paragraph (5) applies.
 - (5) The policy authority must lay before the appropriate legislature a statement setting out the policy authority's response to the resolution or recommendations.
 - (6) The period allocated to an appropriate legislative body or appropriate legislative committee for legislative scrutiny of the consultation draft is such period as the policy authority may specify.
 - (7) The policy authority must specify the period allocated for legislative scrutiny of the consultation draft on or before the day on which a copy of that draft is laid before the appropriate legislature under sub-paragraph (2).
 - (8) In this paragraph—
 - “appropriate legislative body” means—
 - (a) in the case of the Secretary of State, either House of Parliament;
 - (b) in the case of any other policy authority, the appropriate legislature;
 - “appropriate legislative committee” means—

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Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (a) in the case of the Secretary of State, a committee of either House of Parliament;
- (b) in the case of any other policy authority, a committee of the appropriate legislature.

Differences between the consultation draft and the final text

- 11 (1) This paragraph applies if there are any differences between—
- (a) the proposed policies, statements and information contained in the consultation draft, and
 - (b) the policies, statements and information contained in the final text.
- (2) When the relevant authorities publish the relevant document, they must also publish—
- (a) a summary of the differences, and
 - (b) a statement of the reasons for them.

Adoption and publication of the relevant document

- 12 (1) A policy authority adopts the final text by—
- (a) deciding that the final text is to be published as the relevant document, and
 - (b) giving notice of that decision to each of the other policy authorities.
- (2) The relevant document is to be published by the relevant authorities, acting jointly, as soon as reasonably practicable after the final text has been adopted by each of them.
- (3) If the final text has been adopted by one or more, but not all, of the policy authorities, the authorities that have not adopted the final text must be allowed a reasonable period in which to do so before the relevant document is published.

Validity of document where policy authority participates in preparation but does not adopt

- 13 (1) If any policy authority—
- (a) participates to any extent in the preparation of a relevant document, but
 - (b) does not adopt the final text,
- sub-paragraph (2) applies.
- (2) The participation of the policy authority in the preparation of the relevant document does not affect the validity of—
- (a) the relevant document, or
 - (b) the adoption of that document by any of the other policy authorities.

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SCHEDULE 6

Section 51

MARINE PLANS: PREPARATION AND ADOPTION

Marine plan authority to notify related planning authorities of decision to prepare plan

- 1 (1) A marine plan authority which decides to prepare a marine plan for a marine plan area must, before beginning to prepare the plan, give notice of its intention to do so to each of the related planning authorities.
- (2) The “related planning authorities” are—
- (a) the Secretary of State (unless the Secretary of State is the marine plan authority);
 - (b) any marine plan authority whose marine planning region adjoins or is adjacent to the marine plan area;
 - (c) if the Scottish inshore region adjoins or is adjacent to the marine plan area, the Scottish Ministers;
 - (d) any local planning authority whose area adjoins or is adjacent to the marine plan area;
 - (e) any responsible regional authorities whose region adjoins or is adjacent to the marine plan area.
- (3) In this paragraph—
- “local planning authority” means an authority which is—
 - (a) a local planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (c. 5) (see section 37 of that Act), or
 - (b) a planning authority for the purposes of the Town and Country Planning (Scotland) Act 1997 (c. 8) (see section 1 of that Act);
 - “responsible regional authorities” has the same meaning as in Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy).

Secretary of State to be kept informed of authority's intentions as to certain matters

- 2 (1) This paragraph applies in any case where a marine plan authority gives notice to the Secretary of State under paragraph 1(2)(a).
- (2) The notice must state whether the marine plan authority proposes to include in the plan provision relating to retained functions (see sections 59 and 60).
- (3) The notice must state whether the marine plan authority proposes so to prepare the marine plan that it will not be in conformity with any MPS which governs marine planning for the marine plan area.
- (4) The marine plan authority must keep the Secretary of State informed (by giving further notices) of any changes that may from time to time occur in its intentions with respect to any of the matters mentioned in sub-paragraph (2) or (3).

Marine plans to be compatible with certain other marine plans and Planning Act plans

- 3 (1) In preparing or amending a marine plan for a marine plan area in its region, a marine plan authority must take all reasonable steps to secure that the plan is compatible with

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the marine plan for any marine plan area (whether or not within its marine planning region) which is related to that area.

- (2) The marine plan authority for—
- (a) the English inshore region, or
 - (b) the Welsh inshore region,
- must also take all reasonable steps to secure that any marine plan for a marine plan area in its marine planning region is compatible with the relevant Planning Act plan for any area in England, Wales or Scotland which is related to the marine plan area.
- (3) For the purposes of this paragraph, one area is “related to” another if one or more of the following conditions is met—
- (a) the one area adjoins or is adjacent to the other;
 - (b) the one area lies wholly or partly within the other;
 - (c) the whole or any part of the one area affects or is affected by the whole or any part of the other.
- (4) In the case of an area in England or Scotland, the “relevant Planning Act plan” is the development plan.
- (5) In the case of an area in Wales, each of the following is a “relevant Planning Act plan”—
- (a) the development plan;
 - (b) the Wales Spatial Plan.
- (6) In this paragraph—
- “development plan”—
- (a) in the case of an area in England or Wales, is to be read in accordance with section 38(2) to (4) of the Planning and Compulsory Purchase Act 2004 (c. 5);
 - (b) in the case of an area in Scotland, is to be read in accordance with section 24 of the Town and Country Planning (Scotland) Act 1997 (c. 8);
- “the Wales Spatial Plan” means the Wales Spatial Plan under section 60 of the Planning and Compulsory Purchase Act 2004.

Consultation in Northern Ireland

- 4 (1) In the case of a marine plan for a marine plan area in the Northern Ireland offshore region, the marine plan authority must consult the relevant Northern Ireland departments—
- (a) during the preparation of the consultation draft under paragraph 11, and
 - (b) during the settling of the text of the plan for adoption and publication under paragraph 15.
- (2) For the purposes of this paragraph the relevant Northern Ireland departments are those Northern Ireland departments which have functions in relation to the whole or any part of the UK marine area.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Statement of public participation

- 5
- (1) Before preparing a marine plan for any marine plan area, a marine plan authority must prepare and publish a statement of public participation (an “SPP”).
 - (2) An SPP is a statement of the policies settled by the marine plan authority for or in connection with the involvement of interested persons in the preparation of the proposed marine plan.
 - (3) An SPP must identify (by means of a map or otherwise) the area for which the marine plan is being prepared.
 - (4) If the marine plan authority proposes to include provision relating to retained functions, the SPP—
 - (a) must state that that is the case, and
 - (b) may be published only with the agreement of the Secretary of State.
 - (5) An SPP must invite the making of representations in accordance with the SPP as to matters to be included in the proposed marine plan.
 - (6) The marine plan authority must publish the SPP in a way calculated to bring it to the attention of interested persons.
 - (7) The marine plan authority must take all reasonable steps to comply with the SPP.
 - (8) In this paragraph “interested persons” means—
 - (a) any persons appearing to the marine plan authority to be likely to be interested in, or affected by, policies proposed to be included in the marine plan, and
 - (b) members of the general public.

Further provision about the content of an SPP

- 6
- (1) An SPP must include a proposed timetable.
 - (2) The proposed timetable must include such provision as the marine plan authority considers reasonable for each of the following—
 - (a) the preparation and publication of the consultation draft under paragraph 11 (including the carrying out of the sustainability appraisal under paragraph 10);
 - (b) the making of representations about the consultation draft;
 - (c) the consideration of representations under paragraph 12 and the settling of the text of the marine plan for adoption and publication under paragraph 15;
 - (d) the adoption and publication of the marine plan under that paragraph.
 - (3) An SPP may include provision for or in connection with the holding of public meetings about the consultation draft.
 - (4) An SPP must include provision about the making of—
 - (a) representations, in response to the invitation issued under paragraph 5(5), about the matters to be included in the proposed marine plan, and
 - (b) representations under paragraph 12 about the consultation draft.
 - (5) The provision to be made under sub-paragraph (4) includes provision about—
 - (a) the manner in which representations may be made, and

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- (b) the time within which representations must be made.

Review and revision of the SPP

- 7 (1) The marine plan authority must keep the SPP under review.
- (2) If at any time the marine plan authority considers it necessary or expedient to revise the SPP, it must do so.
- (3) The marine plan authority must revise the SPP if—
- (a) it proposes to include in the marine plan provision relating to retained functions, and
 - (b) the SPP does not already include a statement that that is the case.
- (4) Where the marine plan authority revises the SPP, it must publish the SPP as revised.
- (5) In any case where the SPP is required to be revised by virtue of sub-paragraph (3), the revised SPP may be published only with the agreement of the Secretary of State.
- (6) Any reference in this Schedule to an SPP includes a reference to an SPP as revised.

Advice and assistance

- 8 (1) In connection with the preparation of a marine plan, or of any proposals for a marine plan, the marine plan authority may seek advice or assistance from any body or person in relation to any matter in which that body or person has particular expertise.
- (2) The steps that a marine plan authority may take for the purpose of facilitating the involvement of interested persons in—
- (a) the development of proposals for inclusion in a proposed marine plan, or
 - (b) consultation in connection with such proposals,
- include the convening of groups of persons for such purposes, and in such manner, as the marine plan authority considers appropriate.
- (3) In this paragraph “interested persons” has the same meaning as in paragraph 5.

Matters to which a marine plan authority is to have regard in preparing a marine plan

- 9 (1) The matters to which a marine plan authority is to have regard in preparing a marine plan include each of the matters in sub-paragraph (2).
- (2) Those matters are—
- (a) the requirement under section 51(6) for a marine plan to be in conformity with any MPS which governs marine planning for the marine plan area, unless relevant considerations indicate otherwise,
 - (b) the duties imposed by paragraph 3(1) and (2) with respect to securing compatibility with marine plans or Planning Act plans for areas which are related to the marine plan area,
 - (c) the effect which any proposal for inclusion in the plan is likely to have on any area which is related to the marine plan area;
 - (d) the results of the review required by section 54,
 - (e) the SPP,

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- (f) any representations made in response to the invitation issued pursuant to sub-paragraph (5) of paragraph 5,
- (g) any advice received under paragraph 8(1),
- (h) any plan (not falling within paragraph 3(1) or (2)) prepared by a public or local authority in connection with the management or use of the sea or the coast, or of marine or coastal resources, in the marine plan area or in any adjoining or adjacent area in England or Wales, Scotland or Northern Ireland,
- (i) the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961 (c. 55),

and such other matters as the marine plan authority considers relevant.

- (3) For the purposes of this paragraph, one area is related to another if one or more of the following conditions is met—
- (a) the one area adjoins or is adjacent to the other;
 - (b) the one area lies wholly or partly within the other;
 - (c) the whole or any part of the one area affects or is affected by the whole or any part of the other.

Sustainability appraisal

- 10 (1) A marine plan authority preparing a marine plan must carry out an appraisal of the sustainability of its proposals for inclusion in the plan.
- (2) The authority may proceed with those proposals only if it considers that the results of the appraisal indicate that it is appropriate to do so.
- (3) The marine plan authority must publish a report of the results of the appraisal.
- (4) The report is to be published when the marine plan authority publishes the consultation draft under paragraph 11.

Preparation and publication of a consultation draft

- 11 (1) A marine plan authority preparing a marine plan must publish a draft containing its proposals for inclusion in the plan (the “consultation draft”).
- (2) If the draft includes provision relating to retained functions, it may be published only with the agreement of the Secretary of State.
- (3) The marine plan authority must publish the consultation draft in such manner as it considers appropriate.
- (4) The marine plan authority must also take such steps as it considers appropriate to secure that the proposals contained in the consultation draft are brought to the attention of interested persons.
- (5) In this paragraph “interested persons” has the same meaning as in paragraph 5.

Representations about the consultation draft

- 12 (1) Any person may make representations about the consultation draft.
- (2) Any such representations are to be made in accordance with the SPP.

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- (3) If any representations are made about the consultation draft, the marine plan authority must consider them in the course of settling the text of the marine plan for adoption and publication under paragraph 15.

Independent investigation

- 13 (1) A marine plan authority which has published a consultation draft in accordance with paragraph 11 must consider appointing an independent person to investigate the proposals contained in that draft and to report on them.
- (2) In deciding whether to appoint such a person, the marine plan authority must have regard to—
- (a) any representations received about the matters to be included in the proposed marine plan, in response to the invitation issued pursuant to paragraph 5(5),
 - (b) any representations received about the proposals published in the consultation draft,
 - (c) the extent to which matters raised by representations falling within paragraph (b) have not been resolved,
- and such other matters as the marine plan authority considers relevant.
- (3) Any person so appointed must—
- (a) make recommendations, and
 - (b) give reasons for the recommendations.
- (4) The marine plan authority must publish the recommendations and the reasons given for them.

Matters to which marine plan authority to have regard in settling text for adoption etc

- 14 A marine plan authority settling the text of a marine plan for adoption and publication under paragraph 15 must have regard to—
- (a) any recommendations made by any person appointed under paragraph 13,
 - (b) the reasons given by any such person for any such recommendations,
- and any other matters that the marine plan authority considers relevant.

Adoption and publication of a marine plan

- 15 (1) A marine plan is “adopted” by a marine plan authority when the authority has decided to publish the plan (and “adopt” and related expressions are to be read accordingly).
- (2) A marine plan may be so adopted only by, or with the agreement of, the Secretary of State.
- (3) Sub-paragraph (2) does not apply in the case of a marine plan for the Welsh inshore region if the plan does not include provision relating to retained functions.
- (4) The conferral on a devolved authority by this Part of functions whose exercise is subject to the agreement of the Secretary of State under sub-paragraph (2) does not affect any functions, or the exercise of any functions, of the devolved authority apart from this Part (whenever conferred or imposed).
- (5) In sub-paragraph (4) “devolved authority” means—
- (a) the Scottish Ministers;

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- (b) the Welsh Ministers;
 - (c) the Department of the Environment in Northern Ireland.
- (6) The marine plan which a marine plan authority decides to publish may be—
- (a) the same as the proposals published in the consultation draft, or
 - (b) those proposals with such modifications as the marine plan authority thinks fit.
- (7) A marine plan authority which adopts a marine plan must publish the plan as soon as reasonably practicable after its adoption, together with statements of each of the following—
- (a) any modifications that have been made to the proposals published in the consultation draft,
 - (b) the reasons for those modifications,
 - (c) if any recommendations made by any independent person appointed under paragraph 13 have not been implemented in the marine plan, the reasons why those recommendations have not been implemented.

SCHEDULE 7

Section 97

FURTHER PROVISION ABOUT CIVIL SANCTIONS UNDER PART 4

Interpretation

- 1 In this Schedule “civil sanction” means a fixed monetary penalty or a variable monetary penalty.

Commencement Information

I60 Sch. 7 para. 1 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

Fixed monetary penalties: other sanctions

- 2 (1) Provision under section 93 must secure that, in a case where a notice of intent referred to in section 94(2)(a) is served on a person—
- (a) no criminal proceedings for the offence to which the notice relates may be instituted against the person in respect of the act or omission to which the notice relates before the end of the period in which the person may discharge liability to the fixed monetary penalty pursuant to section 94(2)(b), and
 - (b) if the person so discharges liability, the person may not at any time be convicted of the offence to which the notice relates in relation to that act or omission.
- (2) Provision under section 93 must also secure that, in a case where a fixed monetary penalty is imposed on a person—
- (a) that person may not at any time be convicted of the offence in relation to which the penalty is imposed in respect of the act or omission giving rise to the penalty;

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- (b) the enforcement authority may not issue a compliance notice or a remediation notice to that person in respect of the act or omission giving rise to the penalty.

Commencement Information

- I61** Sch. 7 para. 2 partly in force; Sch. 7 para. 2 in force for specified purposes at Royal Assent see s. 324(1)(c)
I62 Sch. 7 para. 2 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Variable monetary penalties: other sanctions

- 3 Provision under section 95 must secure that, in a case where a variable monetary penalty is imposed on a person—
- (a) that person may not at any time be convicted of the offence in relation to which the penalty is imposed in respect of the act or omission giving rise to the penalty;
- (b) the enforcement authority may not issue a compliance notice to that person in respect of the act or omission giving rise to the penalty.

Commencement Information

- I63** Sch. 7 para. 3 partly in force; Sch. 7 para. 3 in force for specified purposes at Royal Assent see s. 324(1)(c)
I64 Sch. 7 para. 3 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Combination of sanctions

- 4 (1) Provision may not be made under section 93 and section 95 conferring powers on an enforcement authority in relation to the same offence unless it secures that—
- (a) the authority may not serve a notice of intent referred to in section 94(2)(a) on a person in relation to any act or omission where a variable monetary penalty has been imposed on that person in relation to that act or omission, and
- (b) the authority may not serve a notice of intent referred to in section 96(2)(a) on a person in relation to any act or omission where—
- (i) a fixed monetary penalty has been imposed on that person in relation to that act or omission, or
- (ii) the person has discharged liability to a fixed monetary penalty in relation to that act or omission pursuant to section 94(2)(b).
- (2) Provision under section 93 which results in an enforcement authority having power to impose a fixed monetary penalty or to issue a stop notice in relation to the same offence must secure that—
- (a) the authority may not serve a notice of intent referred to in section 94(2)(a) on a person in relation to any act or omission where a stop notice has been served on that person in relation to that act or omission, and
- (b) the authority may not serve a stop notice on a person in relation to any act or omission where—
- (i) a fixed monetary penalty has been imposed on that person in relation to that act or omission, or
- (ii) the person has discharged liability to a fixed monetary penalty in relation to that act or omission pursuant to section 94(2)(b).

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Commencement Information

- I65** Sch. 7 para. 4 partly in force; Sch. 7 para. 4 in force for specified purposes at Royal Assent see s. 324(1)(c)
I66 Sch. 7 para. 4 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Monetary penalties

- 5 (1) An order under section 93 or 95 which confers power on an enforcement authority to require a person to pay a fixed monetary penalty or a variable monetary penalty may include provision—
- (a) for early payment discounts;
 - (b) for the payment of interest or other financial penalties for late payment of the penalty, such interest or other financial penalties not in total to exceed the amount of that penalty;
 - (c) for enforcement of the penalty.
- (2) Provision under sub-paragraph (1)(c) may include—
- (a) provision for the enforcement authority to recover the penalty, and any interest or other financial penalty for late payment, as a civil debt;
 - (b) provision for the penalty, and any interest or other financial penalty for late payment, to be recoverable, on the order of a court, as if payable under a court order.

Commencement Information

- I67** Sch. 7 para. 5 partly in force; Sch. 7 para. 5 in force for specified purposes at Royal Assent see s. 324(1)(c)
I68 Sch. 7 para. 5 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Costs recovery

- 6 (1) Provision under section 95 may include provision for an enforcement authority, by notice, to require a person on whom a variable monetary penalty is imposed to pay the costs incurred by the enforcement authority in relation to the imposition of the penalty up to the time of its imposition.
- (2) In sub-paragraph (1) the references to costs include in particular—
- (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (2) Provision under this paragraph must secure that, in any case where a notice requiring payment of costs is served—
- (a) the notice specifies the amount required to be paid;
 - (b) the enforcement authority may be required to provide a detailed breakdown of that amount;
 - (c) the person required to pay costs is not liable to pay any costs shown by the person to have been unnecessarily incurred;
 - (d) the person required to pay costs may appeal against—
 - (i) the decision of the enforcement authority to impose the requirement to pay costs;

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- (ii) the decision of the enforcement authority as to the amount of those costs.
- (4) Provision under this paragraph may include the provision referred to in sub-paragraphs (1)(b) and (c) and (2) of paragraph 5.
- (5) Provision under this paragraph must secure that an enforcement authority is required to publish guidance about how it will exercise the power conferred by the provision.

Commencement Information

- I69** Sch. 7 para. 6 partly in force; Sch. 7 para. 6 in force for specified purposes at Royal Assent see s. 324(1)(c)
I70 Sch. 7 para. 6 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Appeals

- 7 (1) An order under section 93 or 95 may not provide for the making of an appeal other than to—
- (a) the First-Tier Tribunal, or
 - (b) another tribunal created under an enactment.
- This sub-paragraph does not apply in the case of an order made by the Scottish Ministers.
- (2) In sub-paragraph (1)(b)—
- “enactment” includes an enactment contained in, or in an instrument made under, Northern Ireland legislation;
 - “tribunal” does not include an ordinary court of law.
- (3) An order under section 93 or 95 which makes provision for an appeal in relation to the imposition of any requirement or service of any notice may include—
- (a) provision suspending the requirement or notice pending determination of the appeal;
 - (b) provision as to the powers of any person to whom the appeal is made;
 - (c) provision as to how any sum payable in pursuance of a decision of that person is to be recoverable.
- (4) The provision referred to in sub-paragraph (3)(b) includes provision conferring on the person to whom the appeal is made power—
- (a) to withdraw the requirement or notice;
 - (b) to confirm the requirement or notice;
 - (c) to take such steps as the enforcement authority could take in relation to the act or omission giving rise to the requirement or notice;
 - (d) to remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the enforcement authority;
 - (e) to award costs.

Commencement Information

- I71** Sch. 7 para. 7 partly in force; Sch. 7 para. 7 in force for specified purposes at Royal Assent see s. 324(1)(c)
I72 Sch. 7 para. 7 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

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Consultation

- 8 (1) Before making an order under section 93 or 95, the appropriate licensing authority must consult the following (in addition to any persons who must be consulted under paragraph 9)—
- (a) the enforcement authority to which the order relates,
 - (b) such organisations as appear to the licensing authority to be representative of persons substantially affected by the proposals, and
 - (c) such other persons as the licensing authority considers appropriate.
- (2) If, as a result of any consultation required by sub-paragraph (1), it appears to the licensing authority that it is appropriate substantially to change the whole or any part of the proposals, the licensing authority must undertake such further consultation with respect to the changes as it considers appropriate.
- (3) If, before the day on which this Schedule comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this paragraph, those requirements may to that extent be taken to have been satisfied.

Commencement Information

I73 Sch. 7 para. 8 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

Guidance as to use of civil sanctions

- 9 (1) Where power is conferred on an enforcement authority under section 93 or 95 to impose a civil sanction in relation to an offence the provision conferring the power must secure the results in sub-paragraph (2).
- (2) Those results are that—
- (a) the enforcement authority must publish guidance about its use of the sanction,
 - (b) in the case of guidance relating to a fixed monetary penalty or a variable monetary penalty, the guidance must contain the relevant information,
 - (c) the enforcement authority must revise the guidance where appropriate,
 - (d) the enforcement authority must consult such persons as the provision may specify before publishing any guidance or revised guidance, and
 - (e) the enforcement authority must have regard to the guidance or revised guidance in exercising its functions.
- (3) In the case of guidance relating to a fixed monetary penalty, the relevant information referred to in sub-paragraph (2)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
 - (b) the circumstances in which it may not be imposed,
 - (c) the amount of the penalty,
 - (d) how liability for the penalty may be discharged and the effect of discharge, and
 - (e) rights to make representations and objections and rights of appeal.
- (4) In the case of guidance relating to a variable monetary penalty, the relevant information referred to in sub-paragraph (2)(b) is information as to—

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- (a) the circumstances in which the penalty is likely to be imposed,
- (b) the circumstances in which it may not be imposed,
- (c) the matters likely to be taken into account by the enforcement authority in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance), and
- (d) rights to make representations and objections and rights of appeal.

Commencement Information

- I74** Sch. 7 para. 9 partly in force; Sch. 7 para. 9 in force for specified purposes at Royal Assent see s. 324(1)(c)
I75 Sch. 7 para. 9 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Guidance as to enforcement of offences

- 10 (1) Where power is conferred on an enforcement authority under section 93 or 95 to impose a civil sanction in relation to an offence the enforcement authority must prepare and publish guidance about how the offence is enforced.
- (2) The guidance must include guidance as to—
- (a) the sanctions (including criminal sanctions) to which a person who commits the offence may be liable,
 - (b) the action which the enforcement authority may take to enforce the offence, whether by virtue of section 93 or 95 or otherwise, and
 - (c) the circumstances in which the enforcement authority is likely to take any such action.
- (3) An enforcement authority may from time to time revise guidance published by it under this paragraph and publish the revised guidance.
- (4) The enforcement authority must consult such persons as it considers appropriate before publishing any guidance or revised guidance under this paragraph.

Commencement Information

- I76** Sch. 7 para. 10 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

Publication of enforcement action

- 11 (1) Where power is conferred on an enforcement authority under section 93 or 95 to impose a civil sanction in relation to an offence, the provision conferring the power must, subject to this paragraph, secure the result in sub-paragraph (2).
- (2) That result is that the enforcement authority must from time to time publish reports specifying—
- (a) the cases in which the civil sanction has been imposed,
 - (b) where the civil sanction is a fixed monetary penalty, the cases in which liability to the penalty has been discharged pursuant to section 94(2)(b), and
 - (c) where the civil sanction is a variable monetary penalty, the cases in which an undertaking referred to in section 96(5) is accepted from such a person.

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- (3) In sub-paragraph (2)(a), the reference to cases in which the civil sanction has been imposed does not include cases where the sanction has been imposed but overturned on appeal.
- (4) The provision conferring the power need not secure the result in sub-paragraph (2) in cases where the appropriate licensing authority considers that it would be inappropriate to do so.

Commencement Information

- I77** Sch. 7 para. 11 partly in force; Sch. 7 para. 11 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I78** Sch. 7 para. 11 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

Payment of penalties into Consolidated Fund etc

- 12 (1) Where pursuant to any provision made under section 93 or 95 an enforcement authority receives—
- (a) a fixed monetary penalty or a variable monetary penalty, or
 - (b) any interest or other financial penalty for late payment of such a penalty,
- the authority must pay it into the relevant Fund.
- (2) In sub-paragraph (1) “the relevant Fund” means—
- (a) in a case where the authority has functions only in relation to Wales, the Welsh Consolidated Fund;
 - (b) in a case where the authority has functions only in relation to Scotland, the Scottish Consolidated Fund;
 - (c) in a case where the authority has functions only in relation to Northern Ireland, the Consolidated Fund of Northern Ireland;
 - (d) in any other case, the Consolidated Fund.

Commencement Information

- I79** Sch. 7 para. 12 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

Disclosure of information

- 13 (1) Information held by or on behalf of a person mentioned in sub-paragraph (2) may be disclosed to an enforcement authority on whom powers are conferred under section 93 or 95 where—
- (a) the person has an enforcement function in relation to an offence, and
 - (b) the information is disclosed for the purpose of the exercise by the enforcement authority of any powers conferred on it under any of those sections in relation to that offence.
- (2) The persons are—
- (a) the Crown Prosecution Service,
 - (b) a member of a police force in England or Wales,
 - (c) a Procurator Fiscal,

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- (d) a constable of a police force in Scotland,
 - (e) the Public Prosecution Service for Northern Ireland, or
 - (f) a member of the Police Service of Northern Ireland.
- (3) It is immaterial for the purposes of sub-paragraph (1) whether the information was obtained before or after the coming into force of this paragraph.
- (4) A disclosure under this paragraph is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (5) Nothing in this paragraph authorises the making of a disclosure in contravention of—
- (a) the Data Protection Act 1998 (c. 29), or
 - (b) Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).
- (5) This paragraph does not affect a power to disclose which exists apart from this paragraph.

Commencement Information

180 Sch. 7 para. 13 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

SCHEDULE 8

Section 112(1)

LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

The Coast Protection Act 1949

- 1 (1) The Coast Protection Act 1949 (c. 74) is amended as follows.
- (2) Omit Part 2 (provisions for safety of navigation).
- (3) In section 49(1) (interpretation), in the definitions of “sea” and “seashore”, for “subsections (2) and (2A)” substitute “ subsection (2) ”.

Commencement Information

181 Sch. 8 para. 1 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

The Food and Environment Protection Act 1985

- 2 (1) The Food and Environment Protection Act 1985 (c. 48) is amended as follows.
- (2) In section 5 (requirement for licences)—
- (a) in paragraph (a), for “United Kingdom waters or United Kingdom controlled waters” substitute “ the Scottish inshore region ”;

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- (b) omit paragraph (b);
 - (c) in paragraph (e)(i), for “United Kingdom waters or United Kingdom controlled waters” substitute “ the Scottish inshore region ”;
 - (d) omit paragraph (e)(ii) and the preceding “or”;
 - (e) in paragraph (f), for “the United Kingdom or United Kingdom waters” substitute “ Scotland or the Scottish inshore region ”;
 - (f) in paragraph (g), for “the United Kingdom” substitute “ Scotland ”;
 - (g) in paragraph (h), for “the United Kingdom or United Kingdom waters” substitute “ Scotland or the Scottish inshore region ”.
- (3) In section 6(1) (requirements for licences for incineration at sea etc)—
- (a) in paragraph (a)(i), for “United Kingdom waters or United Kingdom controlled waters” substitute “ the Scottish inshore region ”;
 - (b) omit paragraph (a)(ii) and the preceding “or”;
 - (c) in paragraph (b), for “the United Kingdom or United Kingdom waters” substitute “ Scotland or the Scottish inshore region ”.
- (4) In section 7A (exclusion of Part 2 for certain purposes)—
- (a) in subsection (4), for paragraphs (a) and (b) substitute “ the Scottish inshore region. ”;
 - (b) omit subsection (5).
- (5) In section 8 (licences)—
- (a) in subsection (4)(b), for “United Kingdom waters” substitute “ the Scottish inshore region ”;
 - (b) in subsection (6), omit “evidence, and in Scotland”.
- (6) In section 9 (licensing offences)—
- (a) in subsection (1) (which is expressed to be subject to subsections (3) to (7)) for “to (7)” substitute “, (4) ”;
 - (b) omit subsections (5) to (7).
- (7) In section 11 (enforcement powers)—
- (a) in subsection (2)—
 - (i) in paragraph (a), for “the United Kingdom” substitute “ Scotland ”;
 - (ii) for paragraphs (b) and (c) substitute—
 - “(b) vessels, aircraft, hovercraft and marine structures in Scotland or within the Scottish inshore region,”;
 - (b) in subsection (3), for paragraphs (a) and (b) substitute “ any vessel within the Scottish inshore region ”.
- (8) In section 21 (offences) omit subsection (8).
- (9) In section 24(1) (interpretation)—
- (a) omit the definition of “adjacent to Scotland”;
 - (b) omit the definition of “Gas Importation and Storage Zone”;
 - (c) in the definition of “licensing authority”—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b)(i), for “United Kingdom waters, or United Kingdom controlled waters, adjacent to Scotland” substitute “ waters within the Scottish inshore region ”;

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (iii) in paragraph (b)(ii) and (iii), for “United Kingdom waters, or United Kingdom controlled waters, adjacent to Scotland” in each place where it appears substitute “ the Scottish inshore region ”;
- (iv) in paragraph (b)(iii), omit “and the functions of that authority under this sub-paragraph shall be treated as exercisable in or as regards Scotland and may be exercised separately”;
- (d) after the definition of “plants” insert—
 - ““Scottish inshore region” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 322 of that Act);”;
- (e) omit the definitions of “United Kingdom waters” and “United Kingdom controlled waters”.

Commencement Information

I82 Sch. 8 para. 2 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

The Government of Wales Act 2006

- 3 (1) In Schedule 3 to the Government of Wales Act 2006 (c. 32) (transfer etc of functions: further provisions) paragraph 4 (power to direct that certain functions exercisable by a Minister of the Crown are exercisable in relation to Welsh controlled waters only after consultation with the Welsh Ministers) is amended as follows.
- (2) In sub-paragraph (1) (which extends the power conferred by section 58(1)(c) of that Act and specifies the enactments to which it applies)—
- (a) omit paragraph (a) (Part 2 of the Food and Environment Protection Act 1985 (c. 48)), and
 - (b) after paragraph (b) insert—
 - “(c) the provisions of Parts 4 and 8 of the Marine and Coastal Access Act 2009 (marine licensing and enforcement) specified in sub-paragraph (1A), or
 - (d) regulations under section 73 of that Act (appeals).”.
- (3) After sub-paragraph (1) insert—
- “(1A) The provisions of the Marine and Coastal Access Act 2009 mentioned in sub-paragraph (1)(c) are—
- (a) sections 67(1) to (5), 69(1), (3) and (4), 71(1) to (3) and 72(1) to (3) (marine licences), so far as relating to items 1 to 6 and 11 to 13 in section 66(1) of that Act (licensable marine activities);
 - (b) section 101 (registers);
 - (c) sections 106 and 91(7)(c) (power to take remedial action, and power to require payment of sum representing reasonable expenses of taking such action);
 - (d) section 107 (power to test, and charge for testing, certain substances);
 - (e) sections 235(3) and 240(1)(c) (enforcement officers).”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

183 Sch. 8 para. 3 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

The Planning Act 2008

- 4 (1) The Planning Act 2008 (c. 29) is amended as follows.
- (2) After section 149 insert—

“149A Deemed consent under a marine licence

- (1) An order granting development consent may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009 (marine licensing) for any activity only if the activity is to be carried out wholly in one or more of the areas specified in subsection (2).
- (2) The areas are—
- (a) England,
 - (b) waters adjacent to England up to the seaward limits of the territorial sea,
 - (c) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions,
 - (d) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions,
 - (e) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.
- (3) Subsections (4) and (5) apply if an order granting development consent includes provision—
- (a) deeming a marine licence to have been granted under Part 4 of the Marine and Coastal Access Act 2009 subject to specified conditions, and
 - (b) deeming those conditions to have been attached to the marine licence by the Secretary of State under that Part.
- (4) A person who fails to comply with such a condition does not commit an offence under section 161 of this Act.
- (5) Sections 68 (notice of applications) and 69(3) and (5) (representations) of the Marine and Coastal Access Act 2009 do not apply in relation to the deemed marine licence.”.
- (3) In section 161 (breach of terms of order granting development consent), in subsection (2), for “sections 148(4) and 149(4)” substitute “section 149A(4)”.
- (4) In Schedule 4, in paragraph 1(11) (power to correct certain errors or omissions in development consent decisions) for the words from “any of paragraphs” to the end of the sub-paragraph substitute “paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009).”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (5) In Schedule 5 (provision relating to, or to matters ancillary to, development) after paragraph 30 insert—
- “30A Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State for activities specified in the order and subject to such conditions as may be specified in the order.
- 30B Deeming any such conditions to have been attached to the marine licence by the Secretary of State under that Part.”.
- (6) In Schedule 6 (changes to, and revocation of, orders granting development consent) in—
- (a) paragraph 2(13) (power to make non-material changes to development consent order not to apply in relation to deemed consents and licences), and
- (b) paragraph 5(6) (power to change or revoke development consent order not to apply in relation to deemed consents and licences),
- for the words from “any of paragraphs” to the end of the sub-paragraph substitute “ paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009). ”.
- (7) The following provisions cease to have effect—
- (a) section 148 (deemed consent under section 34 of the Coast Protection Act 1949 (c. 74)),
- (b) section 149 (deemed consent under Part 2 of the Food and Environment Protection Act 1985 (c. 48)),
- (c) in Schedule 5, paragraphs 27 to 30 (which relate to deemed consents).

Commencement Information

I84 [Sch. 8 para. 4](#) partly in force; [Sch. 8 para. 4](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#)

I85 [Sch. 8 para. 4](#) in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

PART 2

OTHER AMENDMENTS

The Food and Environment Protection Act 1985 Electronic communications apparatus: operations in tidal waters etc

- 5 In the Food and Environment Protection Act 1985 after section 8 (licences) insert—

“8A Electronic communications apparatus: operations in tidal waters etc

- (1) The Scottish Ministers must not issue a licence to carry out any operation which amounts to, or involves the exercise of, a right conferred by paragraph 11 of the electronic communications code set out in Schedule 2 to the Telecommunications Act 1984 unless they are satisfied that adequate compensation arrangements have been made.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (2) For the purposes of subsection (1) “adequate compensation arrangements” are adequate arrangements for compensating any persons—
- (a) who appear to the Scottish Ministers to be owners of interests in the tidal water or lands on, under or over which the right is to be exercised,
 - (b) for any loss or damage sustained by those persons in consequence of the operation being carried out.”.

Commencement Information

186 Sch. 8 para. 5 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

Electronic communications: emergency works

- 6 (1) Section 9 of the Food and Environment Protection Act 1985 (offences relating to the licensing system) is amended as follows.
- (2) In subsection (1) (which is expressed to be subject to certain later subsections) in the words preceding paragraph (a), before “below” insert “ and (8) ”.
- (3) After subsection (7) insert—
- “(8) It shall be a defence for a person charged with an offence under subsection (1) in relation to any operation to prove that—
- (a) for the purposes of paragraph 23 of the electronic communications code (undertaker’s works), the person is the operator or a relevant undertaker, and
 - (b) the activity was carried out for the purpose of executing emergency works, within the meaning of that code.

In this subsection “the electronic communications code” means the code set out in Schedule 2 to the Telecommunications Act 1984.”.

Commencement Information

187 Sch. 8 para. 6 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

The Petroleum Act 1998 Application of Part 3 in relation to submarine pipelines

- 7 (1) Section 24 of the Petroleum Act 1998 (c. 17) (application of Part 3) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) If a pipeline—
- (a) is specified in an order made by the Secretary of State under this subsection, or
 - (b) is of a description so specified,
- the pipeline shall be disregarded for the purposes of this Part of this Act (other than this subsection) or shall be so disregarded while any specified condition is satisfied.”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(3) After subsection (3) insert—

“(3A) The Secretary of State may by order provide that specified provisions of this Part of this Act shall apply, subject to such modifications (if any) as are specified, in relation to a controlled pipeline—

- (a) which is specified or of a specified description, and
- (b) which meets the conditions in subsection (3B).

(3B) The conditions are—

- (a) that the pipeline is used in connection with exploration for, or exploitation of, petroleum, or the importation of petroleum into the United Kingdom;
- (b) that, by virtue of the date when construction of the pipeline was begun, section 14(1)(b) would not apply in relation to use of the pipeline but for an order under this subsection.”.

(4) In subsection (5) (negative resolution procedure) after “an order under subsection (2)” insert “, (2A) or (3A)”.

(5) Any authorisation issued under section 14(1)(b) of the Petroleum Act 1998 (use of certain pipelines) continues to have effect notwithstanding the provisions of any order under section 24(2A) of that Act.

(6) Where an order under subsection (3A) of section 24 of the Petroleum Act 1998 (c. 17) comes into force in relation to a pipeline, the Secretary of State must grant an authorisation under section 14(1)(b) of that Act in respect of the conveyance, on and after the day on which the order comes into force, of any substances for which the pipeline was normally used before the coming into force of the order.

(7) Sub-paragraph (6) is without prejudice to the provision that may be included in the authorisation with respect to information to be provided by the owner of the pipeline.

Commencement Information

I88 Sch. 8 para. 7 partly in force; Sch. 8 para. 7 in force for specified purposes at Royal Assent see s. 324(1)(c)

I89 Sch. 8 para. 7 in force at 1.4.2010 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 10

Exception of certain pipelines from being “submarine pipelines” for the purposes of Part 4

8 (1) Section 45 of the Petroleum Act 1998 (interpretation of Part 4) is amended as follows.

(2) In the definition of “submarine pipeline”, after the paragraphs, insert—

“but does not include any such pipeline which, by virtue of an order under subsection (2A) of section 24, is to be disregarded for the purposes of Part 3 of this Act (other than that subsection).”.

Commencement Information

I90 Sch. 8 para. 8 in force at 1.4.2010 by S.I. 2010/298, art. 2, Sch. para. 10

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULE 9

Section 112(2)

LICENSING: TRANSITIONAL PROVISION RELATING TO PART 4

PART 1

INTERPRETATION

- 1 In this Schedule—
- “the commencement date” means the date on which section 65 comes into force;
 - “the CPA” means the Coast Protection Act 1949 (c. 74);
 - “FEPA” means the Food and Environment Protection Act 1985 (c. 48).

Commencement Information

191 Sch. 9 para. 1 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

PART 2

COAST PROTECTION ACT 1949

Consents previously given and outstanding applications

- 2 (1) Any consent given under subsection (1) of section 34 of the CPA which—
- (a) is in effect immediately before the commencement date, and
 - (b) relates to an operation which—
 - (i) falls within that subsection, and
 - (ii) is a licensable marine activity,
- has effect on and after that date as if it were a marine licence granted by the appropriate licensing authority in relation to that activity (a “deemed licence”).
- (2) In accordance with sub-paragraph (1)—
- (a) a consent given for a specified period remains in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the commencement date;
 - (b) any condition subject to which a consent under subsection (1) of section 34 of the CPA has been given has effect as if it were a condition attached to the deemed licence;
 - (c) any provision made under subsection (4) of that section in respect of a consent has effect as if it were provision made under section 71(4)(a) of this Act in respect of the deemed licence;
 - (d) any condition having effect under section 34(4A)(b) of the CPA has effect as if it were such a condition as is mentioned in section 71(5) of this Act.
- (3) Any reference in sub-paragraph (1) or (2) to a consent given under section 34(1) of the CPA, or to a condition subject to which such a consent is given, includes a reference to a consent deemed to have been given, or a condition deemed to have been

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Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

imposed, by virtue of provision included in an order granting development consent (see paragraphs 27 and 28 of Schedule 5 to the Planning Act 2008 (c. 29)).

- (4) Any application for consent under subsection (1) of section 34 of the CPA which—
- (a) is made before the commencement date, and
 - (b) relates to an operation which—
 - (i) falls within that subsection, and
 - (ii) is a licensable marine activity,
- has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.

Modifications etc. (not altering text)

- C1** Sch. 9 para. 2(1)-(3) excluded (6.4.2011) by [The Marine and Coastal Access Act 2009 \(Commencement No.5, Consequential and Transitional Provisions\) Order 2011 \(S.I. 2011/556\)](#), arts. 1(3), 4

Commencement Information

- I92** Sch. 9 para. 2 in force at 6.4.2011 by [S.I. 2011/556](#), art. 3(2)(a) (with art. 4)

Safety requirements

- 3 The repeal of section 36A of the CPA does not affect the operation of that provision in relation to anything occurring before the date on which that repeal takes effect.

Commencement Information

- I93** Sch. 9 para. 3 in force at 6.4.2011 by [S.I. 2011/556](#), art. 3(2)(a) (with art. 4)

PART 3

FOOD AND ENVIRONMENT PROTECTION ACT 1985

Licences previously issued and outstanding applications

- 4 (1) Any licence having effect under Part 2 of FEPA (a “FEPA licence”) which—
- (a) is in effect immediately before the commencement date, and
 - (b) relates to the doing of anything which—
 - (i) falls within section 5 or 6 of that Act, and
 - (ii) is an activity which, on or after that date, must not be carried on except in accordance with a marine licence granted by the appropriate licensing authority,
- has effect on and after that date as if it were a marine licence granted by the appropriate licensing authority in relation to that activity (a “deemed licence”).
- (2) In accordance with sub-paragraph (1)—
- (a) a licence issued for a specified period remains in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the commencement date;

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- (b) any provision included in a FEPA licence by virtue of section 8(3) or (4) of that Act has effect as if it were a condition attached to the deemed licence.
- (3) Any reference in sub-paragraph (1) or (2) to a FEPA licence, or to a provision included in such a licence, includes a reference to a licence deemed to have been issued, or a provision deemed to have been included, by virtue of provision included in an order granting development consent (see paragraphs 29 and 30 of Schedule 5 to the Planning Act 2008 (c. 29)).
- (4) Any application for a FEPA licence which—
 - (a) was made before the commencement date, and
 - (b) relates to an activity which—
 - (i) falls within section 5 or 6 of FEPA, and
 - (ii) on or after that date, must not be carried on except in accordance with a marine licence granted by the appropriate licensing authority, has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.
- (5) An applicant who has paid a fee under section 8(7) or (8) of FEPA must not be charged a fee under section 67(1)(b) of this Act in respect of the deemed licence.

Commencement Information

I94 Sch. 9 para. 4 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

- 5 (1) Despite the amendments made by paragraph 2 of Schedule 8, paragraphs 5 to 17 of Schedule 3 to FEPA continue to apply in any case where a person—
 - (a) makes written representations (in accordance with paragraph 5 of that Schedule) before the commencement date, or
 - (b) within the period of 28 days ending with that date, is issued with a FEPA licence or receives notice under paragraph 1, 3 or 4 of that Schedule.
- (2) Sub-paragraph (1) has effect in place of any provision made under section 73 of this Act for appeals against any decision of an appropriate licensing authority on an application for a licence.

Commencement Information

I95 Sch. 9 para. 5 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Remedial action

- 6 The amendments made by paragraph 2 of Schedule 8 do not affect the operation of section 10 of FEPA in relation to anything carried out otherwise than under and in accordance with a FEPA licence before the commencement date.

Commencement Information

I96 Sch. 9 para. 6 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Status: Point in time view as at 22/04/2011.

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Register

- 7 (1) This paragraph applies in any case where—
- (a) immediately before the commencement date, an authority was required to maintain under section 14 of FEPA a register (the “FEPA register”) containing information of any particular description in respect of any particular area,
 - (b) on that date the authority ceased to be required to maintain a register under that section containing information of that description in respect of that area, and
 - (c) as from that date the authority is required to maintain a register under section 101 of this Act (the “new register”) containing information in respect of that area.
- (2) In any such case, the authority must include in the new register any information falling within sub-paragraph (1)(a) that was contained (or was required to have been contained) in the FEPA register immediately before the commencement date.
- (3) For the purpose of giving effect to this paragraph—
- (a) references in section 101 to marine licences are to be read as including references to FEPA licences, and
 - (b) references in that section to this Part of this Act or to any provision of this Part are to be read as including references to Part 2 of FEPA or to the corresponding provision of that Part.

Commencement Information

I97 Sch. 9 para. 7 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Channel Islands and British overseas territories

- 8 (1) In this paragraph “relevant territory” means any of the following—
- (a) any of the Channel Islands;
 - (b) any British overseas territory.
- (2) An Order in Council under section 26 of FEPA which is in force immediately before the commencement date remains in force, and may be revoked, amended or re-enacted, as if that section had not been repealed.
- (3) If it appears to Her Majesty—
- (a) that provision with respect to the licensing of marine activities has been made in the law of any relevant territory, and
 - (b) that that provision was made otherwise than by virtue of an Order in Council under section 323 extending provisions of this Act,
- Her Majesty may by Order in Council repeal any provisions of Part 2 or 4 of FEPA as they have effect as part of the law of that territory.

Commencement Information

I98 Sch. 9 para. 8 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

PART 4

MISCELLANEOUS

Dredging

- 9 (1) During the relevant transitional period, section 65 does not apply in respect of the carrying on by a person of a dredging operation—
- (a) which falls within item 9 in section 66(1) of this Act, but
 - (b) which meets the conditions in sub-paragraph (2).
- (2) The conditions are that the dredging operation—
- (a) does not fall within section 34 of the CPA,
 - (b) is not an activity for which a licence is required under Part 2 of FEPA, and
 - (c) is not excluded from this paragraph by virtue of an order under section 320.
- (3) The references in sub-paragraph (2) to section 34 of the CPA and Part 2 of FEPA are references to those provisions as they would apply but for this Act.
- (4) The “relevant transitional period”, in the case of any person and any dredging operation,—
- (a) is the period of one year beginning with the commencement date, but
 - (b) if a marine licence which authorises the carrying on of the dredging operation by the person comes into force (or has come into force) at any time before the end of that period, the transitional period ends with the coming into force of that licence.

Commencement Information

I99 Sch. 9 para. 9 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Water Resources Act 1991

- 10 The amendment made by section 82 of this Act applies to any application for consent under section 109 of the Water Resources Act 1991 (c. 57) which is submitted, but not determined or withdrawn, before the date on which that section comes into force (as well as to any application submitted after that date).

Commencement Information

I100 Sch. 9 para. 10 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Electronic Communications Code: England and Wales

- 11 (1) In this paragraph—
- (a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12);
 - (b) “communications approval” means an approval under paragraph 11 of the Code;

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (c) “transitional date” means the date on which the repeals made in paragraph 11 of the Code by this Act take effect in relation to England and Wales.
- (2) Subsections (3) to (5) apply to any communications approval (a “qualifying approval”)—
- (a) which is in effect immediately before the transitional date, and
 - (b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date is a licensable marine activity.
- (3) A qualifying approval has effect on and after the transitional date as if it were a marine licence granted by the appropriate licensing authority in relation to the licensable marine activity (a “deemed marine licence”).
- (4) If the qualifying approval was given for a specified period, the deemed marine licence is to remain in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the transitional date.
- (5) If, by virtue of paragraph 11(5) of the Code, the qualifying approval was given subject to a condition, the deemed marine licence has effect as if the condition were a condition attached to the deemed marine licence.
- (6) Any application for a communications approval—
- (a) which was submitted before the transitional date, and
 - (b) which relates to an activity which, on or after that date, is a licensable marine activity,
- has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.

Commencement Information

I101 Sch. 9 para. 11 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Electronic Communications Code: Scotland

- 12 (1) In this paragraph—
- (a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12);
 - (b) “communications approval” means an approval under paragraph 11 of the Code;
 - (c) “Scottish transitional date” means the date on which the repeals made in paragraph 11 of the Code by this Act take effect in relation to Scotland.
- (2) Sub-paragraphs (3) to (5) apply to any communications approval (a “qualifying Scottish approval”)—
- (a) which is in effect immediately before the Scottish transitional date, and
 - (b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date needs a licence under section 5 or 6 of FEPA.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (3) A qualifying Scottish approval has effect on and after the Scottish transitional date as if it were a licence granted under section 5 or 6 (as the case may be) of FEPA by the licensing authority in relation to the activity (a “deemed FEPA licence”).
- (4) If the qualifying Scottish approval was given for a specified period, the deemed FEPA licence is to remain in force (subject to the provisions of FEPA) for so much of that period as falls after the Scottish transitional date.
- (5) If, by virtue of paragraph 11(5) of the Code, the qualifying Scottish approval was given subject to a condition, the deemed FEPA licence has effect as if the condition were a condition attached to the deemed FEPA licence.
- (6) Any application for a communications approval—
 - (a) which was submitted before the transitional date, and
 - (b) which relates to an activity which, on or after that date, needs a licence under section 5 or 6 of FEPA,has effect on and after that date as if it were an application for a licence under the section in question made to the licensing authority in relation to that activity.

Commencement Information

I102 Sch. 9 para. 12 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Direction under section 58(1)(c) of the Government of Wales Act 2006

- 13
- (1) To the extent that they relate to the abandonment of an offshore installation, any functions exercisable under the provisions of this Part of this Act specified in subparagraph (2) are exercisable in relation to Welsh controlled waters by a Minister of the Crown only after consultation with the Welsh Ministers.
 - (2) The provisions are—
 - (a) sections 67(1) to (5), 69(1), (3) and (4), 71(1) to (3) and 72(1) to (3) (marine licences), so far as relating to items 1 to 6 and 11 to 13 in section 66(1) (licensable marine activities);
 - (b) section 106 (power to take remedial action).
 - (3) In this paragraph—

“offshore installation” has the meaning given by section 44 of the Petroleum Act 1998 (c. 17);

“Welsh controlled waters” has the same meaning as in paragraph 4 of Schedule 3 to the Government of Wales Act 2006 (c. 32).
 - (4) The provision made by the preceding provisions of this paragraph has effect as if it were a direction made by Order in Council under section 58(1)(c) of the Government of Wales Act 2006 made by virtue of paragraph 4(1)(c) of Schedule 3 to that Act and may accordingly be amended, modified or repealed by any such Order in Council.

Commencement Information

I103 Sch. 9 para. 13 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULE 10

Section 144

FURTHER PROVISION ABOUT FIXED MONETARY PENALTIES UNDER SECTION 142

Fixed monetary penalties: other sanctions

- 1 (1) Provision under section 142 must secure that, in a case where a notice of intent referred to in section 143(2)(a) is served on a person—
- (a) no criminal proceedings for the offence to which the notice relates may be instituted against the person in respect of the act or omission to which the notice relates before the end of the period in which the person may discharge liability to the fixed monetary penalty pursuant to section 143(2)(b), and
 - (b) if the person so discharges liability, the person may not at any time be convicted of the offence to which the notice relates in relation to that act or omission.
- (2) Provision under section 142 must also secure that, in a case where a fixed monetary penalty is imposed on a person, that person may not at any time be convicted of the offence in relation to which the penalty is imposed in respect of the act or omission giving rise to the penalty.

Commencement Information

I104 [Sch. 10 para. 1](#) partly in force; [Sch. 10 para. 1](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [Sch. 10 para. 1](#) in force for further specified purposes at 12.1.2010 see [s. 324\(2\)\(b\)\(i\)](#)

Monetary penalties

- 2 (1) An order under section 142 which confers power on an enforcement authority to require a person to pay a fixed monetary penalty may include provision—
- (a) for early payment discounts;
 - (b) for the payment of interest or other financial penalties for late payment of the penalty, such interest or other financial penalties not in total to exceed the amount of that penalty;
 - (c) for enforcement of the penalty.
- (2) Provision under sub-paragraph (1)(c) may include—
- (a) provision for the enforcement authority to recover the penalty, and any interest or other financial penalty for late payment, as a civil debt;
 - (b) provision for the penalty, and any interest or other financial penalty for late payment, to be recoverable, on the order of a court, as if payable under a court order.

Commencement Information

I105 [Sch. 10 para. 2](#) partly in force; [Sch. 10 para. 2](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [Sch. 10 para. 2](#) in force for further specified purposes at 12.1.2010 see [s. 324\(2\)\(b\)\(i\)](#)

Status: Point in time view as at 22/04/2011.

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Appeals

- 3 (1) An order under section 142 may not provide for the making of an appeal other than to—
- (a) the First-tier Tribunal, or
 - (b) another tribunal created under an enactment.
- (2) In sub-paragraph (1)(b) “tribunal” does not include an ordinary court of law.
- (3) An order under section 142 which makes provision for an appeal in relation to the imposition of any requirement or service of any notice may include—
- (a) provision suspending the requirement or notice pending determination of the appeal;
 - (b) provision as to the powers of the tribunal to which the appeal is made;
 - (c) provision as to how any sum payable in pursuance of a decision of that person is to be recoverable.
- (4) The provision referred to in sub-paragraph (3)(b) includes provision conferring on the tribunal to which the appeal is made power—
- (a) to withdraw the requirement or notice;
 - (b) to confirm the requirement or notice;
 - (c) to take such steps as the enforcement authority could take in relation to the act or omission giving rise to the requirement or notice;
 - (d) to remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the enforcement authority;
 - (e) to award costs.

Commencement Information

I106 Sch. 10 para. 3 partly in force; Sch. 10 para. 3 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 10 para. 3 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Consultation

- 4 (1) Before making an order under section 142, the appropriate authority must consult the following—
- (a) the enforcement authority to which the order relates,
 - (b) such organisations as appear to the appropriate authority to be representative of persons substantially affected by the proposals, and
 - (c) such other persons as the appropriate authority considers appropriate.
- (2) If, as a result of any consultation required by sub-paragraph (1), it appears to the authority that it is appropriate substantially to change the whole or any part of the proposals, the authority must undertake such further consultation with respect to the changes as it considers appropriate.
- (3) If, before the day on which this Schedule comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this paragraph, those requirements may to that extent be taken to have been satisfied.

Status: Point in time view as at 22/04/2011.

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Commencement Information

I107 Sch. 10 para. 4 partly in force; Sch. 10 para. 4 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Guidance as to use of fixed monetary penalties

- 5 (1) Where power is conferred on an enforcement authority under section 142 to impose a fixed monetary penalty in relation to an offence, the provision conferring the power must secure the results in sub-paragraph (2).
- (2) Those results are that—
- (a) the enforcement authority must publish guidance about its use of the penalty,
 - (b) the guidance must contain the relevant information,
 - (c) the enforcement authority must revise the guidance where appropriate,
 - (d) the enforcement authority must consult such persons as the provision may specify before publishing any guidance or revised guidance, and
 - (e) the enforcement authority must have regard to the guidance or revised guidance in exercising its functions.
- (3) The relevant information referred to in sub-paragraph (2)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
 - (b) the circumstances in which it may not be imposed,
 - (c) the amount of the penalty,
 - (d) how liability for the penalty may be discharged and the effect of discharge, and
 - (e) rights to make representations and objections and rights of appeal.

Commencement Information

I108 Sch. 10 para. 5 partly in force; Sch. 10 para. 5 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 10 para. 5 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Guidance as to enforcement of offences

- 6 (1) Where power is conferred on an enforcement authority under section 142 to impose a fixed monetary penalty in relation to an offence, the enforcement authority must prepare and publish guidance about how the offence is enforced.
- (2) The guidance must include guidance as to—
- (a) the sanctions (including criminal sanctions) to which a person who commits the offence may be liable,
 - (b) the action which the enforcement authority may take to enforce the offence, whether by virtue of section 142 or otherwise, and
 - (c) the circumstances in which the enforcement authority is likely to take any such action.
- (3) The enforcement authority may from time to time revise guidance published by it under this paragraph and publish the revised guidance.

Status: Point in time view as at 22/04/2011.

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- (4) The enforcement authority must consult such persons as it considers appropriate before publishing any guidance or revised guidance under this paragraph.

Commencement Information

I109 Sch. 10 para. 6 partly in force; Sch. 10 para. 6 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Publication of enforcement action

- 7 (1) Where power is conferred on an enforcement authority under section 142 to impose a fixed monetary penalty in relation to an offence, the provision conferring the power must, subject to this paragraph, secure the result in sub-paragraph (2).
- (2) That result is that the enforcement authority must from time to time publish reports specifying—
- (a) the cases in which a fixed monetary penalty has been imposed, and
 - (b) the cases in which liability to the penalty has been discharged pursuant to section 143(2)(b).
- (3) In sub-paragraph (2)(a), the reference to cases in which a fixed monetary penalty has been imposed does not include cases where a penalty has been imposed but overturned on appeal.
- (4) The provision conferring the power need not secure the result in sub-paragraph (2) in cases where the appropriate authority considers that it would be inappropriate to do so.

Commencement Information

I110 Sch. 10 para. 7 partly in force; Sch. 10 para. 7 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 10 para. 7 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Payment of penalties into Consolidated Fund etc

- 8 (1) Where pursuant to any provision made under section 142 an enforcement authority receives—
- (a) a fixed monetary penalty, or
 - (b) any interest or other financial penalty for late payment of such a penalty,
- the authority must pay it into the relevant Fund.
- (2) In sub-paragraph (1) “the relevant Fund” means—
- (a) in a case where the authority has functions only in relation to Wales, the Welsh Consolidated Fund;
 - (b) in any other case, the Consolidated Fund.

Commencement Information

I111 Sch. 10 para. 8 partly in force; Sch. 10 para. 8 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Status: Point in time view as at 22/04/2011.

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Disclosure of information

- 9 (1) Information held by or on behalf of a person mentioned in sub-paragraph (2) may be disclosed to an enforcement authority on whom powers are conferred under section 142 where—
- (a) the person has an enforcement function in relation to an offence, and
 - (b) the information is disclosed for the purpose of the exercise by the enforcement authority of any powers conferred on it under that section in relation to that offence.
- (2) The persons are—
- (a) the Crown Prosecution Service,
 - (b) a member of a police force in England or Wales,
 - (c) a Procurator Fiscal,
 - (d) a constable of a police force in Scotland,
 - (e) the Public Prosecution Service for Northern Ireland, or
 - (f) a member of the Police Service of Northern Ireland.
- (3) It is immaterial for the purposes of sub-paragraph (1) whether the information was obtained before or after the coming into force of this paragraph.
- (4) A disclosure under this paragraph is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (5) Nothing in this paragraph authorises the making of a disclosure in contravention of—
- (a) the Data Protection Act 1998 (c. 29), or
 - (b) Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).
- (5) This paragraph does not affect a power to disclose which exists apart from this paragraph.

Commencement Information

I112 Sch. 10 para. 9 partly in force; Sch. 10 para. 9 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

SCHEDULE 11

Section 146

CONSEQUENTIAL AMENDMENTS RELATING TO MCZS

Conservation of Seals Act 1970 (c. 30)

- 1 In section 10 of the Conservation of Seals Act 1970 (power to grant licences) in subsection (4)(d) for “a marine nature reserve under section 36 of that Act” substitute “a marine conservation zone under section 116 of the Marine and Coastal Access Act 2009”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

I113 Sch. 11 para. 1 partly in force; Sch. 11 para. 1 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Wildlife and Countryside Act 1981 (c. 69)

- 2 (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) The following provisions are omitted—
- (a) sections 36 and 37;
 - (b) Schedule 12.
- (3) In consequence of sub-paragraph (2), in the italic cross-heading preceding section 34A, the words “marine nature reserves” are omitted.

Commencement Information

I114 Sch. 11 para. 2 partly in force; Sch. 11 para. 2 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Water Resources Act 1991 (c. 57)

- 3 In paragraph 5 of Schedule 25 to the Water Resources Act 1991 (powers of the Environment Agency to make byelaws for flood defence and drainage purposes) in sub-paragraph (4) for the words from “the operation of” to the end of that sub-paragraph substitute “the operation of—
- (a) any byelaw made by a navigation authority, harbour authority or conservancy authority;
 - (b) any byelaw made under section 129 or 132 of the Marine and Coastal Access Act 2009 (byelaws for protecting marine conservation zones in England);
 - (c) any order made under section 134 or 136 of that Act (orders for protecting marine conservation zones in Wales).”

Commencement Information

I115 Sch. 11 para. 3 partly in force; Sch. 11 para. 3 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Conservation (Natural Habitats, &c) Regulations 1994 (S.I. 1994/2716)

F³₄

Textual Amendments

F3 Sch. 11 para. 4 omitted (1.4.2010) by virtue of [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 6 para. 5(6)** (with reg. 125)

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

I116 Sch. 11 para. 4 partly in force; Sch. 11 para. 4 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

SCHEDULE 12

Section 146

TRANSITIONAL PROVISION RELATING TO MCZS

- 1 In this Schedule—
- “the 1981 Act” means the Wildlife and Countryside Act 1981 (c. 69);
- “the commencement date”, in relation to an area, means the date on which paragraph 2 of Schedule 11 comes into force in relation to that area.

Commencement Information

I117 Sch. 12 para. 1 partly in force; Sch. 12 para. 1 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

- 2 (1) Any area which, immediately before the commencement date, is designated by an order under section 36 of the 1981 Act as a marine nature reserve is to be treated, on and after that date, as if it were a marine conservation zone designated by an order under section 116.
- (2) The designation having effect by virtue of sub-paragraph (1) includes (in accordance with section 118(6)(b)) the area of land designated by the order under section 36, together with all of the water covering that land.

Commencement Information

I118 Sch. 12 para. 2 partly in force; Sch. 12 para. 2 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

- 3 Any byelaw which, immediately before the commencement date, is in force under section 37 of the 1981 Act for the protection of any area designated as a marine nature reserve has effect, on and after that date, as if it were—
- (a) in the case of an area in England, a byelaw made under section 129;
- (b) in the case of an area in Wales, an order made under section 134.

Commencement Information

I119 Sch. 12 para. 3 partly in force; Sch. 12 para. 3 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

- 4 Any provision of this Chapter which—
- (a) confers any function on the MMO, and
- (b) comes into force before the date on which section 1 of this Act comes into force,
- has effect until that date as if it conferred that function on the Secretary of State.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

I120 Sch. 12 para. 4 partly in force; Sch. 12 para. 4 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

SCHEDULE 13

Section 148

MARINE BOUNDARIES OF SSSIS AND NATIONAL NATURE RESERVES

PART 1

INTRODUCTORY

- 1 In this Schedule “the 1981 Act” means the Wildlife and Countryside Act 1981 (c. 69).

Commencement Information

I121 Sch. 13 para. 1 partly in force; Sch. 13 para. 1 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

PART 2

SITES OF SPECIAL SCIENTIFIC INTEREST

Marine boundaries of sites of special scientific interest

- 2 (1) Section 28 of the 1981 Act (sites of special scientific interest) is amended as follows.
- (2) In subsection (1)(a) after “the local planning authority” insert “ (if any) ”.
- (3) After subsection (1) insert—
- “(1A) The reference in subsection (1) to land includes—
- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.
- (1B) Where the area of land to which a notification under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
- (a) area B adjoins area A, and
- (b) any of the conditions in subsection (1C) is satisfied.
- (1C) The conditions are—
- (a) that the flora, fauna or features leading to the notification of area A is or are also present in area B;

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- (b) that the notification of area A is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
 - (c) that, without the inclusion of area B, the identification of the boundary of the land notified (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.”
- (4) In subsection (2) for “that fact” substitute “ the fact mentioned in subsection (1) ”.
- (5) In subsection (5) (confirmation of notification of SSSIs) after paragraph (b) insert—
- “In the case of a notification given in relation to land lying below mean low water mark by virtue of subsection (1B), this subsection is subject to section 28CB(4) and (6).”
- (6) After subsection (6) (when notification ceases to have effect) insert—
- “(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3).”
- (7) After subsection (9) insert—
- “(9A) For the purposes of this Part “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).”
- (8) No notification under subsection (1) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the notification relates includes land lying below mean low water mark.

Commencement Information

I122 Sch. 13 para. 2 partly in force; Sch. 13 para. 2 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

- 3 In section 28A of the 1981 Act (variation of notification under section 28), in subsection (3)(a) after “the local planning authority” insert “ (if any) ”.

Commencement Information

I123 Sch. 13 para. 3 partly in force; Sch. 13 para. 3 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

- 4 In section 52(1) of the 1981 Act (interpretation of Part 2), after the definition of “agricultural land” insert—
- ““estuarial waters” has the meaning given by section 28(9A);”.

Status: Point in time view as at 22/04/2011.

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Commencement Information

I124 Sch. 13 para. 4 partly in force; Sch. 13 para. 4 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

Notification of additional land that is subtidal

- 5 (1) Section 28B of the 1981 Act (notification of additional land) is amended as follows.
- (2) In subsection (2)(a) after “the local planning authority” insert “ (if any) ”.
- (3) After subsection (2) insert—
- “(2A) The reference in subsection (1) to land includes—
- (a) any land lying above mean low water mark;
 - (b) any land covered by estuarial waters.
- (2B) If any of the conditions in subsection (2C) is satisfied, the extra land may consist of or include an area of land not falling within subsection (2A)(a) or (b).
- (2C) The conditions are—
- (a) that the flora, fauna or features that led to the notification of the SSSI is or are also present in the area of the extra land not falling within subsection (2A)(a) or (b);
 - (b) that the notification of the SSSI is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, that area;
 - (c) that, without the inclusion of that area, the identification of the boundary of the SSSI (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.”
- (4) In subsection (3) for “such notification” substitute “ notification under subsection (2) ”.
- (5) In subsection (7) (application of section 28(5) to (7) in relation to notifications under section 28B)—
- (a) after “ “subsection (1)”” insert “ and “subsection (1B)” ”;
 - (b) for “of this section” (in the second place where it occurs) substitute “ and subsection (2B) of this section respectively ”.
- (6) No notification under subsection (2) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the notification relates consists of or includes land lying below mean low water mark.

Commencement Information

I125 Sch. 13 para. 5 partly in force; Sch. 13 para. 5 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

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Enlargement of SSSI to include subtidal land

- 6 (1) Section 28C of the 1981 Act (enlargement of SSSI) is amended as follows.
- (2) In subsection (2)(a) after “the local planning authority” insert “ (if any) ”.
- (3) After subsection (2) insert—
- “(2A) The reference in subsection (1) to land includes—
- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.
- (2B) If any of the conditions in subsection (2C) is satisfied, the area of land to which a notification under subsection (2) relates may include an area of land not falling within subsection (2A)(a) or (b).
- (2C) The conditions are—
- (a) that the flora, fauna or features that led to the notification of the SSSI is or are also present in the area of land not falling within subsection (2A)(a) or (b);
- (b) that the notification of the SSSI is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, that area;
- (c) that, without the inclusion of that area, the identification of the boundary of the SSSI (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.”
- (4) In subsection (3) (application of section 28(2) to (8) in relation to notifications under section 28C)—
- (a) for “and “subsection (1)(b)”” substitute “ “ , “subsection (1)(b)” and “subsection (1B)” ”;
- (b) for “and subsection (2)(b)” substitute “ , subsection (2)(b) and subsection (2B) ”.
- (5) No notification under subsection (2) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the notification relates includes land lying below mean low water mark.

Commencement Information

I126 Sch. 13 para. 6 partly in force; Sch. 13 para. 6 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

Guidance in relation to subtidal notifications of SSSIs

- 7 After section 28C of the 1981 Act insert—

“28CA Guidance in relation to subtidal notifications of SSSIs

- (1) The ministerial authority may issue guidance to Natural England about the exercise of the power conferred by section 28(1B), 28B(2B) or 28C(2B) to

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give a notification under section 28(1), 28B(2) or 28C(2) (as the case may be) in relation to land lying below mean low water mark.

- (2) In this section and section 28CB “the ministerial authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.”

Commencement Information

I127 Sch. 13 para. 7 partly in force; Sch. 13 para. 7 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

Power to call in subtidal notifications of SSSIs

8 After section 28CA of the 1981 Act (inserted by paragraph 7) insert—

“28CB Power to call in subtidal notifications

- (1) This section applies where a notification under section 28(1), 28B(2) or 28C(2) has been given in relation to land lying below mean low water mark (“the subtidal land”) by virtue of section 28(1B), 28B(2B) or 28C(2B) (as the case may be).
- (2) Natural England may not give notice under section 28(5)(b) confirming the notification unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.

(For the meaning of “the ministerial authority”, see section 28CA.)
- (3) At any time before the notification is confirmed the ministerial authority may give notice to Natural England that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.
- (4) If the ministerial authority gives notice under subsection (3), Natural England may not give notice under section 28(5) until the ministerial authority has given a direction under subsection (5).
- (5) The ministerial authority may direct—
 - (a) that the notification (if confirmed) must include all of the subtidal land;
 - (b) that the notification (if confirmed) must not include any of the subtidal land;
 - (c) that the notification (if confirmed) must, or must not, include such part of that land as is specified in the direction;
 - (d) that the decision whether the notification (if confirmed) should include the subtidal land is to be taken by Natural England.
- (6) If the ministerial authority gives a direction under subsection (5), Natural England must give notice under section 28(5)(a) or (b), in accordance with that direction, within the period of three months beginning with the date on which the direction is received by them.
- (7) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;
 - (b) providing written representations to such a person.
- (8) A person appointed under subsection (7) must make a report to the ministerial authority of any oral or written representations made under that subsection.
- (9) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (7).
- (10) The power to make regulations under subsection (9) is exercisable by statutory instrument.
- (11) A statutory instrument containing regulations made under subsection (9) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) A statutory instrument containing regulations made under subsection (9) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

I128 Sch. 13 para. 8 partly in force; Sch. 13 para. 8 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 13 para. 8 in force for further specified purposes on 12.1.2010 see s. 324(2)(b)(ii)

Denotification of SSSI on designation of area as MCZ

- 9 (1) Section 28D of the 1981 Act (denotification) is amended as follows.
- (2) In subsection (1) before “is not of special interest” insert “ (a) ” and after “mentioned in section 28(1),” insert “or
- “(b) should no longer be the subject of a notification under section 28(1) because that land has been designated as (or as part of) a marine conservation zone under section 116 of the Marine and Coastal Access Act 2009,”.
- (3) In subsection (2)(a)—
- (a) after “the local planning authority” insert “ (if any) ”;
 - (b) for “the land which Natural England no longer consider to be of special interest” substitute “ the land mentioned in subsection (1) ”.
- (4) In subsection (3) for “that fact” substitute “ the fact mentioned in subsection (1)(a) or (b) ”.

Commencement Information

I129 Sch. 13 para. 9 partly in force; Sch. 13 para. 9 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

Status: Point in time view as at 22/04/2011.

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PART 3

NATIONAL NATURE RESERVES

Marine boundaries of national nature reserves

- 10 (1) In section 35 of the 1981 Act (national nature reserves) after subsection (1) insert—
- “(1A) The land which may be declared to be a national nature reserve in England or Wales includes—
- (a) any land lying above mean low water mark;
 - (b) any land covered by estuarial waters.
- (1B) Where the area of land to which a declaration under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
- (a) area B adjoins area A, and
 - (b) any of the conditions in subsection (1C) is satisfied.
- (1C) The conditions are—
- (a) that the flora, fauna or features leading to the management of area A as a nature reserve is or are also present in area B;
 - (b) that the management of area A as a nature reserve is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
 - (c) that, without the inclusion of area B, the identification of the boundary of the land declared to be a national nature reserve (either in the declaration or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.
- (1D) The ministerial authority may issue guidance to the appropriate conservation body about the exercise of the power conferred by subsection (1B) to make a declaration in relation to land lying below mean low water mark.
- “The ministerial authority” has the meaning given by section 35A(12).”
- (2) No declaration under subsection (1) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the declaration relates includes land lying below mean low water mark.

Commencement Information

I130 Sch. 13 para. 10 partly in force; Sch. 13 para. 10 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)

Power to call in subtidal declarations of national nature reserves

- 11 After section 35 of the 1981 Act insert—

“35A Power to call in subtidal declarations

- (1) This section applies where—

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (a) the appropriate conservation body propose to declare land to be a national nature reserve under section 35(1), and
 - (b) the land to which the proposed declaration relates includes, by virtue of section 35(1B), land lying below mean low water mark (“the subtidal land”).
- (2) The appropriate conservation body may not declare the reserve unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.
 - (3) At any time before the reserve is declared the ministerial authority may give notice to the appropriate conservation body that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.
 - (4) If the ministerial authority gives notice under subsection (3), the appropriate conservation body may not declare the reserve until the ministerial authority has given a direction under subsection (5).
 - (5) The ministerial authority may direct—
 - (a) that the reserve (if declared) must include all of the subtidal land;
 - (b) that the reserve (if declared) must not include any of the subtidal land;
 - (c) that the reserve (if declared) must, or must not, include such part of that land as is specified in the direction;
 - (d) that the decision whether the reserve (if declared) should include the subtidal land is to be taken by the appropriate conservation body.
 - (6) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—
 - (a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;
 - (b) providing written representations to such a person.
 - (7) A person appointed under subsection (6) must make a report to the ministerial authority of any oral or written representations made under that subsection.
 - (8) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (6).
 - (9) The power to make regulations under subsection (8) is exercisable by statutory instrument.
 - (10) A statutory instrument containing regulations made under subsection (8) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (11) A statutory instrument containing regulations made under subsection (8) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (12) In this section “the ministerial authority” means—
 - (a) in relation to England, the Secretary of State;

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(b) in relation to Wales, the Welsh Ministers.”

Commencement Information

I131 Sch. 13 para. 11 partly in force; Sch. 13 para. 11 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 13 para. 11 in force for further specified purposes on 12.1.2010 see s. 324(2)(b)(ii)

SCHEDULE 14

Section 184

INSHORE FISHERIES AND CONSERVATION AUTHORITIES: AMENDMENTS

Coast Protection Act 1949 (c. 74)

1 The Coast Protection Act 1949 is amended as follows.

Commencement Information

I132 Sch. 14 para. 1 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

- 2 In section 2 (constitution of coast protection boards)—
- (a) in subsection (2)(b), after “fishery board,” insert “ inshore fisheries and conservation authority, ”;
 - (b) in subsection (8)(a), after “(other than the Tweed Commissioners)” insert “ , inshore fisheries and conservation authority ”.

Commencement Information

I133 Sch. 14 para. 2 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

3 In section 45 (service of notices and other documents), in subsection (1)(b), after “fishery board,” insert “ inshore fisheries and conservation authority, ”.

Commencement Information

I134 Sch. 14 para. 3 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

4 In section 49(1) (interpretation) after the definition of “functions” insert—

““inshore fisheries and conservation authority” means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;”.

Commencement Information

I135 Sch. 14 para. 4 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- 5 In Part 1 of the First Schedule (general provisions concerning procedure for making orders, etc), in paragraph 1(b), after “fishery board,” insert “ inshore fisheries and conservation authority,”.

Commencement Information

I136 Sch. 14 para. 5 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Nuclear Installations Act 1965 (c. 57)

- 6 In section 3 of the Nuclear Installations Act 1965 (grant and variation of nuclear site licences), in subsection (3), after paragraph (b) insert—
“(ba) any inshore fisheries and conservation authority;”.

Commencement Information

I137 Sch. 14 para. 6 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Sea Fish (Conservation) Act 1967 (c. 84)

- 7 In section 3 of the Sea Fish (Conservation) Act 1967 (regulation of nets and other fishing gear), in subsection (7), before “or in any regulation made” insert “ or in any byelaw made under section 155 of the Marine and Coastal Access Act 2009, ”.

Commencement Information

I138 Sch. 14 para. 7 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Prevention of Oil Pollution Act 1971 (c. 60)

- 8 In section 19 of the Prevention of Oil Pollution Act 1971 (prosecutions) after subsection (5) insert—
“(5A) If an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009, or any inshore fisheries and conservation officer appointed by the authority under section 165 of that Act, is authorised in that behalf under subsection (1) of this section, the authority may institute proceedings for any offence under this Act committed within the district.”

Commencement Information

I139 Sch. 14 para. 8 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Local Government Act 1974 (c. 7)

- 9 In section 31A of the Local Government Act 1974 (consideration of adverse reports), in subsection (3)—
(a) after paragraph (a) insert—

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- “(aa) an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009;”;
- (b) after “that committee” insert “, authority”.

Commencement Information

I140 Sch. 14 para. 9 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

Fisheries Act 1981 (c. 29)

- 10 In Part 1 of Schedule 4 to the Fisheries Act 1981 (exemptions for fish farming: offences to which section 33(1) applies), after paragraph 17A (inserted by the Inshore Fishing (Scotland) Act 1984 (c. 26)) insert—
- “17B Any offence under section 163 of the Marine and Coastal Access Act 2009 (contravention of byelaws made by inshore fisheries and conservation authorities).”

Commencement Information

I141 Sch. 14 para. 10 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Wildlife and Countryside Act 1981 (c. 69)

- 11 In section 27(1) of the Wildlife and Countryside Act 1981 (interpretation of Part 1)—
- (a) in paragraph (c) of the definition of “authorised person”, after “the Salmon Fisheries (Scotland) Act 1862” insert “ or an inshore fisheries and conservation authority ”;
- (b) after the definition of “inland waters” insert—
- ““inshore fisheries and conservation authority” means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;”.

Commencement Information

I142 Sch. 14 para. 11 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Local Government and Housing Act 1989 (c. 42)

- 12 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information

I143 Sch. 14 para. 12 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

- 13 (1) Section 5 (designation and reports of monitoring officer) is amended as follows.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(2) After subsection (3) insert—

“(3A) The references in subsection (2) above, in relation to a relevant authority in England, to a committee or sub-committee of the authority and to a joint committee on which they are represented shall be taken to include references to—

- (a) any inshore fisheries and conservation authority (“IFC authority”) the members of which include persons who are members of the relevant authority, and
- (b) any sub-committee appointed by such an authority;

but in relation to any such IFC authority or sub-committee the reference in subsection (3)(b) above to each member of the authority shall have effect as a reference to each member of the IFC authority or, as the case may be, of the IFC authority which appointed the sub-committee.”

(3) In subsection (5), after “a relevant authority” insert “and of any IFC authority falling within paragraph (a) of subsection (3A) above”.

(4) In subsection (8), after the definition of “chief finance officer” insert—

““inshore fisheries and conservation authority” means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;”.

Commencement Information

I144 Sch. 14 para. 13 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

14 In section 13 (voting rights of members of certain committees), in subsection (4), after paragraph (f) insert—

- “(fa) an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009;”.

Commencement Information

I145 Sch. 14 para. 14 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

15 In paragraph 2(1) of Schedule 1 (political balance on local authority committees etc) after paragraph (bb) insert—

- “(bc) an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009;”.

Commencement Information

I146 Sch. 14 para. 15 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

Radioactive Substances Act 1993 (c. 12)

16 The Radioactive Substances Act 1993 is amended as follows.

Status: Point in time view as at 22/04/2011.

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Commencement Information

I147 Sch. 14 para. 16 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

- 17 In section 47(1) (general interpretation provisions), in the definition of “relevant water body”, after “sewerage undertaker” insert “ or an inshore fisheries and conservation authority ”.

Commencement Information

I148 Sch. 14 para. 17 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

- 18 In Schedule 3 (enactments to which section 40 applies), after paragraph 10 insert—
“10A Section 155 of the Marine and Coastal Access Act 2009.”

Commencement Information

I149 Sch. 14 para. 18 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Freedom of Information Act 2000 (c. 36)

- 19 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (local government bodies which are public authorities), after paragraph 35A insert—
“35B An inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009.”

Commencement Information

I150 Sch. 14 para. 19 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(l)

Natural Environment and Rural Communities Act 2006 (c. 16)

- 20 In Schedule 7 to the Natural Environment and Rural Communities Act 2006 (designated bodies), after paragraph 1 insert—
“1A An inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009.”

Commencement Information

I151 Sch. 14 para. 20 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(k)

Status: Point in time view as at 22/04/2011.

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SCHEDULE 15

Section 201

SEA FISH (CONSERVATION) ACT 1967: MINOR AND CONSEQUENTIAL AMENDMENTS

Sea Fish (Conservation) Act 1967 (c. 84)

- 1 (1) Section 1 (size limits, etc for fish) is amended as follows.
 - (2) In subsection (4)—
 - (a) for “Different sizes” substitute “ Different requirements as to size ”;
 - (b) for “different sizes” substitute “ different requirements as to size ”.
 - (3) In subsection (5)—
 - (a) for “a size” substitute “ requirements as to size ”;
 - (b) for the words from “if the part” to the end substitute “ if the part does not meet the requirements as to size so prescribed. ”
 - (4) In subsection (8)—
 - (a) for “a relevant British fishing boat or a Scottish fishing boat” substitute “ a relevant British vessel, a Scottish fishing boat or a Northern Ireland fishing boat ”;
 - (b) for “foreign fishing boat” substitute “ foreign vessel ”.

Commencement Information

I152 Sch. 15 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 8

- 2 (1) Section 3 (regulation of nets and other fishing gear) is amended as follows.
 - (2) In subsection (3)(c), after “classes of fishing boats,” insert “ or particular persons or persons of a particular description, ”.
 - (3) In subsection (7), after “carrying” (in each place where it occurs) insert “ or use ”.

Commencement Information

I153 Sch. 15 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 8

- 3 (1) Section 5 (power to restrict fishing for sea fish) is amended as follows.
 - (2) In subsection (2), for the words after “different provision” substitute “ for different cases ”.
 - (3) In subsection (5), after “prohibition” insert “ or restriction ”.
 - (4) In subsection (6)—
 - (a) after “is made” insert “ by virtue of paragraph (a) of subsection (1) above ”;
 - (b) for “any fishing operations conducted” substitute “ fishing ”;
 - (c) for the words from “are taken” to “applies” substitute “ are caught by a person, or taken on board a fishing boat, in contravention of the prohibition ”.
 - (5) After subsection (6) insert—

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“(6A) A person who does not comply with subsection (6) above shall be guilty of an offence under that subsection.”

Commencement Information

I154 Sch. 15 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 8

- 4 In section 11 (penalties for offences), in subsection (3), for “subsection (5)” substitute “ subsection (4) ”.

Commencement Information

I155 Sch. 15 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 8

Fisheries Act 1981 (c. 29)

- 5 (1) Schedule 4 (exemptions for fish farming) is amended as follows.
- (2) In Part 1 (offences to which section 33(1) applies)—
- (a) in paragraph 12, for “smaller than prescribed size” substitute “ which do not meet prescribed size requirements ”;
 - (b) in paragraph 13, after “section 3(5)” insert “ or (5A) ”;
 - (c) in paragraph 16, after “prohibiting” insert “ or restricting ”.
- (3) In Part 2 (offences to which section 33(5) applies), in paragraph 33—
- (a) for “the Sea Fisheries (Conservation) Act 1967” substitute “ the Sea Fish (Conservation) Act 1967 ”;
 - (b) for “smaller than the prescribed size” substitute “ which do not meet prescribed size requirements ”.

Commencement Information

I156 Sch. 15 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 8

SCHEDULE 16

Section 233(1)

MIGRATORY AND FRESHWATER FISH: CONSEQUENTIAL AND SUPPLEMENTARY AMENDMENTS

Salmon and Freshwater Fisheries Act 1975 (c. 51)

- 1 The Salmon and Freshwater Fisheries Act 1975 has effect subject to the amendments in paragraphs 2 to 17.

Commencement Information

I157 Sch. 16 para. 1 in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 15(a)

I158 Sch. 16 para. 1 in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 13

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

2 Section 3 (nets) is omitted.

Commencement Information

I159 Sch. 16 para. 2 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

3 (1) Section 5 (prohibition of use of explosives etc) is amended as follows.

(2) In subsection (1), for “subsection (2)” substitute “ subsections (2) and (2A) ”.

(3) In subsection (2)(b), at the end insert “ , for which the Agency may charge a fee ”.

(4) After subsection (2) insert—

“(2A) Subsection (1) above shall not apply to anything done pursuant to an authorisation granted by the Agency under section 27A below.”

Commencement Information

I160 Sch. 16 para. 3(1) in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 15(b)

I161 Sch. 16 para. 3(1) in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 13

I162 Sch. 16 para. 3(2)(4) in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

I163 Sch. 16 para. 3(3) in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(b)

4 Sections 6 to 8 (fixed engines, fishing weirs and fishing mill dams) are omitted.

Commencement Information

I164 Sch. 16 para. 4 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

5 Section 16 (boxes and cribs in weirs and dams) is omitted.

Commencement Information

I165 Sch. 16 para. 5 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

6 Section 17 (restrictions on taking salmon or trout above or below an obstruction or in mill races) is omitted.

Commencement Information

I166 Sch. 16 para. 6 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

7 In section 18 (supplementary provisions), in subsection (4), for “, 15 or 17” substitute “ or 15 ”.

Commencement Information

I167 Sch. 16 para. 7 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

8 Sections 19 to 22 (close seasons etc) are omitted.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Commencement Information

I168 Sch. 16 para. 8 in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 15(c)

I169 Sch. 16 para. 8 in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 13

- 9 (1) Section 25 (licences to fish) is amended as follows.
- (2) In subsection (2), for “an instrument” substitute “ the means of fishing ”.
- (3) In subsection (3)—
- (a) for “an instrument” substitute “ any means of fishing ”;
 - (b) for “the instrument” substitute “ that means of fishing ”.

Commencement Information

I170 Sch. 16 para. 9 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

- 10 (1) Section 26 (limitation of fishing licences) is amended as follows.
- (2) In subsection (1), for “the Minister” substitute “ the appropriate national authority ”.
- (3) In subsection (2)—
- (a) for “the Minister” substitute “ the appropriate national authority ”;
 - (b) for “he” (in both places) substitute “ that authority ”;
 - (c) for “his” substitute “that authority's”;
 - (d) for “him” substitute “ that authority ”.
- (4) In subsection (3)—
- (a) for “The Minister” substitute “ The appropriate national authority ”;
 - (b) for “him” substitute “ that authority ”;
 - (c) for “he” substitute “ that authority ”.
- (5) In subsection (6)—
- (a) for “The Minister” substitute “ The appropriate national authority ”;
 - (b) for “him” substitute “ that authority ”;
 - (c) for “he” substitute “ that authority ”.
- (6) In subsection (7)—
- (a) for “the Minister”, in the first place, substitute “ the appropriate national authority ”;
 - (b) for “the Minister”, in the second place, substitute “ that authority ”.

Commencement Information

I171 Sch. 16 para. 10 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

- 11 (1) Section 27 (unlicensed fishing) is amended as follows.
- (2) The existing provision is renumbered as subsection (1).
- (3) In that subsection, after “of any description” insert “ by any licensable means of fishing ”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (4) In that subsection, for paragraphs (a) and (b) substitute—
- “(a) fishes for or takes fish of that description by that means and—
- “(i) is not entitled to use that means for that purpose by virtue of a fishing licence, or
- (ii) is acting in breach of any condition of such a licence, or”
- (b) where that licensable means of fishing is an instrument, has that instrument in his possession with intent to use it for that purpose and is not entitled to use it for that purpose by virtue of a fishing licence.”
- (5) After that subsection insert—
- “(2) Subsection (1) above does not apply to a person where—
- (a) he has permission under section 25(10) above to take fish of that description in that place by that means, and
- (b) he is not acting in breach of any condition of that permission.”

Commencement Information

I172 Sch. 16 para. 11 in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

- 12 In section 33 (orders and warrants to enter suspected premises), in subsection (2), for “or any salmon, trout, freshwater fish or eels to have been illegally taken” substitute “or an offence against this Act to have been committed in the taking of any fish”.

Commencement Information

I173 Sch. 16 para. 12 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(d)

- 13 In section 34 (power to apprehend persons fishing illegally), for the words from “illegally takes or kills” to “by this Act” substitute “takes or kills any fish where the taking or killing constitutes an offence under this Act, or is found on or near any waters with intent to take or kill any fish where the taking or killing would constitute an offence under this Act, or having an instrument prohibited by this Act in his possession for the capture of any fish, where the capture would constitute an offence under this Act”.

Commencement Information

I174 Sch. 16 para. 13 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(d)

- 14 (1) In section 41 (interpretation), subsection (1) is amended as follows.
- (2) In the definition of “fixed engine”, in paragraph (d), for “salmon or trout” substitute “fish”.
- (3) After the definition of “general licence” insert—
- ““historic installation” has the meaning given by section 25 above;”
- (4) After the definition of “inland water” insert—

Status: Point in time view as at 22/04/2011.

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““licensable means of fishing” has the meaning given by section 25 above;”.

Commencement Information

- I175** Sch. 16 para. 14(1) in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 15(e)
I176 Sch. 16 para. 14(1) in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 13
I177 Sch. 16 para. 14(2) in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(e)
I178 Sch. 16 para. 14(3)(4) in force at 1.1.2011 by S.I. 2010/298, art. 2, Sch. para. 13

15 Schedule 1 (close seasons and close times) is omitted.

Commencement Information

- I179** Sch. 16 para. 15 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(f)

- 16 (1) Schedule 2 (licences) is amended as follows.
- (2) In paragraph 1(2), for “in special cases” substitute “ in such cases as it considers appropriate ”.
 - (3) In paragraph 2, for the words from “different instruments” to “different descriptions of fish” substitute “ different descriptions of licence ”.
 - (4) In paragraph 3, for “any instrument” substitute “ any licensable means of fishing ”.
 - (5) In paragraph 4—
 - (a) for “the Minister”, in the first place, substitute “ the appropriate national authority ”;
 - (b) for “the Minister”, in the second place, substitute “ that authority ”.
 - (6) In paragraph 5—
 - (a) for “The Minister” substitute “ The appropriate national authority ”;
 - (b) for “his” substitute “that authority's”;
 - (c) for “the Minister” substitute “ that authority ”.
 - (7) In paragraph 7—
 - (a) for “an instrument” substitute “ any licensable means of fishing ”;
 - (b) for “that instrument” substitute “ that means ”.
 - (8) In paragraph 9—
 - (a) in sub-paragraph (1)—
 - (i) for “an instrument of any description” substitute “ any licensable means of fishing ”;
 - (ii) for “with instruments of that description” substitute “ by that means ”;
 - (iii) for “an instrument of that description”, in the first place, substitute “ that means of fishing ”;
 - (iv) for “the instrument”, in the first place, substitute “ that means of fishing ”;
 - (v) in paragraph (b), for “an instrument of that description”, substitute “ that means of fishing ”;

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- (vi) in paragraph (c), for “the instrument” substitute “ that means of fishing ”;
- (b) in sub-paragraph (2)—
 - (i) for “an instrument of any description” substitute “ any licensable means of fishing ”;
 - (ii) for “an instrument of that description” substitute “ that means of fishing ”;
 - (iii) for “the instrument”, in the first place, substitute “ that means of fishing ”;
 - (iv) in paragraph (c), for “the instrument” substitute “ that means of fishing ”.
- (9) In paragraph 10, after “entered on” insert “ or removed from ”.
- (10) In paragraph 13, for “the instrument”, in both places, substitute “ the means of fishing ”.
- (11) In paragraph 15, for “the instrument” substitute “ the means of fishing ”.
- (12) In paragraph 17, for “instrument” substitute “ other thing ”.

Commencement Information

- I180** Sch. 16 para. 16(1) in force at 12.1.2010 for specified purposes by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 15\(g\)](#)
- I181** Sch. 16 para. 16(1) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/298](#), [art. 2](#), [Sch. para. 13](#)
- I182** Sch. 16 para. 16(2)(3)(5)(6)(9) in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 15\(g\)](#)
- I183** Sch. 16 para. 16(4)(7)(8)(10)-(12) in force at 1.1.2011 by [S.I. 2010/298](#), [art. 2](#), [Sch. para. 13](#)

- 17 (1) Schedule 4 (offences) is amended as follows.
 - (2) In the table in paragraph 1(2), the entries relating to section 19(2), section 19(4), section 19(6), section 19(7) and section 21 are omitted.
 - (3) In that table, in the entry relating to section 27—
 - (a) in the second column—
 - (i) after “fishing for fish” insert “ by licensable means of fishing ”;
 - (ii) after “unlicensed” insert “ licensable ”;
 - (b) in the third column, in paragraph (a), for the words from “instrument” to “rod and line” substitute “ offence is one alleged to be committed by use or possession of rod and line (only) ”.
 - (4) In paragraph 1(3), for the words from “both” to the end substitute—
 - “(a) both are engaged in committing—
 - (i) an offence under section 1 above, other than one committed without any instrument, or
 - (ii) an offence under section 27 above, other than one committed by means of a rod and line (only), or
 - (b) one is aiding, abetting, counselling or procuring the commission of such an offence by the other.”
 - (5) In paragraph 7, for “salmon, trout or freshwater fish” substitute “ fish ”.

Status: Point in time view as at 22/04/2011.

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- (6) In paragraph 9—
- (a) after “any fishing or general licence” insert “ or authorisation under section 27A above ”;
 - (b) after “a fishing or general licence” (in both places) insert “ or authorisation under section 27A above ”.
- (7) In paragraph 10—
- (a) after “a fishing or general licence” insert “ or authorisation under section 27A above ”;
 - (b) after “the licence” (in every place) insert “ or authorisation under section 27A above ”.
- (8) In paragraph 11—
- (a) after “a fishing or general licence” insert “ or authorisation under section 27A above ”;
 - (b) after “a licence” insert “ or authorisation ”;
 - (c) after “the licence” insert “ or authorisation ”.

Commencement Information

I184 Sch. 16 para. 17(1) in force at 12.1.2010 for specified purposes by [S.I. 2009/3345, art. 2, Sch. para. 15\(h\)](#)

I185 Sch. 16 para. 17(1) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/298, art. 2, Sch. para. 13](#)

I186 Sch. 16 para. 17(2)(4)(5) in force at 12.1.2010 by [S.I. 2009/3345, art. 2, Sch. para. 15\(h\)](#)

I187 Sch. 16 para. 17(3)(6)-(8) in force at 1.1.2011 by [S.I. 2010/298, art. 2, Sch. para. 13](#)

Fisheries Act 1981 (c. 29)

- 18 (1) In the Fisheries Act 1981, in Part 1 of Schedule 4 (offences to which section 33(1) of that Act applies), paragraph 6 is amended as follows.
- (2) In paragraph (a), after “any fish” insert “ to which paragraph 6 of that Schedule applies ”.
- (3) After paragraph (a) insert—
- “(aa) specifying close seasons or times for the taking of any fish to which that paragraph applies by such means as may be prescribed by the byelaws;”.
- (4) In paragraph (b), for “trout or any freshwater fish of a size” substitute “ any fish to which that paragraph applies of a size greater or ”.
- (5) In paragraph (c)—
- (a) for “salmon, trout, or freshwater fish” substitute “ fish to which that paragraph applies ”;
 - (b) the words “(not being a fixed engine)” are omitted.
- (6) In paragraph (d)—
- (a) the words “(not being fixed engines)” are omitted;
 - (b) for “salmon, trout, freshwater fish and eels” substitute “ fish to which that paragraph applies ”.

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- (7) In paragraph (f)—
- (a) for “salmon or trout” substitute “ fish to which that paragraph applies ”;
 - (b) for “which is not licensed” substitute “ which may not lawfully be used ”.
- (8) In paragraph (g), for “the annual close season for salmon of a net capable of taking salmon” substitute “ any close season or time for any description of fish to which that paragraph applies of a net capable of taking fish of that description ”.

Commencement Information

I188 Sch. 16 para. 18 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

Salmon Act 1986 (c. 62)

- 19 In section 32 of the Salmon Act 1986 (handling salmon in suspicious circumstances), subsection (6)(a) is omitted.

Commencement Information

I189 Sch. 16 para. 19 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

Water Resources Act 1991 (c. 57)

- 20 The Water Resources Act 1991 has effect subject to the amendments in paragraphs 21 to 25.

Commencement Information

I190 Sch. 16 para. 20 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

- 21 In section 115 (fisheries orders), in subsection (1)—
- (a) in paragraph (a), after “Salmon and Freshwater Fisheries Act 1975” insert “ (as amended by the Marine and Coastal Access Act 2009) ”;
 - (b) in paragraph (b), after “this Act” insert “ (as so amended) ”.

Commencement Information

I191 Sch. 16 para. 21 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

- 22 In section 116 (power to give effect to international obligations)—
- (a) the existing provision is renumbered as subsection (1);
 - (b) after that subsection insert—
 - “(2) In subsection (1), the reference to functions includes any functions conferred on the Agency by virtue of the Marine and Coastal Access Act 2009.”

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Commencement Information

II92 Sch. 16 para. 22 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

- 23 (1) Section 212 (compensation in respect of certain fisheries byelaws) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a)—
 - (i) for “salmon, trout, or freshwater fish” substitute “ any fish to which paragraph 6 of that Schedule applies ”;
 - (ii) the words “(not being a fixed engine)” are omitted;
 - (b) in paragraph (b)—
 - (i) the words “(not being fixed engines)” are omitted;
 - (ii) for “salmon, trout, freshwater fish and eels” substitute “ any such fish ”.

Commencement Information

II93 Sch. 16 para. 23 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

- 24 (1) In Schedule 25 (byelaw-making powers of the Agency), paragraph 6 (byelaws for purposes of fisheries functions) is amended as follows.
- (2) In sub-paragraph (2)—
- (a) the words “Subject to paragraph 7(1) below” are omitted;
 - (b) in paragraph (a), after “any fish” insert “ to which this paragraph applies ”;
 - (c) in paragraph (b)—
 - (i) in sub-paragraph (i), for “trout or any freshwater fish” substitute “ any fish to which this paragraph applies ”;
 - (ii) in sub-paragraph (ii), after “fish” insert “ to which this paragraph applies ”;
 - (d) in paragraph (c)—
 - (i) for “salmon, trout, or freshwater fish” substitute “ fish to which this paragraph applies ”;
 - (ii) the words “(not being a fixed engine)” are omitted;
 - (e) in paragraph (d)—
 - (i) the words “(not being fixed engines)” are omitted;
 - (ii) for “salmon, trout, freshwater fish and eels” substitute “ fish to which this paragraph applies ”;
 - (f) in paragraph (g), the word “licensed” is omitted;
 - (g) in paragraph (h)—
 - (i) for “salmon or trout” substitute “ fish to which this paragraph applies ”;
 - (ii) for “which is not licensed” substitute “ which may not lawfully be used ”;
 - (h) in paragraph (i), for “the annual close season for salmon of a net capable of taking salmon” substitute “ any close season or time for any description of

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fish to which this paragraph applies of a net capable of taking fish of that description ”.

- (3) In sub-paragraph (5) for “salmon, trout, freshwater fish or eels” substitute “ fish to which this paragraph applies ”.

Commencement Information

I194 Sch. 16 para. 24 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

- 25 In that Schedule, paragraph 7 is omitted.

Commencement Information

I195 Sch. 16 para. 25 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

Environment Act 1995 (c. 25)

- 26 In section 13 of the Environment Act 1995 (regional and local fisheries advisory committees), in subsection (1)(a), for the words from “salmon fisheries” to “eel fisheries” substitute “ fisheries referred to in section 6(6) above ”.

Commencement Information

I196 Sch. 16 para. 26 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 15(i)

SCHEDULE 17

Section 249

WARRANTS ISSUED UNDER SECTION 249

Modifications etc. (not altering text)

C2 Sch. 17 applied (31.12.2010) by *The Marine (Scotland) Act 2010 (Consequential Provisions) Order* 2010 (S.I. 2010/2870), arts. 1, 10

Introductory

- 1 (1) This Schedule has effect in relation to the issue to enforcement officers of warrants under section 249.
- (2) An entry into a dwelling under such a warrant is unlawful unless it complies with the provisions of this Schedule.

Commencement Information

I197 Sch. 17 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

Status: Point in time view as at 22/04/2011.

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Applications for warrants

- 2 (1) Where an enforcement officer applies for a warrant, the officer must—
 - (a) state the ground on which the application is made,
 - (b) state the enactment under which the warrant would be issued,
 - (c) specify the dwelling which it is desired to enter and inspect, and
 - (d) identify, so far as is practicable, the purpose for which entry is desired.
- (2) An application for a warrant must be made without notice and must be supported by an information in writing or, in Scotland, evidence on oath.
- (3) The officer must answer on oath any question that the justice hearing the application asks the officer.

Commencement Information

I198 Sch. 17 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

Safeguards in connection with power of entry conferred by warrant

- 3 A warrant authorises an entry on one occasion only.

Commencement Information

I199 Sch. 17 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 4 (1) A warrant must specify—
 - (a) the name of the person who applies for it,
 - (b) the date on which it is issued,
 - (c) the enactment under which it is issued, and
 - (d) the dwelling to be entered.
- (2) A warrant must identify, so far as is practicable, the purpose for which entry is desired.

Commencement Information

I200 Sch. 17 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 5 (1) Two copies are to be made of a warrant.
- (2) The copies must be clearly certified as copies.

Commencement Information

I201 Sch. 17 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

Execution of warrants

- 6 (1) A warrant may be executed by any appropriate enforcement officer.

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- (2) In sub-paragraph (1) the reference to an appropriate enforcement officer is a reference to any enforcement officer acting on behalf of the same relevant authority as the enforcement officer who applied for the warrant, and includes a reference to that officer.
- (3) In sub-paragraph (2) “relevant authority” means the person or body on whose behalf the officer who applied for the warrant was acting.

Commencement Information

I202 Sch. 17 para. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 7 (1) A warrant may authorise persons to accompany any enforcement officer who is executing it.
- (2) A person authorised under this paragraph has the same powers as the officer whom the person is accompanying in respect of the execution of the warrant, but may exercise those powers only in the company of, and under the supervision of, an enforcement officer.

Commencement Information

I203 Sch. 17 para. 7 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 8 (1) Execution of a warrant must be within three months from the date of its issue.
- (2) Execution of a warrant must be at a reasonable time, unless it appears to the officer executing it that there are grounds for suspecting that the purpose of entering the dwelling may be frustrated if the officer seeks to enter at a reasonable time.

Commencement Information

I204 Sch. 17 para. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

- 9 (1) Where the occupier of a dwelling that is to be entered under a warrant is present at the time when an enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
- (a) the occupier must be told the officer's name;
 - (b) the officer must produce to the occupier documentary evidence of the fact that the officer is an enforcement officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a certified copy of it.
- (2) Where—
- (a) the occupier of a dwelling that is to be entered under a warrant is not present when an enforcement officer seeks to execute it, but
 - (b) some other person who appears to the officer to be in charge of the dwelling is present,
- sub-paragraph (1) has effect as if any reference to the occupier were a reference to that other person.

Status: Point in time view as at 22/04/2011.

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- (3) If there is no person present who appears to the enforcement officer to be in charge of the dwelling, the officer must leave a certified copy of the warrant in a prominent place in the dwelling.

Commencement Information

I205 Sch. 17 para. 9 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

Return of warrants

- 10 (1) A warrant which—
- (a) has been executed, or
 - (b) has not been executed within the time authorised for its execution,
- must be returned to the appropriate person.
- (2) In sub-paragraph (1) the appropriate person is—
- (a) in the case of a warrant issued by a justice of the peace in England and Wales, the designated officer for the local justice area in which the justice was acting when the warrant was issued;
 - (b) in the case of a warrant issued by a lay magistrate in Northern Ireland, the clerk of petty sessions for the petty sessions district in which the dwelling is situated;
 - (c) in the case of a warrant issued by a sheriff, the sheriff clerk;
 - (d) in the case of a warrant issued by a justice of the peace or stipendiary magistrate in Scotland, the clerk of the justice of the peace court.
- (3) A warrant that is returned under this paragraph must be retained by the person to whom it is returned for a period of 12 months.
- (4) If during that period the occupier of the dwelling to which the warrant relates asks to inspect it, the occupier must be allowed to do so.

Commencement Information

I206 Sch. 17 para. 10 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 21

SCHEDULE 18

Section 277

FORFEITURE OF PROPERTY UNDER SECTION 275 OR 276

Application of Schedule

- 1 (1) This Schedule applies where—
- (a) property seized by an enforcement officer in the exercise of any power conferred by this Act is in the possession of the relevant authority,
 - (b) the relevant authority is satisfied that there are reasonable grounds for believing that the property is forfeitable property, and
 - (c) either—

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- (i) no proceedings are being taken against any person in respect of the property, or
 - (ii) any such proceedings have concluded without any order for forfeiture having been made in respect of the property.
- (2) The following property is “forfeitable property”—
- (a) any item the use of which for sea fishing would in any circumstances constitute an offence under the law of England and Wales;
 - (b) any fish in respect of which, by virtue of the fish failing to meet requirements as to size, an offence under the law of England and Wales has been committed.

Commencement Information

I207 Sch. 18 para. 1 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Notice of intended forfeiture

- 2 (1) The relevant authority must give notice of the intended forfeiture of the property (“notice of intended forfeiture”) to each of the following persons—
- (a) every person who appears to the authority to have been the owner of the property, or one of its owners, at the time of the seizure of the property;
 - (b) in the case of property seized from a vessel, the master, owner and charterer (if any) of the vessel at that time;
 - (c) in the case of property seized from premises, every person who appears to the authority to have been an occupier of the premises at that time;
 - (d) in any other case, the person (if any) from whom the property was seized.
- (2) The notice of intended forfeiture must set out—
- (a) a description of the property,
 - (b) the grounds of the intended forfeiture, and
 - (c) how a person may give a notice of claim under this Schedule and the period within which such a notice must be given.
- (3) In a case where—
- (a) the property was seized following an inspection carried out in exercise of the power conferred by section 264, and
 - (b) the relevant authority, after taking reasonable steps to do so, is unable to identify any person as owning the property,
- the reference in sub-paragraph (1) to a requirement to give notice of intended forfeiture to such a person is to be read as a reference to a requirement to take such steps as the authority thinks fit to bring the contents of the notice to the attention of persons likely to be interested in it.
- (4) Property may be treated or condemned as forfeited under this Schedule only if—
- (a) the requirements of this paragraph have been complied with in the case of the property, or
 - (b) it was not reasonably practicable for them to be complied with.

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Commencement Information

I208 Sch. 18 para. 2 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Notice of claim

- 3 A person claiming that the property is not liable to forfeiture must give written notice of the claim to the relevant authority.

Commencement Information

I209 Sch. 18 para. 3 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

- 4 (1) A notice of claim must be given—
- (a) within one month of the day of the giving of the notice of intended forfeiture, or
 - (b) if no such notice has been given, within one month of the date of the seizure of the property.
- (2) A notice of claim must specify—
- (a) the name and address of the claimant, and
 - (b) in the case of a claimant who is outside the United Kingdom, the name and address of a solicitor in the United Kingdom who is authorised to accept service of process and to act on behalf of the claimant.
- (3) Service of process upon a solicitor so specified is to be taken to be proper service upon the claimant.
- (4) In a case in which notice of intended forfeiture was given to different persons on different days, the reference in this paragraph to the day on which that notice was given is a reference—
- (a) in relation to a person to whom notice of intended forfeiture was given, to the day on which that notice was given to that person, and
 - (b) in relation to any other person, to the day on which notice of intended forfeiture was given to the last person to be given such a notice.

Commencement Information

I210 Sch. 18 para. 4 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Automatic forfeiture in a case where no claim is made

- 5 The property is to be taken to have been duly condemned as forfeited if—
- (a) by the end of the period for the giving of a notice of claim in respect of the property, no notice of claim has been given to the relevant authority, or
 - (b) a notice of claim has been given which does not comply with the requirements of paragraphs 3 and 4.

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Commencement Information

I211 Sch. 18 para. 5 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Decision whether to take court proceedings to condemn property as forfeited

- 6 (1) Where a notice of claim in respect of the property is duly given in accordance with paragraphs 3 and 4, the relevant authority must decide whether to take proceedings to ask the court to condemn the property as forfeited.
- (2) The decision whether to take such proceedings must be taken as soon as reasonably practicable after the receipt of the notice of claim.

Commencement Information

I212 Sch. 18 para. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Return of property if no forfeiture proceedings

- 7 (1) If, in a case in which a notice of claim has been given, the relevant authority decides not to take proceedings for condemnation of the property, it must return the property to the person appearing to it to be the owner of the property, or, if there is more than one such person, to one of those persons.
- (2) Any property required to be returned in accordance with sub-paragraph (1) must be returned as soon as reasonably practicable after the decision not to take proceedings for condemnation.

Commencement Information

I213 Sch. 18 para. 7 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Forfeiture proceedings

- 8 (1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant authority decides to take proceedings for the condemnation of the property by the court.
- (2) If the court is satisfied that the property is forfeitable property, it must condemn the property as forfeited.
- (3) If the court is not satisfied that the property is forfeitable property, the court must order the return of the property to the person appearing to the court to be entitled to it or, if there is more than one such person, to one of those persons.

Commencement Information

I214 Sch. 18 para. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Status: Point in time view as at 22/04/2011.

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Supplementary provision about forfeiture proceedings

- 9 Proceedings by virtue of this Schedule are civil proceedings and may be instituted—
- (a) in the High Court, or
 - (b) in any magistrates' court in England or Wales.

Commencement Information

I215 Sch. 18 para. 9 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

- 10 (1) In proceedings by virtue of this Schedule, the claimant or the claimant's solicitor must make an oath that, at the time of the seizure, the property was, or was to the best of that person's knowledge and belief, the property of the claimant.
- (2) In proceedings by virtue of this Schedule instituted in the High Court—
- (a) the court may require the claimant to give such security for the costs of the proceedings as may be determined by the court, and
 - (b) the claimant must comply with such a requirement.
- (3) If a requirement of this paragraph is not complied with, the court must give judgment for the relevant authority.

Commencement Information

I216 Sch. 18 para. 10 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

- 11 (1) In the case of proceedings by virtue of this Schedule instituted in a magistrates' court in England or Wales, either party may appeal against the decision of that court to the Crown Court.
- (2) This paragraph does not affect any right to require the statement of a case for the opinion of the High Court.

Commencement Information

I217 Sch. 18 para. 11 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

- 12 Where an appeal has been made (whether by case stated or otherwise) against the decision of the court in proceedings by virtue of this Schedule in relation to property, the property is to be left with the relevant authority pending the final determination of the matter.

Commencement Information

I218 Sch. 18 para. 12 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Effect of forfeiture

- 13 Where property is treated or condemned as forfeited under this Schedule, the forfeiture is to be treated as having taken effect as from the time of the seizure.

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Commencement Information

I219 Sch. 18 para. 13 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Disposal of property which is not returned

- 14 (1) This paragraph applies where any property is required to be returned to a person under this Schedule.
- (2) If the property is still in the relevant authority's possession after the end of the period of three months beginning with the day after the requirement to return it arose, the relevant authority may dispose of it in any manner it thinks fit.
- (3) The relevant authority may exercise its power under this paragraph to dispose of property only if it is not practicable at the time when the power is exercised to dispose of the property by returning it immediately to the person to whom it is required to be returned.

Commencement Information

I220 Sch. 18 para. 14 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Provisions as to proof

- 15 In proceedings under this Schedule, the fact, form and manner of the seizure of the property are to be taken, without further evidence and unless the contrary is shown, to have been as set forth in the process.

Commencement Information

I221 Sch. 18 para. 15 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

- 16 In any proceedings, the condemnation by a court of property as forfeited under this Schedule may be proved by the production of—
- (a) the order or certificate of condemnation, or
 - (b) a certified copy of the order purporting to be signed by an officer of the court by which the order or certificate was made or granted.

Commencement Information

I222 Sch. 18 para. 16 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Special provisions as to certain claimants

- 17 (1) This paragraph applies where, at the time of the seizure of the property, it was—
- (a) the property of a body corporate,
 - (b) the property of two or more partners, or
 - (c) the property of more than five persons.

Status: Point in time view as at 22/04/2011.

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- (2) The oath required by paragraph 10, and any other thing required by this Schedule or by rules of court to be done by the owner of the property, may be sworn or done by—
 - (a) a person falling within sub-paragraph (3), or
 - (b) a person authorised to act on behalf of such a person.
- (3) The persons are—
 - (a) where the owner is a body corporate, the secretary or some duly authorised officer of that body;
 - (b) where the owners are in partnership, any one or more of the owners;
 - (c) where there are more than five owners and they are not in partnership, any two or more of the owners acting on behalf of themselves and any of their co-owners who are not acting on their own behalf.

Commencement Information

I223 Sch. 18 para. 17 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Power to destroy fish before condemnation, etc

- 18 (1) The relevant authority may destroy any fish liable to be treated or condemned as forfeited under this Schedule, even if such fish have not yet been so treated or condemned.
- (2) If in proceedings under this Schedule the court is not satisfied that any fish destroyed under this paragraph were forfeitable property, the relevant authority must, if requested to do so, pay to the claimant a sum of money equal to the market value of the fish at the time of seizure.
- (3) A claimant who accepts any sum of money paid under sub-paragraph (2) is not entitled to maintain any action on account of the seizure, detention or destruction of the fish.
- (4) For the purposes of sub-paragraph (2), the market value of any fish at the time of seizure is to be taken to be such amount as the relevant authority and the claimant may agree or, in default of agreement, as may be determined by a referee appointed by the court.
- (5) The procedure on any reference to a referee under sub-paragraph (4) is to be such as may be determined by the referee.
- (6) The referee's decision is final and conclusive.

Commencement Information

I224 Sch. 18 para. 18 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Saving for owner's rights

- 19 Neither the imposition of a requirement by virtue of this Schedule to return property to a person nor the return of property to a person in accordance with such a requirement affects—

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- (a) the rights in relation to that property of any other person, or
- (b) the right of any other person to enforce any rights against the person to whom it is returned.

Commencement Information

I225 Sch. 18 para. 19 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Interpretation

- 20 In this Schedule—
- “the court” is to be read in accordance with paragraph 9;
 - “forfeitable property” is to be read in accordance with paragraph 1(2).

Commencement Information

I226 Sch. 18 para. 20 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

SCHEDULE 19

Section 302

SCHEDULE 1A TO THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

Commencement Information

I227 Sch. 19 wholly in force at 12.1.2010; Sch. 19 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 19 in force in so far as not already in force at 12.1.2010 see s. 324(2)(d)

The following is the Schedule to be inserted as Schedule 1A to the National Parks and Access to the Countryside Act 1949 (c. 97)—

“SCHEDULE 1A

COASTAL ACCESS REPORTS

Introductory

- 1 In this Schedule—
- (a) “coastal access report” means a report submitted under section 51 pursuant to the coastal access duty;
 - (b) references to a fair balance are references to a fair balance between—
 - (i) the interests of the public in having rights of access over land, and
 - (ii) the interests of any person with a relevant interest in the land,
 (to which section 297(3) of the Marine and Coastal Access Act 2009 (general duties in connection with the coastal access duty) refers).

Status: Point in time view as at 22/04/2011.

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Advertising etc of coastal access reports

- 2 (1) Natural England must—
 - (a) advertise a coastal access report, and
 - (b) take such steps as are reasonable to give notice of the report to persons within sub-paragraph (2).
- (2) Those persons are—
 - (a) persons with a relevant interest in affected land;
 - (b) each access authority for an area in which affected land is situated;
 - (c) each local access forum for an area in which affected land is situated;
 - (d) the Historic Buildings and Monuments Commission for England;
 - (e) the Environment Agency;
 - (f) such other persons as may be specified in regulations made by the Secretary of State.
- (3) The Secretary of State may by regulations make provision about—
 - (a) the form and manner in which reports are to be advertised under sub-paragraph (1)(a);
 - (b) the form and manner in which notices are to be given under sub-paragraph (1)(b);
 - (c) the timing of any advertisement or the giving of any notice.

Objections by persons with relevant interest in affected land

- 3 (1) Any person who has a relevant interest in affected land may make an objection to Natural England about a coastal access report.
- (2) For the purposes of this Schedule an objection is not an admissible objection unless it—
 - (a) satisfies the conditions in sub-paragraphs (3) and (4), and
 - (b) is made in accordance with any requirements imposed by regulations under sub-paragraph (7)(b).
- (3) The first condition is that the objection is made on the ground that the proposals in the report, in such respects as are specified in the objection, fail to strike a fair balance as a result of one or more of the following—
 - (a) the position of any part of the proposed route;
 - (b) the inclusion of proposals under subsection (2) of section 55B or the nature of any proposal under that subsection;
 - (c) the inclusion of, or failure to include, an alternative route under section 55C(2) or the position of any such alternative route or any part of such a route;
 - (d) the inclusion of, or failure to include, proposals under one or more of paragraphs (a) to (c) of section 55D(2) or the nature of any proposal made under such a paragraph;
 - (e) the inclusion of, or failure to include, a proposal under section 55D(5) or the terms of any such proposal;
 - (f) the exercise of a discretion conferred by section 301(2) or (3) of the Marine and Coastal Access Act 2009, or failure to exercise a discretion conferred by section 301(3) of that Act, in relation to a river.

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- (4) The second condition is that the objection specifies the reasons why the person making the objection is of the opinion that a fair balance is not struck as a result of the matter or matters within sub-paragraph (3)(a) to (f).
- (5) An objection under this paragraph may propose modifications of the proposals in the report if the person making the objection considers—
 - (a) that those modifications would remedy, or mitigate the effects of, the failure to strike a fair balance to which the objection relates, and
 - (b) that the proposals as so modified would satisfy the requirements of sub-paragraph (6).
- (6) Modified proposals satisfy the requirements of this sub-paragraph if what they propose—
 - (a) is practicable,
 - (b) takes account of the matters mentioned in section 297(2), and (where appropriate) section 301(4), of the Marine and Coastal Access Act 2009 (matters to which Natural England and the Secretary of State must have regard when discharging the coastal access duty), and
 - (c) is in accordance with the scheme approved under section 298 of that Act (the scheme in accordance with which Natural England must act when discharging the coastal access duty) or, where that scheme has been revised, the revised scheme.
- (7) The Secretary of State may by regulations make provision about—
 - (a) the steps to be taken by Natural England to make persons with an interest in affected land aware of their entitlement to make objections under this paragraph;
 - (b) the form and manner in which, and period within which, objections are to be made.

Referral of objections to the appointed person

- 4 (1) Natural England must send to the Secretary of State a copy of any objection received under paragraph 3 about a coastal access report.
- (2) The Secretary of State must refer any objection received under sub-paragraph (1) to a person appointed by the Secretary of State for the purposes of this Schedule (“the appointed person”).
- (3) An appointment under sub-paragraph (2)—
 - (a) must be in writing;
 - (b) may relate to any particular objection specified in the appointment or to objections of a description so specified;
 - (c) may provide for a payment or payments to be made to the appointed person.
- (4) An appointment under sub-paragraph (2) may, by notice in writing given to the appointed person, be revoked at any time by the Secretary of State in respect of any objection if the appointed person has not, before that time, given the Secretary of State a report containing a recommendation under paragraph 11 in relation to the objection.
- (5) Where the appointment of the appointed person is revoked in respect of any objection, the Secretary of State must appoint another person under sub-paragraph (2) to deal with the objection afresh under this Schedule.

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- (6) Nothing in sub-paragraph (5) requires any person to be given an opportunity to make fresh representations or comments or to modify or withdraw any representations or comments already made.

Determination of admissibility of objections

- 5 Where an objection is referred under paragraph 4(2), the appointed person must—
- (a) determine whether the objection is an admissible objection, and
 - (b) give notice of that determination, together with the reasons for it, to—
 - (i) the person who made the objection,
 - (ii) the Secretary of State, and
 - (iii) Natural England.

Admissible objections

- 6 (1) Where Natural England is notified under paragraph 5(b) that an objection is an admissible objection, it must send to the Secretary of State its comments on the objection.
- (2) A notice under paragraph 5(b) that an objection is an admissible objection may require Natural England to include in its comments under sub-paragraph (1)—
- (a) either—
 - (i) an outline of any relevant alternative modifications of the proposals in the coastal access report, or
 - (ii) if Natural England considers there are no such modifications, a statement to that effect;
 - (b) if an outline is included under paragraph (a)(i), an assessment of the effects of the relevant alternative modifications on the interests of the public in having rights of access over land and the interests of any person with a relevant interest in affected land;
 - (c) either—
 - (i) an outline of any relevant rejected proposals which were considered by Natural England in connection with the preparation of the coastal access report and of its reasons for rejecting them, or
 - (ii) if there are no such proposals, a statement to that effect;
 - (d) information of such other description as the appointed person may specify in the notice under paragraph 5(b), being information which the appointed person considers to be material for the purpose of making a determination under paragraph 10(2).
- (3) In this paragraph, a reference to relevant alternative modifications of the proposals is to modifications of the proposals which Natural England considers—
- (a) might reasonably be regarded as relevant for the purpose of determining—
 - (i) whether, in the respects identified in the objection, the proposals in the report strike a fair balance, or
 - (ii) whether any modification of those proposals would produce proposals that strike a fair balance or mitigate the effects of any failure to strike a fair balance,
 - (b) are materially different from any modifications included in the objection under paragraph 3(5), and

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- (c) would, if made, result in proposals which satisfy the requirements of paragraph 3(6)(a) and (c).
- (4) In this paragraph, a reference to relevant rejected proposals is to proposals which, if to be given effect to, would require modifications to be made of the proposals in the coastal access report which—
 - (a) are materially different from—
 - (i) any modifications included in the objection under paragraph 3(5), and
 - (ii) any relevant alternative modifications outlined in Natural England's comments on the objection, and
 - (b) would be relevant alternative modifications but for a failure to satisfy the requirement of paragraph 3(6)(a).

Representations about reports

- 7 (1) Representations about a coastal access report may be made by any person to Natural England.
- (2) The Secretary of State may by regulations make provision about—
 - (a) the steps to be taken by Natural England to make persons aware of their entitlement to make representations under this paragraph;
 - (b) the form and manner in which, and period within which, representations are to be made.
- 8 (1) Natural England must send to the Secretary of State—
 - (a) a copy of any representations made by a person within paragraph 2(2)(b) to (f) about a coastal access report,
 - (b) a summary of any other representations made about the report, and
 - (c) Natural England's comments on representations within paragraph (a) or (b).
- (2) In this paragraph references to representations are to representations made under paragraph 7 in accordance with any requirements imposed by regulations under paragraph 7(2)(b).

Reference of objection to the appointed person

- 9 (1) This paragraph applies where the Secretary of State is notified under paragraph 5(b) that an objection made about a coastal access report is an admissible objection.
- (2) The Secretary of State must send to the appointed person the relevant documents in relation to the objection.
- (3) The relevant documents are—
 - (a) a copy of the coastal access report to which the objection relates,
 - (b) a copy of Natural England's comments on the objection received under paragraph 6,
 - (c) a copy of any representations received under paragraph 8(1)(a) about the coastal access report, so far as those representations appear to the Secretary of State to be relevant to the objection,
 - (d) if there are such representations, a copy of Natural England's comments on them received under paragraph 8(1)(c),

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- (e) if a summary of representations about the coastal access report has been received under paragraph 8(1)(b), a copy of any part of the summary which appears to the Secretary of State to be relevant to the objection, and
- (f) if there is such a part, a copy of Natural England's comments on the representations to which the part relates received under paragraph 8(1)(c).

Consideration of objections by appointed person

- 10 (1) This paragraph applies where the appointed person—
- (a) has determined that an objection about a coastal access report is an admissible objection, and
 - (b) has received, under paragraph 9, the relevant documents in relation to the objection.
- (2) The appointed person must determine whether the proposals set out in the report fail, in the respects specified in the objection, to strike a fair balance as a result of the matter or matters within paragraph 3(3)(a) to (f) specified in the objection.
- (3) If the appointed person is minded to determine that the proposals fail to strike a fair balance, the appointed person must comply with sub-paragraphs (4) and (5) before making such a determination.
- (4) The appointed person must publish a notice containing—
- (a) details of the objection and Natural England's comments on it under paragraph 6,
 - (b) a statement that the appointed person is minded to determine that the proposals fail to strike a fair balance, and
 - (c) an invitation to submit to the appointed person representations about—
 - (i) the objection (including any modifications of the proposals proposed by the objection),
 - (ii) any relevant alternative modifications contained in Natural England's comments on the objection under paragraph 6, and
 - (iii) any observations which the appointed person has made in the notice regarding any such relevant alternative modifications or any modifications proposed by the objection.
- (5) The appointed person must give a copy of that notice to—
- (a) Natural England;
 - (b) any person with a relevant interest in—
 - (i) affected land to which the objection relates, or
 - (ii) land which is not affected land but would be such land if any of the modifications referred to in sub-paragraph (4)(c)(i) or (ii) were made to the proposals;
 - (c) any person within paragraph 2(2)(b) to (f).
- (6) The Secretary of State may by regulations make provision about—
- (a) the form and manner in which notices are to be published or given under this paragraph,
 - (b) the timing of the publication or giving of notices under this paragraph, and
 - (c) the form and manner in which, and period within which, representations are to be made in response to an invitation in a notice under this paragraph.

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- (7) The appointed person may require the Secretary of State, at the Secretary of State's expense—
- (a) to discharge the appointed person's duty to publish or give a notice under this paragraph;
 - (b) to receive on behalf of the appointed person any representations made in response to an invitation in a notice under this paragraph and forward such representations to the appointed person.

Recommendations of the appointed person

- 11 (1) Where a determination is made in respect of an objection under paragraph 10(2), the appointed person must give the Secretary of State a report which—
- (a) sets out that determination, and
 - (b) makes one or more recommendations in accordance with this paragraph.
- (2) Sub-paragraph (3) applies if the appointed person concludes under paragraph 10(2) that the proposals do not fail, in the respects specified in the objection, to strike a fair balance as a result of any of the matters within paragraph 3(3)(a) to (f) specified in the objection.
- (3) The appointed person must recommend that the Secretary of State makes a determination to that effect.
- (4) Sub-paragraphs (5) and (7) apply if the appointed person concludes that the proposals fail, in the respects (or certain of the respects) specified in the objection, to strike a fair balance as a result of one or more of the matters within paragraph 3(3)(a) to (f) specified in the objection.
- (5) The appointed person must determine whether there are any modifications of the proposals which would meet the coastal access requirements.
- (6) For the purposes of this paragraph, modifications meet the coastal access requirements if they—
- (a) remedy the failure to strike a fair balance identified by the objection, and
 - (b) produce proposals which satisfy the requirements of paragraph 3(6).
- (7) The appointed person must—
- (a) recommend that the Secretary of State determines that the proposals fail, in one or more of the respects specified in the objection, to strike a fair balance but that there is no modification which would satisfy the coastal access requirements,
 - (b) recommend that, if minded to approve the proposals, the Secretary of State approves the proposals with modifications of a kind described in the recommendation, being modifications which the appointed person considers would meet the coastal access requirements, or
 - (c) recommend that, if minded to approve the proposals, the Secretary of State considers whether modifications of a kind described in the recommendation would meet the coastal access requirements.
- (8) Where a report contains a recommendation under sub-paragraph (7)(a), the appointed person may include in the report—
- (a) a recommendation that, if minded to approve the proposals, the Secretary of State should approve the proposals with modifications of a kind described in the recommendation, being modifications which the appointed person considers would mitigate the effects of the failure to strike a fair balance, or

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- (b) a recommendation that, if minded to approve the proposals, the Secretary of State should consider whether modifications of a kind described in the recommendation would mitigate the effects of the failure to strike a fair balance.
- (9) Sub-paragraph (10) applies where, in a case to which sub-paragraph (4) applies, the appointed person also determines that the proposals do not fail, in the respects (or certain of the respects) specified in the objection, to strike a fair balance by reason of one or more of the matters within paragraph 3(3)(a) to (f) specified in the objection.
- (10) The appointed person must recommend that the Secretary of State makes a determination to that effect (in addition to any recommendation under sub-paragraph (7) or (8)).
- (11) A report under this paragraph must also set out the appointed person's reasons for any recommendation contained in the report.

Information and documents

- 12 (1) The appointed person may give Natural England a notice requiring it to provide the appointed person with information or documents—
 - (a) which is or are in the possession of Natural England, and
 - (b) which the appointed person reasonably requires for the purpose of exercising functions under this Schedule.
- (2) Natural England must send the Secretary of State a copy of any information or document provided by it in response to a notice under sub-paragraph (1).
- (3) The appointed person may give the Secretary of State a notice requiring the Secretary of State to provide the appointed person with—
 - (a) a copy of any coastal access report specified in the notice which the appointed person reasonably requires for the purpose of exercising functions under this Schedule;
 - (b) any information in the possession of the Secretary of State which the appointed person reasonably so requires.

Holding of local inquiries and other hearings by appointed person

- 13 (1) Where the appointed person considers it necessary or expedient to do so, the appointed person may hold a local inquiry or other hearing in connection with the consideration of an objection under this Schedule.
- (2) Subject to sub-paragraph (3), the costs of a local inquiry or other hearing held under this paragraph are to be defrayed by the Secretary of State.
- (3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to local inquiries or other hearings held under this Schedule by the appointed person as they apply to inquiries caused to be held under that section by a Minister, but as if—
 - (a) in subsection (2) (evidence) the reference to the person appointed to hold the inquiry were a reference to the appointed person,
 - (b) in subsection (4) (recovery of costs of holding the inquiry)—
 - (i) references to the Minister causing the inquiry to be held were references to the appointed person, and
 - (ii) references to a local authority were references to Natural England, and

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- (c) in subsection (5) (orders as to the costs of the parties) the reference to the Minister causing the inquiry to be held were a reference to the appointed person.

Supplementary provision about procedure in connection with objections

- 14 (1) Subject to the provisions of this Schedule, the Secretary of State may, by regulations, make provision about the consideration of objections by the appointed person.
- (2) Such regulations may, in particular, include—
- (a) provision enabling two or more objections, in the circumstances specified in the regulations, to be considered by the appointed person together;
 - (b) provision enabling the appointed person to conduct an inspection of any land;
 - (c) provision about the procedure for the conduct of local inquiries and other hearings.

Preliminary consultation

- 15 (1) The Secretary of State may, by regulations, make provision about the procedure to be followed where, before determining whether or not to approve the proposals in a coastal access report (with or without modifications), the Secretary of State wishes—
- (a) to identify or investigate possible modifications of the proposals to which it might be appropriate to give further consideration, and
 - (b) to consult persons for the purposes of identifying or investigating such modifications.
- (2) Regulations under this paragraph may, in particular, apply any provision of this Schedule (with or without modifications).

Determinations under section 52

- 16 (1) Before making a determination under section 52 in respect of a coastal access report, the Secretary of State must consider—
- (a) any objection about the report which the appointed person has determined is an admissible objection,
 - (b) Natural England's comments under paragraph 6 on any such objections,
 - (c) any report under paragraph 11 in respect of any such objection,
 - (d) any representations made about the coastal access report, or summary of such representations, and any comments on those representations, received under paragraph 8, and
 - (e) any information or document a copy of which is sent to the Secretary of State under paragraph 12(2).
- (2) The power under section 52 to approve proposals contained in a report submitted under section 51 pursuant to the coastal access duty includes a power to approve those proposals (with or without modifications) so far as they relate to one or more parts of the route only, and reject the remaining proposals.
- (3) Where a report required to be considered under sub-paragraph (1)(c) contains a statement of a finding of fact, the Secretary of State in making the determination is bound by that finding unless the Secretary of State is satisfied—
- (a) that the finding involves an assessment of the significance of a matter to any person with a relevant interest in land or to the public,

Status: Point in time view as at 22/04/2011.

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- (b) that there was insufficient evidence to make the finding,
 - (c) that the finding was made by reference to irrelevant factors or without regard to relevant factors, or
 - (d) that the finding was otherwise perverse or irrational.
- (4) The Secretary of State may, by regulations, make provision about the procedure to be followed where the Secretary of State is minded to approve proposals with modifications other than modifications made in accordance with a recommendation under paragraph 11(7)(b) or (c) or (8)(a) or (b).
- (5) For the purposes of sub-paragraph (4) a modification is to be regarded as made in accordance with a recommendation under paragraph 11(7)(b) or (c) or (8)(a) or (b) if it is not materially different from a modification which could be so made.
- (6) Regulations under sub-paragraph (4) may, in particular, apply any provision of this Schedule (with or without modifications).
- (7) Any requirement imposed by virtue of sub-paragraph (4) is in addition to the duty to consult imposed by section 52(1).

Notice of determinations under section 52

- 17 (1) Where the Secretary of State makes a determination under section 52 in respect of a coastal access report, the Secretary of State must, as soon as reasonably practicable, comply with this paragraph.
- (2) The Secretary of State must—
- (a) take reasonable steps to give notice of the determination to persons with a relevant interest in affected land, or
 - (b) if the Secretary of State considers it appropriate, publish a notice of the determination in such manner as the Secretary of State considers likely to bring it to the attention of those persons.
- (3) The Secretary of State (in addition to complying with section 52(2)) must give notice of the determination to—
- (a) any body of a kind mentioned in section 52(2) in whose Park or area affected land is situated (but which is not required to be notified under section 52(2)),
 - (b) any London borough council for an area in which affected land is situated,
 - (c) any local access forum for an area in which affected land is situated,
 - (d) the Historic Buildings and Monuments Commission for England, and
 - (e) the Environment Agency.
- (4) Where the Secretary of State was required under paragraph 16(1)(a) to consider an objection when making the determination, a statement of the reasons for the determination (so far as relevant to the objection) must be included in—
- (a) any notice given or published under sub-paragraph (2),
 - (b) any notification of the determination under section 52(2), and
 - (c) any notice given under sub-paragraph (3).
- (5) Where the Secretary of State was required under paragraph 16(1)(c) to consider a report and the Secretary of State in making the determination does not follow a recommendation in the report, the statement of reasons required by sub-paragraph (4) must also include the reasons for not following the recommendation.

Status: Point in time view as at 22/04/2011.

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Interpretation

18 In this Schedule—

- “admissible objection” is to be construed in accordance with paragraph 3(2);
- “the appointed person” has the meaning given by paragraph 4(2);
- “coastal access report” has the meaning given by paragraph 1(a);
- “fair balance” is to be construed in accordance with paragraph 1(b);
- “relevant alternative modifications” has the meaning given by paragraph 6(3);
- “the relevant documents”, in relation to an objection, has the meaning given by paragraph 9(3).”

SCHEDULE 20

Section 304

ESTABLISHMENT AND MAINTENANCE OF THE ENGLISH COASTAL ROUTE ETC

Extension of Chapter 3 of Part 1 of the CROW Act

- 1 (1) Chapter 3 of Part 1 of the CROW Act (means of access) applies in relation to section 15 route land as it applies in relation to access land.
- (2) Functions conferred by that Chapter which are exercisable in relation to any land by the access authority in relation to the land (including those exercisable by virtue of sub-paragraph (1)) are also exercisable in relation to the land by Natural England for the purposes of the coastal access duty.
- (3) In this paragraph—
- “access land” has the same meaning as in Chapter 3 of Part 1 of the CROW Act;
 - “section 15 route land” means land—
 - (a) over which the English coastal route (or any part of it) passes, and
 - (b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act.

Agreements relating to establishment and maintenance of route

- 2 (1) Where, in respect of any land, it appears to Natural England that it is appropriate for works within sub-paragraph (3) to be carried out for the purposes of the coastal access duty, Natural England may enter into an agreement with the owner or occupier of the land as to the carrying out of the works.
- (2) Where, in respect of any land, it appears to the access authority in relation to that land that it is appropriate for works within sub-paragraph (3) to be carried out for the purpose of assisting Natural England to discharge the coastal access duty, the access authority may enter into an agreement with the owner or occupier of the land as to the carrying out of the works.
- (3) The works within this sub-paragraph are—
- (a) the clearance or maintenance of land for the purpose of facilitating the use of the English coastal route by the public for journeys on foot;
 - (b) the removal, for that purpose, of any obstruction of the route;

Status: Point in time view as at 22/04/2011.

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- (c) the clearance or maintenance of land which is coastal margin for the purpose of facilitating the exercise by the public of any right to enter or remain on the land on a bicycle or on horseback which is conferred by section 2(1) of the CROW Act (by virtue of the removal or relaxation of any of the general restrictions in Schedule 2 to that Act);
 - (d) the drainage or levelling of land, or the improvement of its surface, for the purpose mentioned in paragraph (a) or, if the land is coastal margin, the purpose mentioned in paragraph (c);
 - (e) the construction, removal, repair or improvement of any wall, rail, fence or other barrier or any posts, or the planting of any hedge.
- (4) An agreement under this paragraph may provide—
- (a) for the carrying out of works by the owner or occupier or by the contracting authority, and
 - (b) for the making of payments by the contracting authority as a contribution towards, or for the purpose of meeting, costs incurred by the owner or occupier in carrying out any works for which the agreement provides.
- (5) Sub-paragraph (6) applies if the owner or occupier of any land fails to carry out within the required period any works which the owner or occupier is required by an agreement under this paragraph to carry out.
- (6) The contracting authority may take all necessary steps for carrying out the works, but it may do so only after giving at least 21 days' notice of its intention to do so to the owner or occupier required by the agreement to carry out the works.
- (7) Where the contracting authority carries out any works by virtue of sub-paragraph (6), the authority may recover the relevant expenses from the person by whom, under the agreement, the cost of carrying out the works (after deduction of the authority's contribution) would fall to be borne.
- (8) In this paragraph—
- “contracting authority” means—
 - (a) in relation to an agreement under sub-paragraph (1), Natural England, and
 - (b) in relation to an agreement under sub-paragraph (2), the access authority by which the agreement is made;
 - “relevant expenses”, in relation to works carried out under sub-paragraph (6) by a contracting authority, means the amount of any expenses reasonably incurred by the authority in carrying out the works, reduced by its contribution under the agreement;
 - “the required period” means—
 - (a) the period specified in, or determined in accordance with, the agreement as that within which the works must be carried out, or
 - (b) if there is no such period, a reasonable period.

Establishment and maintenance of route in absence of agreement

- 3 (1) This paragraph applies where—
- (a) it appears to Natural England that, for the purposes of the coastal access duty, it is necessary for works within paragraph 2(3) to be carried out on any land, or

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- (b) it appears to the access authority in relation to any land that, for the purpose of Natural England discharging the coastal access duty, it is necessary for such works to be carried out on that land.

(2) In this paragraph—

“the relevant authority” means—

- (a) in a case within sub-paragraph (1)(a), Natural England, and
- (b) in a case within sub-paragraph (1)(b), the access authority in question;

“the required works” means the works within paragraph 2(3) which the relevant authority considers it necessary to carry out for the purposes mentioned in sub-paragraph (1)(a) or (b).

- (3) If the relevant authority is satisfied that it is unable to conclude on reasonable terms an agreement under paragraph 2 with the owner or occupier of the land for the carrying out of the required works, it may give the owner or occupier a notice stating that, after the end of the specified period, it intends to take all necessary steps for carrying out the required works.
- (4) The “specified period” means the period specified in the notice, being a period of not less than 21 days beginning with the day on which the notice is given.
- (5) A notice under sub-paragraph (3) must contain particulars of the right of appeal conferred by paragraph 4.
- (6) Where a notice under sub-paragraph (3) is given to any person as the owner or occupier, the relevant authority must give a copy of the notice to every other owner or occupier of the land.
- (7) If, at the end of the period specified in the notice under sub-paragraph (3), any of the required works have not been carried out, the relevant authority may take all necessary steps for carrying out those works.
- (8) The relevant authority exercising the power conferred by sub-paragraph (7) in respect of any land must have regard to the requirements of efficient management of the land in deciding how to carry out the required works.

Appeals relating to notices under paragraph 3

- 4 (1) Where a notice under paragraph 3(3) has been given to a person in respect of any land, that person or any other owner or occupier of the land may appeal against the notice to the Secretary of State.
- (2) An appeal against a notice under paragraph 3(3) may be brought on any of the following grounds—
 - (a) that the notice requires the carrying out of any works which it is not necessary to carry out for the purposes of the coastal access duty;
 - (b) that any of the works have already been carried out;
 - (c) that the period specified in the notice as the period after which steps are to be taken to carry out the works is too short.
- (3) On an appeal under this paragraph, the Secretary of State may—
 - (a) confirm the notice with or without modifications, or
 - (b) cancel the notice.

Status: Point in time view as at 22/04/2011.

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- (4) Sections 7 and 8 of, and Schedule 3 to, the CROW Act have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal under section 6 of that Act.
- (5) Regulations may make provision as to—
 - (a) the period within which and manner in which appeals under this paragraph are to be brought,
 - (b) the advertising of such appeals, and
 - (c) the manner in which such appeals are to be considered.
- (6) Where an appeal has been brought under this paragraph against a notice under paragraph 3(3) given by Natural England or an access authority, it may not exercise its powers under paragraph 3(7) pending the determination or withdrawal of the appeal.

Commencement Information

I228 Sch. 20 para. 4 wholly in force at 12.1.2010; Sch. 20 para. 4 in force for specified purposes at Royal Assent see s. 324(1)(c); Sch. 20 para. 4 in force in so far as not already in force at 12.1.2010 see s. 324(2)(d)

Power for Natural England to fund works

- 5 Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in carrying out—
 - (a) works of a kind which could be the subject of an agreement under paragraph 2, and
 - (b) works of a kind which could be the subject of an agreement under section 35 of the CROW Act entered into by Natural England by virtue of paragraph 1.

Erection and maintenance of notices and signs

- 6 (1) Natural England may erect and maintain notices or signs within sub-paragraph (2) on—
 - (a) any land over which the English coastal route passes, and
 - (b) any other land which is within section 296(5)(a) (land which is accessible to the public by virtue of section 3A of the CROW Act).
- (2) The notices or signs within this sub-paragraph are those which—
 - (a) identify, or provide information about, the English coastal route (or any part of it), or
 - (b) warn the public of the existence of obstacles or hazards along that route, and any other notices or signs which relate to the English coastal route.
- (3) Before erecting a notice or sign on any land under this paragraph, Natural England must, so far as reasonably practicable, consult the owner and (if different) the person in lawful occupation of the land.
- (4) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in displaying notices or signs of a kind which may be erected under this paragraph.

Status: Point in time view as at 22/04/2011.

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- (5) Natural England may, in relation to any land, delegate to the access authority in relation to the land any function conferred on Natural England by this paragraph.
- (6) Nothing in this paragraph applies in relation to the English coastal route in so far as it passes along—
- (a) a public right of way over which there are rights of way for mechanically propelled vehicles, or
 - (b) a footway comprised in a highway which also comprises a way within paragraph (a).
- (7) For the purposes of sub-paragraph (6)—
- “mechanically propelled vehicle” does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988 (c. 52);
- “footway” has the same meaning as in section 329 of the Highways Act 1980 (c. 66).
- 7 In section 19 of the CROW Act (notices indicating boundaries of access land etc), after subsection (4) insert—
- “(5) In the case of access land that is coastal margin, the powers conferred on an access authority by this section are also exercisable by Natural England.”

Removal of notices and signs

- 8 (1) Any notice or sign to which this paragraph applies may be removed by—
- (a) Natural England, or
 - (b) where authorised to act on its behalf, the access authority in relation to the land on which the sign or notice is erected.
- (2) This paragraph applies to—
- (a) a notice or sign erected under paragraph 6, and
 - (b) a notice erected under section 19 of the CROW Act (notices indicating boundaries of access land, etc) in relation to land which is coastal margin.
- (3) Before removing a notice or sign on any land under sub-paragraph (1), a person must, so far as reasonably practicable, consult the owner of the land and (if different) the person in lawful occupation of the land.
- (4) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in removing notices or signs of a kind which may be erected under paragraph 6 or (in relation to land which is coastal margin) under section 19 of the CROW Act.

Powers of entry

- 9 (1) A person who is authorised by Natural England may enter any land—
- (a) for the purpose of surveying that or any other land in connection with the preparation of a report under section 51 or 55 of the 1949 Act pursuant to the coastal access duty;
 - (b) in connection with the consideration of any representations made to Natural England in respect of a report submitted under section 51 of that Act pursuant to that duty;

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- (c) for the purpose of assisting Natural England to determine whether to exercise the power conferred by section 301(2) (including the power conferred by section 301(3)(b)) (decision to treat waters of river as part of the sea);
 - (d) for the purpose of assisting Natural England to provide the Secretary of State with advice in connection with the exercise of the Secretary of State's power under section 300(2)(b) (power to specify islands).
- (2) A person who is authorised by Natural England or the appropriate access authority may enter any land—
- (a) for the purpose of determining whether any works of the kind mentioned in paragraph 2(3) are required in respect of any land;
 - (b) for the purpose of carrying out works under—
 - (i) an agreement entered into pursuant to paragraph 2(4)(a), or
 - (ii) an agreement entered into pursuant to section 35(2)(a) of the CROW Act for the purposes of the coastal access duty;
 - (c) for the purposes of—
 - (i) carrying out works under paragraph 2(6) or 3(7),
 - (ii) carrying out works under section 36(1) or (5) of the CROW Act in connection with an agreement entered into for the purposes of the coastal access duty, or
 - (iii) carrying out works under section 37(5) of that Act for the purposes of that duty;
 - (d) for the purpose of ascertaining whether members of the public are being permitted to exercise the rights conferred on them in relation to section 15 route land by or under an enactment mentioned in section 15(1) of the CROW Act;
 - (e) in connection with an appeal under paragraph 4;
 - (f) for the purpose of erecting, maintaining or removing notices or signs under paragraph 6 or 8 or, in relation to land which is coastal margin, under section 19 of the CROW Act.
- (3) Subsections (5) to (7), (9) and (10) of section 40 of the CROW Act (powers of entry for the purposes of Part 1 of that Act) apply in relation to a person acting in the exercise of a power conferred by this paragraph, and the rights conferred by this paragraph, as they apply in relation to a person acting in the exercise of a power conferred by that section and the rights conferred by that section.
- (4) Section 41 of that Act (compensation relating to powers under section 40) has effect as if the reference to section 40 of that Act included a reference to this paragraph.
- (5) A person may not under this paragraph demand admission as of right to any occupied land, other than access land or land over which the English coastal route passes, unless—
- (a) in a case where the power of entry is exercised for the purposes of carrying out works as mentioned in sub-paragraph (2)(b) or (c)—
 - (i) the works are to be carried out on the land and a notice has been given to the occupier of the land under paragraph 2(6) or 3(3) or under section 36(1) or (3) or 37(1) of the CROW Act in connection with the works, or
 - (ii) at least 7 days' notice of the intended entry has been given to the occupier;

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- (b) in any other case, at least 24 hours' notice of the intended entry has been given to the occupier or it is not reasonably practicable to give such notice.

(6) In this paragraph—

“access land” has the same meaning as in Chapter 3 of Part 1 of the CROW Act;

“appropriate access authority” means the access authority in relation to the land in respect of which the right of entry is being exercised;

“section 15 route land” means land—

- (a) over which the English coastal route (or any part of it) passes, and
 (b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act.

Interpretation of Schedule

10 (1) In this Schedule—

“coastal margin” has the same meaning as in Part 1 of the CROW Act;

“owner” has the same meaning as in that Part.

(2) For the purposes of this Schedule—

- (a) an official alternative route, in relation to the English coastal route, is to be regarded as part of the English coastal route,
 (b) a temporary route which has effect by virtue of section 55I of the 1949 Act is to be treated as part of the English coastal route, and
 (c) where by virtue of section 3A(6)(a) of the CROW Act any land is not yet accessible under section 2(1) of that Act, the references in this Schedule to the English coastal route include any route which would form part of the English coastal route if that land were so accessible.

(3) In sub-paragraph (2)(a) “official alternative route” has the meaning given by section 55J of the 1949 Act.

SCHEDULE 21

Section 315

AMENDMENTS OF THE HARBOURS ACT 1964

1 The Harbours Act 1964 (c. 40) is amended as follows.

Commencement Information

I229 Sch. 21 para. 1 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Provision that may be made by harbour empowerment order

2 (1) Section 16 (power to make harbour empowerment orders) is amended as follows.

Status: Point in time view as at 22/04/2011.

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- (2) In subsection (6) after “any Act (including this Act)” insert “ and for repealing any statutory provision of local application affecting the area in relation to which the powers are intended to be exercised ”.

Commencement Information

I230 Sch. 21 para. 2 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Delegation of certain functions under the Act

- 3 (1) After section 42 (accounts and reports) insert—

“Delegation of certain functions

42A Power to make orders delegating functions

- (1) The relevant authority may by order provide for such of the delegable functions as are designated in the order to be exercisable by such person as is designated in the order.
- (2) An authority may make an order under subsection (1) only with the consent of the person designated in it (“the delegate”).
- (3) The delegate—
- must comply with the order, and
 - is to be taken to have all the powers necessary to do so.
- (4) For so long as an order under subsection (1) remains in force, the functions designated in the order—
- are exercisable by the delegate acting on behalf of the authority, and
 - are not exercisable by the authority.
- This subsection is subject to subsections (5) and (6).
- (5) The delegate must obtain the consent of the relevant authority before exercising any function under—
- section 15;
 - section 15A;
 - section 18.
- (6) Subsection (4)(b) does not apply to any function under—
- section 15;
 - section 15A;
 - section 18.
- (7) If a function is, by virtue of an order under subsection (1), exercisable by a person, any reference in this Act to the relevant authority is to be read, so far as relating to that function or the exercise of it, as a reference to that person.
- (8) An order under subsection (1) may make different provision for different cases, different areas or different persons.

Status: Point in time view as at 22/04/2011.

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- (9) The delegable functions are functions under the following sections—
- (a) section 14 (making harbour revision orders, except as mentioned in paragraph (b) below);
 - (b) section 15 (making harbour revision orders for limited purposes for securing harbour efficiency);
 - (c) section 15A (making orders varying powers of appointment in the constitutions of harbour authorities);
 - (d) section 16 (making harbour empowerment orders);
 - (e) section 18 (confirming or making harbour reorganisation schemes);
 - (f) section 60 (making orders amending Acts of local application).
- (10) In this section “the relevant authority”, in relation to any delegable function, means the authority by whom (apart from any order under subsection (1)) the function is exercisable.

42B Directions as to performance of delegated functions

- (1) This section applies where any functions are exercisable by or in relation to a person by virtue of an order made under section 42A by a relevant authority.
 - (2) The authority may from time to time give directions to the person with respect to the performance of the functions.
 - (3) A person to whom directions are given under this section must comply with the directions.
 - (4) An authority which gives a direction under this section must publish the direction in a manner likely to bring the direction to the attention of persons likely to be affected by it.”.
- (2) In section 54 (orders and regulations) after subsection (2) insert—
- “(3) Subsection (4) applies to any statutory instrument containing—
- (a) an order made under section 42A by a relevant authority in relation to a delegable function, or
 - (b) an order made by any person, by virtue of an order under that section, in the exercise of a delegable function under section 14, 15, 16 or 18.
- (4) A statutory instrument to which this subsection applies—
- (a) if the relevant authority in relation to the delegable function is the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if the relevant authority in relation to the delegable function is the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

Commencement Information

- I231** Sch. 21 para. 3 partly in force; Sch. 21 para. 3 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I232** Sch. 21 para. 3 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Status: Point in time view as at 22/04/2011.

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*Consent of Welsh Ministers or Secretary of State
required for making of certain harbour orders*

4 After section 42B (inserted by paragraph 3(1)) insert—

“42C Consent of Welsh Ministers required for certain orders and schemes

- (1) This section applies to any harbour revision order or harbour empowerment order which makes provision excluding, modifying or repealing—
 - (a) any provision of the Marine and Coastal Access Act 2009 in so far as it applies to Wales;
 - (b) any instrument made under that Act by the Welsh Ministers;
 - (c) any statutory provision of local application made by the Welsh Ministers.
- (2) This section also applies to any harbour reorganisation scheme which makes provision repealing or amending any statutory provision of local application made by the Welsh Ministers.
- (3) The Secretary of State must notify the Welsh Ministers of any intention to make an order or scheme to which this section applies.
- (4) The order or scheme must not include any provision falling within subsection (1) or, as the case may be, (2) if, within the prescribed period beginning with the date of the notification under subsection (3), the Welsh Ministers refuse their consent to the inclusion of that provision in the order or scheme.
- (5) In this section “prescribed period” means such period as is prescribed in an order made by the Secretary of State for the purposes of this section.

42D Consent of Secretary of State required for certain orders and schemes

- (1) This section applies to any harbour revision order or harbour empowerment order which makes provision excluding, modifying or repealing—
 - (a) any provision of the Marine and Coastal Access Act 2009 in so far as it applies to England;
 - (b) any instrument made under that Act by the Secretary of State;
 - (c) any statutory provision of local application made by the Secretary of State.
- (2) This section also applies to any harbour reorganisation scheme which makes provision repealing or amending any statutory provision of local application made by the Secretary of State.
- (3) The Welsh Ministers must notify the Secretary of State of any intention to make an order or scheme to which this section applies.
- (4) The order or scheme must not include any provision falling within subsection (1) or, as the case may be, (2) if, within the prescribed period beginning with the date of the notification under subsection (3), the Secretary of State refuses consent to the inclusion of that provision in the order or scheme.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (5) In this section “prescribed period” means such period as is prescribed in an order made by the Secretary of State for the purposes of this section.”.

Commencement Information

- I233** Sch. 21 para. 4 partly in force; Sch. 21 para. 4 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I234** Sch. 21 para. 4 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Procedure for dealing with applications for harbour orders

- 5 (1) In Schedule 3 (procedure for making harbour revision and empowerment orders), paragraph 18 (which provides for the holding of an inquiry or public hearing when an objection is made) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) This paragraph applies if an objection to the application was made to the appropriate authority and has not been withdrawn.
- (1A) This paragraph does not apply if—
- (a) the appropriate authority decides that the application is not to proceed further,
- (b) the appropriate authority considers that the objection is frivolous or trivial,
- (c) the objection does not specify the grounds on which it is made, or
- (d) the objection was not made within the period allowed for making it.
- (1B) Before deciding the application under paragraph 19, the appropriate authority may—
- (a) cause an inquiry to be held, or
- (b) give to the person who made the objection an opportunity of appearing before, and being heard by, a person appointed by the appropriate authority.
- (1C) If the objection—
- (a) was made by the Welsh Ministers to the Secretary of State, and
- (b) is not an objection regarding compulsory acquisition of a parcel of land,
- the Secretary of State must cause an inquiry to be held under sub-paragraph (1B)(a).
- (1D) If, in a case where sub-paragraph (1C) does not apply,—
- (a) the objection was made by a person within sub-paragraph (1E), and
- (b) that person makes a request in writing to the appropriate authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (1B)(b),
- the appropriate authority must either cause an inquiry to be held under sub-paragraph (1B)(a) or cause the objection to be dealt with in accordance with sub-paragraph (1B)(b), as the appropriate authority may determine.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- (1E) The persons within this sub-paragraph are—
- (a) in the case of an application to the Secretary of State, the Welsh Ministers;
 - (b) any local authority for an area in which the harbour (or any part of it) is situated;
 - (c) the relevant conservation body;
 - (d) if the order will authorise the compulsory acquisition of land, any person who is entitled to be served with notice under paragraph 11.”.

(3) In sub-paragraph (2)—

- (a) for “sub-paragraph (1)(a)” substitute “ sub-paragraph (1B)(b) ”,
- (b) for “Secretary of State” substitute “ appropriate authority ”, and
- (c) for “he” substitute “ the authority ”.

(4) In sub-paragraph (3)—

- (a) for “Secretary of State” substitute “ appropriate authority ”,
- (b) omit paragraph (a), and
- (c) in paragraph (b), for “he” substitute “ the appropriate authority ”.

(5) After sub-paragraph (3) insert—

“(4) In this paragraph—

“the appropriate authority” means—

- (a) in a case where the application was made to the Secretary of State, the Secretary of State;
- (b) in a case where the application was made to the Welsh Ministers, the Welsh Ministers;

“local authority” means—

- (a) in England, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish council and a parish meeting of a parish not having a separate parish council, and
- (b) in Wales, a county council, a county borough council and a community council;

“the relevant conservation body” means—

- (a) if the harbour (or any part of it) is situated in England, Natural England, and
- (b) if the harbour (or any part of it) is situated in Wales, the Countryside Council for Wales.”.

Commencement Information

1235 Sch. 21 para. 5 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Procedure where harbour revision orders are made otherwise than on application

- 6 (1) For paragraph 28 of Schedule 3 (inquiry to be held in most cases where an objection is made) substitute—

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

- “28 (1) This paragraph applies if an objection to the proposal was made to the proposing authority and has not been withdrawn.
- (2) This paragraph does not apply if—
- (a) the proposing authority decides that the proposal is not to proceed further,
 - (b) the proposing authority considers that the objection is frivolous or trivial,
 - (c) the objection does not specify the grounds on which it is made, or
 - (d) the objection was not made within the period allowed for making it.
- (3) Before deciding the application under paragraph 29, the proposing authority may—
- (a) cause an inquiry to be held, or
 - (b) give to the person who made the objection an opportunity of appearing before, and being heard by, a person appointed by the proposing authority.
- (4) If the objection was made by the Welsh Ministers to the Secretary of State, the Secretary of State must cause an inquiry to be held under sub-paragraph (3)(a).
- (5) Where—
- (a) the objection was made by a person within sub-paragraph (6), and
 - (b) that person makes a request in writing to the proposing authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (3)(b),
- the proposing authority must either cause an inquiry to be held under sub-paragraph (3)(a) or cause the objection to be dealt with in accordance with sub-paragraph (3)(b), as the proposing authority may determine.
- (6) The persons within this sub-paragraph are—
- (a) any local authority for an area in which the harbour (or any part of it) is situated, and
 - (b) the relevant conservation body.
- (7) Where an objector is heard in accordance with sub-paragraph (3)(b), the proposing authority must allow such other persons as the proposing authority thinks appropriate to be heard on the same occasion.
- (8) In this paragraph—
- “local authority” has the same meaning as in paragraph 18;
- “the proposing authority” means—
- (a) the Secretary of State, in a case where it is the Secretary of State who proposes to make a harbour revision order;
 - (b) the Welsh Ministers, in a case where it is the Welsh Ministers who propose to make a harbour revision order;

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

“the relevant conservation body” has the same meaning as in paragraph 18.”.

- (2) In paragraph 29 of that Schedule (decision on harbour revision order proposed by Secretary of State), in sub-paragraph (1)(b), after “inquiry” insert “ and of any person appointed for the purpose of hearing an objector ”.

Commencement Information

I236 Sch. 21 para. 6 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

Application of paragraphs 5 and 6

- 7 The amendments made by paragraphs 5 and 6 apply to objections made on or after the date on which those amendments come into force.

Commencement Information

I237 Sch. 21 para. 7 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

SCHEDULE 22

Section 321

REPEALS

PART 1

EEZ, UK MARINE AREA AND WELSH ZONE

Commencement Information

I238 Sch. 22 Pt. 1 in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 27(a)

Short title and chapter

Extent of repeal

Fishery Limits Act 1976 (c. 86)

Section 1(3) and (4).

Government of Wales Act 2006 (c. 32)

In section 158(1), the word “and” preceding the definition of “Wales”.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

PART 2

MARINE LICENSING

Commencement Information

I239 Sch. 22 Pt. 2 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(b)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Coast Protection Act 1949 (c. 74)	Part 2. Section 47(a), (b) and (d). Section 49(2A).
Telecommunications Act 1984 (c. 12)	In Schedule 2, in paragraph 11— (a) sub-paragraphs (3) to (10); (b) in sub-paragraph (11), the definition of “remedial works”.
Food and Environment Protection Act 1985 (c. 48)	In section 5— (a) paragraph (b); (b) in paragraph (e), sub-paragraph (ii) and the “or” preceding that sub-paragraph. In section 6(1)(a), sub-paragraph (ii) and the “or” preceding it. Section 7A(5). In section 8(6), the words “evidence, and in Scotland”. Section 9(5) to (7). Section 21(8). In section 24(1)— (a) the definitions of “adjacent to Scotland”, “Gas Importation and Storage Zone”, “United Kingdom waters” and “United Kingdom controlled waters”; (b) in the definition of “licensing authority”, paragraph (a) and, in paragraph (b)(iii), the words from “and the functions” to the end. Section 24(2A). Sections 25(3) and 26.
Merchant Shipping Act 1988 (c. 12)	Section 36.
Environmental Protection Act 1990 (c. 43)	Section 146(2) to (5) and (7).
Government of Wales Act 2006 (c. 32)	In Schedule 3, paragraph 4(1)(a).

The repeals in the Coast Protection Act 1949 (c. 74) and the Merchant Shipping Act 1988 (c. 12) extend to England and Wales only.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Planning Act 2008 (c. 29) Sections 148 and 149.
In Schedule 5, paragraphs 27 to 30.

The repeals in the Coast Protection Act 1949 (c. 74) and the Merchant Shipping Act 1988 (c. 12) extend to England and Wales only.

PART 3

NATURE CONSERVATION

Commencement Information

I240 Sch. 22 Pt. 3 partly in force; Sch. 22 Pt. 3 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)(4)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Wildlife and Countryside Act 1981 (c. 69)	Sections 36 and 37. In section 67(2), “36”. Schedule 12.
Territorial Sea Act 1987 (c. 49)	Section 3(2)(b). In Schedule 1, paragraph 6.
Water Act 1989 (c. 15)	In Schedule 25, paragraph 66(2).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 65(4) and (10).

PART 4

MANAGEMENT OF INSHORE FISHERIES

Commencement Information

I241 Sch. 22 Pt. 4 in force at 1.4.2010 for W. by S.I. 2010/630, art. 3(b) (with arts. 8, 12)

I242 Sch. 22 Pt. 4 in force at 1.4.2011 for E. by S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Coast Protection Act 1949 (c. 74)	In section 2— (a) in subsection (2)(b), “local fisheries committee,”; (b) in subsection (8)(a), “or local fisheries committee,”. In section 45(1)(b), “local fisheries committee,”. In section 49(1), the definition of “local fisheries committee”.

The repeal of any enactment by Part 4 of this Schedule has the same extent as the enactment repealed.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

	In Part 1 of the First Schedule, in paragraph 1(b), “local fisheries committee,”.
Nuclear Installations Act 1965 (c. 57)	In section 3(3)(b), the words “or any local fisheries committee”.
Sea Fisheries Regulation Act 1966 (c. 38)	The whole Act.
Sea Fisheries (Shellfish) Act 1967 (c. 83)	In Schedule 2, the entry for the Sea Fisheries Regulation Act 1966.
Sea Fish (Conservation) Act 1967 (c. 84)	In section 3(7), the words from “or in any byelaw” to “the Sea Fisheries Regulation Act 1966,”.
	Section 13.
	In section 16—
	(a) paragraph (d) of subsection (1) (but not the “and” following that paragraph);
	(b) subsection (2).
	Section 17.
	In section 22(1), the definition of “local fisheries committee”.
Prevention of Oil Pollution Act 1971 (c. 60)	Section 19(6).
Local Government Act 1972 (c. 70)	Section 101(9)(d).
Local Government Act 1974 (c. 7)	In section 31A(3), paragraph (b) (but not the “or” following that paragraph).
Fishery Limits Act 1976 (c. 86)	In Schedule 1, paragraph 1.
Fisheries Act 1981 (c. 29)	In Schedule 4, paragraph 10.
Wildlife and Countryside Act 1981 (c. 69)	In section 27(1), in paragraph (c) of the definition of “authorised person”, the words “or a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966”.
Local Government Act 1985 (c. 51)	In Schedule 8, paragraph 19.
Salmon Act 1986 (c. 62)	Section 37.
Water Act 1989 (c. 15)	In Schedule 17—
	(a) paragraph 1(4)(a);
	(b) paragraph 5.
Local Government and Housing Act 1989 (c. 42)	In section 5—
	(a) subsection (4);
	(b) in subsection (5)—
	(a) the words “and of any such committee as is mentioned in subsection (4) above”;
	(b) in paragraph (a), the words “or committee”;

The repeal of any enactment by Part 4 of this Schedule has the same extent as the enactment repealed.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

	(c) in subsection (8), the word “and” at the end of the definition of “chief finance officer”.
	Section 13(4)(b).
	In Schedule 1, paragraph 2(1)(d).
Water Consolidation (Consequential Provisions) Act 1991 (c. 60)	In Schedule 1, paragraph 16.
Sea Fisheries (Wildlife Conservation) Act 1992 (c. 36)	In section 1— (a) in subsection (1), the words “or any relevant body”; (b) in subsection (2), the definition of “relevant body”.
Radioactive Substances Act 1993 (c. 12)	In section 47(1), in the definition of “relevant water body”, the words “or a local fisheries committee”. In Schedule 3, paragraph 3.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 26.
Environment Act 1995 (c. 25)	Section 102. In Schedule 15— (a) paragraph 2(4)(a); (b) paragraph 5; (c) paragraph 24.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 35A.
Natural Environment and Rural Communities Act 2006 (c. 16)	In Schedule 11, paragraph 38.
Regulatory Enforcement and Sanctions Act 2008 (c. 13)	In Schedules 3, 6 and 7, the entry relating to the Sea Fisheries Regulation Act 1966 (c. 38). In Schedule 5, the entry relating to local fisheries committees.

The repeal of any enactment by Part 4 of this Schedule has the same extent as the enactment repealed.

PART 5

FISHERIES

Commencement Information

I243 Sch. 22 Pt. 5 in force at 12.1.2010 for specified purposes by S.I. 2009/3345, art. 2, Sch. para. 27(b)

I244 Sch. 22 Pt. 5 in force at 1.4.2010 for specified purposes by S.I. 2010/298, art. 2, Sch. para. 12

I245 Sch. 22 Pt. 5 in force at 1.1.2011 in so far as not already in force by S.I. 2010/298, art. 2, Sch. para. 14

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(A) REPEALS RELATING TO CHAPTERS 1 AND 2 OF PART 7

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Sea Fisheries (Shellfish) Act 1967 (c. 83)	Section 1(4). In section 4(7), “, is subsequently convicted of another such offence”. In Schedule 1, paragraphs 4(1) and 5.
Sea Fish (Conservation) Act 1967 (c. 84)	In section 11(1)— (a) paragraph (b); (b) in paragraph (c), “1, 2,” and “, 6(5) or (5A)(b)”. In section 15(2C), paragraph (b) and the word “or” preceding it.
Sea Fisheries Act 1968 (c. 77)	Section 15(2).
Fisheries Act 1981 (c. 29)	Section 19(2)(c). In section 22— (a) subsection (2)(a); (b) subsection (3). Section 28.
Sea Fish (Conservation) Act 1992 (c. 60)	In section 5, paragraph (b).
Criminal Justice and Public Order Act 1994 (c. 33)	In Part 1 of Schedule 8, the entries relating to sections 3(3) and 7(4) of the Sea Fisheries (Shellfish) Act 1967.
Merchant Shipping Act 1995 (c. 21)	In Schedule 13, paragraph 38(a) and (b).
Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3)	Section 1.

(B) REPEALS RELATING TO CHAPTER 3 OF PART 7 (MIGRATORY AND FRESHWATER FISH)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Theft Act 1968 (c. 60)	In Schedule 1, paragraph 2(2).
Salmon and Freshwater Fisheries Act 1975 (c. 51)	In section 1— (a) in subsection (1), the words “Subject to subsection (4) below,”; (b) subsection (4). Section 3. In section 4— (a) in subsection (1), the words “Subject to subsection (2) below,”; (b) subsection (2). Sections 6 to 8. Sections 16 and 17.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

Sections 19 to 22.

Sections 23 and 24.

In section 25—

- (a) in subsection (4), the words from “gaff” to “tailer or”;
- (b) subsections (5) and (6).

In section 31(1)—

- (a) in paragraph (b), the words “in contravention of this Act”;
- (b) in paragraph (c)(i), the words “which has been caught in contravention of this Act”.

Section 32(1)(ii) and the preceding “or”.

In section 34—

- (a) in the heading, the words “at night”;
- (b) the words from “between the end” to “following morning”.

Section 35(2).

Schedule 1.

In Schedule 2—

- (a) in paragraph 11, the words from “together” to the end;
- (b) paragraph 12.

In Schedule 4, in the table in paragraph 1(2), the entries relating to section 19(2), section 19(4), section 19(6), section 19(7) and section 21.

Fisheries Act 1981 (c. 29)

In Schedule 4—

- (a) paragraph 2;
- (b) paragraph 4;
- (c) in paragraph 6(c), the words “(not being a fixed engine)”;
- (d) in paragraph 6(d), the words “(not being fixed engines)”;
- (e) paragraph 28.

Salmon Act 1986 (c. 62)

In section 32—

- (a) in subsection (1), the words “by or for the benefit of another person”;
- (b) subsection (6)(a).

Section 33(1) and (2).

Territorial Sea Act 1987 (c. 49)

In Schedule 1, paragraph 3.

Water Act 1989 (c. 15)

In Schedule 17, paragraph 7(3), (4), (9)(b) and (12).

Water Resources Act 1991 (c. 57)

In section 212—

- (a) in subsection (2)(a), the words “(not being a fixed engine)”;
- (b) in subsection (2)(b), the words “(not being fixed engines)”;

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

(c) subsection (3).

In Schedule 25—

- (a) in paragraph 6(2), the words “Subject to paragraph 7(1) below”;
- (b) in paragraph 6(2)(c), the words “(not being a fixed engine)”;
- (c) in paragraph 6(2)(d), the words “(not being fixed engines)”;
- (d) in paragraph 6(2)(g), the word “licensed”;
- (e) paragraph 6(3) and (4);
- (f) paragraph 7.

Environment Act 1995 (c. 25)	In Schedule 15, paragraphs 8, 9, 15 and 22.
Criminal Justice Act 2003 (c. 44)	In Schedule 25, paragraph 70. In Part 9 of Schedule 37, the entry relating to the Theft Act 1968 (c. 60).
Serious Crime Act 2007 (c. 27)	In Schedule 1, in paragraph 13(1), the words “for salmon, trout or freshwater fish”.

(C) REPEALS RELATING TO CHAPTER 4 OF PART 7 (OBSOLETE ENACTMENTS)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
White Herring Fisheries Act 1771 (c. 31)	The whole Act.
Seal Fishery Act 1875 (c. 18)	The whole Act.
Fisheries Act 1891 (c. 37)	Section 13.
North Sea Fisheries Act 1893 (c. 17)	The whole Act.
Behring Sea Award Act 1894 (c. 2)	The whole Act.
Seal Fisheries (North Pacific) Act 1895 (c. 21)	The whole Act.
Seal Fisheries (North Pacific) Act 1912 (c. 10)	The whole Act.
Port of London Act 1968 (c. xxxii)	Sections 86, 87 and 163. In section 167, paragraph (b). In section 168(2), the words from “, except for byelaws” to the end.
Customs and Excise Management Act 1979 (c. 2)	In paragraph 12 of Schedule 4, the entry relating to the Seal Fisheries (North Pacific) Act 1912.
Statute Law (Repeals) Act 1993 (c. 50)	In Schedule 2, paragraph 8.
Merchant Shipping Act 1995 (c. 21)	In Schedule 13, paragraphs 11 and 12.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 65.
Criminal Justice Act 2003 (c. 44)	In Schedule 25, paragraphs 12 and 13.

Status: Point in time view as at 22/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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)

PART 6

ENFORCEMENT

Commencement Information

I246 Sch. 22 Pt. 6 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 27(c)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Sea Fisheries Act 1968 (c. 77)	In section 7— (a) in subsection (1)(d), the words “of the Secretary of State or”; (b) subsection (5)(a).

PART 7

COASTAL ACCESS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Countryside and Rights of Way Act 2000 (c. 37)	In section 1(1), the word “or” at the end of paragraph (d). In section 16(6), the word “and” at the end of paragraph (c). In section 20(1), the word “and” at the end of paragraph (a).

PART 8

MISCELLANEOUS

Commencement Information

I247 Sch. 22 Pt. 8 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 27(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Harbours Act 1964 (c. 40)	In Schedule 3, paragraph 18(3)(a).
Civil Contingencies Act 2004 (c. 36)	In Schedule 1, paragraph 11A.
Natural Environment and Rural Communities Act 2006 (c. 16)	In Schedule 11, paragraph 174.

Status:

Point in time view as at 22/04/2011.

Changes to legislation:

Marine and Coastal Access Act 2009 is up to date with all changes known to be in force on or before 14 July 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.