



2013 CHAPTER 10

Part 3

Marine protection

Offences

Offence of damaging, etc. protected features of MCZ

- 33.—**(1) A person is guilty of an offence under this section if—
- (a) the person without lawful excuse does a prohibited act,
 - (b) at the time of doing that act, the person knows, or ought to have known, that the feature to which the act relates is in, or forms part of, an MCZ, and
 - (c) the act has significantly hindered, or may significantly hinder, the achievement of the conservation objectives stated for the MCZ.
- (2) For the purposes of subsection (1), a person does a prohibited act if the person—
- (a) intentionally or recklessly kills or injures any animal in an MCZ which is a protected feature of that MCZ,
 - (b) intentionally picks or collects, or intentionally or recklessly cuts, uproots or destroys, any plant in an MCZ which is a protected feature of that MCZ,
 - (c) intentionally or recklessly takes anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or
 - (d) intentionally or recklessly destroys or damages any habitat or feature which is a protected feature of an MCZ.
- (3) For the purposes of determining whether anything done by a person in relation to a protected feature is a prohibited act for the purposes of

subsection (1), it is immaterial whether the person knew, or ought to have known, that the feature was a protected feature.

(4) A person who is guilty of an offence under this section is liable—

- (a) on summary conviction, to a fine not exceeding £50,000;
- (b) on conviction on indictment, to a fine.

(5) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

(6) Proceedings for an offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of Northern Ireland.