



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 6

MANAGEMENT OF INSHORE FISHERIES

CHAPTER 1

INSHORE FISHERIES AND CONSERVATION AUTHORITIES

Inshore fisheries and conservation districts and authorities

149 Establishment of inshore fisheries and conservation districts

- (1) The Secretary of State may by order establish inshore fisheries and conservation districts.
- (2) An inshore fisheries and conservation district (an “IFC district”) is an area that consists of—
 - (a) one or more local authority areas in England that include part of the seashore, and
 - (b) such part of the English inshore region lying seawards from that part of the seashore as is specified in the order establishing the district.
- (3) Before making an order establishing an IFC district the Secretary of State must consult—
 - (a) the council for every local authority area that would, if the order were made, fall within the IFC district established by the order,
 - (b) the Environment Agency,
 - (c) Natural England,
 - (d) the MMO,
 - (e) the authority for any existing IFC district that would, if the order were made, adjoin the IFC district established by the order,

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- (f) the Welsh Ministers, in a case where, if the order were made, the IFC district established by the order would adjoin the Welsh inshore region,
- [^{F1}(g) the Natural Resources Body for Wales, in a case where, if the order were made, the IFC district established by the order would adjoin the Welsh inshore region,]
- and any other person likely to be affected by the making of the order.

Textual Amendments

- F1** S. 149(3)(g) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 444](#) (with Sch. 7)

Commencement Information

- I1** S. 149 partly in force; s. 149 in force for specified purposes at Royal Assent see s. 324(1)(c)

150 Inshore fisheries and conservation authorities

- (1) There is to be an inshore fisheries and conservation authority (an “IFC authority”) for every IFC district established under section 149.
- (2) Any reference in this Chapter to the authority for an IFC district is a reference to the IFC authority for that district.
- (3) An authority for an IFC district is—
 - (a) a committee of the council for the local authority area falling within the district;
 - (b) where there is more than one local authority area falling within the district, a joint committee of the councils for those local authority areas.

Commencement Information

- I2** S. 150 in force at 1.10.2010 by [S.I. 2010/2195](#), art. 3(2)(a)

151 Membership and proceedings of IFC authorities

- (1) An order under section 149 establishing an IFC district must provide for the IFC authority for the district to consist of—
 - (a) persons who are members of a relevant council,
 - (b) persons appointed by the MMO, and
 - (c) other persons.
- (2) The persons appointed as members of the authority for the district by virtue of subsection (1)(b) must comprise—
 - (a) persons acquainted with the needs and opinions of the fishing community of the district, and
 - (b) persons with knowledge of, or expertise in, marine environmental matters.
- (3) The Secretary of State may by order amend subsection (2) so as to—
 - (a) add descriptions of persons who may be appointed by virtue of subsection (1)
 - (b) as members of an IFC authority;

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(b) vary or remove any descriptions added by virtue of paragraph (a).

An order under this subsection may make such other amendments of this section as appear to the Secretary of State to be necessary in consequence of the order.

- (4) An order under section 149 establishing an IFC district must specify the number of members of the authority for the district.
- (5) The order must also specify—
- (a) the number of members falling within paragraph (a), and the number of members falling within paragraph (b), of subsection (1);
 - (b) in a case where there is more than one relevant council for the IFC district established by the order, the number of members to be appointed from each council (which may, in the case of any particular council, be none);
 - (c) the number of members falling within paragraph (c) of subsection (1) and the person or persons by whom they are to be appointed.
- (6) An order under section 149 establishing an IFC district may also include provision about—
- (a) how a member of the authority for the district is to be appointed;
 - (b) qualification and disqualification for membership of the authority;
 - (c) the conduct of members of the authority;
 - (d) the appointment of a member of the authority as the chair of the authority;
 - (e) the holding and vacation of office as a member, or as chair, of the authority (including the circumstances in which a person ceases to hold office or may be removed or suspended from office);
 - (f) re-appointment as a member, or as chair, of the authority;
 - (g) the validity of acts and proceedings of a person appointed as a member of the authority in the event of disqualification or lack of qualification;
 - (h) the validity of proceedings of the authority in the event of a vacancy in membership or of a defect in the appointment of a member;
 - (i) procedure to be followed by the authority;
 - (j) the delegation by the authority of any of its functions to a sub-committee, member or employee of the authority;
 - (k) the payment by the authority of allowances to a member and the reimbursement by it of a member's expenses.
- (7) The following provisions (which make provision about proceedings of local authority committees and joint committees) have effect in relation to the authority for an IFC district subject to provision made by the order establishing the district—
- (a) sections 100A to 100D, 104 and 106 of, and paragraphs 39 to 43 of Schedule 12 to, the Local Government Act 1972 (c. 70);
 - (b) section 13 of the Local Government and Housing Act 1989 (c. 42);
 - (c) Chapter 1 of Part 3 of the Local Government Act 2000 (c. 22).
- (8) In this section—
- “the fishing community” means all persons with any sort of interest in the exploitation of sea fisheries resources or in fisheries for such resources;
 - “marine environmental matters” means—
- (a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas (including their geological or physiographical

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features) or of any features of archaeological or historic interest in such areas, or

(b) the conservation of flora or fauna which are dependent on, or associated with, a marine or coastal environment.

(9) Until the date of the coming into force of section 1, the reference in subsection (1)(b) to the MMO is to be read as a reference to the Secretary of State.

Any person appointed by the Secretary of State as a member of an IFC authority is, on and after that date, to be treated as if appointed by the MMO.

Commencement Information

- I3** S. 151 partly in force; s. 151 in force for specified purposes at Royal Assent see s. 324(1)(c)
I4 S. 151 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2195, art. 3(2)(b)

152 Amendment or revocation of orders under section 149

- (1) The Secretary of State may amend or revoke an order made under section 149.
- (2) Before amending or revoking an order made under section 149 the Secretary of State must consult—
- (a) the authority for the IFC district established by the order,
 - (b) the council for every local authority area that falls within the IFC district established by the order,
 - (c) the Environment Agency,
 - (d) Natural England,
 - (e) the MMO,
 - (f) the authority for any IFC district that adjoins the IFC district established by the order,
 - (g) the Welsh Ministers, in a case where the IFC district established by the order adjoins the Welsh inshore region,
 - [^{F2}(h) the Natural Resources Body for Wales, in a case where the IFC district established by the order adjoins the Welsh inshore region,]
- and any other person likely to be affected by the amendment or revocation of the order.

Textual Amendments

- F2** S. 152(2)(h) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 445 (with Sch. 7)

Commencement Information

- I5** S. 152 partly in force; s. 152 in force for specified purposes at Royal Assent see s. 324(1)(c)

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