



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 6

MANAGEMENT OF INSHORE FISHERIES

CHAPTER 1

INSHORE FISHERIES AND CONSERVATION AUTHORITIES

Main duties

153 Management of inshore fisheries

- (1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.
- (2) In performing its duty under subsection (1), the authority for an IFC district must—
 - (a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
 - (b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
 - (c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and
 - (d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.
- (3) The Secretary of State may give guidance to the authority for an IFC district with respect to the performance of its duty under subsection (1).

Status: This is the original version (as it was originally enacted).

- (4) The Secretary of State must give every IFC authority guidance as to how the authority is to perform its duty under subsection (1) so as to make a contribution to the achievement of sustainable development.
- (5) In performing its duty under subsection (1), the authority for an IFC district must have regard to any guidance given to it by the Secretary of State.
- (6) Before giving any such guidance the Secretary of State must consult—
 - (a) every IFC authority to which the Secretary of State is proposing to give guidance, and
 - (b) such other bodies or persons as the Secretary of State considers appropriate.
- (7) In preparing any such guidance the Secretary of State must take into consideration—
 - (a) the functions of IFC authorities,
 - (b) functions which are exercisable in IFC districts by other bodies and persons, and
 - (c) the resources available, or likely to be available, to each IFC authority to which the Secretary of State is proposing to give guidance.
- (8) The Secretary of State must publish, in such manner as the Secretary of State may determine, any guidance given to IFC authorities by virtue of subsection (4).
- (9) An IFC authority that has been given any such guidance must provide any person on request with a copy of the whole or any part of any such guidance.
- (10) In this Chapter “sea fisheries resources” means any animals or plants, other than fish falling within subsection (11), that habitually live in the sea, including those that are cultivated in the sea.
- (11) The fish referred to in subsection (10) are—
 - (a) salmon, trout, eels, lampreys, smelt and shad;
 - (b) any other fish of a kind which migrates from fresh to salt water, or from salt to fresh water, in order to spawn;
 - (c) any freshwater fish.

In this subsection “eels”, “freshwater fish”, “salmon”, “smelt” and “trout” have the same meanings as in the [Salmon and Freshwater Fisheries Act 1975 \(c. 51\)](#) (see section 41 of that Act).
- (12) Any reference in this Chapter to the “exploitation” of sea fisheries resources is a reference to any activity relating to the exploitation of such resources, whether carried out for commercial purposes or otherwise, including—
 - (a) fishing for, taking, retaining on board, trans-shipping, landing, transporting or storing such resources,
 - (b) selling, displaying, exposing or offering for sale or possessing such resources, and
 - (c) introducing such resources to the sea or cultivating such resources.

154 Protection of marine conservation zones

- (1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

Status: This is the original version (as it was originally enacted).

- (2) Nothing in section 153(2) is to affect the performance of the duty imposed by this section.
- (3) In this section—
 - (a) “MCZ” means a marine conservation zone designated by an order under section 116;
 - (b) the reference to the conservation objectives of an MCZ is a reference to the conservation objectives stated for the MCZ under section 117(2)(b).