



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

#### CHAPTER 4

#### FISHERIES ENFORCEMENT POWERS

#### *Supplementary*

#### **285 Service of notices, etc**

- (1) Any notice or other thing that is required to be served on or given to a person under any provision of this Chapter may be served on or given to the person only by one of the following methods—
  - (a) personal delivery;
  - (b) addressing it to the person and leaving it at the appropriate address;
  - (c) addressing it to the person and sending it to that address by post.
- (2) “The appropriate address”, in relation to the owner of a vessel that is registered in any country or territory, means the address given by that register as the address of the owner of the vessel.
- (3) In relation to any other person “the appropriate address” means—
  - (a) in the case of a body corporate, its registered or principal office in the United Kingdom;
  - (b) in the case of a firm, the principal office of the partnership;
  - (c) in the case of an unincorporated body or association, the principal office of the body or association;
  - (d) in any other case, the person’s usual or last known place of residence in the United Kingdom or last known place of business in the United Kingdom.

- (4) In the case of—
- (a) a company registered outside the United Kingdom,
  - (b) a firm carrying on business outside the United Kingdom, or
  - (c) an unincorporated body or association with offices outside the United Kingdom,
- the references in subsection (3) to its principal office include references to its principal office within the United Kingdom (if any).

## **286 Conclusion of proceedings**

- (1) This section applies for determining when any proceedings have concluded for the purposes of this Chapter.
- (2) Where proceedings are terminated by an appealable decision, they are not to be regarded as concluded—
- (a) until the end of the ordinary time for appeal against the decision, if no appeal in respect of the decision is brought within that time, or
  - (b) if an appeal in respect of the decision is brought within that time, until the conclusion of the appeal.
- (3) Subsection (2) applies for determining, for the purposes of paragraph (b) of that subsection, when proceedings on an appeal are concluded as it applies for determining when the original proceedings are concluded.
- (4) Any reference in subsection (2) to a decision which terminates proceedings includes a reference to a verdict, sentence, finding or order that puts an end to the proceedings.
- (5) An appealable decision is a decision of a description against which an appeal will lie, whether by way of case stated or otherwise and whether with or without permission.
- (6) Any reference in this section to an appeal includes a reference to an application for permission to appeal.

## **287 Interpretation of this Chapter**

In this Chapter—

“fish” includes shellfish;

“relevant authority” means—

- (a) in relation to the seizure of any object or property by an enforcement officer, the person or body on whose behalf the officer who seized it was acting;
- (b) in relation to the detention of a vessel by an enforcement officer, the person or body on whose behalf the officer who detained the vessel was acting;

“relevant function”, in relation to an enforcement officer, means any function of that officer;

“relevant offence”, in relation to an enforcement officer, means any offence in respect of which the officer has functions;

“shellfish” includes crustaceans and molluscs of any kind;

“vessel” includes any ship or boat or any description of vessel used in navigation.