



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8 **U.K.**

#### ENFORCEMENT

### CHAPTER 5 **U.K.**

#### COMMON ENFORCEMENT PROVISIONS

##### *Introductory*

#### **288** Meaning of “enforcement officer” **U.K.**

In this Chapter “enforcement officer” means a person who has any powers conferred by this Part, other than a person who has such powers only by virtue of section 260(2) (persons assisting enforcement officers).

#### **Commencement Information**

**II** S. 288 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 23](#)

##### *Duties of enforcement officers*

#### **289** Duty to provide evidence of authority **U.K.**

- (1) Before exercising any power conferred by this Part, an enforcement officer must, if requested to do so, produce evidence that the officer is authorised to exercise that power.
- (2) An enforcement officer may exercise a power conferred by this Part only if the officer complies with the duty imposed by subsection (1).

*Status: Point in time view as at 18/09/2013.*

*Changes to legislation: Marine and Coastal Access Act 2009, Chapter 5 is up to date with all changes known to be in force on or before 07 August 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) If, at the time the request is made, the officer does not consider it practicable to produce the evidence referred to in subsection (1), that subsection does not apply until such time as the officer considers it practicable to comply with the request.
- (4) Nothing in this section applies to a person falling within paragraph (c) or (d) of section 235(1).

**Modifications etc. (not altering text)**

**C1** Ss. 289-292 applied (with modifications) (N.I.) (18.9.2013) by [Marine Act \(Northern Ireland\) 2013 \(c. 10\)](#), [ss. 38\(8\)](#), [49](#) (with [ss. 1\(1\)](#), [46\(3\)](#), [47](#))

**Commencement Information**

**I2** S. 289 in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 23](#)

**290 Duty to state name and purpose, etc** **U.K.**

- (1) Before exercising any power conferred by this Part, an enforcement officer must, if requested to do so, give the information in subsection (3).
- (2) Before exercising any power conferred by this Part, any person assisting an enforcement officer by virtue of section 260 must, if requested to do so, give the information in paragraphs (b) and (c) of subsection (3).
- (3) The information is—
- (a) the person's name;
  - (b) the power the person is proposing to exercise;
  - (c) the grounds for proposing to do so.
- (4) A person may exercise a power conferred by this Part only if the person complies with the duty imposed by subsection (1) or the duty imposed by subsection (2) (as the case may be).
- (5) If, at the time the request is made, the person does not consider it practicable to give the information referred to in subsection (1) or the information referred to in subsection (2) (as the case may be), that subsection does not apply until such time as the person considers it practicable to comply with the request.

**Modifications etc. (not altering text)**

**C1** Ss. 289-292 applied (with modifications) (N.I.) (18.9.2013) by [Marine Act \(Northern Ireland\) 2013 \(c. 10\)](#), [ss. 38\(8\)](#), [49](#) (with [ss. 1\(1\)](#), [46\(3\)](#), [47](#))

**Commencement Information**

**I3** S. 290 in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 23](#)

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### *Liability of enforcement officers*

#### **291 Liability of enforcement officers etc** **U.K.**

- (1) A person within subsection (2) is not to be liable in any civil or criminal proceedings for anything done (or omitted to be done) in, or in connection with, the discharge or purported discharge of the person's functions under this Act.
- (2) The persons are—
  - (a) any enforcement officer;
  - (b) any person assisting an enforcement officer by virtue of section 260.
- (3) Subsection (1) does not apply—
  - (a) if the act or omission is shown to have been in bad faith,
  - (b) if there were no reasonable grounds for the act or omission, or
  - (c) so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42) (acts of public authorities incompatible with Convention rights).

#### **Modifications etc. (not altering text)**

- C1** Ss. 289-292 applied (with modifications) (N.I.) (18.9.2013) by [Marine Act \(Northern Ireland\) 2013](#) (c. 10), [ss. 38\(8\), 49](#) (with [ss. 1\(1\), 46\(3\), 47](#))

#### **Commencement Information**

- I4** S. 291 in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 23](#)

### *Offences in relation to enforcement officers*

#### **292 Offences in relation to enforcement officers** **U.K.**

- (1) A person is guilty of an offence if—
  - (a) the person fails without reasonable excuse to comply with a requirement reasonably made, or a direction reasonably given, by an enforcement officer in the exercise of any power conferred by this Part, or
  - (b) the person prevents any other person from complying with any such requirement or direction.
- (2) A person is not guilty of an offence by reason of a failure to comply with a requirement made under subsection (1) of section 257 if the person complies with subsection (2) of that section.
- (3) A person who provides information in pursuance of a requirement reasonably made by an enforcement officer in the exercise of the power conferred by section 263 is guilty of an offence if—
  - (a) the information is false in a material particular, and the person knows that it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (4) A person who intentionally obstructs an enforcement officer in the performance of any of the officer's functions under this Act is guilty of an offence.

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- (5) A person who assaults an enforcement officer in the performance of any of the officer's functions under this Act is guilty of an offence.
- (6) A person who, with intent to deceive, falsely pretends to be an enforcement officer is guilty of an offence.
- (7) A person who is guilty of an offence under subsection (1), (3) or (6) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (8) A person who is guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding £20,000.
- (9) A person who is guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding £50,000.
- (10) 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 the United Kingdom.
- (11) In this section any reference to an enforcement officer includes a reference to a person assisting an enforcement officer by virtue of section 260.

**Modifications etc. (not altering text)**

- C1** Ss. 289-292 applied (with modifications) (N.I.) (18.9.2013) by [Marine Act \(Northern Ireland\) 2013](#) (c. 10), **ss. 38(8), 49** (with [ss. 1\(1\), 46\(3\), 47](#))

**Commencement Information**

- I5** S. 292 in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 23](#)

**Status:**

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