



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES

Duties of public authorities

125 General duties of public authorities in relation to MCZs

- (1) This section applies to any public authority having any function the exercise of which is capable of affecting (other than insignificantly)—
 - (a) the protected features of an MCZ;
 - (b) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.
- (2) Every public authority to which this section applies must (so far as is consistent with their proper exercise)—
 - (a) exercise its functions in the manner which the authority considers best furthers the conservation objectives stated for the MCZ;
 - (b) where it is not possible to exercise its functions in a manner which furthers those objectives, exercise them in the manner which the authority considers least hinders the achievement of those objectives.
- (3) If a public authority considers that any of its functions is such that the exercise of the function would or might significantly hinder the achievement of the conservation objectives for an MCZ, it must inform the appropriate statutory conservation body of that fact.

Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.

Changes to legislation: Marine and Coastal Access Act 2009, Section 125 is up to date with all changes known to be in force on or before 18 July 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)

- (4) Subject to subsection (6), subsection (5) applies in any case where a public authority intends to do an act which is capable of affecting (other than insignificantly)—
- (a) the protected features of an MCZ;
 - (b) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.
- (5) If the authority believes that there is or may be a significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, the authority must notify the appropriate statutory conservation body of that fact.
- (6) Subsection (5) does not apply where—
- (a) the appropriate statutory conservation body has given the authority advice or guidance under section 127 in relation to acts of a particular description,
 - (b) the act which the authority intends to do is an act of that description, and
 - (c) the advice or guidance has not ceased to apply.
- (7) Where the authority has given notification under subsection (5), it must wait until the expiry of the period of 28 days beginning with the date of the notification before deciding whether to do the act.
- (8) Subsection (7) does not apply where—
- (a) the appropriate statutory conservation body notifies the authority that it need not wait until the end of the period referred to in that subsection, or
 - (b) the authority thinks that there is an urgent need to do the act.
- (9) If a public authority considers that a relevant event has occurred, it must inform—
- (a) the relevant authority, and
 - (b) the appropriate statutory conservation body,
- of that fact.
- (10) A “relevant event” is any act—
- (a) in relation to which the public authority exercises functions,
 - (b) which the authority believes to be an offence, and
 - (c) which the authority considers will or may significantly hinder the achievement of the conservation objectives for an MCZ.
- (11) For the purposes of subsection (9) “relevant authority” means—
- (a) in relation to an MCZ in Wales, the Welsh Ministers;
 - (b) in relation to an MCZ in the Scottish offshore region, the Scottish Ministers;
 - (c) in relation to any other MCZ, the MMO.
- (12) In carrying out its duties under this section a public authority must have regard to any advice or guidance given by the appropriate statutory conservation body under section 127.
- (13) In this section—
- “act” includes omission;
- “public authority” does not include a Northern Ireland Minister or Northern Ireland department.

Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.

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Commencement Information

II S. 125 partly in force; s. 125 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

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