



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES

Byelaws for protection of MCZs etc: England

132 Interim byelaws

- (1) The MMO may make one or more byelaws for the purpose of protecting any feature in an area in England if the MMO thinks—
 - (a) that there are or may be reasons for the Secretary of State to consider whether to designate the area as an MCZ, and
 - (b) that there is an urgent need to protect the feature.
- (2) In this Chapter “interim byelaw” means a byelaw made under subsection (1).
- (3) An interim byelaw must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (4) Subsections (2) to (9) of section 129 apply to an interim byelaw as they apply to a byelaw made under that section, except that any reference to an MCZ is to be read as a reference to the area to which the interim byelaw applies.
- (5) An interim byelaw—
 - (a) comes into force on a date specified in the byelaw, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the byelaw.

Status: Point in time view as at 31/03/2014. This version of this provision has been superseded.

Changes to legislation: Marine and Coastal Access Act 2009, Section 132 is up to date with all changes known to be in force on or before 28 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)

- (6) The MMO must publish notice of the making of an interim byelaw.
- (7) The notice under subsection (6) must—
 - (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
 - (b) state that a copy of the byelaw may be inspected at the offices of the MMO;
 - (c) state that the Secretary of State has power to revoke the byelaw and that any person affected by the making of the byelaw may make representations to the Secretary of State.
- (8) The Secretary of State may revoke an interim byelaw.
- (9) The MMO must keep under review the need for an interim byelaw to remain in force.
- (10) The MMO may by further byelaw extend the period for which an interim byelaw remains in force; but an interim byelaw may not by virtue of this subsection remain in force for an aggregate period exceeding 12 months.
- (11) If, while an interim byelaw is in force, the Secretary of State gives notice of a proposal to make an order under section 116 designating any part of the area in question as an MCZ, the Secretary of State may direct that the interim byelaw is to remain in force—
 - (a) until the Secretary of State has decided whether to make the order under section 116;
 - (b) if the Secretary of State decides to make such an order, until that order comes into effect.
- (12) The Secretary of State must publish a direction under subsection (11) in such manner as the Secretary of State thinks is most likely to bring the direction to the attention of any persons who are likely to be affected by the making of it.
- (13) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

Commencement Information

II S. 132 partly in force; s. 132 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

Status:

Point in time view as at 31/03/2014. This version of this provision has been superseded.

Changes to legislation:

Marine and Coastal Access Act 2009, Section 132 is up to date with all changes known to be in force on or before 28 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.