



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 6 **E+W+S**

#### MANAGEMENT OF INSHORE FISHERIES

### CHAPTER 1 **E+W+S**

#### INSHORE FISHERIES AND CONSERVATION AUTHORITIES

#### *Enforcement*

#### 166 Powers of IFC officers **E+W+S**

- (1) An IFC officer appointed for an IFC district has the powers referred to in subsection (3) for the purposes of enforcing—
  - (a) any byelaws made under section 155 for the district (or having effect as if so made);
  - (b) sections 1 to 3, 5 and 6 of the Sea Fish (Conservation) Act 1967 (c. 84) and any orders made under any of those sections;
  - (c) any provision made by or under an order under section 1 of the Sea Fisheries (Shellfish) Act 1967 (c. 83) conferring a right of regulating a fishery;
  - (d) any provision of, or any rights conferred by, section 7 of that Act;
  - (e) any byelaws made under section 129 [<sup>F1</sup>, 129A, 129B] or 132 of this Act;
  - (f) section 140 of this Act.
- (2) The Secretary of State may by order amend subsection (1).
- (3) The powers are—
  - (a) the common enforcement powers conferred by this Act;
  - (b) the powers conferred by sections 264, 268, 269 and 284.

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Section 166 is up to date with all changes known to be in force on or before 25 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) View outstanding changes*

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- (4) Subject to subsection (9), the powers which an IFC officer has for the purposes referred to in subsection (1) may be exercised—
- (a) in the IFC district for which the officer has been appointed;
  - (b) in any IFC district adjoining that district;
  - (c) in any other place in England and Wales, in relation to an offence which the officer reasonably believes has been committed within the IFC district for which the officer has been appointed;
  - (d) in relation to any vessel in waters within British fishery limits, excluding the Scottish zone and the Northern Ireland zone, which the officer reasonably believes has been involved in the commission of an offence within the IFC district for which the officer has been appointed;
  - (e) in relation to any vessel or vehicle in Scotland or the Scottish zone which has been pursued there in accordance with subsection (5).
- (5) A vessel or vehicle is pursued in accordance with this subsection if—
- (a) immediately before the pursuit of the vessel or vehicle commences—
    - (i) the vessel or vehicle is in the IFC district for which the officer has been appointed, or
    - (ii) in the case of a vessel operating together with one or more other vessels to carry out a single activity, any of those vessels is in that district,
  - (b) before the pursuit of the vessel or vehicle commences, a signal is given for it to stop, and
  - (c) the pursuit of the vessel or vehicle is not interrupted.
- (6) The signal referred to in subsection (5)(b) must be given in such a way as to be audible or visible from the vessel or vehicle in question.
- (7) For the purposes of subsection (5)(c), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
  - (b) the identity of the vessel, vehicle or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (8) Nothing in this section affects any right of hot pursuit which an IFC officer may have under international law.
- (9) The powers which an IFC officer has for the purposes referred to in subsection (1) may not be exercised in relation to any warship belonging to Her Majesty and forming part of Her Majesty's armed forces.

#### **Textual Amendments**

- F1** Words in s. 166(1)(e) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 27](#) (with [Sch. 4 para. 31](#))

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

- C1** S. 166(4)-(9) modified (20.8.2018) by [The Sea Fishing \(Enforcement\) Regulations 2018 \(S.I. 2018/849\)](#), regs. 1(1), **2(3)**

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**Commencement Information**

- I1** S. 166 partly in force; s. 166 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I2** S. 166 in force at 1.4.2011 in so far as not already in force by [S.I. 2011/556](#), **art. 2(2)(d)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(5A) inserted by [2024 asc 3 Sch. 3 para. 10\(2\)](#)
- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- s. 243A inserted by [2024 asc 3 s. 110](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)