



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 1

#### THE MARINE MANAGEMENT ORGANISATION

### CHAPTER 4

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *General powers and duties*

#### **30 Continuation of certain existing prosecutions**

- (1) Any prosecution commenced by the Secretary of State before the appropriate commencement date—
  - (a) for an offence in relation to any of the functions transferred to the MMO by or under Chapter 2 of this Part, or
  - (b) for an offence under the fisheries legislation (see subsections (2) and (3)), may be continued on or after that day by the MMO.
- (2) In this section “the fisheries legislation” means—
  - (a) any enactments relating to sea fishing, including any enactment relating to fishing for shellfish, salmon or migratory trout (but see subsection (3));
  - (b) any [<sup>F1</sup>retained EU restriction or retained EU obligation] relating to sea fishing.
- (3) “The fisheries legislation” does not include—
  - (a) the Salmon and Freshwater Fisheries Act 1975 (c. 51);
  - (b) the Salmon Act 1986 (c. 62);
  - (c) byelaws made by the Environment Agency under Schedule 25 to the Water Resources Act 1991 (c. 57);
  - (d) the Scotland Act 1998 (Border Rivers) Order 1999 (S.I. 1999/1746);

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*Status: Point in time view as at 17/07/2023. This version of this provision has been superseded.*

*Changes to legislation: Marine and Coastal Access Act 2009, Section 30 is up to date with all changes known to be in force on or before 27 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)*

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- (e) byelaws made by an inshore fisheries and conservation authority under section 155.

(4) In this section—

“the appropriate commencement date” means—

- (a) in relation to an offence falling within paragraph (a) of subsection (1), the date on which the function to which the offence relates is transferred to the MMO;
- (b) in relation to an offence falling within paragraph (b) of that subsection, the date on which section 1 comes into force;

[<sup>F2</sup>“retained EU restriction ” means a restriction that—

- (a) was created or arose by or under the EU Treaties before IP completion day, and

(b) forms part of retained EU law,  
as modified from time to time.]

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**Textual Amendments**

**F1** Words in s. 30(2)(b) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/746\)](#), regs. 1, **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F2** Words in s. 30(4) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/746\)](#), regs. 1, **4(2)(b)** (as amended by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), **12(2)(a)**); 2020 c. 1, Sch. 5 para. 1(1)

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**Commencement Information**

**I1** S. 30 in force at 1.4.2010 by [S.I. 2010/298](#), art. 2, **Sch. para. 9**

**Status:**

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**Changes to legislation:**

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