



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4

MARINE LICENSING

CHAPTER 3

ENFORCEMENT

Offences

86 Action taken in an emergency

- (1) It is a defence for a person charged with an offence under section 85(1) in relation to any activity to prove that—
 - (a) the activity was carried out for the purpose of securing the safety of a vessel, aircraft or marine structure, or for the purpose of saving life, and
 - (b) the person took steps within a reasonable time to inform the appropriate licensing authority of the matters set out in subsection (2).
- (2) The matters are—
 - (a) the fact that the activity was carried out,
 - (b) the locality and circumstances in which it was carried out, and
 - (c) any substances or objects concerned.
- (3) A person does not have the defence provided by subsection (1) if the court is satisfied that the activity was neither—
 - (a) necessary for any purpose mentioned in subsection (1)(a), nor
 - (b) a reasonable step to take in the circumstances.
- (4) A person does not have the defence provided by subsection (1) if the court is satisfied that—

Status: Point in time view as at 24/08/2017.

Changes to legislation: Marine and Coastal Access Act 2009, Section 86 is up to date with all changes known to be in force on or before 13 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)

- (a) the activity was necessary for one of those purposes, but
- (b) the necessity was due to the fault of the person or of some other person acting under the person's direction or control.

Modifications etc. (not altering text)

- C1** S. 86 excluded (24.8.2017) by [The National Grid \(Richborough Connection Project\) Development Consent Order 2017 \(S.I. 2017/817\)](#), art. 1, **Sch. 9 para. 18** (with art. 22)
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Commencement Information

- I1** S. 86 in force at 6.4.2011 by [S.I. 2011/556](#), **art. 3(2)(a)**

Status:

Point in time view as at 24/08/2017.

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