

2010 No. 2195 (C. 110)

FISHERIES

**The Marine and Coastal Access Act 2009 (Commencement No.4
and Transitional Provisions) Order 2010**

Made - - - - *31st August 2010*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 316(1)(b) and 324(3) of the Marine and Coastal Access Act 2009(a).

Citation

1. This Order may be cited as the Marine and Coastal Access Act 2009 (Commencement No. 4 and Transitional Provisions) Order 2010.

Interpretation

2. In this Order—

“the Act” means the Marine and Coastal Access Act 2009;

“IFC authority” has the meaning given by section 186(1) of the Act.

Appointed day – 1st October 2010

3.—(1) The day appointed for the coming into force of the provisions of the Act referred to in paragraph (2) is 1st October 2010.

(2) The provisions are—

- (a) section 150 (inshore fisheries and conservation authorities);
- (b) section 151 (membership and proceedings of IFC authorities), so far as not already commenced by section 324 of the Act;
- (c) section 165 (inshore fisheries and conservation officers);
- (d) section 174 (duty of co-operation);
- (e) section 176(1) (accounts);
- (f) section 177 (annual plan);
- (g) section 179 (supplementary powers);
- (h) section 180 (expenses of IFC authorities), so far as not already commenced by section 324 of the Act;
- (i) section 181 (IFC authority as party to proceedings);
- (j) section 182 (exemption from liability);

- (k) section 186 (interpretation) so far as relating to the definitions of “authority for an IFC district”, “IFC authority”, “IFC district”; “local authority area” and “relevant council”;
- (l) paragraphs 9, 12 to 15 and 19 of Schedule 14 (inshore fisheries and conservation authorities: amendments) and section 184 (minor and consequential amendments relating to IFC authorities) so far as relating to those provisions.

Preparatory exercise of functions by IFC authority before transfer date

4.—(1) An IFC authority may exercise its functions under section 179 and 181 at any time before the transfer date only for the purpose of preparing for its exercise of functions under Chapter 1 of Part 6 of the Act on and after that date.

(2) At any time before the transfer date an IFC authority may authorise employees of a relevant local fisheries committee to exercise functions of the authority for the purpose mentioned in paragraph (1).

(3) In this article—

“local fisheries committee” has the meaning given by section 188(6) of the Act;

“relevant local fisheries committee” means, in relation to an IFC authority, a local fisheries committee whose district is wholly or partly comprised in the district of the authority;

“the transfer date” means the date on which section 187 of the Act comes into force in relation to England^(a).

31st August 2010

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order brings into force various sections of the Marine and Coastal Access Act 2009 (“the 2009 Act”), which relate to Inshore Fisheries and Conservation Authorities (IFCAs). Article 4 contains transitional provisions.

A full impact assessment of the effect that the 2009 Act will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. No separate impact assessment has been produced for this instrument.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Marine and Coastal Access Act 2009 have been brought into force (or will be brought into force) by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>SI No</i>
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(a) Section 187 repeals the Sea Fisheries Regulation Act 1966 (c. 38). It was brought into force in relation to Wales on 1.04.2010 (S.I. 2010/630 (C. 42)) and is to be brought into force in relation to England on a day to be appointed by the Secretary of State by order under section 324 of the Marine and Coastal Access Act 2009.

ss. 1 to 3, Schs. 1 and 2	12.1.2010	2009/3345 (C. 153)
ss. 4 to 8	1.04.2010	2010/907 (C. 61)
ss. 9 to 13	1.04.2010	2010/298 (C. 23)
ss. 14 to 22	12.1.2010	2009/3345
s. 23	1.04.2010	2010/298
s. 24	12.1.2010	2009/3345
s. 25	1.04.2010	2010/298
ss. 26 to 28	12.1.2010	2009/3345
ss. 29 to 30	1.04.2010	2010/298
ss. 31 to 40, Sch. 3	12.1.2010	2009/3345
ss. 42 to 43	12.1.2010	2009/3345
s. 112, Sch. 8 (partially)	1.04.2010	2010/298
s. 187 in relation to Wales	1.04.2010	2010/630 (C. 42)
ss. 194 to 216	12.1.2010	2009/3345
s. 217 (partially)	12.1.2010	2009/3345
(for remaining purposes)	in force 1.1.2011	2010/298
ss. 218 to 219	in force 1.1.2011	2010/298
ss. 220 to 222	12.1.2010	2009/3345
s. 223 (partially)	12.1.2010	2009/3345
(for remaining purposes)	in force 1.1.2011	2010/298
ss. 224 to 232	12.1.2010	2009/3345
s. 233 and Sch. 16 (partially)	12.1.2010	2009/3345
(for remaining purposes)	in force 1.1.2011	2010/298
s. 234	1.04.2010	2010/298
s. 235	12.1.2010	2009/3345
ss. 237 to 239	12.1.2010	2009/3345
ss. 243 to 262, Sch. 17	12.1.2010	2009/3345
ss. 264 to 295, Sch. 18	12.1.2010	2009/3345
ss. 311 to 313	12.1.2010	2009/3345
s. 315, Sch. 21	12.1.2010	2009/3345
s. 321 and Sch. 22 (partially)	12.1.2010	2009/3345
(partially)	1.04.2010, other provisions in force 1.1.2011	2010/298
(partially in relation to Wales)	1.04.2010	2010/630

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STATUTORY INSTRUMENTS

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