

2010 No. 298 (C. 23)

ELECTRICITY

FISHERIES

LICENSING (MARINE)

MARINE MANAGEMENT

NATURE CONSERVATION

PIPE-LINES

**The Marine and Coastal Access Act 2009 (Commencement No.2
and Transitional Provisions) Order 2010**

Made - - - - - *8th February 2010*

Laid before Parliament *15th February 2010*

Coming into force - - - *1st April 2010*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 316(1)(b) and 324(3) and (4) of the Marine and Coastal Access Act 2009^(a).

Citation, commencement and interpretation

1.—(1) This Order—

(a) may be cited as the Marine and Coastal Access Act 2009 (Commencement No.2 and Transitional Provisions) Order 2010, and

(b) comes into force on 1st April 2010.

(2) In this Order, “the Act” means the Marine and Coastal Access Act 2009.

Appointed day – 1st April 2010

2.—(1) Part 1 of the Schedule (provisions coming into force on 1st April 2010) has effect.

(2) The day appointed for the coming into force of the provisions of the Act referred to in Part 1 of the Schedule is 1st April 2010.

Appointed day – 1st January 2011

3.—(1) Part 2 of the Schedule (provisions coming into force on 1st January 2011) has effect.

(2) The day appointed for the coming into force of the provisions of the Act referred to in Part 2 of the Schedule is 1st January 2011.

Transitional provisions relating to sections 12 and 13 of the Act

4.—(1) Nothing in section 12 of the Act (certain consents under section 36 of the Electricity Act 1989(a)) applies in relation to—

- (a) any consent under section 36 of the Electricity Act 1989 granted before the coming into force of section 12 of the Act;
- (b) any application for the granting of consent under section 36 of the Electricity Act 1989 which was made, but not determined or withdrawn, before the coming into force of section 12 of the Act.

(2) Nothing in section 13 of the Act (safety zones: functions under section 95 of the Energy Act 2004(b)) applies in relation to any application referred to in section 95(3)(a) of the Energy Act 2004 (application to issue notice under section 95) which was made, but not determined or withdrawn, before the coming into force of section 13 of the Act.

Huw Irranca-Davies

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

8th February 2010

SCHEDULE

Articles 2 and 3

PART 1

Provisions coming into force on 1st April 2010

Provisions in Part 1 of the Act (the Marine Management Organisation)

1. Section 9 (which relates to the transfer of certain functions under the Conservation of Seals Act 1970(c) to the MMO).

2. Section 10 (which relates to the transfer of certain functions under the Wildlife and Countryside Act 1981(d) to the MMO).

3. Section 11 (which subjects the MMO to certain duties under the Sea Fisheries (Wildlife Conservation) Act 1992(e)).

4. Section 12 (which relates to the transfer of certain functions under the Electricity Act 1989 to the MMO).

5. Section 13 (which relates to the transfer of certain functions under the Energy Act 2004 to the MMO).

6. Section 23 (MMO's role in relation to applications for development consent).

(a) 1989 c. 29; relevant amendments to section 36 were made by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 31 and 32(1), (2) and (3) (from a date to be appointed) and the Energy Act 2004 (c. 20), section 93(1) and (3).

(b) 2004 c. 20.

(c) 1970 c. 30, to which there are amendments not relevant to this Order.

(d) 1981 c. 69, to which there are amendments not relevant to this Order.

(e) 1992 c. 36, to which there are amendments not relevant to this Order.

7. Section 25 (advice, assistance and training facilities).
8. Section 29 (power to bring proceedings).
9. Section 30 (continuation of certain existing prosecutions).

Provisions in or relating to Part 4 of the Act (marine licensing)

10. In Schedule 8 (licensing: minor and consequential amendments), paragraphs 7 and 8 (which deal with amendments to the Petroleum Act 1998(a)), and section 112(1) (amendments) so far as relating to those provisions, so far as not already commenced by section 324 of the Act.

Provisions in Part 7 of the Act (fisheries)

11. Chapter 4 (section 234) (obsolete fisheries enactments).

Provisions in or relating to Part 11 of the Act (supplementary provisions)

12. In Schedule 22 (miscellaneous repeals), in Part 5 (fisheries), the provisions mentioned in Table C of that Part (repeals relating to Chapter 4 of Part 7 of the Act), and section 321 (repeals) so far as relating to those provisions.

PART 2

Provisions coming into force on 1st January 2011

Provisions in or relating to Part 7 of the Act (fisheries)

13. Chapter 3 of Part 7 (migratory and freshwater fish) and Schedule 16 (migratory and freshwater fish: consequential and supplementary amendments), so far as not already commenced.

Provisions in or relating to Part 11 of the Act (supplementary provisions)

14. In Schedule 22 (miscellaneous repeals), Part 5 (fisheries) and section 321 (repeals) so far as relating to that Part, so far as not already commenced.

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument brings into force, on two appointed days, certain provisions of the Marine and Coastal Access Act 2009 (“the Act”).

Article 2 and Part 1 of the Schedule provide for the commencement, on 1st April 2010, of certain provisions of Part 1 of the Act (relating to the Marine Management Organisation); certain provisions of Schedule 8 (relating to the Petroleum Act 1998); the repeal of a number of enactments relating to fisheries referred to in Chapter 4 of Part 7, and related repeals in Schedule 22.

Article 3 and Part 2 of the Schedule provide for the commencement, on 1st January 2011, of the remaining provisions of Part 7 of, and Schedule 16 to, the Act (relating to fisheries), and related repeals in Schedule 22.

Article 4 contains transitional provisions relating to sections 12 and 13 of the Act.

(a) 1998 c. 17, to which there are amendments not relevant to this Order.

A full impact assessment of the effect that the 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 Act have been 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>
ss. 1 to 3, Schs. 1 and 2	12.1.2010	2009/3345 (C. 153)
ss. 14 to 22	12.1.2010	2009/3345
s. 24	12.1.2010	2009/3345
ss. 26 to 28	12.1.2010	2009/3345
ss. 31 to 40, Sch. 3	12.1.2010	2009/3345
ss. 42 to 43	12.1.2010	2009/3345
ss. 194 to 216	12.1.2010	2009/3345
s. 217 (partially)	12.1.2010	2009/3345
ss. 220 to 222	12.1.2010	2009/3345
s. 223 (partially)	12.1.2010	2009/3345
ss. 224 to 232	12.1.2010	2009/3345
s. 233 and Sch. 16 (partially)	12.1.2010	2009/3345
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

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