



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 2

#### EXCLUSIVE ECONOMIC ZONE, UK MARINE AREA AND WELSH ZONE

#### **41 Exclusive economic zone**

- (1) The rights to which this section applies have effect as rights belonging to Her Majesty by virtue of this section.
- (2) This section applies to all rights under Part V of the Convention that are exercisable by the United Kingdom in areas outside the territorial sea.
- (3) Her Majesty may by Order in Council designate an area as an area within which the rights to which this section applies are exercisable (an “exclusive economic zone”).
- (4) The Secretary of State may by order designate the whole or any part of the exclusive economic zone as an area in relation to which the Scottish Ministers, the Welsh Ministers or any Northern Ireland department are to have functions.
- (5) In any enactment or instrument passed or made after the coming into force of an Order in Council made under this section, any reference to the United Kingdom's exclusive economic zone is to be read as a reference to any area designated in the Order in Council.
- (6) An Order in Council under this section may include incidental, consequential, supplementary or transitional provision or savings.
- (7) In this section “the Convention” means the United Nations Convention on the Law of the Sea (Cmnd 8941) and any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.
- (8) Part 1 of Schedule 4 (which contains amendments consequential on this section) has effect.

*Changes to legislation: Marine and Coastal Access Act 2009, Part 2 is up to date with all changes known to be in force on or before 10 June 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*

#### Commencement Information

- I1** [S. 41](#) partly in force; [s. 41](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#)  
**I2** [S. 41](#) in force at 31.3.2014 in so far as not already in force by [S.I. 2013/3055](#), [art. 2](#)

## 42 UK marine area

- (1) For the purposes of this Act, the “UK marine area” consists of the following—
- (a) the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom,
  - (b) any area of sea within the limits of the exclusive economic zone,
  - (c) the area of sea within the limits of the UK sector of the continental shelf (so far as not falling within the area mentioned in paragraph (b), and see also subsection (2)),
- and includes the bed and subsoil of the sea within those areas.
- (2) The area of sea mentioned in subsection (1)(c) is to be treated as part of the UK marine area for any purpose only to the extent that such treatment for that purpose does not contravene any international obligation binding on the United Kingdom or Her Majesty's government.
- (3) In this section “sea” includes—
- (a) any area submerged at mean high water spring tide, and
  - (b) the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.
- (4) The area of sea referred to in subsection (3)(a) includes waters in any area—
- (a) which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but
  - (b) into which seawater is caused or permitted to flow, whether continuously or from time to time, and
  - (c) from which seawater is caused or permitted to flow, whether continuously or from time to time.
- (5) Until the coming into force of the first Order in Council made under section 41 (the exclusive economic zone), the reference in subsection (1)(b) to the exclusive economic zone is to be read as a reference to a renewable energy zone.

#### Commencement Information

- I3** [S. 42](#) in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 6](#)

## 43 Welsh zone

- (1) Section 158 of the Government of Wales Act 2006 (c. 32) (interpretation) is amended as follows.
- (2) In subsection (1) after the definition of “Wales” insert “, and
- Welsh zone” means the sea adjacent to Wales which is—

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- (a) within British fishery limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976), and
  - (b) specified in an Order in Council under section 58 or an order under subsection (3).”
- (3) For subsection (3) substitute—
- “(3) The Secretary of State may by order determine, or make provision for determining, for the purposes of the definitions of “Wales” and the “Welsh zone”, any boundary between waters which are to be treated as parts of the sea adjacent to Wales, or sea within British fishery limits adjacent to Wales, and those which are not.”
- (4) Part 2 of Schedule 4 (which contains amendments consequential on this section) has effect.
- (5) The Secretary of State may by order make such modifications or amendments of—
- (a) any Act passed before the end of the Session in which this Act is passed, or
  - (b) any instrument made before the end of that Session,
- as the Secretary of State considers appropriate in consequence of this section.

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**Commencement Information**

- I4** S. 43 partly in force; s. 43 in force for specified purposes at Royal Assent see s. 324(1)(c)(d)
- I5** S. 43 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 7

**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. 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\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)