

*These notes refer to the Marine Act (Northern Ireland) 2013
(c.10) which received Royal Assent on 17 September 2013*

Marine Act (Northern Ireland) 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Marine Protection

Section 29: Interim byelaws for MCZ

This section enables the Department to make interim byelaws to protect a feature(s) in an area where the Department considers there may be reasons to designate an MCZ and where there is an urgent need for protection. Delay in providing protection through byelaws could otherwise result in harm to the site. Byelaws under this section are essentially the same as emergency byelaws made by virtue of section 26 except that they apply to areas which are not yet designated as MCZs.

As there will be no MCZs designated in these cases, subsection (3) requires that the interim byelaws clearly state the boundaries of the area to which they will apply.

As with the emergency byelaws, interim byelaws can be made without consultation, publication or confirmation by the Secretary of State, although the Department must then publish notice of them being made, and the Department must keep the need for them under review.

Subsection (5) provides for interim byelaws to remain in operation for up to 12 months, unless revoked by the Secretary of State. In cases where the period specified in the byelaws is under 12 months, it may be subsequently extended by the Department (under subsection (10)) – but interim byelaws cannot remain in force for more than 12 months in total.

If, while interim byelaws are in place, the Department gives notice of a proposal to make an order (under section 13) to designate any part of the area as an MCZ, the Department may direct that the interim byelaws are to remain in place until the Department decides whether to make the order and until any such order comes into effect.