

*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 33: Offence of damaging, etc. protected features of MCZ

This section creates a general offence for deliberate or reckless acts of damage to protected features of an MCZ.

Subsections (1) and (2) set out the circumstances in which a person is guilty of the offence. The offence is committed where a person intentionally or recklessly causes damage or harm to the protected features of an MCZ. This includes killing or injuring plants and animals and removing anything that is a protected feature from an MCZ. In order to be guilty of the offence, it is necessary that the person knows, or ought to have known, that the feature was in, or formed part of, an MCZ. In addition, an offence is committed only where the person's actions have significantly hindered, or may significantly hinder, the achievement of the conservation objectives of the MCZ.

Subsection (5) provides that a court determining the fine should have regard to any financial benefit the person obtained by committing the offence: the greater the gain, the higher the penalty is likely to be.

Subsection (6) provides that an offence may be tried in any part of Northern Ireland.