



## 2013 CHAPTER 10

### Part 3

#### Marine protection

##### *Duties of Department*

#### **Creation of network of conservation sites**

**20.—**(1) In order to contribute to the achievement of the objective in subsection (2), the Department must designate MCZs under section 13.

(2) The objective is that the MCZs designated by the Department, taken together with—

- (a) any marine conservation zones designated under section 116 of the 2009 Act;
- (b) any nature conservation marine protected areas designated under section 67 of the Marine (Scotland) Act 2010; and
- (c) any relevant conservation sites in the UK marine area,

form a network which satisfies the conditions in subsection (3).

(3) The conditions are—

- (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area;
- (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area;
- (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site.

---

*Changes to legislation: There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Duties of Department. (See end of Document for details)*

---

(4) For the purposes of subsection (2), the following are “relevant conservation sites”—

- (a) a European marine site within the meaning of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;
- (b) a European offshore marine site within the meaning of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;
- (c) the whole or part of any area of special scientific interest within the meaning of Part 4 of the Environment (Northern Ireland) Order 2002;
- (d) the whole or part of any Ramsar site, that is to say any site designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by—
  - (i) the Protocol known as the Paris Protocol done at Paris on 3rd December 1982; and
  - (ii) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28th May and 3rd June 1987; and
  - (iii) any further amendments coming into force from time to time.

(5) When complying with the duty imposed by subsection (1), the Department must have regard to any [<sup>F1</sup>[<sup>F2</sup>assimilated] obligations or obligations under international law] that relate to the conservation or improvement of the marine environment.

(6) In subsection (3)(a) the reference to “the conservation or improvement of the marine environment” includes the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Northern Ireland in implementation of Article 3 of the Wild Birds Directive (including by means of the upkeep, management and creation of such habitat, as appropriate), having regard to the requirements of Article 2 of that Directive.

(7) Before the end of the period of 2 months beginning with the date on which this section comes into operation, the Department must—

- (a) prepare a statement setting out such principles relating to the achievement of the objective in subsection (2) as the Department intends to follow when complying with the duty imposed by subsection (1), and
- (b) lay a copy of the statement before the Assembly.

(8) A statement prepared by the Department under this section may also set out other matters relating to the achievement of that objective which the Department intends to take into account when complying with the duty imposed by subsection (1).

(9) The Department must—

- (a) keep under review any statement it has prepared under this section, and

---

*Changes to legislation: There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Duties of Department. (See end of Document for details)*

---

- (b) if it considers it appropriate in consequence of a review, prepare a revised statement of the principles referred to in subsection (7) and lay a copy of it before the Assembly.

(10) In this section—

“feature” means anything falling within paragraphs (a) to (c) of section 14(1);

“UK marine area” has the meaning given by section 42 of the 2009 Act;

“the Wild Birds Directive” means Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds.

[<sup>F3</sup>(11) For the purposes of this section, the Wild Birds Directive is to be read with the following modifications—

- (a) references to “the European territory of the Member States to which the Treaty applies” include the United Kingdom;
- (b) references to a Member State (or Member States) include the United Kingdom.]

#### Textual Amendments

- F1** Words in s. 20(5) substituted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 20(5) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 81**
- F3** S. 20(11) inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Reports

**21.—**(1) Before the end of every relevant period, the Department must lay before the Assembly a report setting out—

- (a) the extent to which, in the opinion of the Department, the objective in section 20(2) has been achieved;
- (b) any further steps which, in the opinion of the Department, are required to be taken in order to contribute to the achievement of that objective.

(2) The report must also contain the following information—

- (a) the number of MCZs which the Department has designated during the relevant period;
- (b) in relation to each such MCZ—
- (i) the size of the MCZ, and
- (ii) the conservation objectives stated for the MCZ;

---

**Changes to legislation:** *There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Duties of Department. (See end of Document for details)*

---

- (c) the number of MCZs designated by the Department in which the following activities are prohibited or significantly restricted—
    - (i) any licensable marine activity;
    - (ii) fishing for or taking animals or plants from the sea;
  - (d) information about any amendments which the Department has made to any orders made under section 13;
  - (e) the extent to which, in the opinion of the Department, the conservation objectives stated for each MCZ which it has designated have been achieved;
  - (f) any further steps which, in the opinion of the Department, are required to be taken in relation to any MCZ in order to achieve the conservation objectives stated for it.
- (3) In this section—
- “licensable marine activity” has the same meaning as in Part 4 of the 2009 Act;
- “relevant period” means—
- (a) the period beginning on the date on which this section comes into operation and ending on 31 December 2018;
  - (b) each subsequent period of 6 years.

**Changes to legislation:**

There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Duties of Department.