



2013 CHAPTER 10

Part 3

Marine protection

Supplementary

Repeals, amendments and transitional provisions

40.—(1) The following provisions (which relate to marine nature reserves) are repealed—

- (a) in the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985—
 - (i) Articles 20 and 21;
 - (ii) in Article 31 “21” (wherever it occurs); and
 - (iii) Part 2 of Schedule 3;
- (b) in the Territorial Sea Act 1987—
 - (i) section 3(2)(c); and
 - (ii) in Schedule 1, paragraph 9.

(2) Any area which, immediately before the day on which this section comes into operation, is designated by an order under Article 20 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 as a marine nature reserve is to be treated, on and after that day, as if it were a marine conservation zone designated by an order under section 13.

(3) The designation having effect by virtue of subsection (2) includes (in accordance with section 15(5)(b)) the area of land designated by the order under Article 20, together with all of the water covering that land.

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

(4) Any byelaws which, immediately before the day on which this section comes into operation, are in operation under Article 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 for the protection of any area designated as a marine nature reserve have effect, on and after that date, as if they were byelaws made under section 26.

(5) In regulation 31 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (byelaws for protection of European marine site) for paragraphs (1) and (2) substitute—

“(1) The Department may make byelaws for the protection of a European marine site under section 26 of the Marine Act (Northern Ireland) 2013 (byelaws for protection of marine conservation zones).

(2) The provisions of Part 3 of that Act relating to byelaws under section 26 apply, with the following modifications, in relation to byelaws made by virtue of paragraph (1) of this regulation—

- (a) any reference to an MCZ is to be read as a reference to a European marine site;
- (b) in section 26(1) the reference to furthering the conservation objectives of an MCZ is to be read as a reference to protecting a European marine site;
- (c) the reference in section 26(3)(c) to hindering the conservation objectives stated for an MCZ is to be read as a reference to damaging a European marine site.”.

(6) Regulation 66 of those Regulations shall cease to have effect in relation to byelaws under Article 21 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

Interpretation of this Part

41 In this Part—

- “animal” includes any egg, larva, pupa, or other immature stage of an animal;
- “emergency byelaws” has the meaning given by section 28;
- “interim byelaws” means byelaws made under section 29;
- “marine installation” means any artificial island, installation or structure;
- “MCZ” means a marine conservation zone designated by an order under section 13;
- “protected feature”, in relation to an MCZ or proposed MCZ, means any flora, fauna, habitat or feature which is sought to be conserved by the making of the order designating the zone;
- “seashore” means—

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- (a) the foreshore, that is to say, land which is covered and uncovered by the ordinary movement of the tide, and
- (b) any land, whether or not covered intermittently by water, which is in apparent continuity (determined by reference to the physical characteristics of that land) with the foreshore, as far landward as any natural or artificial break in that continuity;

“vehicles” includes—

- (a) bicycles and other non-motorised forms of transport, and
- (b) hovercraft;

“vessels” includes—

- (a) hovercraft,
- (b) aircraft capable of landing on water, and
- (c) any other craft capable of travelling on, in or under water, whether or not capable of carrying any person.

Changes to legislation:

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