

2016 No. 30

WILDLIFE

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

**The South-West Deeps (West) Marine Conservation Zone
Designation (Amendment) Order 2016**

Made - - - - *12th January 2016*

Coming into force - - *29th January 2016*

The Secretary of State thinks it desirable to make this Order for the purpose of conserving the marine habitat and the species of marine fauna referred to in article 2(4) of this Order.

The Secretary of State has had regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment in accordance with section 123(5) of the Marine and Coastal Access Act 2009(a).

The Secretary of State has—

- (a) published notice of the proposal to make this Order in accordance with section 119(2) and (3) of that Act; and
- (b) consulted persons who are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1), 117(1), (2) and (7), 118(1) and (6), 122(1) and 123(1) of that Act.

Citation and commencement

1. This Order may be cited as the South-West Deeps (West) Marine Conservation Zone Designation (Amendment) Order 2016 and comes into force on 29th January 2016.

Amendment to the South-West Deeps (West) Marine Conservation Zone Designation Order 2013

2.—(1) The South-West Deeps (West) Marine Conservation Zone Designation Order 2013(b) is amended as follows.

(a) 2009 c.23. For the definition of “appropriate authority” see sections 116(5) and 147(1).
(b) Ministerial Order 2013 No. 21.

- (2) In article 5(2)(b)—
- (a) in paragraph (iii) for the full stop substitute a semi-colon;
 - (b) after paragraph (iii), insert—
 - “(c) with respect to the species of marine fauna within the Zone, means the quality and quantity of its habitat, and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive.”;
- (3) After article 5(5), insert—
- “(5A) For the purposes of paragraph 5(2)(c), any temporary reduction in numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.”.
- (4) In the table in Schedule 2 (protected features)—
- (a) after the entry in the second row (subtidal mixed sediments), insert—
 - (i) in the first column, “Subtidal mud”;
 - (ii) in the second column, “Broadscale marine habitat”;
 - (b) after the entry in the fourth row (Celtic Sea Relict Sandbanks), insert—
 - (i) in the first column, “Fan mussel (*Atrina fragilis*)”;
 - (ii) in the second column, “Species of marine fauna”.

George Eustice
Minister of State

12th January 2016

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the South-West Deeps (West) Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No. 21) to add subtidal mud and the Fan mussel (*Atrina fragilis*) as protected features in that Order.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Marine Protected Areas team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and at <https://www.gov.uk/government/consultations/marine-conservation-zones-second-tranche-of-designations>.