

2019 No. 31

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

WILDLIFE

**The Poole Rocks Marine Conservation Zone Designation
(Amendment) Order 2019**

Made - - - - *20th May 2019*
Coming into force - - *31st May 2019*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1) and 122(1), and in accordance with sections 117(1), (2) and (7), 118(1) and (6), and 123(1), of the Marine and Coastal Access Act 2009(a).

The Secretary of State thinks it desirable to make this Order for the purpose of conserving the species of marine fauna specified in Article 2 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 that Act.

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 the Secretary of State thinks are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

Citation and commencement

1. This Order may be cited as the Poole Rocks Marine Conservation Zone Designation (Amendment) Order 2019 and comes into force on 31st May 2019.

(a) 2009 c. 23. See section 116(5) for the definition of “appropriate authority”.

Amendment to the Poole Rocks Marine Conservation Zone Designation Order 2013

2.—(1) The Poole Rocks Marine Conservation Zone Designation Order 2013(a) is amended as follows.

(2) In article 5—

- (a) in the heading, for “objective” substitute “objectives”;
- (b) in paragraph (1), in the words before sub-paragraph (a)—
 - (i) after “The” insert “first”;
 - (ii) for “its protected features” substitute “the protected features specified in Table 1 of Schedule 2”;

(c) after paragraph (5) insert—

“(5A) The second conservation objective of the Zone is that, in relation to the protected feature (black seabream) specified in Table 2 of Schedule 2—

- (a) the habitat used by members of that species for the purposes of spawning (“spawning habitat”)—
 - (i) so far as already in favourable condition, remain in such condition; and
 - (ii) so far as not already in favourable condition, be brought into such condition, and remain in such condition; and
- (b) the population (whether temporary or otherwise) of that species occurring in the Zone be free of disturbance of a kind likely to significantly affect the survival of its members or their ability to aggregate, nest, or lay, fertilise or guard eggs during breeding.

(5B) In paragraph (5A)(a), “favourable condition” with respect to spawning habitat within the Zone, means that the habitat is of sufficient quality and quantity to enable members of the species using the habitat to survive, aggregate, nest or lay, fertilise or guard eggs during breeding.”;

(d) in paragraph (6), after “paragraph (2)” insert “or (5A)(a)”.

(3) In Schedule 2 (protected features)—

- (a) the existing table becomes Table 1;
- (b) after that Table, insert—

“Table 2

<i>Protected feature</i>	<i>Type of feature</i>
Black seabream (<i>Spondyliosoma cantharus</i>)	Species of marine fauna”

20th May 2019

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) Ministerial Order 2013 No. 18 made on 21st November 2013.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Poole Rocks Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No. 18) to add black seabream as a protected feature in that Order. The conservation objectives of the Zone are set out in article 5 as amended by this Order.

A full impact assessment of the effect that this instrument will have on the costs of business and the public sector is available at <https://www.gov.uk/government/consultations/marine-conservation-zones-third-tranche-of-designations>.