



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 6

#### MANAGEMENT OF INSHORE FISHERIES

### CHAPTER 1

#### INSHORE FISHERIES AND CONSERVATION AUTHORITIES

#### *Miscellaneous and supplemental*

#### **180 Expenses of IFC authorities**

- (1) The expenses incurred by the authority for an IFC district are to be defrayed by the relevant council or councils.
- (2) Where there is more than one relevant council for an IFC district, each council must pay such portion of the expenses incurred by the authority for the district as is specified in, or determined in accordance with, the order establishing the district.

The order may provide for the portion of the expenses payable by a relevant council to be calculated by reference to any circumstances whatsoever.

- (3) Accordingly, section 103 of the Local Government Act 1972 (c. 70) (expenses of joint committees) does not apply in relation to an IFC authority.
- (4) The total amount of an IFC authority's expenses to be defrayed under subsection (1) for any particular financial year may be vetoed by a vote of those members of the IFC authority who are members of a relevant council.

*Status: Point in time view as at 01/04/2011.*

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**Commencement Information**

- II** S. 180 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2195, art. 3(2)(h) (with art. 4)

**181 IFC authority as party to proceedings**

An IFC authority is capable (despite being an unincorporated body) of—

- (a) making contracts;
- (b) bringing proceedings under this Act in its own name;
- (c) bringing or defending any other proceedings in its own name.

**Commencement Information**

- I2** S. 181 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(i) (with art. 4)

**182 Exemption from liability**

- (1) No person who is a member or employee of an IFC authority is to be liable for anything done (or omitted to be done) in, or in connection with, the discharge or purported discharge of the authority's functions.
- (2) Subsection (1) does not apply if the act or omission is shown to have been in bad faith.
- (3) The reference in subsection (1) to an employee of an IFC authority does not include any IFC officer acting as such an officer.

(For provision exempting such officers from liability, see section 291.)

**Commencement Information**

- I3** S. 182 in force at 1.10.2010 by S.I. 2010/2195, art. 3(2)(j)

**183 Report by Secretary of State**

- (1) As soon as is reasonably practicable after the end of every relevant four-year period, the Secretary of State must lay before Parliament a report about the conduct and operation of the authorities for any IFC districts in existence during the whole or part of that period.
- (2) In this section “relevant four-year period” means—
  - (a) the period of four years beginning with the day on which the Secretary of State first made an order under section 149;
  - (b) each subsequent period of four years.

**Commencement Information**

- I4** S. 183 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(j)

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## 184 Minor and consequential amendments

Schedule 14 (which contains minor and consequential amendments relating to IFC authorities) has effect.

### Commencement Information

- I5** S. 184 in force at 1.10.2010 for specified purposes by S.I. 2010/2195, art. 3(2)(l)  
**I6** S. 184 in force at 1.4.2011 in so far as not already in force by S.I. 2011/556, art. 2(2)(k)

## 185 Application to the Crown

- (1) This Chapter is binding on the Crown and applies in relation to any Crown land as it applies in relation to any other land.

This is subject to subsection (2).

- (2) No contravention by the Crown of any provision of this Chapter is to make the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.

- (3) Despite subsection (2), the provisions of this Chapter apply to persons in the public service of the Crown as they apply to other persons.

- (4) For the purposes of this section “Crown land” means land an interest in which—

- (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,
- (b) belongs to Her Majesty in right of the Duchy of Lancaster,
- (c) belongs to the Duchy of Cornwall, or
- (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

- (5) In this section references to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

### Commencement Information

- I7** S. 185 in force at 1.4.2011 by S.I. 2011/556, art. 2(2)(l)

## 186 Interpretation of this Chapter

- (1) In this Chapter—

“authority for an IFC district” is to be read in accordance with section 150(2);

“eligible body” has the meaning given by section 168;

“IFC authority” means an inshore fisheries and conservation authority (see section 150);

“IFC district” means an inshore fisheries and conservation district (see section 149);

“IFC officer” means an inshore fisheries and conservation officer (see section 165);

“local authority area” means—

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- (a) a county, a London borough or a metropolitan district,
  - (b) a non-metropolitan district comprised in an area for which there is no county council,
  - (c) the City of London, or
  - (d) the Isles of Scilly;
- “the marine environment” includes—
- (a) geological or physiographical features of marine or coastal areas;
  - (b) features of archaeological or historic interest in such areas;
  - (c) flora and fauna which are dependent on, or associated with, a marine or coastal environment;
- “master” includes, in relation to any vessel, the person for the time being in command or charge of the vessel;
- “relevant council”, in relation to an IFC district, means the council for a local authority area falling within the district;
- “sea fisheries resources” has the meaning given by section 153;
- “seashore” means the shore and bed of the sea;
- “shellfish” includes crustaceans and molluscs of any kind;
- “vessel” includes any ship or boat or any other description of vessel used in navigation.

- (2) Any reference in this Chapter to the exploitation of sea fisheries resources is to be read in accordance with section 153(12).

**Commencement Information**

- 18** S. 186 in force at 1.10.2010 for specified purposes by S.I. 2010/2195, **art. 3(2)(k)**
- 19** S. 186 in force at 1.4.2011 in so far as not already in force by S.I. 2011/556, **art. 2(2)(m)**

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