



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

#### CHAPTER 1

#### ENFORCEMENT OFFICERS

#### *Marine enforcement officers*

#### **236 Enforcement of marine licensing regime**

- (1) For the purposes of enforcing Part 4 of this Act, a marine enforcement officer has—
  - (a) the common enforcement powers conferred by this Act;
  - (b) the power conferred by section 263.This is subject to subsection (2).
- (2) A marine enforcement officer does not have the powers referred to in subsection (1) for the purposes of enforcing Part 4 of this Act so far as relating to—
  - (a) any activity in Wales or the Welsh inshore region concerning or arising from the exploration for, or production of, petroleum;
  - (b) anything done in the course of taking installation abandonment measures in any other part of the relevant enforcement area.
- (3) Subject to subsection (8), the powers which a marine enforcement officer has for the purposes of enforcing Part 4 of this Act may be exercised—
  - (a) in the relevant enforcement area (and in relation to any vessel, aircraft or marine structure in that area);
  - (b) in relation to any vessel or marine structure outside the UK marine area which was loaded within the relevant enforcement area;

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*Status: This is the original version (as it was originally enacted).*

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- (c) in relation to any British vessel, British aircraft or British marine structure outside the UK marine area;
  - (d) in Scotland or the Scottish inshore region, in relation to an offence which the officer reasonably believes has been committed—
    - (i) within the relevant enforcement area, or
    - (ii) outside the UK marine area and in circumstances where a vessel, aircraft or marine structure referred to in paragraph (b) or (c) was involved in the commission of the offence;
  - (e) in relation to any vessel, aircraft or marine structure in the Scottish offshore region which has been pursued there in accordance with subsection (4).
- (4) A vessel, aircraft or marine structure is pursued in accordance with this subsection if—
- (a) immediately before the pursuit of the vessel, aircraft or structure commences, the vessel, aircraft or structure is in the relevant enforcement area,
  - (b) before the pursuit of the vessel, aircraft or structure commences, a signal is given for it to stop, and
  - (c) the pursuit of the vessel, aircraft or structure is not interrupted.
- (5) The signal referred to in subsection (4)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or structure in question.
- (6) For the purposes of subsection (4)(c), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
  - (b) the identity of the vessel or aircraft carrying out the pursuit,
- changes during the course of the pursuit.
- (7) Nothing in this section affects any right of hot pursuit which a marine enforcement officer may have under international law.
- (8) The powers which a civilian marine enforcement officer has for the purposes of enforcing Part 4 of this Act may not be exercised in relation to any British warship.
- (9) In this section—
- “installation abandonment measures” means any measures taken in connection with the abandonment of—
- (a) an offshore installation or submarine pipeline, within the meaning of Part 4 of the [Petroleum Act 1998 \(c. 17\)](#), or
  - (b) a carbon storage installation, within the meaning of section 30 of the [Energy Act 2008 \(c. 32\)](#),
- whether or not the measures are taken in pursuance of an abandonment programme;
- “abandonment programme” means—
- (a) an abandonment programme under Part 4 of the [Petroleum Act 1998](#);
  - (b) an abandonment programme under that Part, as it applies by virtue of section 30 of the [Energy Act 2008](#);
- “the relevant enforcement area” means the area that consists of—
- (a) England and Wales and Northern Ireland, and
  - (b) the UK marine licensing area, excluding the Scottish offshore region.

- (10) Any term used in this section and in Part 4 of this Act has the same meaning in this section as it has in that Part.