

**2009 No. 3345 (C. 153)**

**FISHERIES**

**HARBOURS, DOCKS, PIERS AND FERRIES, ENGLAND  
AND WALES**

**MARINE MANAGEMENT**

**NATURE CONSERVATION**

**NATURAL ENVIRONMENT**

**The Marine and Coastal Access Act 2009 (Commencement No.1  
and Transitional Provisions) Order 2009**

<i>Made</i> - - - -	<i>16th December 2009</i>
<i>Laid before Parliament</i>	<i>21st December 2009</i>
<i>Coming into force</i> - -	<i>12th January 2010</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 316(1)(b) and 324(3) and (4) of the Marine and Coastal Access Act 2009(a).

**Citation, commencement and interpretation**

1.—(1) This Order—

- (a) may be cited as the Marine and Coastal Access Act 2009 (Commencement No.1 and Transitional Provisions) Order 2009, and
- (b) comes into force on 12th January 2010.

(2) In this Order, “the Act” means the Marine and Coastal Access Act 2009.

**Appointed day**

2.—(1) The Schedule (provisions coming into force on 12th January 2010) has effect.

(2) The day appointed for the coming into force of the provisions of the Act referred to in the Schedule is 12th January 2010.

## Transitional provisions

3.—(1) Nothing in section 205 of the Act (increase in penalties for certain offences relating to fisheries for shellfish) applies in relation to an offence committed before that section comes into force.

(2) Nothing in section 206 of the Act (liability of master, etc where vessel used in commission of offence) applies in relation to an offence committed before that section comes into force.

16th December 2009

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

## SCHEDULE

Article 2

### Provisions coming into force on 12th January 2010

#### **Provisions in or relating to Part 1 of the Act (the Marine Management Organisation)**

1. Chapter 1 (sections 1 to 3) (establishment) and Schedules 1 and 2 (the Marine Management Organisation; minor and consequential amendments relating to the MMO).

2. Chapter 3 (sections 14 to 22) (agreements involving the MMO for the exercise of functions), so far as not already commenced by section 324 of the Act.

3. Section 24 (research).

4. Sections 26 to 28 and 31 (which deal with certain powers and duties).

5. Sections 32 to 40 (which deal with financial provisions, directions and guidance, and transfer schemes etc) and Schedule 3 (transfer schemes), so far as not already commenced by section 324 of the Act.

#### **Provisions in or relating to Part 2 of the Act (exclusive economic zone, UK marine area and Welsh zone)**

6. Section 42 (UK marine area).

7. Section 43 (Welsh zone) and Part 2 of Schedule 4 (which contains consequential amendments relating to the Welsh zone), so far as not already commenced by section 324 of the Act.

#### **Provisions relating to Part 7 of the Act (fisheries)**

8. Chapter 1 (sections 194 to 201) (the Sea Fish (Conservation) Act 1967(a)) and Schedule 15 (Sea Fish (Conservation) Act 1967: minor and consequential amendments), so far as not already commenced by section 324 of the Act.

9. Chapter 2 (sections 202 to 214) (the Sea Fisheries (Shellfish) Act 1967(b)), so far as not already commenced by section 324 of the Act.

10. Sections 215 and 216 (prohibited implements; roe etc), so far as not already commenced by section 324 of the Act.

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(a) 1967 c. 84, to which there are amendments not relevant to this Order.

(b) 1967 c. 83, to which there are amendments not relevant to this Order.

11. Section 217(3) and (4) (omission of certain provisions from section 25 of the Salmon and Freshwater Fisheries Act 1975(a)) and subsection (1) so far as relating to the meaning of “that section” in those subsections.

12. Sections 220 to 222 (enforcement; power to specify fish; order-making powers: supplementary), so far as not already commenced by section 324 of the Act.

13. Section 223(2) and (6) (definitions of “eels” and “smelt”) and subsection (1) so far as relating to those subsections.

14. Sections 224 to 232 (byelaws; supplementary provisions), so far as not already commenced by section 324 of the Act.

15. The following provisions of Schedule 16 (migratory and freshwater fish: consequential and supplementary amendments)—

- (a) paragraph 1, so far as relating to the provisions referred to in the following sub-paragraphs,
- (b) paragraph 3(3) and sub-paragraph (1) so far as relating to sub-paragraph (3),
- (c) paragraph 8, except for the omission of section 20 of the Salmon and Freshwater Fisheries Act 1975,
- (d) paragraphs 12 and 13,
- (e) paragraph 14(2) and sub-paragraph (1) so far as relating to sub-paragraph (2),
- (f) paragraph 15,
- (g) paragraph 16(2), (3), (5), (6) and (9) and sub-paragraph (1) so far as relating to those sub-paragraphs,
- (h) paragraph 17(2), (4) and (5) and sub-paragraph (1) so far as relating to those sub-paragraphs,
- (i) paragraphs 18 to 26,

and section 233(1) (consequential and supplementary amendments), so far as relating to those provisions.

16. Section 233(2) (which omits obsolete etc provisions from the Salmon and Freshwater Fisheries Act 1975).

#### **Provisions in or relating to Part 8 of the Act (enforcement)**

17. Section 235 (marine enforcement officers).

18. Sections 237 to 239 (enforcement of nature conservation and fisheries legislation; marine enforcement officers as British sea-fishery officers).

19. Section 243 (enforcement of MCZs in Scottish offshore region).

20. Section 244 (interpretation of Chapter 1).

21. Chapter 2 (sections 245 to 262) (common enforcement powers) and Schedule 17 (warrants issued under section 249).

22. Chapter 4 (sections 264 to 287) (fisheries enforcement powers) and Schedule 18 (forfeiture of property under section 275 or 276).

23. Chapter 5 (sections 288 to 292) (common enforcement provisions).

24. Chapter 6 (sections 293 to 295) (miscellaneous and supplementary), so far as not already commenced by section 324 of the Act.

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(a) 1975 c. 51, to which there are amendments not relevant to this Order.

### **Provisions in or relating to Part 10 of the Act (miscellaneous)**

**25.** Sections 311 to 313 (which relate to Natural England and the Countryside Council for Wales).

**26.** Section 315 (amendments of the Harbours Act 1964(a)) and Schedule 21 (amendments of the Harbours Act 1964), so far as not already commenced by section 324 of the Act.

### **Provisions in or relating to Part 11 of the Act (supplementary provisions)**

**27.** The following provisions of Schedule 22 (miscellaneous repeals)—

- (a) Part 1 (EEZ, UK marine area and Welsh zone), except in relation to the Fishery Limits Act 1976(b);
- (b) Part 5 (fisheries), except in relation to—
  - (i) sections 3, 6 to 8, 16, 17 and 20 of the Salmon and Freshwater Fisheries Act 1975 (see Table B of that Part),
  - (ii) the Territorial Sea Act 1987(c) (see Table B of that Part), and
  - (iii) the provisions mentioned in Table C of that Part (repeals relating to Chapter 4 of Part 7 of the Act);
- (c) Part 6 (enforcement);
- (d) Part 8 (miscellaneous),

and section 321 (repeals), so far as relating to those provisions.

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This instrument, which extends to the United Kingdom, brings into force certain provisions of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

Article 2 and the Schedule set out the provisions that come into force on the appointed day of 12th January 2010.

Paragraphs 1 to 5 of the Schedule deal with provisions relating to the Marine Management Organisation.

Paragraphs 6 and 7 deal with provisions relating to the UK marine area and the Welsh zone.

Paragraphs 8 to 16 deal with provisions relating to fisheries.

Paragraphs 17 to 24 deal with provisions relating to enforcement.

Paragraphs 25 and 26 deal with provisions relating to Natural England, the Countryside Council for Wales and the Harbours Act 1964.

Paragraph 27 deals with provisions relating to repeals.

Article 3 contains transitional provisions relating to sections 205 and 206 of the 2009 Act.

See section 323 of the 2009 Act for details of the extent of the provisions brought into force by this instrument.

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(a) 1964 c. 40, to which there are amendments not relevant to this Order.  
(b) 1976 c. 86, to which there are amendments not relevant to this Order.  
(c) 1987 c. 49, to which there are amendments not relevant to this Order.

A full impact assessment of the effect that the 2009 Act will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk). No separate impact assessment has been produced for this instrument.

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STATUTORY INSTRUMENTS

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