



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES [F¹ AND MANAGEMENT OF SEA FISHERIES]

Duties relating to network

123 Creation of network of conservation sites

- (1) In order to contribute to the achievement of the objective in subsection (2), the appropriate authority must designate MCZs under section 116.
- (2) The objective is that the MCZs designated by the appropriate authority, taken together with any other MCZs designated under section 116 and any relevant conservation sites in the UK marine area, form a network which satisfies the conditions in subsection (3).
- (3) The conditions are—
 - (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area;
 - (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area;
 - (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site.
- (4) For the purposes of subsection (2), the following are “relevant conservation sites”—
 - (a) any European marine site;
 - (b) the whole or part of any SSSI;
 - (c) the whole or part of any Ramsar site.

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- (5) When complying with the duty imposed by subsection (1), the appropriate authority must have regard to any [^{F1}[^{F2}assimilated] obligations or obligations under international law] that relate to the conservation or improvement of the marine environment.
- (6) Before the end of the period of 2 months beginning with the date on which this section comes into force, the appropriate authority must—
- (a) prepare a statement setting out such principles relating to the achievement of the objective in subsection (2) as the authority intends to follow when complying with the duty imposed by subsection (1), and
 - (b) lay a copy of the statement before the appropriate legislature.
- (7) A statement prepared by the appropriate authority under this section may also set out other matters relating to the achievement of that objective which the authority intends to take into account when complying with the duty imposed by subsection (1).
- (8) The appropriate authority must—
- (a) keep under review any statement it has prepared under this section, and
 - (b) if it considers it appropriate in consequence of a review, prepare a revised statement of the principles referred to in subsection (6) and lay a copy of it before the appropriate legislature.

- (9) In this section—

“the appropriate legislature” means—

- (a) in relation to the Secretary of State, Parliament;
- (b) in relation to the Welsh Ministers, the National Assembly for Wales;
- (c) in relation to the Scottish Ministers, the Scottish Parliament;

“European marine site” means any site which is—

- (a) a European marine site within the meaning of [^{F3}—
 - (i) the Conservation (Natural Habitats, &c) Regulations 1994 (S.I. 1994/2716),
or
 - [^{F4}(ii) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8), or]
- [^{F5}(b) a European offshore marine site within the meaning of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013),]

“ feature ” means anything falling within paragraphs (a) to (c) of section 117(1);

“ Ramsar site ” has the same meaning as in section 37A of the Wildlife and Countryside Act 1981 (c. 69);

“ SSSI ” means a site of special scientific interest, within the meaning of Part 2 of that Act.

Textual Amendments

- F1** Words in s. 123(5) substituted (31.12.2020) by [The Marine Environment \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1399\)](#), regs. 1, 2(4); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 123(5) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 70(2)(d)**

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- F3** Words in s. 123(9) renumbered (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 6 para. 5(3)(a)** (with reg. 125)
- F4** Words in s. 123(9) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 8(2)**
- F5** Words in s. 123(9) substituted (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), reg. 1, **Sch. 4 para. 2(2)** (with regs. 3, 4(2))

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 1 applied (with modifications) by S.I. 1994/2716, reg. 36(3)(4) (as substituted (E.W.) (12.1.2010 for specified purposes, 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(b)(i), **Sch. 11 para. 4(1)**; S.I. 2014/3088, art. 2(b))
- C2** Pt. 5 Ch. 1 applied (with modifications) (E.W.) (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **40(3)(4)**
- C3** S. 123(3)(a) modified by SI 2007/1842, reg. 6(6) (as inserted (16.8.2012) by [The Offshore Marine Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2012 \(S.I. 2012/1928\)](#), regs. 1, **3(b)**)
- C4** S. 123(3)(a) modified by SI 2010/490 reg. 9A(6) (as substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **8**)
- C5** S. 123(3)(a) modified (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), regs. 1, **6(6)** (with regs. 3, 4(2))
- C6** S. 123(3)(a) modified (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **10(6)** (with regs. 3(9), 4, 131)

Commencement Information

- I1** S. 123 partly in force; s. 123 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I2** S. 123 in force at 12.12.2014 in so far as not already in force by S.I. 2014/3088, **art. 2(a)**

124 Report

- (1) Before the end of every relevant period, the appropriate authority must lay before the appropriate legislature a report setting out—
- (a) the extent to which, in the opinion of the authority, the objective in section 123(2) has been achieved;
 - (b) any further steps which, in the opinion of the authority, are required to be taken in order to contribute to the achievement of that objective.
- (2) The report must also contain the following information—
- (a) the number of MCZs which the authority has designated during the relevant period;
 - (b) in relation to each such MCZ—
 - (i) the size of the MCZ, and
 - (ii) the conservation objectives which have been stated for the MCZ;
 - (c) the number of MCZs designated by the authority in which the following activities are prohibited or significantly restricted—
 - (i) any licensable marine activity;
 - (ii) fishing for or taking animals or plants from the sea;
 - (d) information about any amendments which the authority has made to any orders made under section 116;
 - (e) the extent to which, in the opinion of the authority, the conservation objectives stated for each MCZ which it has designated have been achieved;

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- (f) any further steps which, in the opinion of the authority, are required to be taken in relation to any MCZ in order to achieve the conservation objectives stated for it.
- (3) For the purposes of complying with its duty under this section, the appropriate authority for any area may direct the appropriate statutory conservation body for that area to carry out such monitoring of MCZs in that area as is specified in the direction.
- (4) A body that is given a direction under subsection (3) must comply with it.
- (5) In this section—
- “the appropriate legislature” means—
- (a) in relation to the Secretary of State, Parliament;
- (b) in relation to the Welsh Ministers, the National Assembly for Wales;
- (c) in relation to the Scottish Ministers, the Scottish Parliament;
- “licensable marine activity” has the same meaning as in Part 4;
- “relevant period” means—
- (a) the period beginning on the date on which this section comes into force and ending on 31 December 2012;
- (b) each subsequent period of six years.

Modifications etc. (not altering text)

- C7** S. 124 modified by SI 2007/1842, reg. 6(6) (as inserted (16.8.2012) by [The Offshore Marine Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2012 \(S.I. 2012/1928\)](#), regs. 1, **3(b)**)
- C8** S. 124 modified by SI 2010/490 reg. 9A(6) (as substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **8**)
- C9** S. 124 modified (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **10(6)** (with regs. 3(9), 4)

Commencement Information

- I3** S. 124 partly in force; s. 124 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I4** S. 124 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), **art. 2(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)