

*These notes refer to the Marine Act (Northern Ireland) 2013  
(c.10) which received Royal Assent on 17 September 2013*

# Marine Act (Northern Ireland) 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Marine Protection**

##### *Section 38: Enforcement officers*

This section enables the Department to appoint officers for the purpose of enforcing any byelaws made under section 26 or 29 and enforcing section 33. The enforcement powers that may be exercised are “common enforcement powers”.

Officers will also be able to exercise these powers in respect of other nature conservation legislation governing the marine area, namely the Wildlife (Northern Ireland) Order 1985; the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and associated byelaws; and the Environment (Northern Ireland) Order 2002.

Such powers may be exercised in the Northern Ireland inshore region and in any other part of Northern Ireland. The powers may not be exercised in relation to any British warship (as defined in section 244 of the Marine and Coastal Access Act 2009).

Additionally, the powers may not be exercised in relation to a third country vessel, a non-UK warship or any other vessel that is being used by a government other than the UK for any non-commercial purpose. The exception to this is where in the case of a third country vessel (other than a warship or a vessel being used by a third country for any non-commercial purpose) the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state.