



## 2013 CHAPTER 10

### Part 5

#### Supplementary

#### **Regulations and orders**

**43.—**(1) Regulations under this Act are subject to negative resolution.

(2) Except as provided by subsections (3) to (5), orders made by the Department under this Act are subject to negative resolution.

(3) An order to which this subsection applies shall not be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(4) Subsection (3) applies to—

- (a) an order under section 34(5);
- (b) an order under section 35;
- (c) an order under section 46(1) which amends or repeals an Act of Parliament or any Northern Ireland legislation.

(5) Subsection (2) does not apply to an order under section 13 (orders made for the purpose of designating MCZs).

(6) Orders made under section 13 are not statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(7) Regulations and orders made by the Department under this Act may contain such incidental, consequential, supplementary, transitional and savings provisions as appear to the Department to be necessary or expedient.

**Offences: companies, etc.**

**44.—**(1) For the purposes of an offence under this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954—

- (a) applies with the omission of the words “the liability of whose members is limited”, and
- (b) in a case where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

(2) If an offence under this Act is committed by a partnership (whether or not a limited partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

- (a) a partner, or
- (b) a person purporting to act as a partner,

that person (as well as the partnership) commits the offence.

**Disapplication of requirement for consent to certain prosecutions**

**45.** Section 3 of the Territorial Waters Jurisdiction Act 1878 (consents to prosecutions of certain offences committed on the open sea) does not apply to any proceedings for an offence under this Act.

**Supplementary, incidental, consequential, transitional provision etc.**

**46.—**(1) The Department may by order make—

- (a) such supplementary, incidental or consequential provision,
- (b) such transitory, transitional or saving provision,

as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.

(2) An order under subsection (1) may amend, repeal, revoke or otherwise modify any statutory provision (including this Act).

(3) Nothing in this Act affects the generality of the power conferred by this section.

**Crown application**

**47.—**(1) This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland and applies in relation to any Crown land as it applies in relation to any other land.

(2) No contravention by the Crown of any provision of this Act is to make the Crown criminally liable; but the High Court may, on the application of the Department, declare unlawful any act of the Crown which constitutes such a contravention.

(3) Despite subsection (2), the provisions of this Act 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,
- (b) belongs to a Northern Ireland department or a department of the government of the United Kingdom or is held in trust for Her Majesty for the purposes of any such department.

### **Interpretation**

**48.** In this Act—

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“act” includes omission;

“the Department” means the Department of the Environment;

“notice” means notice in writing;

“public authority” means any of the following—

- (a) a Minister of the Crown or a department of the government of the United Kingdom;
- (b) a Northern Ireland department;
- (c) a statutory undertaker within the meaning given by section 250(1) of the Planning Act (Northern Ireland) 2011;
- (d) a district council;
- (e) any other body established under a statutory provision;
- (f) the holder of any office under the Crown or any office established under a statutory provision;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

### **Commencement**

**49.** This Act comes into operation on the day after the day on which this Act receives Royal Assent.

### **Short title**

**50.** This Act may be cited as the Marine Act (Northern Ireland) 2013.