



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 6

#### MANAGEMENT OF INSHORE FISHERIES

### CHAPTER 1

#### INSHORE FISHERIES AND CONSERVATION AUTHORITIES

##### *Power to delegate functions*

#### **167 Power to enter into agreements with eligible bodies**

- (1) The authority for an IFC district may, with the approval of the Secretary of State, enter into an agreement with an eligible body authorising the eligible body to perform any function of the IFC authority—
  - (a) either in relation to the district or in relation to specified parts of that district;
  - (b) subject to paragraph (a), either generally or in specified cases.“Specified” means specified in the agreement.
- (2) For the purposes of this section and sections 168 to 171—
  - (a) any reference to a function of an IFC authority includes a reference to a function exercisable by a person authorised, appointed or employed by the IFC authority;
  - (b) any reference to an agreement is to an agreement under this section.
- (3) The Secretary of State's approval may be given—
  - (a) in relation to a particular agreement or in relation to a description of agreements;
  - (b) unconditionally or subject to conditions specified in the approval.

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***Changes to legislation:** Marine and Coastal Access Act 2009, Cross Heading: Power to delegate functions is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) An agreement under this section may not authorise an eligible body to perform any of the following functions—
  - (a) any function whose performance by the body would be incompatible with the purposes for which the body was established;
  - (b) functions under section 176 (accounts).
- (5) An agreement under this section does not prevent the IFC authority from performing a function to which the agreement relates.
- (6) The maximum period for which an agreement under this section may authorise an eligible body to perform a function is 20 years.

#### Commencement Information

**II** [S. 167](#) in force at 1.4.2011 by [S.I. 2011/556](#), [art. 2\(2\)\(e\)](#)

### 168 Eligible bodies

- (1) In this Chapter “eligible body”, in relation to an agreement entered into by the authority for an IFC district, means any body in the following list—
  - (a) the authority for any IFC district that adjoins the district;
  - (b) the Environment Agency.
  - <sup>[F1]</sup>(c) the Natural Resources Body for Wales.]
- (2) The Secretary of State may by order amend subsection (1) so as to—
  - (a) add any body or description of body to the list, or
  - (b) remove any body or description of body from it.
- (3) The Secretary of State may not exercise the power conferred by subsection (2)(a) unless—
  - (a) the body, or every body of the description, to be added to the list is a public body, and
  - (b) the Secretary of State is satisfied that at least one of the purposes or functions of the body, or bodies of the description, to be added to the list is, or is related to or connected with, an inshore marine function.
- (4) In this section “inshore marine function” means any function which relates to, or whose exercise is capable of affecting, the whole or any part of the English inshore region.

#### Textual Amendments

**F1** [S. 168\(1\)\(c\)](#) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), [art. 1\(2\)](#), [Sch. 2 para. 446](#) (with [Sch. 7](#))

#### Commencement Information

**I2** [S. 168](#) partly in force; [s. 168](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#)  
**I3** [S. 168](#) in force at 1.4.2011 in so far as not already in force by [S.I. 2011/556](#), [art. 2\(2\)\(e\)](#)

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## **169 Variation, review and cancellation of agreements under section 167**

- (1) Subject to subsection (3), the Secretary of State—
  - (a) must review an agreement no later than the end of the period of 5 years beginning with the date on which the agreement was entered into or was last reviewed by the Secretary of State, and
  - (b) if it appears appropriate to do so in the light of the review, may cancel the agreement.
- (2) Subject to subsection (3), an agreement may not be varied except—
  - (a) by agreement between the IFC authority and the eligible body, and
  - (b) with the approval of the Secretary of State.
- (3) An approval given under section 167(1) may provide that subsection (1) or (2) of this section does not apply (or that both of them do not apply).

### **Commencement Information**

**I4** [S. 169](#) in force at 1.4.2011 by [S.I. 2011/556](#), [art. 2\(2\)\(e\)](#)

## **170 Agreements under section 167: particular powers**

- (1) The fact that a function is conferred by or under this Act or an Act passed after the passing of this Act does not prevent it from being the subject of an agreement.
- (2) An IFC authority may, under an agreement, authorise an eligible body to perform a function even though, under the enactment or subordinate legislation conferring that function on the IFC authority,—
  - (a) the function is conferred on the IFC authority by reference to specified circumstances or cases and the same type of function is conferred on the eligible body in different specified circumstances or cases,
  - (b) the function is exercisable by the IFC authority and the eligible body jointly,
  - (c) the eligible body is required to be, or may be, consulted about the function (whether generally or in specified circumstances), or
  - (d) the eligible body is required to consent to the exercise of the function (whether generally or in specified circumstances).
- (3) An agreement may provide—
  - (a) for the performance of a function to be subject to the fulfilment of conditions;
  - (b) for payments to be made in respect of the performance of the function.
- (4) Any eligible body which is authorised under an agreement to perform a function—
  - (a) is to be treated as having power to do so;
  - (b) may, unless (or except to the extent that) the agreement provides for this paragraph not to apply, authorise a committee, sub-committee, member, officer or employee of the body to perform the function on its behalf.
- (5) Subject to subsection (4)(b), an eligible body which is authorised under an agreement to perform a function may not authorise any other body or person to perform that function.

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- (6) Section 182 (exemption from liability) applies in relation to any function which an eligible body is authorised under an agreement to perform as if the reference to an IFC authority were a reference to the eligible body.

**Commencement Information**

**I5** [S. 170](#) in force at 1.4.2011 by [S.I. 2011/556](#), [art. 2\(2\)\(e\)](#)

**171 Supplementary provisions with respect to agreements under section 167**

- (1) An agreement under section 167, and any approval given by the Secretary of State under that section, must be in writing.
- (2) An IFC authority which has entered into an agreement with an eligible body must arrange for a copy of the agreement to be published in a way that the IFC authority thinks is suitable for bringing it to the attention of persons likely to be affected by it.
- (3) No power of a Minister of the Crown under any enactment to give directions to a statutory body extends to giving a direction—
  - (a) requiring it to enter into an agreement under section 167;
  - (b) prohibiting it from entering into such an agreement;
  - (c) requiring it to include, or prohibiting it from including, particular terms in such an agreement;
  - (d) requiring it to negotiate, or prohibiting it from negotiating, a variation or termination of such an agreement.
- (4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (c. 40) (restrictions on disclosure of information) applies in relation to an authorisation by an IFC authority or an eligible body under section 167 or 170 of this Act as it applies in relation to an authorisation under section 69 of that Act by an office-holder.

**Commencement Information**

**I6** [S. 171](#) in force at 1.4.2011 by [S.I. 2011/556](#), [art. 2\(2\)\(e\)](#)

**Changes to legislation:**

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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\(2\)\(a\)](#)