

SCHEDULES

SCHEDULE 10

AMENDMENTS OF THE MARINE AND COASTAL ACCESS ACT 2009

PART 2

POWERS RELATING TO THE EXPLOITATION OF SEA FISHERIES RESOURCES

11 After section 129 insert—

“129A Byelaws relating to exploitation of sea fisheries resources: England

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in England for the purposes of conserving—
 - (a) marine flora or fauna, or
 - (b) marine habitats or types of marine habitat.
- (2) A byelaw under this section may be made so as to apply to any area in England.
- (3) A byelaw under this section must specify the flora or fauna, or habitat or type of habitat, for the conservation of which the byelaw is made.
- (4) The provision that may be made by a byelaw under this section includes provision that prohibits, restricts or otherwise interferes with the exercise of—
 - (a) a right of several fishery;
 - (b) any right on, to or over any portion of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent or by prescription or immemorial usage.
- (5) But the MMO may make a byelaw that prohibits, or significantly restricts or interferes with, a right referred to in subsection (4), only if the person who enjoys the right consents.
- (6) Subsection (5) does not apply in relation to the exercise of such a right in relation to—
 - (a) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981,
 - (b) a national nature reserve declared in accordance with section 35 of that Act,
 - (c) a Ramsar site, within the meaning of section 37A of that Act,
 - (d) a European marine site, within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), or
 - (e) an MCZ.

Status: This is the original version (as it was originally enacted).

(7) See also section 129C (supplementary).

129B Byelaws relating to exploitation of sea fisheries resources: English offshore region

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in the English offshore region for the purposes of conserving—
 - (a) marine flora or fauna,
 - (b) marine habitats or types of marine habitat, or
 - (c) features of geological or geomorphological interest.
- (2) A byelaw under this section may be made so as to apply to any area in the English offshore region.
- (3) A byelaw under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) See also section 129C (supplementary).

129C Byelaws under sections 129A and 129B: supplementary

- (1) The provision that may be made by a byelaw under section 129A or 129B includes, in particular, provision falling within any of the Heads set out in subsections (2) to (4).
- (2) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
 - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
 - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
 - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (3) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the MMO, including—
 - (a) provision for the charging of fees for permits;
 - (b) provision enabling conditions to be attached to a permit;
 - (c) provision enabling the MMO to limit the number of permits issued by it.
- (4) Head 3 is—
 - (a) provision prohibiting or restricting the use of vessels of specified descriptions;
 - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
 - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;

Status: This is the original version (as it was originally enacted).

- (d) provision for determining whether such items are items of a specified description.
- (5) A byelaw under section 129A or 129B may be made—
 - (a) subject to specified exceptions or conditions;
 - (b) so as to cease to have effect after a specified period.
- (6) A byelaw under section 129A or 129B may make different provision for different cases, including in particular—
 - (a) different times of the year,
 - (b) different means or methods of carrying out an activity, and
 - (c) different descriptions of sea fisheries resources.
- (7) In this section “specified” means specified in the byelaw.”