

SCHEDULES

SCHEDULE 10

AMENDMENTS OF THE MARINE AND COASTAL ACCESS ACT 2009

PART 2

POWERS RELATING TO THE EXPLOITATION OF SEA FISHERIES RESOURCES

- 29 (1) Section 237 (enforcement of nature conservation legislation) is amended as follows.
- (2) In the heading, after “conservation” insert “or fisheries exploitation”.
- (3) In subsection (1), after “legislation” insert “or the fisheries exploitation legislation”.
- (4) In subsection (2)—
- (a) in paragraph (f), for “132” substitute “132(1)”;
 - (b) in paragraph (g), for “136” substitute “136(1)”.
- (5) After subsection (2) insert—
- “(2A) In this section “the fisheries exploitation legislation” means—
- (a) any byelaws made under section 129A, 129B or 132(1A) of this Act;
 - (b) any orders made under section 134A, 134B, 136(1A), 137A, 137C, 137E or 137G of this Act.”
- (6) In subsection (3), after “legislation” insert “or the fisheries exploitation legislation”.
- (7) In subsection (8), after “legislation” insert “or the fisheries exploitation legislation”.
- (8) After subsection (9) insert—
- “(9A) The powers which a marine enforcement officer has for the purposes of enforcing the fisheries exploitation legislation may not be exercised in relation to a vessel falling within paragraph (b) or (c) of subsection (10) unless the Commissioners have given authority to exercise those powers.”
- (9) In subsection (11), after “(9)(b)” insert “or (9A)”.
- (10) After subsection (13) insert—
- “(14) Where the fisheries exploitation legislation consists of an order made under section 137A or 137C of this Act (orders relating to Scottish offshore region), this section applies as if—
- (a) references to a marine enforcement officer included a person appointed as such by the Scottish Ministers,
 - (b) for the purposes of subsection (3)(a), the relevant enforcement area were Scotland, the Scottish inshore region and the Scottish offshore region, and

Status: This is the original version (as it was originally enacted).

- (c) subsections (3)(c) and (d) and (4) to (6) were omitted.
- (15) Where the fisheries exploitation legislation consists of an order made under section 137E or 137G of this Act (orders relating to Northern Ireland offshore region), this section applies as if—
- (a) references to a marine enforcement officer included a person appointed as such by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,
 - (b) for the purposes of subsection (3)(a), the relevant enforcement area were Northern Ireland, the Northern Ireland inshore region and the Northern Ireland offshore region, and
 - (c) subsections (3)(c) and (d) and (4) to (6) were omitted.”