
EXPLANATORY NOTE

(This note is not part of the Order)

This instrument brings into force, on two different days, provisions of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”).

Article 2 brings into force on 1st April 2011 those provisions of Chapters 1 and 2 of Part 6 of the 2009 Act (and associated schedules) which are not already in force, dealing with the management of inshore fisheries, together with associated repeals.

Article 3 brings into force on 6th April 2011 those provisions of Part 4 of the 2009 Act (and associated schedules) which are not already in force, dealing with marine licensing; together with related enforcement provisions in Part 8; section 314 (which makes amendments to the Energy Act 2008 (c. 32)), and associated repeals.

Article 4 makes transitional provisions consequential on the operation of Schedule 9 to the 2009 Act, in relation to certain marine mineral dredging in waters covered by the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067) or the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610 (W.221)). It provides that certain consents granted prior to 6th April 2011 under section 34 of the Coast Protection Act 1949 (c. 74) will not (by virtue of paragraph 2 of Schedule 9 to the 2009 Act), have effect from that date as if they were marine licences granted by the appropriate licensing authority, unless an environmental impact assessment has been carried out which meets the requirements of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJNo. L 175, 5.7.1985, p. 40).

Article 5 and the Schedule make amendments to subordinate legislation which are consequential on the coming into force of amendments and repeals contained in the 2009 Act relating to the Coast Protection Act 1949 and the Food and Environment Protection Act 1985 (c. 48).

A full impact assessment of the effect that the 2009 Act will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. No separate impact assessment has been produced for this instrument. Copies of the Government View documents referred to in article 4(6)(b) can be obtained from the Marine Licensing Policy Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR.