



GREENPEACE



Marine Conservation Society



February 2009

## Parliamentary Briefing

# Marine and Coastal Access Bill Amendment

### Enforcement – including powers of IFC officers (Clause 162)

The organisations listed above are all members of Wildlife and Countryside Link's Marine Task Force<sup>1</sup>, which has been campaigning for several years for improvements in marine conservation and better management of the marine area. We have been closely engaged in the Marine & Coastal Access Bill process from the outset.

#### Background

##### 1. Powers of IFC officers

There appears to be a drafting slip at clause 162, which gives IFC officers their enforcement powers. At 162 (1) there is an (almost) exhaustive, and generally appropriate, list of penal provisions that they are to be empowered to investigate. However, subclause (1)(e) omits reference to clause 127 (Emergency byelaws, Part 5, Marine Conservation Zones). We do not believe that IFCA officers should be allowed to enforce ordinary MCZ byelaws (clause 125) and interim MCZ byelaws (clause 128) but not emergency byelaws (clause 127). Therefore the amendment in the Annex seeks to add this to clause 162 (1)(e).

##### 2. Other points on enforcement

Again, on the subject of enforcement, and exactly as noted above in respect of MCZ offences the entirely standard text that allows the directors or managers of a company to be convicted if their consent, connivance or neglect led to the offence by the company appears to have been removed since the Draft Bill of April 2008. The Annex contains the suggestion that it be reinstated.

Similarly, it is suggested that a provision, well known in fisheries law, that the master, owner or charterer of any vessel involved in the commission of an offence should also be liable for the offence.

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<sup>1</sup> Wildlife and Countryside Link is a coalition of the UK's major environmental organisations working together for the conservation and protection of wildlife, the countryside and the marine environment.

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## Annex – Amendments

### Marine & Coastal Access Bill House of Lords Committee Stage, February 2009

#### 1. Powers of IFC officers

<b>Clause</b>	<b>Clause 162 Powers of IFC officers</b>
<b>Amendment</b>	Page 98, line 11: After 'section 125' insert ', 127'

#### 2. Other points on enforcement

<b>Clause</b>	<b>New Clauses – Offences by directors, partners etc., liability of master, owner or charterer</b>
<b>Amendmt</b>	Insert clause 154 of the Draft Marine Bill, April 2008, made applicable to offences under section 159. Insert the following text: 'Where any sea fishing boat is used in the commission of an offence under sections 159, the master, the owner and the charterer (if any) shall each be guilty of an offence under those sections and punishable accordingly.'