



GREENPEACE



Marine Conservation Society



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

Amendment to Sea Fisheries (Wildlife Conservation) Act 1992 – duty on MMO and Ministers

The organisations listed above are all members of Wildlife and Countryside Link's Marine Task Force¹, 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.

Part 7 of the Marine and Coastal Access Bill on Fisheries makes a number of amendments to existing fisheries legislation. Link believes that this Part of the Bill offers a good opportunity to update the duty that currently applied to Ministers through the Sea Fisheries (Wildlife Conservation) Act 1992, to, so far as is consistent with the proper and consistent discharge of their functions under the Sea Fisheries Acts:

- a) *have regard to the conservation of marine flora and fauna; and*
- b) *endeavour to achieve a reasonable balance between that consideration and any other considerations to which he is or they are required to have regard.*

Link believes this duty is outdated and unsatisfactory. In particular, the requirement to "have regard to" has been shown through case law to be weak, and no longer satisfactory for bodies that play key roles in environmental protection. Section 11 of the Bill confers this duty on the MMO, and Link feels it would also be appropriate to use the Bill to update the duty; amendments are suggested in the Annex to this briefing.

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¹ 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.

Annex – Amendments

Marine & Coastal Access Bill

House of Lords Committee Stage, February 2009

Clause	New clause – Sea Fisheries (Wildlife Conservation) Act 1992
Amendment	<p>Part 7, Insert new clause as shown:</p> <p>() Section 1 of the Sea Fisheries (Wildlife Conservation) Act 1992 shall be amended as follows:</p> <p>(1) In discharging any functions conferred or imposed on him or them by or under the Sea Fisheries Acts, the Minister or Ministers <u>and the Marine Management Organisation</u> shall, so far as is consistent with the proper and efficient discharge of those functions –</p> <p>(a) have regard to <u>take reasonable steps to further</u> the conservation <u>and enhancement of marine ecosystems</u> flora and fauna; and</p> <p>(b) <u>seek to endeavour to achieve a reasonable balance between</u> that consideration and any other considerations to which he is or they are required to have regard.</p>