



GREENPEACE



Marine
Conservation
Society



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

IFCA byelaw provisions (Clause 152)

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.

Background

Good provision is made for "ordinary" (i.e. not emergency) IFCA byelaws, with the Bill representing a real improvement since April's draft Bill. However, some omissions remain.

There is considerable research going into technologies designed to prevent by-catch – whether of other fish or cetaceans or birds. If effective technologies are found there should be a provision to compel fishermen to use the best available technology in appropriate situations. Such technology will not be without cost, and if byelaws are to be effective in requiring a person to purchase something he would not otherwise have bought, the empowering statute ought to be very clear about this, otherwise a byelaw to this effect runs the risk of being found *ultra vires*.

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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	Clause 152 Provisions that may be made by byelaw
Amendment	Page 93, line 4: After 'vessels' insert 'or vehicles'. Page 93, 13: Insert '(e) provision requiring the use of equipment methods or materials the purpose of which is to seek to prevent or reduce by-catch.'