



GREENPEACE



Marine Conservation Society



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

IFCA emergency byelaw making power (Clause 153)

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

One of the important new powers that the Bill proposes is the power of IFCAs to make emergency byelaws. Sea Fisheries Committees (SFCs) did not have this power, and this is an important reform. However, it is important to ensure that the power is drafted in such a way as to allow it to work effectively. The Bill's provision for IFCA emergency byelaws (at clause 153) is different from the Bill's provision for emergency byelaws in MCZs (clause 127). While we believe that the MCZ emergency byelaw is a workable clause, we believe that the proposal for IFCA byelaws is flawed.

The Annex to this briefing suggests the deletion of the 'foreseeability' criterion from clause 153(2)(b). This change will bring this power into line with the MCZ emergency byelaw power. The traditional problem encountered in trying to conserve the marine environment is a shortage of hard information and a plethora of conflicting views. The requirement for foreseeability merely serves to penalise the environment because society does not fully understand it. Put another way – if the need to conserve is urgent: why should it matter whether or not it was foreseen? The Annex to this briefing suggests the deletion of the foreseeability criterion from clause 153. This change will bring this power into line with the MCZ emergency byelaw power. Further, albeit less crucial, suggestions are also made in the Annex.

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.

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Annex – Amendments

Marine & Coastal Access Bill

House of Lords Committee Stage, January 2009

Clause	Clause 153 Emergency byelaws
Amendment	<p>Page 94, line 1: Leave out '(b) the need to make the byelaw could not reasonably have been foreseen' and insert '(b) in considering whether such need is urgent, the IFC authority shall not be required to treat the absence of scientific information as a reason for concluding that the need is not urgent.'</p> <p>Page 94, line 13: Leave out '(a) during the period for which the emergency byelaw has been in force, the IFC authority has used its best endeavours to make a byelaw that will make the emergency byelaw unnecessary, and'</p>