



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

Extension of Byelaw making powers beyond 12nm (Clause 125)

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

Under the byelaw provisions, the MMO can make byelaws for the purpose of furthering the stated conservation objectives of an MCZ within England and Welsh Ministers can make orders for the same purpose for MCZs in the Welsh inshore region. A series of sub-clauses (Clause 125 (3) (a) – (f)) identify the types of provisions that may be made by a byelaw.

Why byelaw powers need to be extended beyond 12nm

Currently, byelaw powers do not extend beyond 12nm, despite the fact that a number of MCZs are likely to be designated beyond 12nm protecting the wide range of habitats and marine wildlife that are present in our offshore waters. Offshore developments will be managed by public authorities, which will have a duty to best further the conservation objectives of MCZs. And, while fishing and shipping activities cannot be restricted unilaterally beyond 12nm, on a case by case basis appropriate management can be negotiated in international fora.

However, for MCZs beyond 12nm to be able to contribute to an ecologically coherent network of MPAs, it is necessary that there be a power to regulate the full range of actual and potential hazards to wildlife and to habitats. Examples of activities for which byelaws would be appropriate, some possibly on a temporal basis include, shark spotting trips, particularly for basking shark – the largest fish in UK waters, powerboat and yacht racing, whale & dolphin watching activities, some aspects of

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.

recreational fishing which cannot be controlled under CFP provisions, and invasive survey techniques used for seabed surveys for example for salvage or educational purposes. In addition, as offshore site protection is new to the UK, there may be yet unidentified activities, or in future new unregulated activities which also need managing through byelaws.

It is vitally important in establishing the legal framework for a new UK-wide ecologically coherent network of MPAs, that the powers available meet the needs of those responsible for implementing and enforcing protection. Byelaw making powers are an essential tool alongside public authority powers and international measures. As a result, an amendment is required to Clause 125 to allow the MMO (and Scottish Ministers in the Scottish offshore region) to make byelaws for the protection of MCZs beyond 12nm. Appropriate amendments should also be made to clauses 127 and 128 to ensure that the provisions for emergency byelaws and interim byelaws are similarly applicable.

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Annex – Amendments

Marine & Coastal Access Bill

House of Lords Committee Stage, February 2009

Clause	Clause 125 Byelaws for protection of MCZs in England
Amendment	<p>Page 76, line 3, after “<i>Byelaws for protection of MCZs etc: England</i>” insert:</p> <p>“<i>and offshore waters</i>”</p> <p>Page 76, line 4, after “Byelaws for protection of MCZs etc: England” insert:</p> <p>“and offshore waters”</p> <p>Page 76, leave out lines 5 - 7 and insert:</p> <ol style="list-style-type: none">(1) Subject to subsection (2) the MMO may make one or more byelaws for the purpose of furthering the conservation objectives stated for an MCZ.(2) A byelaw under this section may be made so as to apply in relation to any MCZ except one that is:<ol style="list-style-type: none">(a) In Wales,(b) In the Scottish inshore and offshore regions, or(c) In the Northern Ireland inshore region.(3) Scottish Ministers may make one or more byelaws for the purpose of furthering the conservation objectives stated for an MCZ in the Scottish offshore region.