



February 2009

## Parliamentary Briefing

# Marine and Coastal Access Bill Amendment

### Fixed monetary penalties (Clause 138)

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

Link understands the thinking behind civil penalties for criminal offences and is interested to see how this will develop in practice. Clause 138 sets out an upper limit of £200 (level one on the standard scale) if a fixed monetary penalty is selected as the appropriate enforcement option following breach of an MCZ byelaw (England) or order (Wales). The following clause goes on to provide that an offender may be given the option of prompt payment of a smaller sum.

It is appreciated that fixed monetary penalties are likely to be most appropriate in minor cases and that for enforcement officers to feel comfortable using this option the amount involved ought not to be too large. However, the system must not function so as to establish an affordable "market rate" for the breach of byelaws and it must represent a proper deterrent. It is suggested that an upper limit of £1000 (level three) is more appropriate for fixed monetary penalties, with court proceedings being the preferred option for repeat offenders or non-trivial matters.

For further information please contact Danny Stone, Parliamentary Officer, RSPB, on 07989 502004 or [danny.stone@rspb.org.uk](mailto:danny.stone@rspb.org.uk), Eva Groeneveld, Public Affairs Officer, WWF-UK on 07766 150944 or [egroeneveld@wwf.org.uk](mailto:egroeneveld@wwf.org.uk), or Hazel Phillips, Head of Public Affairs, The Wildlife Trusts on 020 7803 4293 or [hphillips@wildlifetrusts.org](mailto:hphillips@wildlifetrusts.org), or Melissa Moore, Senior Policy Officer, Marine Conservation Society on 07793 118386 or [melissa.moore@mcsuk.org](mailto:melissa.moore@mcsuk.org)

<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.

## **Annex – Amendments**

### **Marine & Coastal Access Bill**

**House of Lords Committee Stage, February 2009**

<b>Clause</b>	<b>Clause 138 Fixed monetary penalties</b>
<b>Amendment</b>	Page 84, line 31: Leave out 'level 1' and insert 'level 3'.