



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 1

THE MARINE MANAGEMENT ORGANISATION

CHAPTER 3

AGREEMENTS INVOLVING THE MMO FOR THE EXERCISE OF FUNCTIONS

Powers to enter into agreements

14 Agreements between the Secretary of State and the MMO

- (1) The Secretary of State may enter into an agreement with the MMO authorising the MMO to perform any marine function of the Secretary of State—
 - (a) either in relation to the UK marine area or in relation to specified parts of that area;
 - (b) subject to paragraph (a), either generally or in specified cases.“Specified” means specified in the agreement.
- (2) For the purposes of this Chapter, a “marine function” is any function which relates to, or whose exercise is capable of affecting, the whole or any part of the UK marine area.
- (3) For the purposes of this Chapter, any reference to a marine function of the Secretary of State includes a reference to a marine function exercisable by a person—
 - (a) authorised or appointed by the Secretary of State, or
 - (b) employed in the civil service of the State (but see subsection (4)).
- (4) For the purposes of subsection (3)(b), a person is not to be regarded as employed in the civil service of the State to the extent that the person is any of the following—
 - (a) the holder of an office in the Scottish Administration which is not a ministerial office (within the meaning of section 51 of the Scotland Act 1998 (c. 46));

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Powers to enter into agreements is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) a member of the staff of the Scottish Administration (within the meaning of that section);
 - (c) a member of the staff of the Welsh Assembly Government (within the meaning of section 52 of the Government of Wales Act 2006 (c. 32)).
- (5) An agreement under this section—
- (a) may be cancelled by the Secretary of State at any time, and
 - (b) does not prevent the Secretary of State from performing a function to which the agreement relates.
- (6) This section is subject to sections 17 and 18 (non-delegable functions and maximum duration of agreement).

Commencement Information

II [S. 14](#) in force at 12.1.2010 by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 2](#)

15 Agreements between the MMO and eligible bodies

- (1) The MMO may, with the approval of the Secretary of State, enter into an agreement with an eligible body authorising the eligible body to perform any function of the MMO—
- (a) either in relation to the UK marine area or in relation to specified parts of that area;
 - (b) subject to paragraph (a), either generally or in specified cases.
- “Specified” means specified in the agreement.
- (2) For the purposes of this Chapter, any reference to a function of the MMO includes a reference to a function exercisable by a person authorised, appointed or employed by the MMO.
- (3) The Secretary of State's approval may be given—
- (a) in relation to a particular agreement or in relation to a description of agreements;
 - (b) unconditionally or subject to conditions specified in the approval.
- (4) Subject to subsection (6), the Secretary of State—
- (a) must review an agreement under this section no later than the end of the period of 5 years beginning with the date on which the agreement was entered into or was last reviewed by the Secretary of State, and
 - (b) if it appears appropriate to do so in the light of the review, may cancel the agreement.
- (5) Subject to subsection (6), an agreement under this section may not be varied except—
- (a) by agreement between the MMO and the eligible body, and
 - (b) with the approval of the Secretary of State.
- (6) An approval given under subsection (1) may provide that subsection (4) or (5) does not apply (or that both of them do not apply).
- (7) This section is subject to sections 17 and 18 (non-delegable functions and maximum duration of agreement).

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Powers to enter into agreements is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I2 S. 15 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 2

16 Eligible bodies

- (1) In this Chapter “eligible body” means any body in the following list—
- (a) the Environment Agency;
 - (b) Natural England;
 - (c) any inshore fisheries and conservation authority;
 - (d) any local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 (c. 38);
 - (e) any harbour authority.
 - [^{F1}(f) the Natural Resources Body for Wales.]
- (2) The Secretary of State may by order amend subsection (1) so as to—
- (a) add any body or description of body to the list, or
 - (b) remove any body or description of body from it.
- (3) The Secretary of State may not exercise the power conferred by subsection (2)(a) unless satisfied that at least one of the purposes or functions of the body, or bodies of the description, to be added to the list is, or is related to or connected with, a marine function.
- (4) A body to be added to the list need not be a public body.

Textual Amendments

F1 S. 16(1)(f) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 442 (with Sch. 7)

Commencement Information

I3 S. 16 partly in force; s. 16 in force for specified purposes at Royal Assent see s. 324(1)(c)

I4 S. 16 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 2

17 Non-delegable functions

- (1) An agreement may not authorise a body to which this section applies to perform a non-delegable function.
- (2) The bodies are—
- (a) the MMO;
 - (b) an eligible body.
- (3) The non-delegable functions are—
- (a) any function whose performance by the body would be incompatible with the purposes for which the body was established;
 - (b) any power of a Minister of the Crown to make or terminate appointments, other than appointments of persons for the purpose of enforcing any legislation other than this Act or subordinate legislation made under it;

Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Powers to enter into agreements is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) any power of a Minister of the Crown to lay reports or accounts;
- (d) any power to make subordinate legislation, give directions or guidance or issue codes of practice (or to vary or revoke any of those things);
- (e) any power to fix fees or charges, other than a power prescribed for the purposes of this section by an order made by the Secretary of State;
- (f) any function of an accounting officer acting in that capacity;
- (g) except in relation to an agreement authorising a public body to perform functions—
 - (i) any power to enter, inspect, take samples or seize anything, and
 - (ii) any other power exercisable in connection with suspected offences;
- (h) any function of the Secretary of State under the Water Industry Act 1991 (c. 56) or under any subordinate legislation made under that Act.

Commencement Information

I5 [S. 17](#) in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 2](#)

18 Maximum duration of agreement

The maximum period for which an agreement may authorise the MMO or an eligible body to perform a function is 20 years.

Commencement Information

I6 [S. 18](#) in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 2](#)

Changes to legislation:

Marine and Coastal Access Act 2009, Cross Heading: Powers to enter into agreements is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)