



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 1

THE MARINE MANAGEMENT ORGANISATION

CHAPTER 2

TRANSFER OF FUNCTIONS TO THE MMO

Sea Fish (Conservation) Act 1967

4 Licensing of fishing boats

- ^{F1}(1)
- ^{F1}(2)
- ^{F1}(3)
- ^{F1}(4)
- ^{F1}(5)
- ^{F1}(6)

(7) The grant, variation, revocation or suspension of a licence under [^{F2}section 4 of the Sea Fish (Conservation) Act 1967 (licensing of fishing boats)] by or on behalf of the Secretary of State before the coming into force of this section has effect as from the coming into force of this section as the grant, variation, revocation or suspension of the licence by the MMO.

- (8) Where a decision to grant, vary, revoke or suspend a licence under that section—
- (a) has been taken by or on behalf of the Secretary of State before the coming into force of this section, but

Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Sea Fish (Conservation)*
Act 1967 is up to date with all changes known to be in force on or before 20 April 2024. There are
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- (b) has not been notified in accordance with regulations under section 4B of the Sea Fish (Conservation) Act 1967 (c. 84),
the decision has effect as from the coming into force of this section as a decision taken by the MMO.
- (9) Where, before the coming into force of this section, an application for a licence under section 4 of that Act, or for the variation of such a licence,—
- (a) has been made to the Secretary of State or a person acting on behalf of the Secretary of State, but
- (b) has not been determined or withdrawn,
the application is to be treated as from the coming into force of this section as an application made to the MMO.

Textual Amendments

- F1** S. 4(1)-(6) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 11\(2\)\(a\)](#) (with [Sch. 4 para. 31](#))
- F2** Words in s. 4(7) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 11\(2\)\(b\)](#) (with [Sch. 4 para. 31](#))

Commencement Information

- I1** S. 4 in force at 1.4.2010 by [S.I. 2010/907](#), [art. 2\(2\)\(a\)](#)

5 Restrictions on time spent at sea: appeals

In section 4AA(5) of the Sea Fish (Conservation) Act 1967 (duty to vary licence to give effect to determination of tribunal on appeal) the reference to the Minister who granted the licence is to be read, in the case of licences granted or treated as granted by the Secretary of State or the MMO, as a reference to the MMO.

Commencement Information

- I2** S. 5 in force at 1.4.2010 by [S.I. 2010/907](#), [art. 2\(2\)\(b\)](#)

6 Trans-shipment licences for vessels

- (1) The Secretary of State's function of granting licences under section 4A of the Sea Fish (Conservation) Act 1967 (c. 84) (licences for the receiving by a vessel of fish trans-shipped from another vessel) is transferred to the MMO.
- (2) In subsection (1) of that section (power by order to prohibit trans-shipping of fish unless authorised by a licence granted by one of the Ministers) the reference to one of the Ministers is to be read as including a reference to the MMO instead of a reference to the Secretary of State.
- (3) In the following provisions of that section—
- (a) subsection (6) (conditions of licence),
- (b) subsection (7) (powers to require information),
- (c) subsection (10) (power to vary, revoke or suspend a licence),

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- (d) subsection (11) (power to make a refund on variation, revocation or suspension),
any reference to the Minister granting a licence, or to the Minister who granted a licence, is to be read, in the case of licences granted or treated as granted by the Secretary of State or the MMO, as a reference to the MMO.
- (4) In the application of subsection (9) of that section (power to issue limited number of licences) in relation to the licensing powers of the MMO under that section, the reference to the Ministers is to be read as a reference to the MMO.
- (5) In any orders made under that section, any reference which includes a reference to the Secretary of State is to be read, as respects any area where the MMO exercises functions under or by virtue of that section, as including instead a reference to the MMO.
- (6) The grant, variation, revocation or suspension of a licence under that section by or on behalf of the Secretary of State before the coming into force of this section has effect as from the coming into force of this section as the grant, variation, revocation or suspension of the licence by the MMO.
- (7) Where a decision to grant, vary, revoke or suspend a licence under that section—
- (a) has been taken by or on behalf of the Secretary of State before the coming into force of this section, but
 - (b) has not been notified in accordance with regulations under section 4B of the Sea Fish (Conservation) Act 1967,
- the decision has effect as from the coming into force of this section as a decision taken by the MMO.
- (8) Where, before the coming into force of this section, an application for a licence under section 4A of that Act, or for the variation of such a licence,—
- (a) has been made to the Secretary of State or a person acting on behalf of the Secretary of State, but
 - (b) has not been determined or withdrawn,
- the application is to be treated as from the coming into force of this section as an application made to the MMO.
- (9) The heading to the section is to be “Licensing of vessels receiving trans-shipped fish”.

Commencement Information

I3 S. 6 in force at 1.4.2010 by S.I. 2010/907, art. 2(2)(c)

7 Regulations supplementary to sections 4 and 4A

In any regulations made under section 4B of the Sea Fish (Conservation) Act 1967 (c. 84) any reference to the Secretary of State, or which includes a reference to the Secretary of State, is to be read, in relation to the exercise by the MMO of functions under or by virtue of section ^{F3}... 4A of that Act (licensing of fishing boats and trans-shipment licences for vessels), as a reference to the MMO or, as the case may be, as including instead a reference to the MMO.

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Textual Amendments

F3 Words in s. 7 omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 11\(3\)](#) (with [Sch. 4 para. 31](#))

Commencement Information

I4 S. 7 in force at 1.4.2010 by [S.I. 2010/907](#), [art. 2\(2\)\(d\)](#)

8 Exemptions for operations for scientific and other purposes

- (1) The functions of the Secretary of State under subsections (1) to (4) of section 9 of the Sea Fish (Conservation) Act 1967 (exemption of certain things done under the authority of one of the Ministers) are transferred to the MMO.
- (2) In that section, after subsection (6) insert—
 - “(6A) The Secretary of State may make regulations with respect to applications to the Marine Management Organisation for authority under this section.
 - (6B) The provision that may be made in any such regulations includes provision as to—
 - (a) the manner in which, and time before which, any such application is to be made, and
 - (b) the charging of a reasonable fee by the Marine Management Organisation for dealing with an application.
 - (6C) The power to make regulations under this section shall be exercisable by statutory instrument.
 - (6D) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) Any authority granted or treated as granted by the Secretary of State under that section before the coming into force of this section is to have effect as from the coming into force of this section as an authority granted by the MMO.

Commencement Information

I5 S. 8 partly in force; s. 8 in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#)

I6 S. 8 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/907](#), [art. 2\(2\)\(e\)](#)

Changes to legislation:

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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\(2\)\(a\)](#)