



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 5

#### NATURE CONSERVATION

#### CHAPTER 1

#### MARINE CONSERVATION ZONES [F1 AND MANAGEMENT OF SEA FISHERIES]

#### *Byelaws for [F1 marine conservation: England and the English offshore region]*

#### Textual Amendments

- F1** Words in s. 129 cross-heading substituted (23.1.2021) by [Fisheries Act 2020 \(c. 22\), s. 54\(4\)\(d\), Sch. 10 para. 9](#) (with [Sch. 4 para. 31](#))

#### **129 Byelaws for protection of MCZs in England**

- (1) The MMO may make one or more byelaws for the purpose of furthering the conservation objectives stated for an MCZ in England.
- (2) A byelaw under this section may be made so as to apply to any area in England.
- (3) The provision that may be made by a byelaw under this section includes, in particular, provision—
  - (a) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by persons or animals;
  - (b) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by vessels or (where appropriate) vehicles;
  - (c) restricting the speed at which any vessel may move in the MCZ or in any specified area outside the MCZ where that movement might hinder the conservation objectives stated for the MCZ;

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Cross Heading: Byelaws for marine conservation: England and the English offshore region is up to date with all changes known to be in force on or before 19 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*

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- (d) prohibiting or restricting the anchoring of any vessel within the MCZ;
  - (e) prohibiting or restricting the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the MCZ;
  - (f) prohibiting or restricting the doing of anything in the MCZ which would interfere with the sea bed or damage or disturb any object in the MCZ.
- (4) The provision that may be made by a byelaw under this section also includes provision prohibiting or restricting entry into, or any movement or other activity on, any part of the seashore that adjoins the MCZ by persons, animals or vehicles.
- (5) A byelaw under this section may provide for the MMO to issue permits authorising anything which would, apart from such a permit, be unlawful under the byelaw.
- (6) The MMO may attach to a permit under subsection (5) any condition which the MMO thinks appropriate to attach to that permit.
- (7) A byelaw under this section may be made
- [<sup>F2</sup>(a) subject to specified exceptions or conditions;
  - (b) so as to cease to have effect after a specified period.]
- (8) A byelaw under this section may make different provision for different cases, including (in particular)—
- (a) different parts of the MCZ;
  - (b) different times of the year;
  - (c) different means or methods of carrying out any activity.
- (9) In this section “specified” means specified in the byelaw.

#### Textual Amendments

**F2** S. 129(7)(a)(b) substituted for words in s. 129(7) (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4) (d), [Sch. 10 para. 10](#) (with [Sch. 4 para. 31](#))

#### Commencement Information

**I1** S. 129 partly in force; s. 129 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

### [<sup>F3</sup>129A Byelaws relating to exploitation of sea fisheries resources: England

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in England for the purposes of conserving—
- (a) marine flora or fauna, or
  - (b) marine habitats or types of marine habitat.
- (2) A byelaw under this section may be made so as to apply to any area in England.
- (3) A byelaw under this section must specify the flora or fauna, or habitat or type of habitat, for the conservation of which the byelaw is made.
- (4) The provision that may be made by a byelaw under this section includes provision that prohibits, restricts or otherwise interferes with the exercise of—
- (a) a right of several fishery;

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- (b) any right on, to or over any portion of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent or by prescription or immemorial usage.
- (5) But the MMO may make a byelaw that prohibits, or significantly restricts or interferes with, a right referred to in subsection (4), only if the person who enjoys the right consents.
- (6) Subsection (5) does not apply in relation to the exercise of such a right in relation to—
- (a) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981,
  - (b) a national nature reserve declared in accordance with section 35 of that Act,
  - (c) a Ramsar site, within the meaning of section 37A of that Act,
  - (d) a European marine site, within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), or
  - (e) an MCZ.
- (7) See also section 129C (supplementary).

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#### Textual Amendments

**F3** Ss. 129A-129C inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 11](#) (with [Sch. 4 para. 31](#))

### **129B Byelaws relating to exploitation of sea fisheries resources: English offshore region**

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in the English offshore region for the purposes of conserving—
- (a) marine flora or fauna,
  - (b) marine habitats or types of marine habitat, or
  - (c) features of geological or geomorphological interest.
- (2) A byelaw under this section may be made so as to apply to any area in the English offshore region.
- (3) A byelaw under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) See also section 129C (supplementary).

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#### Textual Amendments

**F3** Ss. 129A-129C inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 11](#) (with [Sch. 4 para. 31](#))

### **129C Byelaws under sections 129A and 129B: supplementary**

- (1) The provision that may be made by a byelaw under section 129A or 129B includes, in particular, provision falling within any of the Heads set out in subsections (2) to (4).

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- (2) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
- (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
  - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
  - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (3) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the MMO, including—
- (a) provision for the charging of fees for permits;
  - (b) provision enabling conditions to be attached to a permit;
  - (c) provision enabling the MMO to limit the number of permits issued by it.
- (4) Head 3 is—
- (a) provision prohibiting or restricting the use of vessels of specified descriptions;
  - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
  - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
  - (d) provision for determining whether such items are items of a specified description.
- (5) A byelaw under section 129A or 129B may be made—
- (a) subject to specified exceptions or conditions;
  - (b) so as to cease to have effect after a specified period.
- (6) A byelaw under section 129A or 129B may make different provision for different cases, including in particular—
- (a) different times of the year,
  - (b) different means or methods of carrying out an activity, and
  - (c) different descriptions of sea fisheries resources.
- (7) In this section “specified” means specified in the byelaw.]

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**Textual Amendments**

**F3** Ss. 129A-129C inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 11](#) (with [Sch. 4 para. 31](#))

**130 Byelaws: procedure**

- (1) Before making a byelaw under section 129 [F<sup>4</sup>, 129A or 129B], the MMO must comply with subsections (2) to (7) of this section.

This is subject to subsection (11).

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**Changes to legislation:** Marine and Coastal Access Act 2009, Cross Heading: Byelaws for marine conservation: England and the English offshore region is up to date with all changes known to be in force on or before 19 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

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(2) If the byelaw [<sup>F5</sup>is made under section 129 or 129A and] would or might affect any activity in Wales, the MMO must send a copy of a draft of the byelaw to the Welsh Ministers.

[<sup>F6</sup>(2A) If the byelaw is made under section 129B and—

- (a) the byelaw would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, the MMO must send a copy of a draft of the byelaw to the Welsh Ministers;
- (b) the byelaw would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, the MMO must send a copy of a draft of the byelaw to the Scottish Ministers;
- (c) the byelaw would or might affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, the MMO must send a copy of a draft of the byelaw to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

(3) The MMO must place a copy of a draft of the byelaw in such place or places as the MMO thinks is or are likely to be most convenient for the purpose of enabling the draft to be inspected by persons likely to be affected by the making of the byelaw.

(4) The MMO must provide a copy of a draft of the byelaw to any person who requests one.

(5) The MMO may charge a fee, not exceeding its costs, for providing a copy under subsection (4).

(6) The MMO must publish notice of its proposal to make the byelaw.

(7) The notice under subsection (6) must—

- (a) be published in such manner as the MMO thinks is most likely to bring the proposal to the attention of any persons who are likely to be affected by the making of the byelaw;
- (b) state where the copy or copies of the draft byelaw have been placed by the MMO in accordance with subsection (3);
- (c) state the time within which representations about the byelaw must be made to the MMO.

(8) A byelaw made under section 129 [<sup>F7</sup>, 129A or 129B] does not have effect until it is confirmed by the Secretary of State; and a byelaw which is confirmed comes into force—

- (a) on such date as may be determined by the Secretary of State, or
- (b) if no such date is determined, one month after the date on which it is confirmed.

(9) As soon as is reasonably practicable after the confirmation of a byelaw made under section 129 [<sup>F8</sup>, 129A or 129B], the MMO must publish notice of the making of the byelaw.

(10) The notice under subsection (9) must—

- (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
- (b) state that a copy of the byelaw may be inspected at the offices of the MMO.

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- (11) Nothing in this section applies [<sup>F9</sup>in relation to a byelaw made by virtue of section 131 (emergency byelaws)].

#### Textual Amendments

- F4** Words in s. 130(1) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(2)** (with [Sch. 4 para. 31](#))
- F5** Words in s. 130(2) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(3)** (with [Sch. 4 para. 31](#))
- F6** S. 130(2A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(4)** (with [Sch. 4 para. 31](#))
- F7** Words in s. 130(8) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(5)** (with [Sch. 4 para. 31](#))
- F8** Words in s. 130(9) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(5)** (with [Sch. 4 para. 31](#))
- F9** Words in s. 130(11) substituted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 12(6)** (with [Sch. 4 para. 31](#))

#### Commencement Information

- I2** S. 130 partly in force; s. 130 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

### 131 Emergency byelaws

- (1) Where the MMO thinks that there is an urgent need to protect an MCZ, a byelaw made by it for that purpose [<sup>F10</sup>under section 129] has effect without being confirmed by the Secretary of State.

[<sup>F11</sup>(1A) Where the MMO thinks that there is an urgent need to protect the English offshore region, a byelaw made by it under section 129B for that purpose has effect without being confirmed by the Secretary of State.]

- (2) A byelaw that has effect by virtue of this section (an “emergency byelaw”)—
- (a) comes into force on a date specified in the byelaw, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the byelaw.
- (3) The MMO must publish notice of the making of an emergency byelaw.
- (4) The notice under subsection (3) must—
- (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
  - (b) state that a copy of the byelaw may be inspected at the offices of the MMO;
  - (c) state that the Secretary of State has power to revoke the byelaw and that any person affected by the making of the byelaw may make representations to the Secretary of State.
- (5) The Secretary of State may revoke an emergency byelaw.
- (6) The MMO must keep under review the need for an emergency byelaw to remain in force.

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- (7) The MMO may, by further byelaw, provide that an emergency byelaw is to remain in force for such period beyond that specified under subsection (2)(b) as is specified in the further byelaw.
- (8) The MMO may not make a byelaw under subsection (7) unless—
- (a) it intends to make a byelaw under section 129 in respect of the MCZ [<sup>F12</sup>, or under section 129B in respect of the English offshore region,] in accordance with section 130 (“the permanent byelaw”), and
  - (b) it has, in respect of the permanent byelaw, complied with section 130(6).
- (9) A period specified under subsection (7) may not exceed 6 months.

#### Textual Amendments

- F10** Words in s. 131(1) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 13(2) (with Sch. 4 para. 31)
- F11** S. 131(1A) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 13(3) (with Sch. 4 para. 31)
- F12** Words in s. 131(8)(a) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 13(4) (with Sch. 4 para. 31)

#### Commencement Information

- I3** S. 131 partly in force; s. 131 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

## 132 Interim byelaws

- (1) The MMO may make one or more byelaws for the purpose of protecting any feature in an area in England if the MMO thinks—
- (a) that there are or may be reasons for the Secretary of State to consider whether to designate the area as an MCZ, and
  - (b) that there is an urgent need to protect the feature.

[<sup>F13</sup>(1A) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in the English offshore region for the purpose of protecting any feature in an area in that region if the MMO thinks—

- (a) that there are or may be reasons for the Secretary of State to consider whether to designate the area as an MCZ, and
- (b) that there is an urgent need to protect the feature.]

(2) In this Chapter “interim byelaw” means a byelaw made under subsection (1) [<sup>F14</sup>or (1A)].

(3) An interim byelaw must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).

(4) Subsections (2) to (9) of section 129 apply to [<sup>F15</sup>a byelaw made under subsection (1)] as they apply to a byelaw made under that section, except that any reference to an MCZ is to be read as a reference to the area to which the interim byelaw applies.

[<sup>F16</sup>(4A) Section 129C applies to a byelaw made under subsection (1A) as it applies to a byelaw made under section 129A or 129B.]

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- (5) An interim byelaw—
- (a) comes into force on a date specified in the byelaw, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the byelaw.
- (6) The MMO must publish notice of the making of an interim byelaw.
- (7) The notice under subsection (6) must—
- (a) be published in such manner as the MMO thinks is most likely to bring the byelaw to the attention of any persons who are likely to be affected by the making of it;
  - (b) state that a copy of the byelaw may be inspected at the offices of the MMO;
  - (c) state that the Secretary of State has power to revoke the byelaw and that any person affected by the making of the byelaw may make representations to the Secretary of State.
- (8) The Secretary of State may revoke an interim byelaw.
- (9) The MMO must keep under review the need for an interim byelaw to remain in force.
- (10) The MMO may by further byelaw extend the period for which an interim byelaw remains in force; but an interim byelaw may not by virtue of this subsection remain in force for an aggregate period exceeding 12 months.
- (11) If, while an interim byelaw is in force, the Secretary of State gives notice of a proposal to make an order under section 116 designating any part of the area in question as an MCZ, the Secretary of State may direct that the interim byelaw is to remain in force—
- (a) until the Secretary of State has decided whether to make the order under section 116;
  - (b) if the Secretary of State decides to make such an order, until that order comes into effect.
- (12) The Secretary of State must publish a direction under subsection (11) in such manner as the Secretary of State thinks is most likely to bring the direction to the attention of any persons who are likely to be affected by the making of it.
- (13) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

#### Textual Amendments

- F13** S. 132(1A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 14(2)** (with [Sch. 4 para. 31](#))
- F14** Words in s. 132(2) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 14(3)** (with [Sch. 4 para. 31](#))
- F15** Words in s. 132(4) substituted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 14(4)** (with [Sch. 4 para. 31](#))
- F16** S. 132(4A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 14(5)** (with [Sch. 4 para. 31](#))

#### Commencement Information

- I4** S. 132 partly in force; s. 132 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)



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### 133 Further provision as to byelaws

- (1) This section applies to any byelaw made under section 129 [<sup>F17</sup>, 129A, 129B or 132(1) or (1A)].
- (2) A byelaw to which this section applies is to be made under the common seal of the MMO.
- (3) If a byelaw to which this section applies [<sup>F18</sup>is made under section 129, 129A or 132(1) and] will or may affect any activity in Wales, the MMO must send a copy of the byelaw to the Welsh Ministers.

[<sup>F19</sup>(3A) If the byelaw is made under section 129B or 132(1A) and—

- (a) the byelaw will or may affect the exploitation of sea fisheries resources in the Welsh offshore region, the MMO must send a copy of the byelaw to the Welsh Ministers;
  - (b) the byelaw will or may affect the exploitation of sea fisheries resources in the Scottish offshore region, the MMO must send a copy of the byelaw to the Scottish Ministers;
  - (c) the byelaw will or may affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, the MMO must send a copy of the byelaw to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]
- (4) The MMO must—
    - (a) make a copy of any byelaw to which this section applies available for inspection at its offices at all reasonable hours without payment;
    - (b) provide a copy of any such byelaw to any person who requests one.
  - (5) The MMO may charge a fee, not exceeding its costs, for providing a copy under subsection (4)(b).
  - (6) In the case of a byelaw made under section 129 [<sup>F20</sup>or 129A] in accordance with section 130, subsections (3) and (4) above apply only after the byelaw has been confirmed under section 130(8).

[<sup>F21</sup>(6A) In the case of a byelaw made under section 129B in accordance with section 130, subsection (3A) applies only after the byelaw has been confirmed under section 130(8).]

- (7) A byelaw to which this section applies may be amended or revoked by a further byelaw.

#### Textual Amendments

- F17** Words in s. 133(1) substituted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 15(2) (with Sch. 4 para. 31)
- F18** Words in s. 133(3) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 15(3) (with Sch. 4 para. 31)
- F19** S. 133(3A) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 15(4) (with Sch. 4 para. 31)
- F20** Words in s. 133(6) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 15(5) (with Sch. 4 para. 31)
- F21** S. 133(6A) inserted (23.1.2021) by Fisheries Act 2020 (c. 22), s. 54(4)(d), Sch. 10 para. 15(6) (with Sch. 4 para. 31)

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#### **Commencement Information**

**I5** S. 133 partly in force; s. 133 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)

**Changes to legislation:**

Marine and Coastal Access Act 2009, Cross Heading: Byelaws for marine conservation: England and the English offshore region is up to date with all changes known to be in force on or before 19 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.

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