



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 5

#### NATURE CONSERVATION

#### CHAPTER 1

#### MARINE CONSERVATION ZONES [F<sup>1</sup> AND MANAGEMENT OF SEA FISHERIES]

#### *Miscellaneous and supplemental*

#### 145 Application to the Crown

- (1) This Chapter is binding on the Crown and applies in relation to any Crown land as it applies in relation to any other land.

This is subject to subsection (2).

- (2) No contravention by the Crown of any provision of this Chapter is to make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of the appropriate authority or any other authority charged with enforcing that provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (2), the provisions of this Chapter apply to persons in the public service of the Crown as they apply to other persons.
- (4) For the purposes of this section “Crown land” means land an interest in which—
- belongs to Her Majesty in right of the Crown or in right of Her private estates,
  - belongs to Her Majesty in right of the Duchy of Lancaster,
  - belongs to the Duchy of Cornwall, or
  - belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

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*Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Miscellaneous and supplemental 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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(5) In this section references to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

**Modifications etc. (not altering text)**

**C1** Pt. 5 Ch. 1 applied (with modifications) by S.I. 1994/2716, reg. 36(3)(4) (as substituted (E.W.) (12.1.2010 for specified purposes, 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(b)(i), **Sch. 11 para. 4(1)**; S.I. 2014/3088, art. 2(b)

**Commencement Information**

**I1** S. 145 partly in force; s. 145 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)  
**I2** S. 145 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), **art. 2(b)**

**146 Consequential and transitional provision**

- (1) Schedule 11 (which makes consequential amendments) has effect.
- (2) Schedule 12 (which makes transitional provision) has effect.

**Commencement Information**

**I3** S. 146 partly in force; s. 146 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)  
**I4** S. 146 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), **art. 2(b)**

**147 Interpretation of this Chapter**

- (1) In this Chapter—
  - “animal” includes any egg, larva, pupa, or other immature stage of an animal;
  - “appropriate authority” has the meaning given by section 116(5);
  - “the appropriate statutory conservation body” means—
    - (a) in respect of an area in England, Natural England,
    - (b) in respect of an area in Wales, [<sup>F1</sup>the Natural Resources Body for Wales],
    - (c) in respect of an area outside the seaward limits of the territorial sea, the Joint Nature Conservation Committee;
  - “emergency byelaw” has the meaning given by section 131;
  - “enforcement authority” means, in relation to any area, any authority which has a function (whether or not statutory) of taking any action with a view to or in connection with the imposition of any sanction, criminal or otherwise, in a case where an offence under this Chapter is committed in that area;
  - “England” includes the English inshore region;
  - “interim byelaw” means a byelaw made under section 132(1) [<sup>F2</sup>or (1A)];
  - “interim order” means an order made under section 136(1) [<sup>F3</sup>or (1A)];
  - “marine installation” means any artificial island, installation or structure;
  - “MCZ” means a marine conservation zone designated by an order under section 116;

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“protected feature”, in relation to an MCZ or proposed MCZ, means any flora, fauna, habitat or feature which is sought to be conserved by the making of the order designating the zone;

“sea” has the meaning given by section 322(1), except that it does not include any waters upstream of the fresh-water limit of estuarial waters;

[<sup>F4</sup>“sea fisheries resources” has the same meaning as in Chapter 1 of Part 6, and references to the exploitation of sea fisheries resources are to be read in accordance with section 153(12);]

“seashore” means—

- (a) the foreshore, that is to say, land which is covered and uncovered by the ordinary movement of the tide, and
- (b) any land, whether or not covered intermittently by water, which is in apparent continuity (determined by reference to the physical characteristics of that land) with the foreshore, as far landward as any natural or artificial break in that continuity;

“vehicles” includes—

- (a) bicycles and other non-motorised forms of transport, and
- (b) hovercraft;

“vessels” includes—

- (a) hovercraft,
- (b) aircraft capable of landing on water, and
- (c) any other craft capable of travelling on, in or under water, whether or not capable of carrying any person;

“Wales” includes the Welsh inshore region.

- (2) In the definition of “sea” in subsection (1) “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive [2000/60/EC](#) of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).

[<sup>F5</sup>(3) For provision about the meaning of references to “conserving” a thing, see subsections (4) to (6) of section 117.]

#### Textual Amendments

- F1** Words in s. 147(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 443](#) (with [Sch. 7](#))
- F2** Words in s. 147(1) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 26\(2\)\(a\)](#) (with [Sch. 4 para. 31](#))
- F3** Words in s. 147(1) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 26\(2\)\(b\)](#) (with [Sch. 4 para. 31](#))
- F4** Words in s. 147(1) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 26\(2\)\(c\)](#) (with [Sch. 4 para. 31](#))
- F5** S. 147(3) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), [Sch. 10 para. 26\(3\)](#) (with [Sch. 4 para. 31](#))

#### Commencement Information

- I5** S. 147 partly in force; s. 147 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I6** S. 147 in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), [art. 2\(b\)](#)

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