



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

### CHAPTER 6

#### MISCELLANEOUS AND SUPPLEMENTARY

#### *Enforcement of Community rules*

### 293 Enforcement of Community rules

- (1) Section 30 of the Fisheries Act 1981 (c. 29) (enforcement of Community rules) is amended as follows.
- (2) In subsection (1)—
  - (a) after “enforceable Community restrictions” insert “, and enforceable [F<sup>1</sup>EU] obligations,”;
  - (b) for paragraph (a) substitute—
    - “(a) if any fishing boat within British fishery limits—
      - (i) fishes in contravention of any such restriction, or
      - (ii) fails to comply with any such obligation,the master, the owner and the charterer (if any) are each guilty of an offence;”;
  - (c) after paragraph (a) insert—
    - “(aa) if any English or Welsh fishing boat outside British fishery limits—
      - (i) fishes in contravention of any such restriction, or
      - (ii) fails to comply with any such obligation,

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Cross Heading: Enforcement of Community rules is up to date with all changes known to be in force on or before 21 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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- the master, the owner and the charterer (if any) are each guilty of an offence;
- (ab) if any person in England or Wales—
- (i) fishes in contravention of any such restriction, or
  - (ii) fails to comply with any such obligation, that person is guilty of an offence;”;
- (d) in paragraph (b), for “such offences” substitute “ offences under paragraph (a), (aa) or (ab) of this subsection ”;
- (e) in paragraph (c), after “restrictions” insert “ and obligations ”.
- (3) After subsection (2) insert—
- “(2ZA) The provision that may be made by an order made under subsection (2) by the Secretary of State includes—
- (a) provision applying to English or Welsh fishing boats outside British fishery limits;
  - (b) provision applying to persons of a specified description on board any fishing boat, other than a Scottish or Northern Ireland fishing boat, outside British fishery limits.
- In this subsection “specified” means specified in the order.”
- (4) After subsection (2A) insert—
- “(2B) Her Majesty may by Order in Council provide for subsection (1) or (2) above to apply, with or without modifications, to any fishing boat within subsection (2C) below that is outside British fishery limits as it applies to any English or Welsh fishing boat outside those limits.
- (2C) A fishing boat is within this subsection if—
- (a) it is registered under the law of the Isle of Man or any of the Channel Islands; or
  - (b) it is wholly owned by persons qualified for the purposes of the law relating to the registration of vessels in the Isle of Man or any of the Channel Islands to own fishing vessels which are entitled to be registered as such under that law.”

(5) In subsection (3), insert at the appropriate places the following definitions—

““English fishing boat” means—

    - (a) a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in England as the port to which the boat is to be treated as belonging; or
    - (b) a fishing boat which is wholly owned by persons qualified to own British ships for the purposes of that Part, other than—
      - (i) a Welsh, Scottish or Northern Ireland fishing boat,
      - (ii) a fishing boat within subsection (2C) above, or
      - (iii) a fishing boat registered in any country or territory other than the United Kingdom, the Isle of Man or any of the Channel Islands;”;

“ “Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and

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whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;”;

“ “Scottish fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of that Act and whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;”;

“ “Welsh fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of that Act and whose entry in the register specifies a port in Wales as the port to which the boat is to be treated as belonging.”

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#### Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3, 6](#) (with [art. 3\(2\)\(3\)4\(2\)6\(4\)6\(5\)](#))

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#### Commencement Information

- I1** S. 293 partly in force; s. 293 in force for specified purposes at Royal Assent see s. 324(1)(c)  
**I2** S. 293 in force at 12.1.2010 in so far as not already in force by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 24](#)

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