

Changes to legislation: Marine and Coastal Access Act 2009, Paragraph 10 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

SCHEDULE 13

MARINE BOUNDARIES OF SSSIS AND NATIONAL NATURE RESERVES

Modifications etc. (not altering text)

- C1** Sch. 13 modified (22.4.2022) by [The East Anglia ONE North Offshore Wind Farm Order 2022 \(S.I. 2022/432\)](#), arts. 1(2), **31** (with arts. 40, 41)

PART 3

NATIONAL NATURE RESERVES

Marine boundaries of national nature reserves

- 10 (1) In section 35 of the 1981 Act (national nature reserves) after subsection (1) insert—
- “(1A) The land which may be declared to be a national nature reserve in England or Wales includes—
- (a) any land lying above mean low water mark;
 - (b) any land covered by estuarial waters.
- (1B) Where the area of land to which a declaration under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
- (a) area B adjoins area A, and
 - (b) any of the conditions in subsection (1C) is satisfied.
- (1C) The conditions are—
- (a) that the flora, fauna or features leading to the management of area A as a nature reserve is or are also present in area B;
 - (b) that the management of area A as a nature reserve is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
 - (c) that, without the inclusion of area B, the identification of the boundary of the land declared to be a national nature reserve (either in the declaration or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.
- (1D) The ministerial authority may issue guidance to the appropriate conservation body about the exercise of the power conferred by subsection (1B) to make a declaration in relation to land lying below mean low water mark.
- “The ministerial authority” has the meaning given by section 35A(12).”

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- (2) No declaration under subsection (1) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the declaration relates includes land lying below mean low water mark.

Commencement Information

- I1** [Sch. 13 para. 10](#) partly in force; [Sch. 13 para. 10](#) in force for specified purposes at 12.1.2010 see [s. 324\(2\)\(b\)\(ii\)](#)
- I2** [Sch. 13 para. 10](#) in force at 12.12.2014 in so far as not already in force by [S.I. 2014/3088](#), [art. 2\(b\)](#)

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