



# 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]

#### *Offences*

#### **140 Offence of damaging etc protected features of MCZs**

- (1) A person is guilty of an offence under this section if—
  - (a) the person without lawful excuse does a prohibited act,
  - (b) at the time of doing that act, the person knows, or ought to have known, that the feature to which the act relates is in, or forms part of, an MCZ, and
  - (c) the act has significantly hindered, or may significantly hinder, the achievement of the conservation objectives stated for the MCZ.
- (2) For the purposes of subsection (1), a person does a prohibited act if the person—
  - (a) intentionally or recklessly kills or injures any animal in an MCZ which is a protected feature of that MCZ,
  - (b) intentionally picks or collects, or intentionally or recklessly cuts, uproots or destroys, any plant in an MCZ which is a protected feature of that MCZ,
  - (c) intentionally or recklessly takes anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or
  - (d) intentionally or recklessly destroys or damages any habitat or feature which is a protected feature of an MCZ.
- (3) For the purposes of determining whether anything done by a person in relation to a protected feature is a prohibited act for the purposes of subsection (1), it is immaterial

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Section 140 is up to date with all changes known to be in force on or before 28 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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whether the person knew, or ought to have known, that the feature was a protected feature.

- (4) A person who is guilty of an offence under this section is liable—
- (a) on summary conviction, to [<sup>F1</sup>a fine not exceeding £50,000][<sup>F1</sup>a fine];
  - (b) on conviction on indictment, to a fine.
- (5) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.
- (6) Proceedings for an offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of the United Kingdom.

#### Textual Amendments

- F1** Words in s. 140(4)(a) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 43\(6\)](#) (with reg. 5(1))

#### 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. 140 partly in force; s. 140 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I2** S. 140 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\(2\)\(a\)](#)