



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 5

NATURE CONSERVATION

CHAPTER 1

MARINE CONSERVATION ZONES [F¹ AND MANAGEMENT OF SEA FISHERIES]

Offences

141 Exceptions to offences under section 139 or 140

- (1) A person is not guilty of an offence under section 139 or 140 if the act which is alleged to constitute the offence—
- (a) was done in accordance with section 125(2) by a public authority;
 - (b) was expressly authorised by an authorisation granted in accordance with section 126, or was necessarily incidental to such an act;
 - (c) was done in accordance with—
 - (i) a permit issued under section 129(5) [F¹129C(3), 134(4), 134C(3), 137A(6) or 137E(6)], or
 - (ii) a permit issued by the appropriate authority;
 - (d) was necessary in the interests of national security or the prevention or detection of crime, or was necessary for securing public health;
 - (e) was necessary for the purpose of securing the safety of any vessel, aircraft or marine installation;
 - (f) was done for the purpose of saving life.
- (2) Subsection (1)(e) does not apply where the necessity was due to the fault of the person or of some other person acting under the person's direction or control.

Changes to legislation: *Marine and Coastal Access Act 2009, Section 141 is up to date with all changes known to be in force on or before 22 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*

- (3) A person is not guilty of an offence under section 139 by reason of doing anything that is an offence under section 140.
- (4) It is a defence for a person who is charged with an offence under section 140 to show that—
- (a) the act which is alleged to constitute the offence was—
 - (i) an act done for the purpose of, and in the course of, sea fishing, or
 - (ii) an act done in connection with such an act,
 and
 - (b) the effect of the act on the protected feature in question could not reasonably have been avoided.
- (5) The Secretary of State may by order amend this section so as to remove, or restrict the application of, the defence provided by subsection (4).
- ^{F2}(6)
- (7) In this section—
- “act” includes omission;
 - ^{F3} ...

Textual Amendments

- F1** Words in s. 141(1)(c)(i) substituted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(4)(d), **Sch. 10 para. 24** (with [Sch. 4 para. 31](#))
- F2** S. 141(6) omitted (31.12.2020) by virtue of [The Marine Environment \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1399\)](#), regs. 1, **2(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 141(7) omitted (31.12.2020) by virtue of [The Marine Environment \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1399\)](#), regs. 1, **2(5)(b)**; 2020 c. 1, Sch. 5 para. 1(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. 141 partly in force; s. 141 in force for specified purposes at Royal Assent see s. 324(1)(c); s. 141 in force for further specified purposes at 12.1.2010 see s. 324(2)(b)(i)
- I2** S. 141 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\(2\)\(a\)](#)