



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 6

#### MANAGEMENT OF INSHORE FISHERIES

### CHAPTER 2

#### LOCAL FISHERIES COMMITTEES

#### **188 Power to make consequential or transitional provision, etc**

- (1) The appropriate national authority may by order make such incidental, consequential, supplemental or transitional provision or savings as appear to the authority to be necessary or expedient in consequence of the repeal of the Sea Fisheries Regulation Act 1966 (“the 1966 Act”).
- (2) The provision that may be made by an order under this section includes—
  - (a) provision for and in connection with the transfer of any staff, property, rights or liabilities of a local fisheries committee to such bodies or persons (including the authority making the order) as may be specified;
  - (b) provision about byelaws made by a local fisheries committee or a body having the powers of such a committee, including—
    - (i) in so far as any provision of any such byelaw in force at the time of the making of the order could have been made under some other enactment, provision for that provision to have effect as if comprised in subordinate legislation made by a specified body or person under that enactment;
    - (ii) provision as to the area to which any provision having effect by virtue of sub-paragraph (i) applies;
  - (c) provision about the local fisheries committee for any sea fisheries district lying partly in England and partly in Wales, including—

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Section 188 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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- (i) provision for that part of the district lying in England or (as the case may be) Wales to be treated as if it were a sea fisheries district created under section 1 of the 1966 Act, and
  - (ii) provision for the committee to continue in being as a local fisheries committee for the district established by virtue of sub-paragraph (i), with such changes to its constitution as appear to the authority making the order to be necessary or expedient;
  - (d) provision amending, repealing or revoking any provision of this Act or any other enactment passed or made before, or in the same Session as, this Act.
- (3) The provision that may be made by virtue of subsection (2)(a) includes—
- (a) provision for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in, or determined in accordance with, the order;
  - (b) provision for the transfer of any property, rights or liabilities, whether or not otherwise capable of being transferred or assigned, including any rights conferred by an order made under section 1 of the Sea Fisheries (Shellfish) Act 1967 (c. 83);
  - (c) provision for an order under this section providing for the transfer of property, rights or liabilities to have effect in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.
- (4) The reference in subsection (2)(a) to property of a local fisheries committee includes a reference to—
- (a) any property held on behalf of such a committee;
  - (b) any property of a relevant local authority held for the purposes of such a committee.
- (5) In subsection (2)(d) “enactment” includes an enactment comprised in subordinate legislation.
- (6) In this section—
- “appropriate national authority” means—
    - (a) in relation to sea fisheries districts in England, or any part of a sea fisheries district lying in England, the Secretary of State;
    - (b) in relation to sea fisheries districts in Wales, or any part of a sea fisheries district lying in Wales, the Welsh Ministers;
  - “England” includes the English inshore region;
  - “local fisheries committee” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the 1966 Act;
  - “relevant local authority” means—
    - (a) in the case of a local fisheries committee that is a committee of a county, county borough or metropolitan district council, that council;
    - (b) in the case of a local fisheries committee that is a joint committee of two or more such councils, any of those councils;
  - “specified” means specified in the order;
  - “Wales” includes the Welsh inshore region.

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**Commencement Information**

**II** S. 188 partly in force; s. 188 in force for specified purposes at Royal Assent see s. 324(1)(c)

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