



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 4

#### MARINE LICENSING

### CHAPTER 3

#### ENFORCEMENT

#### *Offences*

#### **86 Action taken in an emergency**

- (1) It is a defence for a person charged with an offence under section 85(1) in relation to any activity to prove that—
  - (a) the activity was carried out for the purpose of securing the safety of a vessel, aircraft or marine structure, or for the purpose of saving life, and
  - (b) the person took steps within a reasonable time to inform the appropriate licensing authority of the matters set out in subsection (2).
- (2) The matters are—
  - (a) the fact that the activity was carried out,
  - (b) the locality and circumstances in which it was carried out, and
  - (c) any substances or objects concerned.
- (3) A person does not have the defence provided by subsection (1) if the court is satisfied that the activity was neither—
  - (a) necessary for any purpose mentioned in subsection (1)(a), nor
  - (b) a reasonable step to take in the circumstances.
- (4) A person does not have the defence provided by subsection (1) if the court is satisfied that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the activity was necessary for one of those purposes, but
- (b) the necessity was due to the fault of the person or of some other person acting under the person's direction or control.