



UPDATE ON MARINE (AND COASTAL ACCESS) BILL
June 2008

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JOINT NATURE CONSERVATION COMMITTEE

UPDATE ON MARINE (AND COASTAL ACCESS) BILL

Information Note by Malcolm Vincent

Recent events

1. Government has included a Marine and Coastal Access Bill in its draft legislative programme for the next Parliamentary Session (2008/09).
2. This follows the publication on 3 April 2008 of the draft Marine Bill for pre-legislative scrutiny. Its main provisions are to:
 - i. establish a Marine Monitoring Organisation for the waters around England and the offshore area. the Welsh Assembly Government will carry out the role of the MMO in Welsh waters;
 - ii. introduce a new marine planning system, with long-term objectives for the marine area around the UK, and subsequently the creation of more detailed local marine plans;
 - iii. streamline the law on licensing marine development so that, as far as possible, only one licence is needed for each development;
 - iv. provide powers to designate marine conservation zones and to protect those zones from damaging activities;
 - v. strengthen and modernise the licensing and management of marine, migratory, freshwater and shellfish fisheries, including creating new Inshore Fisheries and Conservation Authorities and introducing a scheme to manage live fish movement;
 - vi. streamline and modernise enforcement powers for fisheries and nature conservation, providing a civil sanctions scheme for licensing and nature conservation offences and an administrative penalty scheme for domestic fisheries offences;
 - vii. secure a long-distance route around the coast of England including beaches, cliffs, rocks and dunes, with public access for coastal walking and other recreational activities.

Point vii. above was not included in the Marine Bill White Paper consultation, but is a, potentially contentious, extra element added prior to publication of the draft Bill.

3. The geographical scope of the draft Marine Bill varies, but the nature conservation provisions do not include territorial waters adjacent to Scotland and Northern Ireland. However, the Scottish Government is expected to consult on complementary measures in territorial waters adjacent to Scotland later this year.
4. A joint Committee of the House of Commons and the House of Lords has been established to scrutinise the draft Bill, while, concurrently, the Government is undertaking a consultation on the draft Bill. The timescales for these parallel exercises are:
 - i. the joint Committee invited responses against a published list of inquiry issues giving a deadline of 16 June 2008, although it actually sought submissions by the beginning of June because it was already arranging its programme of oral evidence;
 - ii. the deadline for the submission of comments to Government on the draft Marine Bill is 26 June 2008.
5. Inter-agency meetings were held regularly in the lead up to the publication of the draft Marine Bill, and further meetings were held recently to discuss issues prior to the submission of evidence to the pre-legislative scrutiny process.
6. The Countryside Council for Wales, Natural England and JNCC submitted evidence to the joint Parliamentary Committee by the end of May, and gave oral evidence to the Committee on 3 June. Points made to the Committee included:
 - i. the purpose of marine conservation zones (MCZs) should be clearly set out in the Bill and a duty should be placed on an appropriate body to designate with MCZ network within a specified timeframe;
 - ii. while socio-economic considerations may be taken into account in the establishment of the MCZ network, they should not be allowed to prejudice the establishment of a fully satisfactory network;
 - iii. beyond 6 nmiles, regulation of fishing activities is dependent on measures taken under the CFP; international consultation, engagement and agreement will be essential if MCZs are to be effectively managed;
 - iv. provision should be made in the Bill for the MMO to make conservation orders in offshore waters, since recreational activities (e.g. sea angling) cannot be effectively regulated under existing or currently proposed legislation;
 - v. there remains a lack of clarity as to how the roles of the various regulatory bodies will interface with each other in a complementary and efficient manner;
 - vi. the availability of data, particularly in offshore waters, is a major constraint on effective implementation of the Bill's provisions, yet the Bill makes no provision to improve either access to data processes nor the mechanisms for investing in the collection of new data (but see paragraph 8 below).

Work underway to implement the Bill's provisions

7. Defra and the devolved administrations have established a working group to consider the implementation of the MCZ provisions (including any analogous mechanisms developed for Scottish or Northern Ireland territorial waters). The country agencies and JNCC are members of this working group. To date, the group has met three times and will meet again on 30 June. The objective is for CCW, Natural England and JNCC to propose a network of MCZs in inshore waters adjacent to England and Wales, and for offshore waters, by Easter 2011. Defra has agreed to support this work with extra resources (for Natural England and JNCC) this year, and, to the extent that its budget allows, also in the following two years.
8. While the Bill makes no express provision to improve the collection of, or access to, marine data, Government, in response to the House of Commons Science and Technology Committee report *Investigating the Oceans*, is setting up a Marine Science Co-ordinating Committee, responsible to Ministers, whose functions will be to improve the co-ordination of marine science (including the use of vessels, equipment and expertise) and to develop a marine science strategy. JNCC has been invited (on behalf of the country agencies) to be a member of this Committee. The first meeting is expected to take place in the latter half of July 2008.