

# Section 15 of the Marine and Coastal Access Act 2009

## AGREEMENT

Between                    The Marine Management Organisation

– and –

Natural England

With the approval of the Secretary of State

This agreement is made pursuant to section 15 of the Marine and Coastal Access Act 2009(a) (“the Act”), which gives the Marine Management Organisation (“the MMO”) a power to enter into agreements with eligible bodies authorising them to perform any of its functions. This is subject to approval by the Secretary of State. Natural England is an eligible body under section 16(1)(b) of the Act and the MMO has obtained the Secretary of State’s approval of this agreement.

### Authorisation to perform functions

1. (1) From the date on which this agreement comes into effect, the MMO authorises Natural England to perform the functions specified in the Schedule.
- (2) The exercise by Natural England of any function specified in the Schedule is subject to any statutory restriction or limitation which would apply to its exercise by the MMO.
- (3) In accordance with section 17(3)(a) of the Act, nothing in this agreement requires Natural England to perform any function that would be incompatible with the purposes for which it was established. By virtue of section 19(6)(a) of the Act, Natural England is to be treated as having the power to perform every function specified in the Schedule.

### Interpretation

2. (1) Any reference in the Schedule to an enactment is a reference to that enactment as amended from time to time.
- (2) Except where otherwise provided, terms used in this agreement have the meaning they have in the Marine and Coastal Access Act 2009.

### Date on which the agreement comes into effect

3. This agreement comes into effect on 1 April 2010.

### Extent of the functions in the agreement

4. The authority to perform a function specified in the Schedule extends to the performance of that function in relation to any part of the UK marine area.

### Duration and review of the agreement

- 5.—(1) This agreement terminates –
  - (a) on 31<sup>st</sup> March 2030, or

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(a) 2009 c. 23.

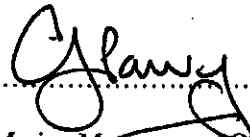
(b) on earlier cancellation, in writing, by the Secretary of State.

(2) This agreement is subject to a review by the Secretary of State and the MMO within five years of the date on which it comes into effect, and to a further review within five years of the completion of that review or of any subsequent review under this paragraph.

**Liability under the agreement**

6. Any liability arising from the performance by either party to this agreement of any function specified in the Schedule shall be a liability of the party whose performance gave rise to it.


Date

  
.....  
Chair  
The Marine Management Organisation

for and on behalf of the Marine Management Organisation

23/3/10

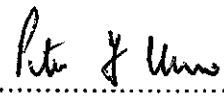
Date

  
.....  
Chair  
Natural England

for and on behalf of Natural England

25/3/10

Date

  
.....  
[Approved by Director General – Natural Environment Group  
Department for Environment, Food and Rural Affairs]

[for and on behalf of the] Secretary of State

**SCHEDULE**

**MMO functions delegated to Natural England**

**The Conservation of Seals Act 1970a**

Granting and revoking licences under s10 of the Act in respect of activities taking place outside the English inshore region.

**The Wildlife and Countryside Act 1981b**

The licensing functions listed below insofar as relating to any activity taking place both in the restricted English inshore region and in another part of the English inshore region. (These do not include licensing functions relating to any activity taking place solely in the restricted English inshore region).

“The restricted English inshore region” and “the English inshore region” have the meaning here that they have in section 16(12) of the Wildlife and Countryside Act 1981.

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a 1970 c. 30.  
b 1981 c. 69.

These functions are delegated subject to the condition that a licence relating to the restricted English inshore region cannot be granted by Natural England without the agreement of the Marine Management Organisation.

#### *Wild birds*

The functions conferred by the following provisions-

- |               |   |
|---------------|---|
| section 16(1) | grant of licences for the purposes specified in the following paragraphs-   |
|               | paragraph (a) (for scientific, research or educational purposes)  |
|               | paragraph (b) (for the purpose of ringing or marking, or examining any ring or mark on, wild birds)   |
|               | paragraph (c) for the purpose of conserving wild birds;   |
|               | paragraph (ca) (for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes) |
|               | paragraph (cb) (for the purpose of conserving flora or fauna)   |
|               | paragraph (d) (protecting any collection of wild birds)   |
|               | paragraph (e) (falconry or aviculture)  |
|               | paragraph (f) (any public exhibition or competition)  |
|               | paragraph (g) (taxidermy)   |
|               | paragraph (h) (for the purpose of photography)  |
|               | paragraph (i) (preserving public health or public or air safety)  |
|               | paragraph (j) (preventing the spread of disease)  |
|               | paragraph (k) (preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters)                          |
| section 16(2) | grant of licences   |
| section 16(4) | grant of licences   |

#### *Wild animals and wild plants*

The functions conferred by the following provisions -

- |                  |   |
|------------------|---|
| section 16(3)    | grant of licences for the purposes specified in the following paragraphs-   |
|                  | paragraph (a) (for scientific[, research] or educational purposes)  |
|                  | paragraph (b) (for the purpose of ringing or marking, or examining any ring or mark on, wild animals)   |
|                  | paragraph (c) (for the purpose of conserving [wild birds,] wild animals or wild plants or introducing them to particular areas)   |
|                  | paragraph (ca) (for the purpose of conserving any area of natural habitat)  |
|                  | paragraph (d) (for the purpose of protecting any zoological or botanical collection)  |
|                  | paragraph (e) (for the purpose of photography)  |
|                  | paragraph (f) (preserving public health or public safety)   |
|                  | paragraph (g) (preventing the spread of disease)  |
|                  | paragraph (h) (preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, or any other form of property or to fisheries) |
| section 16(4)(b) | grant of licences.  |

#### *Introduction of new species*

The function of granting licences under section 16(4)(c).

#### *General provisions*

The function under section 16(5)(d) of modifying or revoking any licence.

### **The Conservation of Habitats and Species Regulations 2010a**

The functions listed below insofar as relating to any activity taking place both in the restricted English inshore region and in another part of the English inshore region. (These do not include functions relating to any activity taking place solely in the restricted English inshore region).

“The restricted English inshore region” and “the English inshore region” have the meaning here that they have in regulation 3(1) of the Conservation of Habitats and Species Regulations 2010.

These functions are delegated subject to the condition that Natural England cannot grant a licence relating to the restricted English inshore region without the agreement of the Marine Management Organisation.

- Regulation 53(1)      granting of licences under regulation 53(1) for the purposes specified in the following provisions-
- regulation 53(2)(a) (scientific or educational)
  - regulation 53(2)(b) (ringing or marking, or examining any ring or mark on, wild animals)
  - regulation 53(2)(c) (conserving wild animals or wild plants or introducing them to particular areas)
  - regulation 53(2)(d) (protecting any zoological or botanical collection)