

Manx Marine Environmental Assessment

Introduction

The Legislative System



Isle of Man Government Offices. Photo: Isle of Man Government

MMEA Chapter 1.2

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Manx Marine Environmental Assessment

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The Legislative system

Tynwald, the Isle of Man's parliament, was founded more than 1,000 years ago and is believed to be the oldest continuous parliament in the world. Tynwald has two chambers – the House of Keys, with 24 members (MHKs) elected at general elections every five years, and the Legislative Council (the Upper House). It consists of the President of Tynwald, two *ex-officio* members, the Lord Bishop of Sodor and Man and Her Majesty's Attorney General and eight members elected by the House of Keys. See Figure 1 below.

The Isle of Man generally has no party political system and the leader of its government, the Chief Minister, is chosen by Tynwald after each general election. The Chief Minister, and the nine Ministers selected by the Chief Minister to head the Isle of Man Government Departments, constitute the Council of Ministers, the central executive body or Manx 'cabinet', accountable to Tynwald. The current Chief Minister, elected in October 2016, is Hon. Howard Quayle MHK.

The principal function of the House of Keys is the consideration of primary legislation. A Bill normally passes through the House of Keys for three readings and along with detailed consideration of the Bill's clauses before it is transmitted to the other Branch, the Legislative Council, for similar readings. The rationale for this is to ensure, where a Bill might affect citizen's rights or carry financial implications, it should normally be considered first by the directly elected branch of the legislative, the House of Keys. However, on occasion, a Bill may be introduced into the Legislative Council first.

In addition, the two Branches meet together as Tynwald Court once a month (except in August and September) to consider policy matters and secondary (subordinate) legislation (orders, regulations, etc.).

The Isle of Man is not, and never has been, part of the United Kingdom, nor is it part of the European Union. It is not represented at Westminster or in Brussels. The Island is a self-governing British Crown Dependency - as are the Channel Islands, Jersey and Guernsey - with its own parliament, government and laws. The UK Government, on behalf of the Crown, is ultimately responsible for the Island's defence, international relations and good government. Her Majesty The Queen, who is 'Lord of Mann', is the Manx Head of State and is personally represented in the Island by the Lieutenant Governor. He is appointed by the Sovereign, on the advice of the Lord Chancellor and Secretary of State for Justice and with the concurrence of the Government of the Isle of Man, for a five-year term. The present Lieutenant Governor, His Excellency Sir Richard Gozney, was appointed in 2016. The Manx Government enjoys a very positive working relationship with the Ministry of Justice, which is responsible for the UK Government's relationship with the Isle of Man and the other Crown Dependencies.

A Bill that has been passed by both Branches of Tynwald must be granted Royal Assent from, or on behalf of, the Crown before it becomes an Act of Tynwald and be brought into operation.

The Island has a special and limited relationship with the EU, under an agreement ("Protocol 3") negotiated when the UK joined the, then, European Economic Community in 1973,

allowing free trade in agricultural and manufactured products between the Isle of Man and EU members. Apart from matters relating to this agreement, including Customs, the Island is not directly bound by EU laws and it pays nothing to, and receives nothing from, EU funds.

For more information on Tynwald, please refer to “The Tynwald Companion” produced by the Office of the Clerk of Tynwald (2016), available at: <http://www.tynwald.org.im/links/tis/TC/Pages/default.aspx>.

Primary and Secondary Legislation

Primary legislation is also known as principal legislation and is the highest form of legislation that applies in the island. In the Isle of Man, the following types of primary legislation apply:

- Acts of Tynwald – legislation that is passed by the Branches (House of Keys and the Legislative Council) and has Royal Assent, which may be given by Her Majesty in Council or by the Lieutenant Governor on her behalf;
- Acts of Parliament that have effect in the island. There are four ways in which Acts (or certain provisions of Acts) passed in Westminster may apply to the Isle of Man:
 - 1- The Act may be expressed to apply to the Isle of Man (often with a power for an Order in Council to modify);
 - 2- The Act may apply to the island by implication;
 - 3- The Act may apply by virtue of being extended to the island by Order in Council; and
 - 4- The Act may apply by virtue of being extended to the island under the authority of an Act of Tynwald.
- European Union Legislation that is directly applicable to the island by virtue of Protocol 3 (which takes precedence over other primary legislation).

Secondary legislation (also known as subordinate legislation) is legislation made under the authority of primary legislation. In the Isle of Man, the following types apply:

- 1- Regulations and Orders made under the authority of an Act of Tynwald (or under a UK Act that applies here which has been modified to give power for Regulations or Orders to be made by the relevant Department). There are other less common types such as Rules and Byelaws. These are all known as Statutory Documents.
- 2- UK secondary legislation that applies to the Island. If a provision of an Act of Parliament that gives power to a UK Secretary of State to make Regulations or Orders applies in the island, any Regulations or Orders made under that provision will apply (unless expressed only to apply to the UK or part of it). It is more common for the UK to make separate secondary legislation for the Isle of Man.
- 3- European Union legislation that is applied to the island by Order made under the European Communities (Isle of Man) Act 1973.

See Office of the Clerk of Tynwald 2016 for further information.

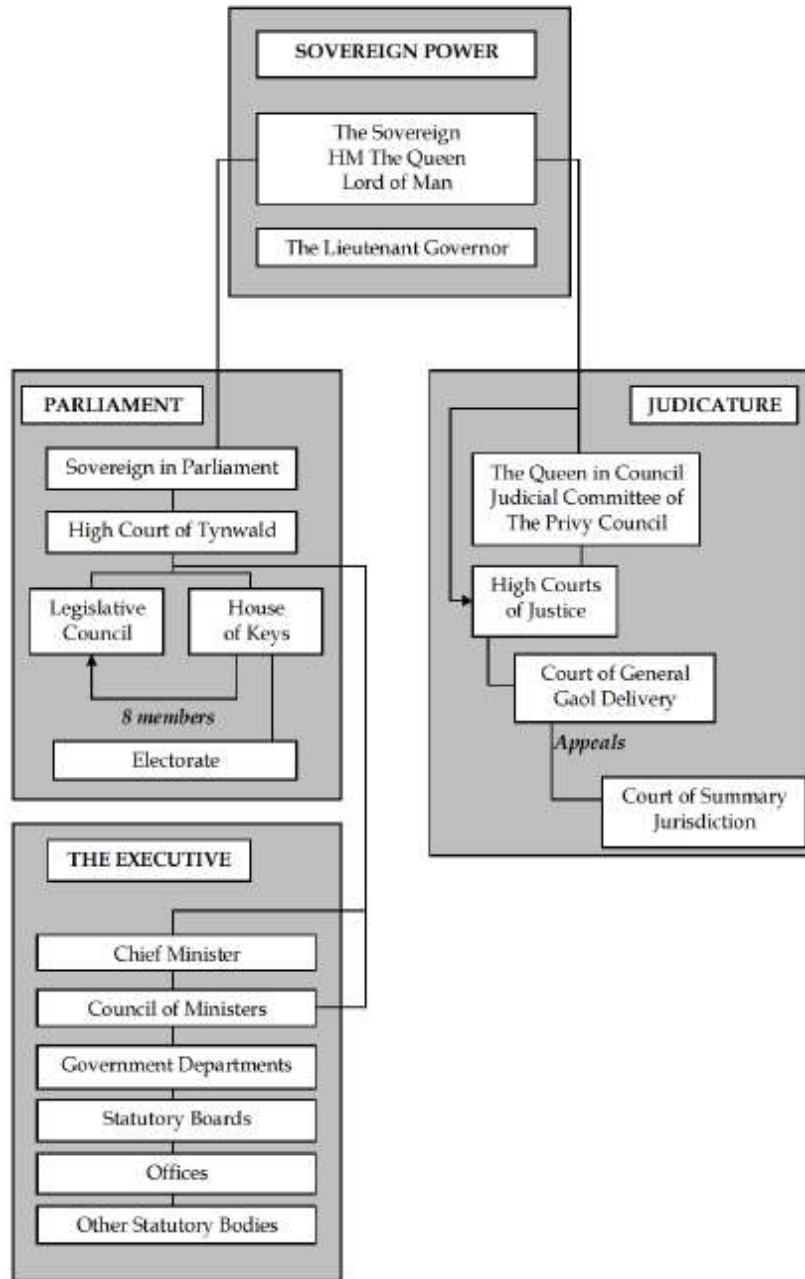


Figure 1. Structure of Government (Office of the Clerk of Tynwald 2016).

Chapter Overview

This chapter forms part of the Manx Marine Environmental Assessment aims and to provide the reader with a comprehensive overview of legislation currently relating to the marine environment within the Isle of Man's territorial waters. A previous study by Dryden et al. (2003) produced as part of the Irish Sea Pilot Project provides the reader with a thorough assessment of legislation relevant to a wide range of activities. This chapter has updated much of this information to ensure the most recent legislative developments and amendments are included for reference. All of the Acts of Tynwald are held as paper copies in the Tynwald Library. Acts passed after 2001 can be found (as enacted) on the Isle of Man Government website at: <https://legislation.gov.im/cms/> or consulting some Departmental websites via www.gov.im for further information).

The marine environment

The Manx marine environment is subject to impacts from a varied range of activities, which includes recreation, tourism, established infrastructure such as cables and pipelines, fishing, shipping and effluent disposal. It is essential to ensure the strict regulation of all uses of the Isle of Man marine environment in order to maintain the quality of the territorial waters, however, this should be done on balance with requirements for development and growth.

As a mechanism to control these activities within the marine environment, the amount of legislation to regulate these has grown. Manx Legislation can have regard to particular components of international, European and UK law for some activities, however, there is no requirement for the Isle of Man to comply with these laws.

The Isle of Man Territorial Sea

The closest part on the Isle of Man to the UK coast is the Point of Ayre (in the north of the island) which is 26 km or 14 nautical miles south of Burrow Head, Scotland. For all other points of the island, the nearest UK and Irish coastlines are considerably in excess of 24 nautical miles.

Historically the island has long laid claim to territorial seas out to a limit of three nautical miles, encompassing an area of 770 square kilometres.

In 1991, the island's territorial seas were extended to 12 nautical miles in most directions with the exception to the north of the Island where the UK coastline is less than 24 nautical miles away. It is within this area that the territorial limit only goes to the median line. In securing this extension to Manx waters, the Manx authorities also secured ownership of all petroleum, gas and all minerals other than coal within the extended area. In 1995, further arrangements was sought to acquire the coal rights, which were confirmed in Manx law under the Territorial Sea (Rights to Coal) Act 1996.

Manx and UK legislative frameworks

The legislative framework for the Isle of Man applicable to the territorial seas is closely interlinked with the UK's. The "extended territorial sea" is defined in section 5 of the Territorial Sea (Consequential Provisions) Act 1991. The definition given means any area which becomes part of the territorial sea adjacent to the Island under or by virtue of section 1 of the Territorial Seas Act 1987 (an Act of Parliament) [as it has effect in the island].

The Territorial Seas Act (of the UK Parliament) has effect in the Island by virtue of the Territorial Sea Act 1987 (Isle of Man) Order 1991. The Order provides for the statutory basis for the extended territorial sea out to 12 nautical miles or the median line, whichever is closer.

International Law

The United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature in 1982 following the conclusion of the Third UN Conference on the Law of the Sea which had begun in 1973. The Isle of Man is not part of the United Kingdom and is not an independent sovereign State. It is a territory for whose international relations the United Kingdom is responsible in international law. For the purposes of UNCLOS, the Isle of Man is not a State party to the Convention. The relevant State Party to the Convention is the UK. UNCLOS was ratified by the UK in 1997. The effect of this is that, in international law, the State with responsibility for the Isle of Man has the right to regulate fisheries and mineral exploitation in a Zone which goes out to 200 nautical miles from that State's coastline (or to the median point with near neighbours such as France and the Republic of Ireland). From an international point of view, any arrangements regarding the regulation of that Zone made between the Isle of Man and the UK are internal to that State. See http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm for further details.

The Convention for the Protection of the Marine Environment of the North East Atlantic ("OSPAR Convention") was open for signature at the Ministerial meeting of the Oslo and Paris Commissions in Paris on 22 September 1992. This was adopted together with a final declaration and an action plan.

OSPAR is the means by which fifteen Governments of the western coast and catchments of Europe, along with the European Community cooperate to protect the marine environment of the North-East Atlantic. OSPAR has worked to identify the threats to the marine environment, and has organised various programmes and measures to ensure there is effective national action to combat them. The Isle of Man is signed up to Annex I-V of the OSPAR Convention. This applies to the biodiversity and ecosystem protection in maritime areas. See <http://www.ospar.org/> for further details.

In late 2011 the UK agreed to extend its ratification of the Convention on Biological Diversity (CBD) to the Isle of Man. The UK's formal notification was submitted to the United Nations on 8 May 2012 and the Convention was entered into force for the island on 6 August 2012. The overall objectives of the CBD (<http://www.cbd.int/sp/targets/>) are summarised here;

- A. Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
- B. Reduce the direct pressures on biodiversity and promote sustainable use
- C. To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- D. Enhance the benefits to all from biodiversity and ecosystem services
- E. Enhance implementation through participatory planning, knowledge management and capacity building

One of the island's CBD obligations was to complete and implement a national Biodiversity Strategy and Action Plan. Following public consultation this strategy was developed and then

agreed by Tynwald in October 2015: <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/biodiversity-strategy-and-delivery-plan/>. The Isle of Man Biodiversity Strategy 'Managing our Natural Wealth' can be found here: <https://www.gov.im/media/1346374/biodiversity-strategy-2015-final-version.pdf>, and it describes the biodiversity aims, objectives and strategic actions, which will enable the island to meet its CBD commitments, as outlined above.

The Isle of Man Planning System – Legislative Framework

This overview provides the legislative framework within which the planning system in the Isle of Man operates. The primary legislation is contained within the Town and Country Planning Act 1999 which extends to the whole of the Island, and does not extend to the territorial seas except to such extent, and subject to such exceptions and modifications as may be prescribed.

The Town and Country Planning Act 1999 is an Act to make new provision with respect to town and country planning, including protection of buildings and areas of special architectural or historic interest and the control of advertisements; and for connected purposes.

The following subordinate legislation has been approved by Tynwald, which are currently operational:

- The Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005;
- The Town and Country Planning Certificates of Lawful Use or Development (Amendment) Regulations 2005;
- The Planning and Waste Disposal (Concurrent Proceedings) Regulations 2005;
- The Town and Country Planning (Registers) Regulations 2005;
- The Town and Country Planning (Freeport Development) Order 2005;
- The Town and Country Planning (Permitted Development) Order 2012;
- The Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012;
- Town and Country Planning (Control of Advertisements) Regulations 2013);
- The Town and Country Planning (Permitted Development) (Telecommunications) Order 2013;
- Town and Country Planning (Registered Buildings) Regulations 2013;
- Town and Country Planning (Development Procedure) (No.2) Order 2013;
- Town and Country Planning (Development Procedure) (No 2) (Amendment) Order 2015;
- Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015;
- Town and Country Planning (Application and Appeal Fees) (No.2) Order 2016.

Most of the above legislation is available at: <https://www.gov.im/categories/planning-and-building-control/planning-building-control-library/planning-building-control-legislation/>

The Development Plan

The Cabinet Office is the land-use planning authority for the whole of the Island. The

Cabinet Office has a statutory obligation to prepare an Island Development Plan under Section 2 of the Town and Country Planning Act 1999.

The Development Plan consists of two parts;

- (a) a Strategic Plan; and
- (b) one or more Area Plans.

The Strategic Plan and Area Plans shall be in general conformity, but in case of any inconsistency, whichever Plan came into operation later shall prevail.

The Strategic Plan

The Isle of Man Strategic Plan came into operation on 1st August 2007 (Department of Local Government and the Environment 2007). This plan was partially reviewed and was subsequently replaced by an updated version, which came into operation on 1st April 2016 (Cabinet Office 2016). The plan can be found at the following website <https://www.gov.im/categories/planning-and-building-control/planning-policy/development-plan/strategic-plan/>The Strategic Plan comprises a written statement formulating the Cabinet Office's general policies in respect of development and other use of land in the Island, together with a reasoned justification of those policies and such diagrams, illustrations, or other explanatory matter as the Cabinet Office thinks appropriate. The timescale of the Strategic Plan is from 2011 and 2026, as the population and household projections were based on information from the 2011 Census.

Prior to the adoption of the Strategic Plan, the Cabinet Office's general policies were included variously in the 1982 Development Plan Order, Planning Circulars, and Local Plans. Local and site specific proposals generally remain the subject of Area Plans.

The role previously filled by Planning Circulars is now filled by Planning Policy Statements, which are in general conformity with the Development Plan. Existing Planning Circulars (excluding "Sector Plan" Circulars) continue to have effect, except insofar as they are inconsistent with the Development Plan.

Area Plans

The Cabinet Office's Area Plans can relate to the whole of the Island or to a specified part. Area Plans comprise a written statement formulating proposals for the development or other use of land in the area to which the plan relates, together with maps showing proposals on a geographical basis, a reasoned justification of those proposals and such diagrams, illustrations, or other explanatory matter as the Department thinks appropriate.

At present, the following Local and Area Plans are in operation;

Area	Date
Peel	1989
Braddan	1991
Kirk Michael	1994
Douglas	1998
Ramsey	1998
Foxdale (in part)	1999
St. John's	1999
Sulby	1999
Onchan	2000
Laxey and Lonan	2005
Area Plan for the South	2013

Additionally, those parts of the Island which are not the subject of approved Local Plans are covered by the land-use zones on the Island-wide 1982 Development Plan.

Existing Local Plans will remain in effect until they are replaced by new Area Plans. It is the Cabinet Office's intention to prepare four Area Plans for the Island, covering the South, East, North and West, and work has now commenced on the preparation of these.

Areas of High Landscape Value or Scenic Significance

Under the Isle of Man Development Plan 1982, a number of areas have been designated as Areas of High Landscape Value or Coastal and Scenic Significance. This designation covers much of the Isle of Man coastline including significant coastal elements in the conservation areas in Castletown, Laxey, Maughold, Peel and Ramsey.

Isle of Man Landscape Character Assessment

This Technical Study was commissioned by the former Department of Local Government and the Environment (DLGE) of the Isle of Man Government. The Study provides a baseline inventory of the landscape character on the Island, and also sets out recommendations for the application of the Study for consideration and action as appropriate by the DLGE. The need to protect and enhance landscape character is recognised by Government planning policy on the delivery of sustainable development through the planning system.

To ensure that full account is given to landscape character in planning decisions, this Study was commended to the DLGE for use as an evidence base for informing the preparation of the Area Plans and in development control. See Chris Blandford Associates (2008) for more detail.

Planning Guidance from the UK and the EU

The Island has a close relationship with the UK, within which there are land-use planning systems which have the same general purpose as, and much in common with our own system. We also have indirect links with the European Union. Accordingly, where unusual matters arise, or where there is no Manx guidance, it will often be appropriate and helpful to have regard to legal judgments or advice published in the UK or the EU.

The Isle of Man Territorial Waters Consenting System

The first full meeting of the Territorial Sea Committee was held on 16th December 1991 chaired by the Chief Harbour Master. The Committee is now chaired by the Chief Executive of the Department of Infrastructure. The first task was to define responsibilities and establish procedures (Watkiss 1998). Membership of the Territorial Sea Committee comprises representatives from the Department of Infrastructure (Chair); Department of Environment, Food & Agriculture; Treasury; Department of Economic Development; Chief Secretary's Office; and the Attorney General's Chambers.

The Territorial Seas Committee is consulted should an application for lease of the seabed be received by the Department of Infrastructure as owner of the seabed. The application is circulated to the various Department representatives to fully consider and any representations made back to the Chair are then considered before a recommendation is made to the Minister. Ministerial approval is required prior to any leases for the seabed are issued.

The Department of Infrastructure has, in junction with other Department across Government, developed a bespoke piece of legislation to provide a consenting regime for

certain marine activities within the Isle of Man territorial waters. The Marine Infrastructure Management Act 2016 will provide this consenting regime once it becomes fully operational.

Isle of Man Legislation relating to the territorial sea

There are a number of Acts relating to a range of activities within Manx waters. These Acts and their definitions are listed below. The following tables provide more detail on the application of these Acts and the responsible Department for each Act. All of the Acts of Tynwald are held as paper copies in the Tynwald Library; Acts passed after 2001 can be found (as enacted) on the Isle of Man Government website at: <https://legislation.gov.im/cms/> or consulting some Departmental websites via www.gov.im for further information). All UK Acts can be found at <http://www.legislation.gov.uk/>.

Territorial Seas

The Territorial Sea Act 1987 (an Act of Parliament)

An Act to provide for the extent of the territorial sea adjacent to the British Isles.

The Territorial Sea (Limits) Order 1989

This Order establishes the seaward limit of the territorial sea adjacent to the United Kingdom in the narrow part of the Straits of Dover and in the vicinity of the Isle of Man. The limit in the Straits of Dover is constituted by straight lines joining the points indicated in the Schedule and follows the line defined in the Agreement of 2nd November 1988 between the Government of the United Kingdom and the Government of the French Republic relating to the Delimitation of the Territorial Sea in the Straits of Dover. The limit in the vicinity of the Isle of Man is the median line.

The Territorial Sea Act 1987 (Isle of Man) Order 1991

This Order extends the Territorial Sea Act to the 1987 to the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to the Order.

Territorial Sea (Conventional Provisions) Act 1991 (an Act of Tynwald)

An Act to provide for various matters as a consequence of the extension of the territorial sea adjacent to the Island by the Territorial Sea Act 1987 (an Act of Parliament); and for other purposes. This also section 2 (1) vests the property in (a) all minerals existing in natural condition; (b) all mines for the working of such minerals; and (c) all petroleum existing in natural condition; on, in or under the sea bed beneath the extended territorial sea is, subject the subsection (4), vested in the Department of Infrastructure free from all claims or estates whatsoever (following the Transfer of Functions (Economic Development and Education) Order 2017.

Submarine Cables

Submarine Cables Act 2003

An Act to regulate the placing of cables in the territorial waters of the Isle of Man; and to make further provision in relation to such cables. Secondary Legislation in respect of this Act includes;

The Submarine Cables (Authorised Persons) Regulations 2004

These Regulations prescribe the powers and duties of authorised persons for the purpose of enforcing the Submarine Cables Act 2003 and regulations made under it, and overseeing works and other activities relating to submarine cables in territorial waters. They make provision for applications for authorisation to lay a submarine cable in the territorial waters of the Isle of Man. These Regulations came into force on 28 January 2005.

The Submarine Cables (Safety) Regulations 2004

These Regulations came into force on 28 January 2005. These Regulations make provision for the safety of submarine cables within territorial waters of the Isle of Man.

The Submarine Cables (Application for Authorisation Regulations) 2004.

These Regulations came into force on 28 January 2005 and make provision for applications for authorisation to lay a submarine cable in the territorial waters of the Isle of Man.

The Submarine Cables (Fees) Regulations 2012

These Regulations came into force on 1 July 2012 and prescribe the fee for an application for authorisation to lay a submarine cable in the territorial waters of the Isle of Man and the inspection fee for works carried out by authorised persons under regulation 4 of the Submarine Cables (Safety) Regulations 2004.

Fisheries and Biodiversity

The Wildlife Act 1990

An Act to repeal and re-enact with amendments legislation for the protection of birds; to make new provision for the conservation of wild creatures and wild plants; to prohibit certain methods of killing or taking wild animals; to restrict the introduction of certain animals and plants; to amend certain related enactments; to make new provision relating to nature conservation; and for connected purposes.

Endangered Species Act 2010

An Act to give effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and for connected purposes.

Wild animals (Restriction on Importation) Act 1980

An Act to restrict the importation and keeping of certain animals, and for connected purposes.

Destructive Imported Animals Act 1963

An Act to make provision for prohibiting or controlling the importation into and the keeping within the Isle of Man of destructive non-indigenous animals, for exterminating any such animals which may be at large, and for purposes connected with the matters aforesaid.

Genetically Modified Organisms Act 2001

An Act to restrict the import, acquisition, keeping, release and marketing in the Isle of Man of genetically modified organisms.

Animal Health Act 1996

An Act to repeal and replace the Diseases of Animals Acts 1948 to 1975 and certain related enactments; to make provision for animal health and welfare; and for connected purposes.

Fisheries Act 2012

An Act to re-enact with amendments and further provisions the enactments relating to inland and sea fisheries; and for connected purposes

Merchant Shipping

Merchant Shipping Act 1985

An Act to provide for safety and health on ships; to provide for powers for inspectors; to enable the application of certain legislation of Parliament to the Isle of Man to require certain documents to be carried, to amend enactments relating to merchant shipping; and for connected purposes.

Merchant Shipping Act 1995

An Act to consolidate the Merchant Shipping Acts 1894 – 1994 and other enactments relating to Merchant Shipping.

Merchant Shipping (Miscellaneous Provisions) Act 1996

An Act to make new provision for the carriage of goods by sea; to implement the International Convention on Salvage 1989; to amend enactments relating to safety of life at sea, marine pollution and merchant shipping; and for connected purposes.

Merchant Shipping Registration Act 1984

An Act to make fresh provision in relation to the registration of British ships in the Island; and to provide for the appointment of marine surveyors.

Merchant Shipping Registration Act 1991

An Act to establish Manx registers of merchant ships, small ships and fishing vessels; to repeal certain Acts of Parliament insofar as they extend to the island or to ships registered in the island; and for connected purposes.

Pollution

Oil Pollution Act 1986

An Act to replace the Oil in Manx Navigable Waters Act 1971; to make new provision for the prevention, etc. Of oil pollution; for the implementation of international conventions relating to oil pollution; and for connected purposes.

Water Pollution Act 1993

An Act to make new provision for the protection of inland and coastal waters from pollution; to control deposits in the sea; and for connected purposes.

Minerals

Petroleum Act 1986

An Act to vest in the Department of Infrastructure the property in petroleum and natural gas within the Island; to make provision with respect to the searching and boring for and getting of petroleum and natural gas; to provide for the application to the Island of certain legislation of Parliament relating to petroleum and pipe-lines, etc; and for purposes connected with those matters.

Minerals Act 1986

An Act to facilitate the discovery and working of minerals; and for connected purposes.

Minerals (Amendment) Act 2006

An Act to amend the Minerals Act 1986 and for connected purposes.

Mineral Workings (Offshore Installations) (Isle of Man) Act 1974

An Act to provide for the safety, health and welfare of persons on installations concerned with the underwater exploitation and exploration of mineral resources in the waters in or surrounding the Isle of Man, and generally for the safety of such installations and the prevention of accidents on or near them.

Mineral Workings (Offshore Installations) (Isle of Man) Act 1988

An Act to extend and amend the Mineral Workings (Offshore Installations) (Isle of Man) Act 1974; and for connected purposes.

Hydrocarbon Oil Duties Act 1986

An Act to provide for the imposition of excise duties on hydrocarbon oil, petrol substitutes, power methylated spirits and road fuel gas and for connected purposes.

Hydrocarbon Oil Duties Act 1986 (Amendment) Order 2011

This Order makes various amendments to the Hydrocarbon Oil Duties Act 1986 so as to impose the increased rates of excise duty on oils which are analogous to those contained in the Finance Act 2011.

Harbours

Harbours Act 2010

An Act to re-enact with amendments certain enactments relating to the management, control, operation, maintenance, development and improvement of harbours; to provide for the charging of dues and the making of other charges; to provide for the registration and operation of certain vessels; to make new provision to prohibit persons living on board certain vessels within harbour limits; to make new provision for compulsory insurance in respect of vessels; to make new provision to deal with the presence of alcohol and drugs on board vessels and for connected purposes. The Harbours Act 2010 came into force on 1st August 2011 except for the whole of Part 5 relating to the restriction on use of drugs and alcohol.

Coastline Management

Coastline Management Act 2005

An Act to make provision for the management of designated coastline zones, to regulate development in such zones, to confer functions on the Department of Infrastructure in respect of such zones, to modify the effect of enactments relating to town and country planning in respect of such zones; and for connected purposes (The Department of Food, Environment and Agriculture has assumed responsibility for Coastal Erosion from April 2010).

Planning

Town and Country Planning Act 1999

An Act to make new provision with respect to town and country planning, including the protection of buildings and areas of special architectural or historic interest and the control

of advertisements; and for connected purposes.

Recreation and Leisure

Recreation and Leisure Act 1998

An Act to confer on the Department for Enterprise and the Department of Education,

Sport and Culture powers to provide recreational and cultural facilities; to enable such powers to be conferred on local authorities; and for connected purposes.

Miscellaneous

Wreck and Salvage (Ships and Aircraft) Act 1979

An Act to make better provision in the law relating to wreck and salvage in the case of ships and aircraft, and for connected purposes.

Manx Museum and National Trust Act 1959

An Act to consolidate and revise the Manx Museum and National Trust Acts, 1886 to 1951.

Manx Museum and National Trust (Amendment) Act 1986

Relating to amendments to the constitution of the Trust, the ability to make certain Trust property inalienable and agreements over land.

Marine Infrastructure

Marine Infrastructure Management Act 2016

An Act to make provision for a consenting process for certain activities in the Island marine environment; and for connected purposes.

Table 1. Legislation for Marine Site Protection (after Dryden et al. 2003a).

Legislation for Marine Site Protection	
<p>There is a wide range of marine site legislation that applies either coastally or within the marine environment. This has mainly grown in prominence through the understanding that the protection of species is most effectively approached through the protection of habitats. There are a number of measures for site protection within the Isle of Man, including statutory designations such as National Nature Reserves, Marine Nature Reserves, Areas of Special Scientific Interest and Areas of Special Protection (after Dryden et al. 2003). In addition, there is the non-statutory designation of a Manx Wildlife Site (see www.manxwt.org.uk for further details).</p>	
Isle of Man Legislation	
Wildlife Act 1990 Including the Manx Marine Nature Reserves (Designation) Order 2018	The Wildlife Act 1990 contains the following provisions: Areas of Special Protection (Birds) Section 3 Areas of Special Protection (Animals & Plants) Section 13 Areas of Special Scientific Interest – Section 27 National Nature Reserves – Section 31 Marine Nature Reserves – Section 32
Manx Museum & National Trust Act 1959	Manx National Heritage has the power to acquire land to promote the permanent preservation of landscapes, features, animal and plant life and buildings of national interest in order “ <i>to preserve, protect, promote and communicate the unique qualities of the Manx natural and cultural heritage</i> ”. MNH landholdings extend down to Mean High Water mark.
Isle of Man Development Plan 1982	Areas of High Landscape Value or Coastal and Scenic Significance are designated through the Planning and Building Control Division as areas in which developments must be of higher design standards. Requires that coastal areas are not affected except where there is an over-riding national requirement.
National Heritage Areas Town and Country Planning Act 1999	Currently designated through the Planning Policy Team of the Cabinet Office within Environmental Policy 6 of The Strategic Plan 2007.
Non-statutory designations	Provisions within the Isle of Man

Wildlife sites	Non statutory designation intended to complement statutory designations but will only receive protection against development through planning guidelines, with conservation and enhancement of sites achieved through liaison with landowners and the Planning Policy Team of the Cabinet Office. Criteria have been developed by a Site Selection Panel
Regionally Important Geological & Geomorphological sites (RIGS)	RIGS are selected using a similar process to Wildlife Sites with sites chosen by a Sites Selection Panel according to the following criteria based on existing survey information and local knowledge; scientific value and research importance, educational value, historic significance and aesthetic value. There are currently no RIGS in the Isle of Man, though a list of potential sites has been compiled. However, this designation has been used for marine sites elsewhere.
Manx Wildlife Trust Sites	Sites set up to promote non-statutory nature conservation at a local level.
Isle of Man Landscape Character Assessment 2008	The Study provides a baseline inventory of the landscape character on the Island, and also sets out recommendations for the application of the Study for consideration and action as appropriate by the Planning and Building Control Division (now within the Department of Environment, Food and Agriculture).
International Conventions	Provisions within the Isle of Man

<p>Convention on Biological Diversity 1982 – as from 6 August 2012.</p>	<p>Protection of biological diversity including through the development of Habitat Action Plans and Biodiversity Action Plans.</p> <p>The Isle of Man produced a Biodiversity Strategy in partnership with government and non-governmental groups, which was agreed by Tynwald in October 2015. The Strategy 'Managing our Natural Wealth' can be found here: https://www.gov.im/media/1346374/biodiversity-strategy-2015-final-version.pdf, and it identifies Manx strategic aims aligned with the Convention on Biological Diversity's own goals and targets.</p>
<p>The Convention on Wetlands (the Ramsar Convention)</p>	<p>Requires designation of suitable wetlands of international importance, protection of wetlands within land-use planning strategy and designation of nature reserves within wetlands. The definition of wetlands includes the marine shallow waters which are less than 6m depth at low tide.</p> <p>To date, one terrestrial wetland has been designated, the Ballaugh Curragh.</p>
<p>The Convention for the Protection of the marine environment of the North East Atlantic (OSPAR Convention). Contained within the OSPAR Convention are a series of Annexes which deal with the following specific areas:</p> <ul style="list-style-type: none"> • Annex I: Prevention and elimination of pollution from land- based sources; • Annex II: Prevention and elimination of pollution by dumping or incineration; • Annex III: Prevention and elimination of pollution from offshore sources; • Annex IV: Assessment of the quality of the marine environment; and • Annex V: On the protection and conservation of the ecosystems and biological diversity of the maritime area. 	<p>This Convention was open for signature at the Ministerial meeting of the Oslo and Paris Commissions in Paris on 22 September 1992. This was adopted together with a final declaration and an action plan. The Isle of Man is signed up to all five Annexes.</p>

Table 2. Regulatory Responsibility Marine Site Protection (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility for wildlife site designation (including National Nature Reserves, Marine Nature Reserves, Areas of Special Scientific Interest and Areas of Special Protection). The Department also has the power to make bye-laws for the protection of any Marine Nature Reserve.</p> <p>Manx National Heritage has legislative responsibility with regard to Manx National Trust Sites which extend to Mean High Water mark.</p> <p>The Cabinet Office has responsibility with regard to Areas of High Landscape Value or Coastal and Scenic Significance and will have responsibility for National Heritage Sites too.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture has the responsibility for enforcement and control within nature designations.</p> <p>Contravention of Bye-laws within Marine Nature Reserves, Areas of Special Scientific Interest and National Nature Reserves may result in a fine.</p> <p>Manx National Heritage has the powers of enforcement and control of activities within Manx Museum and National Trust Sites under the Act and by imposition of byelaws.</p>

Table 3. Legislation for Marine Species Protection (after Dryden et al 2003a).

Legislation for Marine Species Protection	
International, EC and national legislation provides protection for a particular species of flora or fauna. The protection of individual species arises from particular threats which may include loss of a suitable habitat, trading, disturbance or capture (Dryden <i>et al.</i> 2003a).	
Isle of Man Legislation	Provisions within the Isle of Man
Wildlife Act 1990 & Wildlife Act (Amendment) Act 1994 The Wildlife Act 1990 (Variation of Schedules) Order 2004 The Wildlife Act 1990 (Variation of Schedules) (Animals which are protected) Order 2004	Birds Section 1-8 (Schedules 1-4) Other animals Sections 9-11 (Schedules 5&6) Marine species on Schedule 5: seals (all species), basking sharks, turtles (all species), cetaceans (all species). Plants section 12 (Schedule 7).
Endangered Species Act 2010	Implements the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) on the Isle of Man and provides that the Department of Food, Environment and Agriculture will: co-operate with other relevant authorities in the implementation and enforcement of legislation, in the Island and elsewhere, relating to species conservation; grant permits and certificates under this Act, and register scientific institutions under this Act, in accordance with the provisions of the Convention; maintain records of the import into the Island of specimens and the export or re-export from the Island of specimens; establish or designate places for the holding of live specimens; and communicate with relevant authorities in other countries or territories in relation to scientific, administrative and enforcement matters.
International Conventions	Provisions within the Isle of Man
Convention of International Trade in Endangered Species (CITES)	International agreement between signatories to ensure import and export of wild flora and fauna do not threaten the species.

European Conventions and agreements	Provisions within the Isle of Man within
<p>Convention of Migratory Species of Wild Animals (Bonn Convention) and under this agreement to sign:</p> <ul style="list-style-type: none"> • The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) – this was extended to the Irish Sea in 2008 • The Agreement on the Conservation of African – Eurasian Migratory Waterbirds • The Agreement on the Conservation of Petrels and Albatrosses • Eurobats 	<p>UK ratification extended to the Isle of Man on 1st November 1992.</p> <p>Intergovernmental treaty to protect migratory species throughout their range on a global scale.</p> <p>Includes strict protection for endangered species listed in Appendix 1 and species that would benefit from international co-operation in Appendix II.</p> <p>ASCOBANS was extended to the Irish Sea in 2008.</p> <p>A number of Agreements have been made under the Bonn Convention as listed.</p>
<p>Council of Europe Convention on the Conservation of European Wildlife and Wildlife and Natural Habitats (the Bern Convention)</p>	<p>Extended to the Isle of Man in 1992.</p> <p>Convention to ensure conservation of wild flora and fauna species and their habitats.</p>
<p>Convention for the Protection of the Marine Environment of the North-East Atlantic 1992 (OSPAR Convention)</p>	<p>OSPAR has worked to identify the threats to the marine environment, and has organised various programmes and measures to ensure there is effective national action to combat them. The Isle of Man is signed up to all five of the Annex's; Annex V was extended to the Isle of Man in 2005 and applies to biodiversity and ecosystem protection in maritime areas.</p>

Table 4. Regulatory Responsibility Marine Species Protection (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility under the Wildlife Act 1990 for the Protection of Scheduled species and under the Endangered Species Act 2010 for the import and export of endangered species under implementation of CITES.</p> <p>Manx National Heritage has legislative responsibility for protection and maintenance of species within Manx National Trust sites which extend down to Mean High Water mark.</p> <p>The Cabinet Office, under the Town and Country Planning Act 1999 protects the natural and built environment through a range of Planning Policies.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture (“DEFA”) is responsible for the inspection, the enforcement and control activities to Scheduled species although there are requirements placed on landowners to maintain particular species within sites falling under their management.</p> <p>Under both the Wildlife Act 1990 and the Endangered Species Act 2010, DEFA may impose penalties such as a fine for contravention of legal requirements.</p> <p>The Endangered Species Act 2010 provides for the establishment of a Scientific Advisory Committee, the Wildlife Committee to advise DEFA on questions referred to them in connection with the administration of the Act of the protection of birds, plants or animals.</p> <p>An authorised officer (meaning an officer of Customs & Excise, a constable or any person duly authorised in writing by the Department to perform any of the functions conferred on an authorised officer by a provision of the Act) have powers for inspection and enforcement for import and export of animals.</p> <p>Isle of Man Constables have the power to stop and search persons suspected of committing an offence under Part 1 of the Wildlife Act 1990.</p> <p>Manx National Heritage implements bye-laws under governance of the Manx Museum and National Trust Act and may impose penalties if these are breached. The bye-laws include measures to protect species.</p>

Table 5. Legislation for introduction of Non-Native Species in the Marine Environment.

Legislation for introduction of Non-Native Species in the Marine Environment	
Interest in recent years has grown surrounding the control of introduced species within the marine environment, most notably as a result of the possibility of disease transfer to native populations and the possible alteration to ecological interactions. Of most concern is the issue of introducing genetically modified species and the resultant interactions with the local species and the introduction of non-native species through the release of ballast water (Dryden et al. 2003a).	
Isle of Man Legislation	Provisions within the Isle of Man
Wildlife Act 1990	Section 14 includes restrictions regarding the introduction of new species. It is not permitted to release or allow to escape into the wild any animal which is not ordinarily resident or a regular visitor to the Isle of Man, or any species included within Part I of Schedule 8 of the Act. Nor is it permitted to plant or otherwise cause to grow in the wild any plant in Part II of Schedule 8.
Wild Animals (Restriction on Importation, Etc) Act 1980	Restricts the importation and keeping of "Scheduled Wild Animals" to those licensed by the Department of Environment, Food and Agriculture; at the time of writing only zoos, circuses, or film companies. It confers an obligation on the licensed owners of any such organisms to ensure that such animals do not escape into the wild.
Destructive Imported Animals Act 1963	DEFA is conferred the power to prohibit or control the importation or keeping of particular species of non-indigenous mammalian species where it considers such species to possess destructive habits.
Endangered Species Act 2010	Restricts the importation of endangered species of fauna and flora. It also prohibits the importation of a few species on the basis of ecological risk, but none of these are marine or coastal species at the time of writing.
Genetically Modified Organisms Act 2001	Under this Act, it is prohibited to import, acquire, keep, release, permit escape of, propagate, sell or supply, possess or offer, expose or advertise for sale or supply any Genetically Modified Organisms (GMOs).

Table 6. Regulatory Responsibility Control over introduction of non-native species in the marine environment (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility for the control over introduction of introduced species under the Wild Animals (Restriction on Importation, Etc.) Act 1980, the Destructive Imported Animals Act 1963 and the Genetically Modified Organisms Act 2001. It also has legislative responsibility for the protection of fish populations under the Animal and Animal Products (Import & Export) Order 2001 and the Sea Fisheries (Control of Importation) Bye-laws 1990; for the protection of plant species under the Plant Health Act 1983; and for the protection of animal's health under the Animal Health Act 1996.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture have enforcement and inspection powers in relation to Scheduled wild animals, destructive imported animals and Genetically Modified Organisms.</p> <p>DEFA can impose fines for the contravention of laws on the introduction of new species under the Wildlife Act 1990; for offences under the Wild Animals (Restriction on Importation, etc.) Act 1980; offences under the Destructive Imported Animals Act 1963 and fines may be imposed under the Plant Health Act 1983 and the Animal Health Act 1996.</p> <p>Customs & Excise have enforcement and inspection powers at border controls.</p> <p>Constables have the power to search people they suspect of contravention of regulations under Part 1 of the Wildlife Act 1990.</p> <p>Under the Harbours Act 2010 the Department of Infrastructure has powers to impose restrictions regarding discharge of ballast waters to harbour areas or Manx waters.</p>

Table 7. Legislation for Conservation of Man-made structures (after Dryden et al 2003a).

Legislation for the Conservation of Man-made structures	
<p>The Isle of Man has a rich and varied historic built environment. Early settlements include iron-age coastal promontory forts, megalithic-chambered tombs, early Christian period keeill sites, Viking mounds and medieval forts. It was during the late mediaeval and early modern periods that the growth of the fishing industry which led to numerous harbour developments and many mining works and trial shafts were constructed. A number of coastal forts were also developed during this time in response to the Spanish Armada, the English Civil War and the Napoleonic threat. As the tourist industry rose on the Island, Victorian architecture became widespread. Coastal relics from the World Wars are still present including accommodation, communications and radar systems (Dryden et al. 2003a). The Island is signatory to the United Nations Convention concerning the Protection of the World Cultural and Natural Heritage 1972. The European Convention for the Protection of the Architectural Heritage of Europe in 1987 and the European Convention on the Archaeological Heritage of Europe reflecting the commitment of the Island to the preservation of the build environment (DLGE 2001).</p>	
Isle of Man Legislation	Provisions within the Isle of Man
Town & Country Planning Act 1999	Directs and controls development whilst preserving and protecting existing areas and buildings of an historical or architectural interest. Provides for buildings of special architectural or historic interest under Part 3 and requires the Department of Environment, Food and Agriculture to maintain a Protected Buildings Register.
Manx Museum & National Trust Acts 1959 – 1986	Governs protection of archaeological sites, through designation of ancient monuments, ownership or guardianship exercised by Manx National Heritage. Manx National Heritage-owned sites extend only as far down shore as Mean High Water. Also regulates archaeological excavation in the Isle of Man and controls export of objects. Powers include preservation of buildings of national interest, including by acquisition.
Wreck & Salvage (Ships & Aircraft) Act 1979	Enables the Department of Infrastructure to appoint a Receiver of Wreck for the protection and identification of abandoned vessels, cargo and other items. Restricts access to and activities around wrecks and sites of wrecks in order to facilitate their return to their owners.
Treasure Act 2017	The Treasure Act 2017 states that Treasure that is found vests in the Treasury in trust for the Crown.
Planning Guidance	
The Isle of Man Strategic Plan 2016	Provides guidance for development in and around Conservation Areas and working with Registered Buildings.

Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man	Planning Policy Statement 1/01 outlines the Policies and guidance relating to the Registration of Buildings including the identification of suitable structures for registering, consideration of their use, as well as any alterations, extensions or demolition.
Town and Country Planning (Registered Building) Regulations 2013	These Regulations sets out the process for how buildings are registered and how to deal with applications for Registered Building Consent including appeals.
International Conventions	Provisions within the Isle of Man
The World Heritage Convention	To ensure that effective and active measures are taken for the protection, conservation and presentation of cultural and natural heritage
European Conventions	Provisions within the Isle of Man
The European Convention of the Archaeological Heritage of Europe (Revised) 1992	Aimed at integrating the conservation and enhancement of archaeological heritage including marine archaeology with planning policy.
European Convention of the Architectural Heritage of Europe 1985	Aimed at reinforcing and promoting policies for the conservation and enhancement of Europe's architectural heritage.

Table 8. Regulatory Responsibility Conservation of man-made structures in the marine environment (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility under the Town & Country Planning Act 1999 for Registered Buildings. The Cabinet Office is responsible for Conservation Areas.</p> <p>The Department of Infrastructure appoints a fit and proper person to be the Receiver of Wreck. The Department has legislative responsibility with regard to wreck and salvage.</p> <p>Manx National Heritage has legislative responsibility with regard to the protection of Ancient Monuments, archaeological sites and objects, and buildings and other man-made structures of national interest.</p>
Inspection, enforcement and control activities	<p>The Planning and Building Control Directorate within the Department of Environment, Food and Agriculture has responsibility for the inspection of Registered Buildings and buildings within Conservation Areas and for the enforcement and control of planning applications, appeals and review activities under the Town & Country Planning Act 1999.</p> <p>The Department of Infrastructure has responsibility to enforce wreck and salvage legislation and to control activities within protected sites.</p> <p>Manx National Heritage has legislative responsibility with regard to Ancient Monuments, historic buildings and archaeological objects on land and has the power to impose penalties for breach of its bye-laws which relate to cultural heritage protection.</p>

Table 9. Legislation for sea fisheries (after Dryden et al. 2003a).

<p>Legislation for sea fisheries</p> <p>The Isle of Man has a well-established fishing industry with historically important herring and scallop fisheries. Today, however, it is the scallop fishing which is most important, together with an increasing reliance on pot fisheries for crabs, lobsters and whelks. The collapse of the herring fishery in the mid-1970s has led to there being no dedicated finfish fishing within the Isle of Man today (Dryden et al. 2003).</p> <p>The legal structure of Manx fisheries is generally consistent with that of the UK legislation. The Isle of Man can legislate for the 3-mile area without outside permission, however, for the 3-12 mile area, DEFA requires the agreement of the UK to amend legislation (Dryden et al. 2003). There is a Fisheries Management Agreement which was originally negotiated in 1991 with the UK and reviewed and resigned in July 2012 to reflect the changes brought about following devolved government in the UK. This Agreement took effect from the commencement of the new Fisheries Act 2012 which received Royal Assent in July 2012 and commenced in January 2013. The new Agreement empowers DEFA to legislate for the whole of the Territorial Sea without seeking concurrence with the devolved jurisdictions, provided such legislation does not discriminate against non-Island vessels.</p>	
<p>European Legislation</p> <p>Under the Fisheries Act 2012 provisions relating to any obligation of the UK under the Common Fisheries Policy of the EU may be applied to the Isle of Man with exceptions, adaptations and modifications.</p>	<p>Provisions within the Isle of Man</p>
<p>UK Legislation</p> <p>Under the Fisheries Act 2012 the Department of Environment, Food and Agriculture may apply certain UK Acts of Parliament to the Isle of Man with exceptions, adaptations and modifications. However, legislation requirements under these Acts have been incorporated within Manx Legislation (see below). There are also UK Acts of Parliament which have been extended to the Island via Order in Council: provisions of the Sea Fisheries Act 1968, ss. 5 to 14, 16, 17, 19, 22 and 23 and Part II of Schedule 1 and Part II of Schedule 2 (extended by the Sea Fisheries (Isle of Man) Order 1971) and the Sea Fish (Conservation) Act 1967, ss. 1, 3, 4 and 5 (extended by the Sea Fish (Conservation) (Isle of Man) Order 1973 and the Sea Fish (Conservation) (Isle of Man) Order 1977). The 1968 Act extends provisions to the Island governing foreign fishing vessels and also enables cross jurisdiction for sea fishery officers in relation to enforcement provisions within the Manx territorial sea.</p>	<p>Provisions within the Isle of Man</p>
<p>Isle of Man Legislation</p>	<p>Provisions within the Isle of Man</p>
<p>Fisheries Act 2012</p>	<p>Allows the Department to provide for certain restrictions on fishing methods and practices which have been given effect as bye-laws. Regulations will be replaced by such.</p>

Sea-Fisheries (Consolidation) Bye-Laws 1984	Consolidates a number of bye-laws (both general and for particular species) made between 1972 and 1984. Contains provisions to restrict fishing in particular areas, the use of floating nets, landing of whitefish in the island of any whitefish caught in ICEA Area VII (unless a non-British owned boat or under authority of a government licence) and certain restrictions relating to specific species.
Sea-Fisheries (Technical Measures) Bye-Laws 2000	Provides restrictions on fishing methods, gear and landing for individual species including specifications for minimum legal landing sizes and mesh sizes for individual species. Imposes a closed ground to the east of the island for herring fishing during the spawning season.
Sea-Fisheries (Possession of Undersized Sea-Fish) Bye-Laws 2000	Provides restrictions for the selling of sea fish below the legal landing size. Places an onus on individuals and retail outlets to ensure fish do not contravene legal size requirements.
Sea-Fisheries (Experimental Area) Bye-Laws 2006 Sea Fisheries (Closed Areas) Regulations 2017 Baie ny Carrickey (Restrictions on Fishing for Lobster and Crab) Regulations 2013	Prohibits fishing in particular experimental areas within Port Erin, Niarbyl, Laxey and Douglas Bay areas of Isle of Man inshore waters and restricts fishing for crab and lobster in the <i>Baie ny Carrickey</i> closed area. This enables the seeding of scallops in various restricted areas for the continued sustainability of the scallop fishing industry. Commercial fishing restrictions may also be imposed by conditions attached to sea fishing licences which are required for commercial fishing in the Island's territorial sea.
Sea Fisheries (Queen Scallop Fishing) Regulations 2014	These Regulations prohibit fishing for queen scallops within the Manx territorial sea other than under a sea fishing licence.
Sea-Fisheries (King Scallop fishing) Regulations 2014	The Regulations restrict fishing for king scallops within the Manx territorial sea.

Sea Fishing (Licensing) Regulations 2018	Set out fishing rights in accordance with the London Convention of 1964 for fishing vessels from Belgium, France and the Republic of Ireland in specified areas of the territorial sea and for specified species. Prohibits commercial fishing in the territorial sea other than under and in accordance with conditions of a sea fishing licence.
Sea-Fisheries (Vessel Monitoring System) Regulations 2015	Sets down the rules for the requirement to use satellite tracking systems within the territorial sea when fishing for scallops.
Sea-Fisheries (Logbook) Regulations 2015	Sets out the requirements for vessel owners to complete records of catch and effort to the Department.

Table 10. Regulatory Responsibility Sea Fisheries (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	The Department of Environment, Food and Agriculture has legislative responsibility for the sea fisheries under the Fisheries Act 2012. Under this legislation exists power to make various Regulations.
Inspection, enforcement and control activities	The Department of Environment, Food and Agriculture has inspection and enforcement powers, with the authority for Sea Fisheries Enforcement Officers to enter premises and examine and inspect equipment and landings. The Fisheries Protection Vessel is used to aid the enforcement of fisheries legislation within Manx territorial waters and has power to board vessels for inspection. Fisheries Protection has sole power in the 3-nautical mile limit and joint powers with the Royal Navy between the 3 nautical - mile and 12 nautical-mile limits. The Fisheries Protection Vessel also has powers to patrol and enforce fishing activities within marine nature reserves and areas in which certain types of fishing is restricted or prohibited.

Table 11. Legislation for Mariculture (after Dryden et al.2003a).

Legislation for mariculture	
This section considers legislation in relation to the development of mariculture, the health of fish and shellfish as well as pollution control relating to mariculture activities and requirements for Environmental Impact Assessments. See "Control over Introduction of Non-Native Species in the Marine Environment" for more information relating to the import and export of fish and eggs from all marine activities (Dryden et al. 2003).	
Isle of Man Legislation	Provisions within the Isle of Man
Territorial Sea (Consequential Provisions) Act 1991	The seaward development of mariculture facilities whereby development occurs on an area of the foreshore or over the seabed below the high water mark will require a licence from the Department of Infrastructure as the owner of the seabed.
Fisheries Act 2012	A licence is required from the Department of Environment, Food and Agriculture to undertake mariculture on the sea, seabed or foreshore. This will also require the concurrence of the seabed owner, the Department of Infrastructure.
Animal Health Act 1996	This extends to all warm and cold-blooded animals and therefore includes the application of the Act to mariculture activities.
Water Pollution Act 1993	This provides the Department of Environment, Food & Agriculture with the responsibility for setting Water Quality Objectives and ensuring that these are achieved at all times.
Planning Guidance	
The Isle of Man Strategic Plan 2016	Appendix 5 of The Isle of Man Strategic Plan 2016 Environmental Impact Assessment sets out that it is proposed that a number of developments will require the production of an Environmental Impact Assessment in every case, one of which is for aquaculture for intensive fish farming installations. This applies to schemes proposed to the mean low water mark.

Table 12. Regulatory Responsibility Mariculture (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has responsibility for development issues for coastal mariculture developments up to mean high tide and for Environmental Impact Assessment of coastal intensive fish farming developments. This Department of Infrastructure has responsibility for the licensing of mariculture developments in territorial waters under the Water Pollution Act 1993, with the exception of propagation of marine flora, which is exempted. It also has responsibility over development as landowner on the foreshore and the territorial waters to the 12 nautical mile limit or the median line.</p> <p>The Department of Environment, Food and Agriculture also has responsibility relating to mariculture developments, with a requirement for DEFA to licence to carry out mariculture on the sea, seabed or foreshore. There is also a responsibility to prevent the spreading of disease under the Animal Health Act 1996.</p>

Table 13. Legislation for Shipping and Navigation (after Dryden et al. 2003a).

Legislation for Shipping and Navigation	
<p>The Isle of Man has an historic maritime industry dating back to the 18th Century. The Department of Economic Development through Isle of Man Ship Registry, has responsibility for the implementation of legislation in respect of ships registered in the Isle of Man. The UK Government has responsibility for the Isle of Man at the International Maritime Organisation and extends Conventions to the Isle of Man upon the request of the Isle of Man Government. Once a Convention is extended to the Isle of Man, the Isle of Man makes national legislation to give effect to the provisions of the Convention (Dryden et al. 2003).</p> <p>Isle of Man legislation relating to shipping and navigation is extensive, and includes prevention of marine pollution, ballast discharge, prevention of accidents, health and safety, manning of vessels, payment and discharge of personnel, registration of vessels and emergency procedures.</p>	
Key International Maritime Conventions extended to the Isle of Man as of March 2012	
SOLAS	International Convention on the Safety of Life at Sea, 1974, as amended (includes the International Safety Management Code (ISM) and the International Ship and Port Facility Security Code (ISPS)). SOLAS Protocol 1978 SOLAS Protocol 1988
COLREG	Convention on the International Regulations for Preventing Collisions at Sea 1972 as amended
MARPOL	International Convention for the Prevention of Pollution from Ship 1973 as modified by the Protocol 1978 relating thereto. Annex I Oil Annex II Noxious Liquid Substances in Bulk Annex III Hazardous Substances in packaged Form Annex IV Sewage Annex V Garbage Annex VI Air Pollution
AFS	International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001
NAIROBI WRECK	Nairobi International Convention on the Removal of Wrecks 2007
LOAD LINE	International Convention on Load Lines, 1966 as amended Load Line Protocol 1988
TONNAGE	International Convention on Tonnage Measurement of Ships, 1969
INTERVENTION	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 Intervention Protocol 1973
CLC	International Convention on Civil Liability for Oil Pollution Damage. CLC Protocol 1992

FUND	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. FUND Protocol 1992 FUND Protocol 2003
CSC	International Convention for Safe Containers, 1972
PAL	Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 PAL Protocol 1976
LLMC	1996 Protocol to Convention on Limitation of Liability for Maritime
STCW	International Convention on Standards or Training, Certification and Watchkeeping for Seafarers, 1978, as amended
SAR	International Convention on Maritime Search and Rescue, 1979
SUA	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 SUA Protocol 1988
SALVAGE	International Convention on Salvage 1989
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operations, 1990
BUNKERS	International Convention on Civil Liability for Bunker Oil Pollution Damage 2001
LC	Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter, 1972, as amended LC Protocol 1996
UNCLOS	United Nations Convention on the Law of the Sea
ILO Conventions relating to Merchant Shipping extended to Isle of Man Legislation	These can be found at the Isle of Man Ship Registry at: http://www.gov.im/ded/shipregistry/legislation/conventions.xml
Implementation of MARPOL	
Protocol 1	SD 2015/0232 Merchant Shipping (Marpol Protocol I – Reports on Incidents Involving Harmful Substances) Order 2015;
Annex I	SD818/06 Merchant Shipping (MARPOL Annex I - Prevention of Pollution by Oil) Regulations 2006;
Annex II	SD977/08 Merchant Shipping (MARPOL Annex II - Control of Pollution by Noxious Liquid Substances in Bulk) Regulations
Annex III	SD 2015/0231 Merchant Shipping (MARPOL Annex III – Prevention of Pollution by Harmful Substances) Order 2015;
Annex IV	SD2014/0063 Merchant Shipping (MARPOL Annex IV – Prevention of Pollution by Sewage) Order 2014

Annex V	SD2014/0065 Merchant Shipping (MARPOL Annex V- Prevention of Pollution by Garbage) Order 2014
Annex VI	SD2014/0223 Merchant Shipping (MARPOL Annex VI – Prevention of Air Pollution) Order 2014
Implementation of SOLAS	
Chapter I	SD352/99 Merchant Shipping (Survey & Certification) Regulations 1999; SD441/00 Merchant Shipping (Harmonised Survey & Certification) Regulations 2000.
Chapter II-1	SD2016/0202 Merchant Shipping (SOLAS Chapter II-1)(Ships Constructed from 1 July 1986) Regulations 2016 SD603/98 Merchant Shipping (Cargo Ship Construction) Regulations 1998; GC362/88 Merchant Shipping (Closing of Openings in Hulls of Superstructures) Regulations 1989; 1984 No.1216 Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984; 1980 No.535 Merchant Shipping (Passenger Ship Construction) Regulations 1980; SI 1985 No.661 Merchant Shipping (Application of Construction & Survey Regulations to Other Ships) Regulations 1985; SI 1989 No.567 Merchant Shipping (Loading & Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989
Chapter II-2	SD2016/0086 Merchant Shipping (SOLAS Chapter II-2)(Ships constructed on or after 1 July 2002) Regulations 2016; SD2016/0085 Merchant Shipping (SOLAS Chapter II-2)(Ships constructed from 1 September 1984 to 30 June 2002) Regulations 2016 SI 1980 No.544 Merchant Shipping (Fire Appliances) Regulations 1980; SI 1985 No.1218 Merchant Shipping (Ships Built Before 25 May 1980) Regulations 1985
Chapter III	SD 2017/0185 Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017 SD 431/99 Merchant Shipping (Life Saving Appliances) Regulations 1999; GC 273/91 Merchant Shipping (Life Saving Appliances)(Ships Built before 1 July 1986) Regulations 1991
Chapter IV	SD50/99 Merchant Shipping (Radio Installations) Regulations 1999
Chapter V	SD269/04 Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 SD2018/0187 Merchant Shipping (SOLAS Chapter V) (Safety of Navigation) Regulations 2018
Chapter VI	SD276/06 Merchant Shipping (Carriage of Cargoes) Regulations 2006
Chapter VII	SD 2015/0230 Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015

Chapter VIII	SD689/96 Merchant Shipping (Registration) Regulations 1996 (Regulation 5 prohibits registration of nuclear ships on IOM)
Chapter IX	SD421/98 Merchant Shipping (ISM Code) Regulations 1998
Chapter X	SD260/98 Merchant Shipping (High Speed Craft) Regulations 1998
Chapter XI-1	SD523/04 Merchant Shipping (ISPS) Regulations 2004; SD815/01 Merchant Shipping (Accident Reporting and Investigation) Regulations 2001;
Chapter XI-2	SD523/04 Merchant Shipping (ISPS) Regulations 2004
Chapter XII	SD156/06 Merchant Shipping (Additional Safety Measures for Bulk Carriers – SOLAS Chapter XII) Regulations 2006
Protocol of 1988	SD441/00 Merchant Shipping (Harmonised Survey and Certification) Regulations 2000
Implementation of STCW	
Chapters I - VIII	SD 2014/0238 Merchant Shipping (Manning and STCW Regulations 2014
Implementation of LOAD LINE	
Gives effect to the whole Convention	SD492/00 Merchant Shipping (Load Lines) Regulations 2000
Implementation of COLREG	
Gives effect up to amendment adopted November 2001	SD389/96 Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996
Merchant Shipping Act 1985, Merchant Shipping Act 1995 and	Allow Department of Economic Development to make regulations relating to safety and health on ships; provide powers for inspectors and for the authorisation of representative persons; enable the application of certain legislation of Parliament to the IOM; provide for the registration of British ships in the Island; and for connected purposes.
Merchant Shipping (Registration) Act 1984	Provision with respect to the registration of British ships in the Island and to provide for the appointment of marine surveyors.
Merchant Shipping (Registration) Act 1991	Establishes Manx registers of merchant vessels, small ships and fishing vessels; and for connected purposes.
Harbours Act 2010	Allows Department of Infrastructure to manage, control, operate and maintain, develop and improve harbours and to make regulations for related purposes. See description of Act for further details.
Maritime Security Act 1995	Allows Department of Infrastructure to ensure safety within harbour areas.
Oil Pollution Act 1986	Makes provision for the prevention of oil pollution and implementation of international conventions relating to pollution from ships.

Additional Acts relating to shipping and navigation	The Isle of Man Ship Registry use numerous additional pieces of legislation, including: Fishing Vessels (Safety provisions) (IOM) (Act) 1974; Hovercraft Act 1968; Merchant Shipping (Detention of Ships) Act 1979; Merchant Shipping (Load line) Act 1981; Merchant Shipping (Masters and Seamen) Act 1979; Merchant Shipping (Miscellaneous Provisions) Act 1996; Shipping, Casualties (Inquiries, Investigation and Reports) Act 1979; Anchors and Chain Cables Act 1979; Merchant Shipping (Masters and Seamen) Act 1979; Merchant Shipping (Passenger Ships Survey) Act 1979; Carriage of Goods by Sea Act 1974.
Isle of Man Regulations	For further information, please refer to the Isle of Man Ship Registry, at http://www.gov.im/ded/shipregistry/legislation/conventions.xml
Salvage	
Merchant Shipping (Miscellaneous Provisions) Act 1996	The Manx Law under Part 3 of the Merchant Shipping (Miscellaneous Provisions) Act 1996 instates the International Convention on Salvage 1989 which provides for the salvage of vessels but excludes working platforms.
Wreck & Salvage (Ships & Aircraft) Act 1979	The Department of Infrastructure has the power to appoint a “fit and proper person to be the Receiver of Wreck” by way of provisions within Part IV of the Wreck and Salvage (Ships and Aircraft) Act 1979. Part II of the Act provides for the salvage of vessels including the provision for the determination of ownership of disputed salvage, valuation of property, detention of property liable for salvage by the Receiver, sale of detained property by Receiver and appointment of salvage under £200.

Table 14. Regulatory Responsibility Shipping and Navigation (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The International Maritime Organisation has administrative and legal power for shipping activities including technical matters, trade, safety, navigation and prevention and control of marine pollution from ships.</p> <p>The Department of Infrastructure has responsibility for the registration of pleasure boats, shipping, harbours, pollution from ships, offshore safety, dredging for navigation and the disposal of dredged material.</p> <p>The Department of Economic Development has responsibility for the registration of all other vessels through the Isle of Man Ship Registry.</p>
Inspection, enforcement and control activities	<p>The Department of Economic Development has responsibility for inspections of vessels through the Isle of Man Ship Registry.</p> <p>The Department of Infrastructure can inspect and enforce safety of vessels within harbours, safety of navigation, security of vessels or fixed platforms and pollution incidents within harbour areas. It may also apply restrictions for discharge of ballast waters within harbour areas.</p>

Manx legislation (made under the Oil Pollution 1986), which implements the provisions of MARPOL into Manx legislation, requires Manx ships wherever they are in the world, and also any ships (wherever they are registered) whilst they are in our territorial waters, to comply with the provisions of MARPOL.

MARPOL specifies technical requirements for ships, which aim to prevent them causing pollution by oil, noxious liquid substances in bulk, harmful substances carried by sea in packaged form, sewage, garbage and air pollution. Our legislation empowers us to address any non-compliance (whether or not this has resulted in a leak), for which we could prosecute and enforce penalties.

If the result of a ship's non-compliance with MARPOL (and our legislation enforcing MARPOL) was a leak, the prosecution with respect to the actual pollution and damage caused is the remit of the DoI, as is the practical side of cleaning it up.

Section 3 of the Water Pollution Act 1993 prohibits any person from polluting controlled waters and section 12 describes how DEFA can enforce Part 1 of the Act. Part 2 of the Water Pollution Act 1993 prohibits deposits in the sea and Section 23 empowers DoI to enforce Part 2 of the Act.

The DoI’s Harbours Act 2010 imposes restrictions within Manx Harbours with respect to dangerous goods and vessels, property and obstructions left without permission (amongst other provisions).

Table 15. Legislation for Military Activities (after Dryden et al 2003a).

<p>Legislation for Military Activities Military defence in the Isle of Man is the responsibility of the UK; there are currently no military activities on the Isle of Man. There is a firing range which following its extension by the UK Government in the 1980s now falls in Manx waters. This was prior to the purchase of the extension of the Isle of Man’s territorial sea to the 12 nautical mile limit (or median line). The Isle of Man Government is minded that this area falling within Manx waters should not be used without their express permission. This area has not been used since 1995 (after Dryden 2003a).</p>	
<p>Isle of Man Legislation</p>	<p>There is no relevant Isle of Man Legislation relating to Military Activities.</p>
<p>UK Legislation</p>	<p>Provisions within the Isle of Man</p>
<p>Military Lands Act 1900</p>	<p>Relates to the application of bye-laws for sea and tidal waters over which firing takes place from defence land. Requests permission from Secretary of State if interfering with public activities such as recreation, walking, bathing, fishing, anchoring or with public rights of navigation.</p>

Table 16. Regulatory Responsibility Military Activities (after Dryden 2003b).

<p>Regulatory Responsibility and Enforcement</p>	
<p>Legislative responsibility</p>	<p>Ministry defence in the Isle of Man is the responsibility of the UK. The Department of Home Affairs liaises with the Ministry of Defence in the UK and has made an agreement that a part of the Eskmeals firing range, which lies in Manx waters, is not used without the express permission of the Isle of Man Government.</p>
<p>Inspection, enforcement and control activities</p>	<p>Not applicable in the Isle of Man.</p>

Table 17. Legislation for Offshore Oil & Gas (after Dryden et al. 2003a).

Legislation for Offshore Oil & Gas	
<p>In terms of hydrocarbon production, the Morecambe Bay gas fields and the Liverpool Bay oil and gas fields are still some distance from the Isle of Man territorial limit despite their extensions westwards. There has been limited exploration within Manx waters. However, in the 1990s, a number of licences for “blocks” were awarded to companies to explore for hydrocarbon reserves, primarily to the north and east of the island.</p>	
Isle of Man Legislation	
Petroleum Act 1986	Vests the property of oil and gas resources in the Department of Infrastructure provides for the granting of licences to allow persons as it thinks fit to search and bore for petroleum and gives the Department the power to authorise any person to inspect plans of mines when required (currently more applicable to the terrestrial environment).
Mineral Workings (Offshore Installations) Act 1988	This Act extends and amends the Mineral Workings (Offshore Installations) (Isle of Man) Act 1974 and provides for the enforcement of safety zones around offshore installations.
Minerals Act 1986	Contains the ability for the Department of Environment, Food and Agriculture to prospect or grant prospecting licences as well as provisions for leases.
Territorial Seas (Consequential Provisions) Act 1991	Vests the seabed below high water mark to the 12-mile limit in the Department of Infrastructure. Also vests minerals and petroleum (the property in all minerals existing in natural condition; all mines for the working of such minerals; and all petroleum existing in natural condition) on, in or under the sea bed beneath the extended territorial sea in the Department of Infrastructure. Department of Environment, Food and Agriculture retains the rights to coal in the territorial sea.
Oil Pollution Act 1986	Contains provision for the prevention of oil pollution, incidents with the potential to cause oil pollution, enforcement and application of UK and international conventions relating to pollution.

Table 18. Regulatory Responsibility Offshore oil and gas (after Dryden 2003b).

Regulatory responsibility and enforcement	
Legislative Responsibility	<p>The Department of Infrastructure is responsible for the provision of licences for offshore oil and gas development. Within the licence conditions, DED can specify particular, specific conditions, including maintenance to ensure safety compliance.</p> <p>Regulations can be made under the Oil Pollution Act 1986 for oil discharges.</p> <p>The Department of Infrastructure has legislative responsibility in relation to development over the foreshore and the territorial seas. As part of a lease of easement can contain specific conditions.</p>
Inspection, enforcement and control activities	<p>The Department for Enterprise has powers to appoint any person as an inspector for inspection and enforcement in relation to oil discharges under the Oil Pollution Act 1986.</p> <p>The Department of Infrastructure has enforcement powers within exclusion zones designated around offshore platforms or pipelines. The DOI also has powers to appoint inspectors for inspection and enforcement purposes under the Oil Pollution Act 1986, with prosecution and or fines for offences.</p>

Table 19. Legislation for Wave, Tidal and Wind Power Generation in the Marine Environment (after Dryden et al. 2003a).

Legislation for Wave, Tidal, and Wind Power Generation in the Marine Environment	
<p>There is a high level of interest in the development of renewable energy in the UK as a result of UK commitments to targets of energy produced using renewable energy sources. The EU Renewable Energy Directive (Directive 2009/28/EC) commits all Member States to reach an ambitious 20% share of energy from renewable sources by 2020. The Isle of Man is investigating opportunities in renewable energy.</p>	
Isle of Man Legislation	Provisions within the Isle of Man
Territorial Seas (Consequential Provisions) Act 1991	Vests the seabed below high water mark to the 12-mile limits or the median line, whichever is the nearest, in the Department of Infrastructure. Development within the Territorial Seas requires from the Department of Infrastructure a lease of easement for use of the seabed and permission under the Harbours Act 2010 with respect to safety of navigation. Applications are considered by DoI with advice from the Territorial Seas Committee.
Water Pollution Act 1993	Requires licensing by Department of Infrastructure for depositing objects on the seabed under Part II of the Act which is already in force.
Town & Country Planning Act 1999	Relates to developments to low water mark. However, when the Marine Infrastructure Management Act 2016 comes into operation, this will only relate to development to high water mark.
Planning guidance	
The Isle of Man Strategic Plan 2016	Requires an Environmental Impact Assessment to be completed and submitted for applications relating to installations for the harnessing of wind power for energy production.

Table 20. Regulatory Responsibility Wave, Tide and Wind Power generation in the marine environment (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility for energy policy related matters.</p> <p>The Department of Infrastructure has legislative responsibility in relation to the lease of the seabed within which they may provide restrictions and conditions. They are also responsible for legislation regarding the deposit of objects on the seabed and safety of navigation.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture has responsibility for development of energy policy.</p> <p>The Department of Infrastructure may impose restrictions within the lease including the requirement for an Environmental Impact Assessment and inspection requirements in consultation with the Territorial Seas Committee.</p>

Table 21. Legislation for Sand & Gravel Extraction in the Marine Environment (after Dryden et al 2003a).

Legislation for Sand & Gravel Extraction in the Marine Environment	
The Isle of Man is largely self sufficient in sand, gravel. The 10 year average production of Sand and gravel to 2011 is 220,000 tonnes per annum. All sand and gravel is currently derived from terrestrial sources.	
Isle of Man Legislation	Provisions within the Isle of Man
Minerals Act 1986 – Schedule 1 of the Minerals Act 1986 shall not apply to the extended territorial seas.	Regulates the rights to prospect, work and lease mines in the Isle of Man and territorial waters. Requires that a licence is obtained from DED under which they may specify terms and conditions and information required for the licence to be issued (for example an EIA)
Minerals (Amendment) Act 2006	Makes a number of amendments to the Minerals Act 1986.
Hydrocarbon Oil Duties Act 1986	Provides for the imposition of excise duties on hydrocarbon oil, petrol substitutes, power methylated spirits and road fuel gas and for connected purposes.
Water Pollution Act 1993	Part II of the Act prohibits the deposition of items on to seabed, unless licensed by the Department of Infrastructure. Exemptions are made under the Deposits in the sea (Exemptions) (Isle of Man) Order 1988, which include water from dredging operations, and dredging for minerals. However, this is not interpreted as meaning marine aggregate disposal which will therefore require a Department of Infrastructure licence.
Planning Guidance	
Isle of Man Strategic Plan 2016	Provides guidelines for EIA for landward extraction.

Table 22. Regulatory Responsibility Sand and Gravel extraction in the marine environment (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture has legislative responsibility for the licensing of extraction of aggregates in coastal sand and gravel pits and for minerals exploitation under the Minerals Act 1986 (as amended by the Minerals (Amendment) Act 2006); and for coal under the Minerals Act 1986. They may also request additional information to be submitted as part of the application.</p> <p>The Department of Infrastructure is responsible for granting licences for deposits in the marine environment under Schedule 2 of the Water Pollution Act 1993.</p> <p>The Cabinet Office provides planning guidance.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture has the power for inspection of sand and gravel extraction facilities and is responsible for enforcement under the Minerals Act 1986 (as amended by the Minerals (Amendment) Act 2006).</p> <p>The Department of Infrastructure has powers of enforcement and control of marine aggregate disposal.</p>

Table 23. Legislation for development in the coastal zone (after Dryden et al.2003a).

Legislation for development in the coastal zone	
<p>Planning Legislation is separate from the UK system. Compliance with European legislation is indirect as the Isle of Man is not required to comply with this. Within the coastal zone, the Town & Country Planning Act 1999 applies.</p> <p>For coastal erosion and coastal engineering, there is no current legislation. The responsibility for land drainage lies with the Water and Sewage Authority which includes tidal flooding.</p>	
Isle of Man Legislation	Provisions within the Isle of Man
Town & Country Planning Act 1999	<p>Covers Development Plans and matters for consideration for planning approval and enforcement.</p> <p>Part 1 – Confers former the Cabinet Office the task of preparing an island Development Plan (The Strategic Plan 2016)</p> <p>Part 2 – guidelines for Development Control</p> <p>Part 3 – includes controls for buildings of special architectural or historic interest and the designation of particular sites as Conservation Areas</p> <p>Part 4 – enforcement action</p>
Isle of Man Planning Scheme (Development Plan) Order 1982	Designates certain areas as having "High Landscape or Coastal Value and Scenic Significance".
Isle of Man Strategic Plan 2016	Comprises a written statement formulating the Cabinet Office's general policies in respect of the development and other use of land in the island together with a reasoned justification of those policies. Appendix 5 sets out the types of development which would require an Environmental Impact Assessment which may apply for development within the coastal zone depending on the type of development proposed.
Territorial Sea (Consequential Provisions) Act 1999	Vests ownership of all the foreshore and Manx Territorial Waters (to the 12-nautical mile limit or median line) to the Department of Infrastructure.

<p>Coastline Management Act 2005</p>	<p>The Act is to provide for the sustainable management of designated parts of the coastline that are or may be subject to changes by natural forces; Provide functions that may be exercised in the public interest and intended to be of social and environmental benefit; Provide functions that may be exercised in a manner that balances economic cost with the social and environmental benefit; and Ensure that in respect of coastline management, decisions about planning policies are taken on an informed basis.</p>
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Table 24. Regulatory Responsibility Development in the Coastal Zone (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Environment, Food and Agriculture is responsible for considering planning applications above the mean high tide mark under the Town and Country Planning Act 1999.</p> <p>The Department of Infrastructure has responsibility to mean high water mark under a number of Acts to regulate some forms of development within the coastal zone.</p> <p>The Department of Environment, Food and Agriculture has assumed responsibility for Coastal Erosion matters following Government reshuffle in April 2010.</p>
Inspection, enforcement and control activities	<p>The Department of Environment, Food and Agriculture enforces planning issues to the mean low-water mark by the Planning and Building Control Division.</p> <p>The Department of Infrastructure has responsibility to mean high water mark under a number of Acts to regulate some forms of development within the coastal zone.</p>

Table 25. Legislation for Tourism and recreation in the Marine Environment (after Dryden et al.2003a).

Legislation for tourism and recreation in the Marine Environment	
Tourism is an economically significant industry in the Isle of Man. The increased popularity of recreational activities has led to greater pressure being placed on the marine environment. Activities include surfing, sailing, fishing, walking, diving and other outdoor adventure activities.	
Isle of Man Legislation	Provisions within the Isle of Man
Merchant Shipping Registration Act 1991	Merchant Shipping (Small ships Register) Regulations 1991 were made under this Act
Wildlife Act 1990	A Voluntary Code of Practice was set up under the Wildlife Act 1990 to control boat activities in the vicinity of cetaceans and basking sharks
Tourist Act 1975	Gives responsibility to the Department for Enterprise <i>“to maintain, encourage, develop, protect, promote and facilitate tourism in, to and from the island to the best advantage of the Island”</i> .
Recreation & Leisure Act 1998	This gives the Department for Enterprise and the Department of Education, Sport and Culture, as it thinks fit, the power to provide recreational facilities. Where the provision of these activities requires facilities, those must work in co-ordination with, and are required to adhere to Cabinet Office’s policy on planning and development.
Harbours Act 2010	Provides the Department of Infrastructure with the ability to develop byelaws for regulating the use of harbours and harbour facilities. Requires registration of pleasure craft through the Department of Infrastructure, who may provide regulations regarding correct display of registration numbers etc.

Table 26. Legislation for input of contaminants in the Marine Environment (after Dryden et al.2003a).

Key legislation for input of contaminants in the Marine Environment (originating primarily from land)	
Isle of Man legislation	Provisions within the Isle of Man
Water Pollution Act 1993	Part I – Regulates discharges from land-based sources. Makes provision for DEFA to set Water Quality Objectives and sets requirements for licences to discharge to controlled waters. Describes the offences of polluting controlled waters
Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1999	Provides regulations under the Oil Pollution Act 1986 for the prevention of pollution in the marine environment from disposal of garbage from vessels
Litter Act 1971 As amended by various	Prohibits deposition of litter in public places
Harbours Act 2010	Prohibits deposition of certain substances within the limits of a harbour or on the seashore of into tidal waters of the Isle of Man without authorisation from the Department of Infrastructure.
Oil Pollution Act 1986	Prohibits the discharge of oil into the marine environment and is administered by the Department of Infrastructure.

Table 27. Regulatory Responsibility Inputs from contaminants in the marine Environment (originating primarily from land) (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	<p>The Department of Infrastructure has legislative powers with regard to deposits in the sea under Part II of the Water Pollution Act 1993, the Oil Pollution Act 1986 and input of contaminants into harbour areas under the Harbours Act 2010.</p> <p>DEFA has responsibility for discharges to the marine environment including the development of Water Quality Objectives and establishment of Water protection Zones.</p>
Inspection, enforcement and control activities	<p>DEFA has responsibility for Environmental Health and the Government Analysts Laboratory are responsible for the inspection of water quality. This is currently legislated under the Water Pollution Act 1993.</p> <p>The Department for Enterprise has responsibility for the prevention of deposition of litter in the marine environment from Merchant Shipping activities.</p> <p>The Department of Infrastructure has powers for enforcement of inputs with regard to deposits in the sea including powers to board vessels for inspection. It also has enforcement powers for the disposal of certain materials within harbour areas with contravention punishable by a fine.</p>

Table 28. Legislation for submarine cables and pipelines (after Dryden et al. 2003a).

Legislation for submarine cables and pipelines	
Manx waters has seen an increase in the number of cables and pipelines installed in recent years, particularly telecommunications cables.	
UK Legislation	Provisions within the Isle of Man
Petroleum Act 1998	Part III relating to submarine pipelines and Part IV relating to abandonment of offshore installations, have been applied by the Petroleum Act 1998 (Application) Order 2000. Includes requirements of authorisations for submarine pipeline construction and operation and the abandonment of them following completion of works.
Submarine Telegraph Act 1885	Contains provisions for the avoidance of damage to cables or the interference of cable laying vessels with other operations.
Isle of Man Legislation	Provisions within the Isle of Man
Petroleum Act 1986	Confers the duty of the Department of Infrastructure to apply UK legislation subject to such exceptions, modifications and adaptations as may be specified in the Order.
Submarine Cables Act 2003	Regulates the installation of cables in the seabed. Requires written authorisation from the Department of Infrastructure who may specify the information required before an application is considered. An Environmental Impact Assessment is required to be submitted as part of an application for consideration under this Act.
The Submarine Cables (Authorised Persons) Regulations 2004	Provides an authorised person to enter and inspect any land, vehicle, vessel or marine structure; and provides for consideration of Offences in respect of these Regulations
The Submarine Cables (Safety) Regulations 2004	Outlines work which can be undertaken in close proximity of cables, as well as providing guidance in respect of commencement of cable works and their subsequent inspection.
The Submarine Cables (Fees) Regulations 2012	Sets fees for making an application and for covering the costs of the Department carrying out an inspection.
The Submarine Cables (Application for Authorisation) Regulations 2004	Provides detailed instruction on the format of an application to the Department for their consideration. The Environmental Impact Assessment and its content are also provided for, as set out in Schedule 1.

Water Pollution Act 1993	Part II requires that a licence must be obtained from the Department of Infrastructure to deposit articles on the seabed.
Territorial Seas (Consequential Provision) Act 1991	Vests the property of the Isle of Man territorial waters (to the 12-mile limit) in the Department of infrastructure, from whom a lease of easement is required to carry out activities on or under the seabed in consultation with the Territorial Seas Committee.
Submarine Pipeline (Assessment of Environment Effects) Regulations 2001 (Prepared in accordance with The Petroleum Act 1998)	Stipulates that EIA is required for submarine pipeline authorisation. Includes a summary of the requirements of EIA.
Planning Guidance	
The Isle of Man Strategic Plan 2016	Requires an Environmental Impact Assessment (Environmental Impact Assessment) where significant impacts are likely to occur (see Appendix 5). Specifically includes oil and gas pipelines over a particular size to have an EIA carried out. However, this provision only applies to developments above the mean high water mark.

Table 29. Regulatory Responsibility Submarine Cables and pipelines (after Dryden 2003b).

Regulatory Responsibility and Enforcement	
Legislative responsibility	The Department of Infrastructure has legislative responsibility for the licensing of construction of submarine pipelines and cables and for the lease of the seabed relating to their construction under the Petroleum Acts 1986 and 1998. The DOI has also responsibility for Environmental Impact Assessment requirements.
Inspection, enforcement and control activities	The Department of Infrastructure is responsible for enforcement of planning on the foreshore and in territorial waters with restrictions on development, monitoring imposed by the Territorial Seas Committee. DOI is also responsible for enforcing legislation under the Petroleum Act 1998 with fines for offences.

References:

Cabinet Office (2016). The Island Development Plan; The Isle of Man Strategic Plan 2016 – Towards a Sustainable Island. Statutory Document No. 2016/0060.

Department of Local Government and the Environment (2007). The Island Development Plan; The Isle of Man Strategic Plan – Towards a Sustainable Island. Government Report 023/07.

Dryden C., Holt T.J. and Davies S. (2003a). Summary of current legislation relevant to nature conservation in the marine environment in the Isle of Man.

Dryden C., Holt T.J. and Davies S. (2003b). Regulatory responsibilities and enforcement mechanisms relevant to nature conservation in the marine environment in the Isle of Man.

United Nations Convention on the Law of the Sea (UNCLOS)(1982). Available at: http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm

Office of the Clerk of Tynwald (2011). The Tynwald Companion; 2011 Edition. Douglas, Isle of Man. Also available at: <http://www.tynwald.org.im/links/tls/TC/Pages/default.aspx>.

Chris Blandford Associates (2008). Isle of Man Landscape Character Assessment; Final Report.

DLGE (2001). Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man. Planning Policy Statement 1/01/.

Watkiss, M.J. (1998). Territorial Sea Management: Theory and Practice in Isle of Man Waters. Isle of Man Natural History and Antiquarian Society Proceedings, Vol. X, No. 4.

Web references:

<https://legislation.gov.im/cms/> This part of the Isle of Man Government's website contains the texts of Acts of Tynwald. Last accessed: 31/07/2018.

http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm OSPAR Convention. Last accessed: 31/07/2018.

<http://www.ospar.org/> OSPAR Convention. Last accessed: 31/07/2018.

<http://www.cbd.int/sp/targets/>. Convention on Biological Diversity. Last accessed 31/07/2018.

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/planning-and-building-control/>. Department of Infrastructure, Planning and Building Control Division, publications. Last accessed: 31/07/2018.

<https://www.gov.im/categories/planning-and-building-control/planning-policy/development-plan/strategic-plan/> Department of Infrastructure, Planning and Building Control Division, publication of the Isle of Man Strategic Plan 2016. Last accessed: 31/07/2018.

www.manxwt.org.uk Manx Wildlife Trust. Last accessed 31/07/2018.

<http://www.gov.im/ded/shipregistry/legislation/conventions.xml> Isle of Man Ship Registry, Key International Maritime Conventions extended to the Isle of Man as of March 2009. Last accessed: 31/07/2018.