

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 4 – Marine Licensing

Pre-application consultation

Section 22 – Pre-application consultation: preliminary

33. [Section 22](#) states that Scottish Ministers may by regulations prescribe classes of licensable activity, which will require a pre-application notice and report to be prepared prior to a licence application. If the prospective applicant is unsure as to whether the activity fits in the class that requires a pre-application notice or report to be submitted, they may request clarification from the Scottish Ministers.
34. If Scottish Ministers are satisfied that a prospective applicant is applying for a marine licence in relation to an activity, which has previously been carried out at that site or which is similar to a previous activity at that site, then they may decide that section 23 does not apply.

Section 23 – Pre-application consultation: compliance

35. [Section 23](#) states that those applicants whose activity falls within a class requiring a pre-application consultation report must give notice of an application for a marine licence at least 12 weeks in advance of the application itself. Section 23 states what details are to be included in the notice. Section 23(4) states that regulations may specify who is to be notified and who is to be consulted, and in what form, with respect to the proposed application. Section 23(6) and (7) state that Scottish Ministers have 21 days after having received the notification in which to notify the applicant if they require the notice to be given to additional people or if additional consultation is required (or both). When considering this, Scottish Ministers must have regard to the nature, extent and location of the proposed activity and to the likely effects of the activity.

Section 24 – Pre-application consultation report

36. [Section 24](#) states that, prior to submitting a relevant application for a marine licence, applicants must comply with section 23 and a report must be produced to show what has been done to comply with the conditions in that section.