

*These notes relate to the Marine (Scotland) Act 2010  
(asp 5) which received Royal Assent on 10 March 2010*

# MARINE (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### THE ACT

#### **Part 4 – Marine Licensing**

#### **Exemptions from licensing requirements**

##### *Section 32 - Exemptions specified by order*

46. **Section 32** allows the Scottish Ministers to specify by order activities which will not need a marine licence. The Scottish Ministers must consult persons they consider appropriate as to any order they propose to make. When deciding under section 32(1) to specify an activity which does not need a marine licence, Scottish Ministers must have regard to the need to protect the environment, the need to protect human health, the need to prevent interference with legitimate uses of the sea, and any other matters considered relevant by those Ministers.

##### *Section 33 - Activities below specified threshold of environmental impact*

47. **Section 33** allows the Scottish Ministers by regulations to permit licensable marine activities which fall below a specified threshold of environmental impact to be registered rather than licensed. The regulations may define the meaning of “fall below”, “registered” and “specified threshold of environmental impact”. The regulations may also include provisions for who will be responsible for the register and for offences for those who do not register.

##### *Section 34 - Oil and gas, defence or pollution*

48. **Section 34** lists activities within the reserved sphere to which this Part does not apply.