

*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**

#### **Offences**

##### ***Section 40 - Defences: action taken in an emergency***

56. **Section 40** provides that, if a person undertakes a licensable activity without a licence but does so for the purpose of securing the safety of a vessel, aircraft or structure, or for the purpose of saving life, they have a defence against any charge brought against them. However, this is dependent on the person informing the Scottish Ministers within a reasonable timeframe of the matters listed in section 40(2), on the steps taken being reasonable, and on it not being the fault of the person that the emergency occurred.