



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Exemptions from licensing requirements

32 Exemptions specified by order

- (1) The Scottish Ministers may by order specify activities which—
 - (a) are not to need a marine licence,
 - (b) are not to need a marine licence if conditions specified in the order are satisfied.
- (2) The conditions that may be specified in an order under subsection (1) include conditions enabling the Scottish Ministers to require a person to obtain their approval before the person does anything for which a licence would be needed but for the order.
- (3) Approval under subsection (2) may be either—
 - (a) without conditions, or
 - (b) subject to such conditions as the Scottish Ministers consider appropriate.
- (4) In deciding whether to make an order under subsection (1), the Scottish Ministers must have regard to—
 - (a) the need to protect the environment,
 - (b) the need to protect human health,
 - (c) the need to prevent interference with legitimate uses of the sea,
 - (d) such other matters as the Ministers consider relevant.
- (5) The Scottish Ministers must consult such persons as they consider appropriate as to any order the Ministers propose to make under subsection (1).

Commencement Information

II S. 32 in force at 6.4.2011 by [S.S.I. 2011/58](#), [art. 3\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Exemptions from licensing requirements. (See end of Document for details)

33 Activities below specified threshold of environmental impact

- (1) The Scottish Ministers may by regulations provide that licensable marine activities which fall below a specified threshold of environmental impact—
- (a) are not to need a marine licence, but
 - (b) are instead to be registered.
- (2) Regulations under subsection (1) may—
- (a) define or elaborate the meaning of—
 - (i) “fall below”,
 - (ii) “registered”,
 - (iii) “specified threshold of environmental impact”,
 - (b) make further provision in relation to registration of the activities, including in particular the procedure in relation to registration.
- (3) The regulations may also—
- (a) create offences,
 - (b) provide that any offence created is triable summarily or on indictment,
 - (c) provide for any offence created to be punishable—
 - (i) on summary conviction, by a fine not exceeding £50,000,
 - (ii) on conviction on indictment, by a fine, imprisonment for a period not exceeding 2 years, or both.
- (4) The Scottish Ministers must consult such persons as they consider appropriate as to any regulations the Ministers propose to make under subsection (1).

Commencement Information

I2 S. 33 in force at 6.4.2011 by [S.S.I. 2011/58](#), [art. 3\(a\)](#)

34 Oil and gas, defence or pollution

Nothing in this Part applies to—

- (a) any activity relating to a matter which is a reserved matter by virtue of Section D2 (oil and gas) in Part II of Schedule 5 to the Scotland Act 1998 (c.46) and which is an activity outside controlled waters (within the meaning of section 30A(1) of the Control of Pollution Act 1974 (c.40)),
- (b) any activity relating to a matter which is a reserved matter by virtue of paragraph 9 (defence) in Part I of that Schedule,
- (c) any activity falling within the subject matter of Part 6 (pollution) of the Merchant Shipping Act 1995 (c.21).

Commencement Information

I3 S. 34 in force at 6.4.2011 by [S.S.I. 2011/58](#), [art. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross
Heading: Exemptions from licensing requirements.