



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Licences granted under Wildlife and Countryside Act 1981

104 Grant of certain licences under Wildlife and Countryside Act 1981

- (1) Section 16 of the Wildlife and Countryside Act 1981 (c.69) (power to grant licences) is amended as follows.
- (2) After subsection (8A) (inserted by section 10(2) of the 2009 Act) insert—
 - “(8B) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the Scottish marine area, “the appropriate authority” means the Scottish Ministers.”.
- (3) In subsection (9) (meaning of appropriate authority), at the beginning insert “Except as provided by subsection (8B)”—
- (4) After subsection (9) insert—
 - “(9ZA) The Scottish Ministers may by direction delegate their power to grant licences in relation to the Scottish marine area under any of subsections (1) to (4) to Scottish Natural Heritage.
 - (9ZB) Delegation under subsection (9ZA) may be—
 - (a) in relation to a specific case,
 - (b) in relation to specific species of animal,
 - (c) in relation to a particular type of licence,
 - (d) in relation to a particular area.
 - (9ZC) A direction under subsection (9ZA) must be in writing.”.
- (5) After subsection (12) (inserted by section 10(4) of the 2009 Act), add—
 - “(13) In this section, the “Scottish marine area” has the meaning given by section 1(1) of the [Marine \(Scotland\) Act 2010 \(asp 5\)](#).”.