



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Pre-application consultation

22 Pre-application consultation: preliminary

- (1) The Scottish Ministers may by regulations prescribe classes or descriptions of licensable marine activity.
- (2) Where a licensable marine activity is of such a class or description, section 23 applies to a prospective applicant for a marine licence in respect of that activity.
- (3) The Scottish Ministers, if satisfied that a prospective applicant is applying for a marine licence in respect of a licensable marine activity—
 - (a) which—
 - (i) is an activity which has previously been carried on at the site to which the application relates (or at a similar site), or
 - (ii) is similar to such an activity, and
 - (b) for which a licence has previously been granted,may determine that section 23 does not apply to the application.
- (4) Regulations under subsection (1) may also make provision—
 - (a) as to the right of a prospective applicant for a marine licence to notify the Scottish Ministers requiring a statement from them as to whether or not, in their opinion, the activity in respect of which the licence is being sought is of such a class or description,
 - (b) as to the manner in which—
 - (i) notification under paragraph (a) is to be exercised, including provision as to the information that the prospective applicant is to provide,
 - (ii) a statement under paragraph (a) is to be provided, including provision as to when a statement must be provided following receipt of sufficient information to determine the matter,

Status: This is the original version (as it was originally enacted).

- (c) as to the power of the Scottish Ministers to require further information in order to determine the application,
- (d) as to the effect of a statement under paragraph (a),
- (e) as to any other matter the Scottish Ministers consider necessary or expedient for the purposes of this section.