



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Licences

29 Grant or refusal of licence

- (1) The Scottish Ministers, having considered an application for a marine licence, must—
 - (a) grant the licence unconditionally,
 - (b) grant the licence subject to such conditions as they consider appropriate, or
 - (c) refuse the application.
- (2) The conditions that may be attached to a licence under subsection (1)(b) may relate to any of the following—
 - (a) the activities authorised by the licence,
 - (b) precautions to be taken or works to be carried out (whether before, during or after the carrying out of the authorised activities) in connection with or in consequence of those activities,
 - (c) monitoring of the activities authorised by the licence.
- (3) The conditions include in particular conditions—
 - (a) that no activity authorised by the licence be carried out until the Scottish Ministers have (or some other specified person has) given such further approval of the activity as may be specified,
 - (b) as to the provision, maintenance, testing or operation of equipment for measuring or recording specified matters relating to any activity authorised by the licence,
 - (c) as to the keeping of records or the making of returns or giving of other information to the authority,
 - (d) for the removal at the end of a specified period of any object or works to which the licence relates,

Status: This is the original version (as it was originally enacted).

- (e) for the carrying out at the end of a specified period of such works as may be specified for the remediation of the site or of any object or works to which the licence relates,
 - (f) that any activity authorised by the licence must take place at a specified site, whether or not in the Scottish marine area.
- (4) A licence may provide that—
- (a) it is to expire unless the activity it authorises is begun or completed within a specified period,
 - (b) it is to remain in force indefinitely or for a specified period of time (which may be determined by reference to a specified event).
- (5) A licence authorising any activity mentioned in item 5 in section 21(1) (constructing, altering or improving works) may provide that the conditions attached to it are to bind any other person who for the time being owns, occupies or enjoys any use of the works in question (whether or not the licence is transferred to that other person).
- (6) The Scottish Ministers must not grant a licence to carry on any activity which is contrary to international law.
- (7) In subsection (4), “specified” means specified in the licence concerned.