



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Licences

31 Pre-variation, suspension or revocation procedure

- (1) This section applies where the Scottish Ministers propose to vary, suspend or revoke a licence under section 30.
- (2) The Scottish Ministers must notify—
 - (a) the licensee,
 - (b) any other person whom they consider would be adversely affected by the variation, suspension or revocation.
- (3) Such notification must—
 - (a) state that the Scottish Ministers propose to vary, suspend or, as the case may be, revoke the licence,
 - (b) state the ground on which they propose to do so,
 - (c) specify a period of not less than 28 days within which the person notified may request the opportunity to make representations about the proposal before a person appointed by the Scottish Ministers.
- (4) The Scottish Ministers must appoint a person (the “appointed person”) for the purpose of—
 - (a) hearing any such representations, and
 - (b) reporting to them on the merits of such representations.
- (5) Where a request referred to in subsection (3)(c) is made timeously, the Scottish Ministers must—
 - (a) provide a reasonable opportunity for the person notified to make representations to the appointed person,
 - (b) (where that opportunity has been taken) have regard to the appointed person’s report on the representations.

Status: This is the original version (as it was originally enacted).

- (6) Where the Scottish Ministers consider that there is an urgent need to vary or suspend a licence, they may do so—
- (a) for a period not exceeding 3 months,
 - (b) until there is no longer such a need,
- whichever is the shortest, without doing the things mentioned in subsections (2) and (5).
- (7) The Scottish Ministers may, by regulations, make provision as to—
- (a) the categories of person who may be an appointed person or the qualifications of such persons,
 - (b) the procedure to be followed at a hearing under subsection (4)(a),
 - (c) the manner in which reports under subsection (4)(b) are to be communicated to them,
 - (d) the publication of such reports.