



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Offences*

#### **41 Defences: electronic communications: emergency works**

- (1) It is a defence for a person charged with an offence under section 39(1) in relation to any activity to prove that—
- (a) for the purposes of [<sup>F1</sup>Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (undertaker's works), the person is the operator or a relevant undertaker, and
  - (b) the activity was carried out for the purpose of executing emergency works, within the meaning of that code.

<sup>F2</sup>(2) .....

#### **Textual Amendments**

- F1** Words in s. 41(1) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 57\(2\)](#); S.I. 2017/1286, reg. 2(d)
- F2** S. 41(2) omitted (28.12.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 57\(3\)](#); S.I. 2017/1286, reg. 2(d)

#### **Modifications etc. (not altering text)**

- C1** Ss. 39-42 applied (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **12**

#### **Commencement Information**

- I1** S. 41 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, Section 41.