



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Enforcement notices

43 Compliance notice

- (1) If it appears to the Scottish Ministers that subsection (3) is satisfied in relation to a person carrying on an activity, they may issue a compliance notice to that person.
- (2) A compliance notice is a notice requiring a person to take such steps (falling within subsection (4)(b)) as are specified in it.
- (3) This subsection is satisfied if—
 - (a) a person holding a marine licence—
 - (i) has carried on, or is carrying on, a licensable marine activity under the licence,
 - (ii) in carrying on that activity has failed, or is failing, to comply with a condition of the licence, and
 - (b) the carrying on of the activity has not caused, and is not likely to cause, any of the following—
 - (i) serious harm to the environment,
 - (ii) serious harm to human health,
 - (iii) serious interference with legitimate uses of the sea.
- (4) A compliance notice must—
 - (a) state the Scottish Ministers' grounds for believing that subsection (3) is satisfied,
 - (b) require the person to take such steps as the Scottish Ministers consider appropriate to ensure that the condition in question is complied with,
 - (c) state the period before the end of which those steps must be taken.