

**2012 No. 183**

**ENVIRONMENTAL PROTECTION**

**LICENSING (MARINE)**

**The Marine Licensing (Fees) (Scotland) Amendment  
Regulations 2012**

<i>Made</i> - - - -	<i>30th May 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>31st May 2012</i>
<i>Coming into force</i> - -	<i>29th June 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 67(2) and (3)(b) and 316(1)(b) of the Marine and Coastal Access Act 2009<sup>(a)</sup> and sections 25(1)(b) and (2) and 165(1)(b) of the Marine (Scotland) Act 2010<sup>(b)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Marine Licensing (Fees) (Scotland) Amendment Regulations 2012 and come into force on 29th June 2012.

**Amendment of the Marine Licensing (Fees) (Scotland) Regulations 2011**

2. The Marine Licensing (Fees) (Scotland) Regulations 2011<sup>(c)</sup> are amended in accordance with regulations 3 to 7.

3. In regulation 2 (determination of fees)—

- (a) in paragraph (a) for “3 to 5” substitute “3, 4 and 5 (excluding regulation 5(5))”;
- (b) after paragraph (a), insert—
  - “(aa) in accordance with regulation 3A or 5(5) in the case of an application made before 1st April 2013;”;and
- (c) in paragraph (b) for “that date” substitute “1st April 2012 or, in the case of applications to which regulations 3A or 5(5) apply 1st April 2013”.

4. In regulation 3 (applications – general), in paragraph (1), after “which regulation”, insert “3A,”.

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(a) 2009 c.23. Section 113 contains a definition of “appropriate licensing authority” which is relevant to the exercise of these statutory functions.  
(b) 2010 asp 5.  
(c) S.S.I. 2011/78.

5. After regulation 3, insert—

**“Applications – generating stations**

**3A.**—(1) This regulation applies to an application for a licence in respect of any of the following actions required in relation to a renewable energy structure:—

- (a) the deposit of any substance or object either in the sea or on or under the seabed;
- (b) the construction, alteration or improvement of any works either in or over the sea or on or under the seabed; or
- (c) the removal of any substance or object from the seabed.

(2) Where in the opinion of the Scottish Ministers the activity for which a licence is sought forms part of a larger project, the fee is to be determined by reference to what the Scottish Ministers consider to be the likely cost of carrying out that project.

(3) Where the activity for which a licence is sought does not fall within paragraph (2), the fee is to be determined by reference to what the Scottish Ministers consider to be the likely cost of carrying out that activity.

(4) Where the likely cost of carrying out a project or activity (as the case may be)—

- (a) is no greater than £2,500, the fee is £52;
- (b) is greater than £2,500 but no greater than £5,000, the fee is £155;
- (c) is greater than £5,000 but no greater than £50,000, the fee is £620;
- (d) is greater than £50,000 but no greater than £2 million, the fee is £2,760;
- (e) is greater than £2 million but no greater than £5 million, the fee is £5,525;
- (f) is greater than £5 million but no greater than £20 million, the fee is £16,545;
- (g) is greater than £20 million but no greater than £50 million, the fee is £27,575;
- (h) is greater than £50 million, the fee is £41,360.”.

6. In regulation 5 (applications – capital dredging), in paragraph (5), for “£25,000” substitute “£34,475”.

7. In regulation 6 (applications made on or after 1st April 2012)—

- (a) in paragraph (1) for “The” substitute “Subject to paragraph (4), the”; and
- (b) after paragraph (3), insert—

“(4) In respect of applications made before 1st April 2013 and to which regulation 3A or 5(5) applies, paragraphs (1) and (2) apply with the modification that in paragraph (1) “1st April 2012” is to be read as “1st April 2013”.”.

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
30th May 2012

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulations 5 and 6 of these Regulations amend the Marine Licensing (Fees) (Scotland) Regulations 2011 (“the principal Regulations”) to increase by one-third certain specified fees payable in respect of applications to the Scottish Ministers for a marine licence in connection with generating stations.

Regulation 7 of these Regulations provides that the fees for applications for a marine licence in connection with generating stations are subject to regulation 6 of the principal Regulations but in a modified way to provide for the annual revision of fees from 1st April 2013 (and subsequent years) by reference to changes in Consumer Price Index figures.

Consequential amendments are made by regulations 3 and 4.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Marine Planning and Policy, 1A South, Victoria Quay, Edinburgh EH6 6QQ.

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