

Status: Point in time view as at 06/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009, Part 4 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

LICENSING: TRANSITIONAL PROVISION RELATING TO PART 4

PART 4

MISCELLANEOUS

Dredging

- 9 (1) During the relevant transitional period, section 65 does not apply in respect of the carrying on by a person of a dredging operation—
- (a) which falls within item 9 in section 66(1) of this Act, but
 - (b) which meets the conditions in sub-paragraph (2).
- (2) The conditions are that the dredging operation—
- (a) does not fall within section 34 of the CPA,
 - (b) is not an activity for which a licence is required under Part 2 of FEPA, and
 - (c) is not excluded from this paragraph by virtue of an order under section 320.
- (3) The references in sub-paragraph (2) to section 34 of the CPA and Part 2 of FEPA are references to those provisions as they would apply but for this Act.
- (4) The “relevant transitional period”, in the case of any person and any dredging operation,—
- (a) is the period of one year beginning with the commencement date, but
 - (b) if a marine licence which authorises the carrying on of the dredging operation by the person comes into force (or has come into force) at any time before the end of that period, the transitional period ends with the coming into force of that licence.

Commencement Information

II Sch. 9 para. 9 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Water Resources Act 1991

- 10 The amendment made by section 82 of this Act applies to any application for consent under section 109 of the Water Resources Act 1991 (c. 57) which is submitted, but not determined or withdrawn, before the date on which that section comes into force (as well as to any application submitted after that date).

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Commencement Information

I2 Sch. 9 para. 10 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Electronic Communications Code: England and Wales

- 11 (1) In this paragraph—
- (a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12);
 - (b) “communications approval” means an approval under paragraph 11 of the Code;
 - (c) “transitional date” means the date on which the repeals made in paragraph 11 of the Code by this Act take effect in relation to England and Wales.
- (2) Subsections (3) to (5) apply to any communications approval (a “qualifying approval”)—
- (a) which is in effect immediately before the transitional date, and
 - (b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date is a licensable marine activity.
- (3) A qualifying approval has effect on and after the transitional date as if it were a marine licence granted by the appropriate licensing authority in relation to the licensable marine activity (a “deemed marine licence”).
- (4) If the qualifying approval was given for a specified period, the deemed marine licence is to remain in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the transitional date.
- (5) If, by virtue of paragraph 11(5) of the Code, the qualifying approval was given subject to a condition, the deemed marine licence has effect as if the condition were a condition attached to the deemed marine licence.
- (6) Any application for a communications approval—
- (a) which was submitted before the transitional date, and
 - (b) which relates to an activity which, on or after that date, is a licensable marine activity,
- has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.

Commencement Information

I3 Sch. 9 para. 11 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Electronic Communications Code: Scotland

- 12 (1) In this paragraph—
- (a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12);
 - (b) “communications approval” means an approval under paragraph 11 of the Code;

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- (c) “Scottish transitional date” means the date on which the repeals made in paragraph 11 of the Code by this Act take effect in relation to Scotland.
- (2) Sub-paragraphs (3) to (5) apply to any communications approval (a “qualifying Scottish approval”)—
- (a) which is in effect immediately before the Scottish transitional date, and
- (b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date needs a licence under section 5 or 6 of FEPA.
- (3) A qualifying Scottish approval has effect on and after the Scottish transitional date as if it were a licence granted under section 5 or 6 (as the case may be) of FEPA by the licensing authority in relation to the activity (a “deemed FEPA licence”).
- (4) If the qualifying Scottish approval was given for a specified period, the deemed FEPA licence is to remain in force (subject to the provisions of FEPA) for so much of that period as falls after the Scottish transitional date.
- (5) If, by virtue of paragraph 11(5) of the Code, the qualifying Scottish approval was given subject to a condition, the deemed FEPA licence has effect as if the condition were a condition attached to the deemed FEPA licence.
- (6) Any application for a communications approval—
- (a) which was submitted before the transitional date, and
- (b) which relates to an activity which, on or after that date, needs a licence under section 5 or 6 of FEPA,
- has effect on and after that date as if it were an application for a licence under the section in question made to the licensing authority in relation to that activity.

Commencement Information

I4 Sch. 9 para. 12 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Direction under section 58(1)(c) of the Government of Wales Act 2006

- 13 (1) To the extent that they relate to the abandonment of an offshore installation, any functions exercisable under the provisions of this Part of this Act specified in sub-paragraph (2) are exercisable in relation to Welsh controlled waters by a Minister of the Crown only after consultation with the Welsh Ministers.
- (2) The provisions are—
- (a) sections 67(1) to (5), 69(1), (3) and (4), 71(1) to (3) and 72(1) to (3) (marine licences), so far as relating to items 1 to 6 and 11 to 13 in section 66(1) (licensable marine activities);
- (b) section 106 (power to take remedial action).
- (3) In this paragraph—
- “offshore installation” has the meaning given by section 44 of the Petroleum Act 1998 (c. 17);
- “Welsh controlled waters” has the same meaning as in paragraph 4 of Schedule 3 to the Government of Wales Act 2006 (c. 32).

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- (4) The provision made by the preceding provisions of this paragraph has effect as if it were a direction made by Order in Council under section 58(1)(c) of the Government of Wales Act 2006 made by virtue of paragraph 4(1)(c) of Schedule 3 to that Act and may accordingly be amended, modified or repealed by any such Order in Council.

Commencement Information

I5 Sch. 9 para. 13 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

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