



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Other powers

59 Power to take remedial action

- (1) If it appears to the Scottish Ministers that a licensable marine activity has been carried on otherwise than under a marine licence and in accordance with its conditions, they may carry out any works that appear to them to be necessary or expedient for any one or more of the following purposes—
- (a) protecting the environment,
 - (b) protecting human health,
 - (c) preventing interference with legitimate uses of the sea,
 - (d) preventing or minimising, or remedying or mitigating the effects of, any harm or interference falling within subsection (2),
 - (e) restoring (whether in whole or in part) the condition of any place affected by any such harm or interference to the condition, or a condition reasonably similar to the condition, in which the place would have been had the harm or interference not occurred.
- (2) The harm or interference mentioned in subsection (1)(d) and (e) is any of the following which has been, is being, or is likely to be, caused by the carrying on of the licensable marine activity—
- (a) harm to the environment,
 - (b) harm to human health,
 - (c) interference with legitimate uses of the sea.

60 Power to test and charge for testing certain substances

- (1) The Scottish Ministers may, at the request of any person, conduct tests for the purpose of ascertaining the probable effect on the marine environment of using any substance for treating fouling matter—

Status: This is the original version (as it was originally enacted).

- (a) on or under the surface of the sea or of the seabed, or
 - (b) on any surface of a vessel, vehicle, aircraft or marine structure in, on or over the sea or on the seabed.
- (2) In this section “fouling matter” means—
- (a) oil or chemicals, or
 - (b) algae or other living or dead organisms.
- (3) The Scottish Ministers may recover any expenses reasonably incurred in conducting any tests under subsection (1) from any person at whose request the tests were conducted.