



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Stop notices and emergency safety notices

55 Notice to stop activity causing serious harm etc.

- (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 stop notice to the person.
- (2) A stop notice is a notice prohibiting a person from carrying on an activity specified in the notice.
- (3) This subsection is satisfied if—
 - (a) a person is carrying on, or is likely to carry on, a licensable marine activity (whether or not in accordance with a marine licence),
 - (b) the carrying on of the activity to be specified in the notice—
 - (i) is causing or is likely to cause any of the effects in subsection (4), or
 - (ii) is creating or is likely to create an imminent risk of any of those effects.
- (4) The effects are—
 - (a) serious harm to the environment,
 - (b) serious harm to human health,
 - (c) serious interference with legitimate uses of the sea.
- (5) A stop notice (in addition to specifying the activity to which it relates)—
 - (a) must state the Scottish Ministers' grounds for believing that subsection (3) is satisfied,
 - (b) must state the date and time from which the prohibition is to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case),
 - (c) may require the person to take such steps as the Scottish Ministers consider appropriate to ensure that the cessation of the activity takes place safely.

Status: This is the original version (as it was originally enacted).

- (6) Except in a case falling within subsection (8), a stop notice—
 - (a) ceases to have effect at the end of the period of 7 days (or such shorter period as may be specified in the notice) beginning with the date on which the prohibition takes effect, but
 - (b) may be renewed for a period specified in a further notice.
- (7) A stop notice may be renewed more than once under subsection (6)(b), but not so that it has effect for a total period exceeding 35 days.
- (8) If a stop notice relating to a licensable marine activity is issued to a person who does not hold a marine licence authorising the activity, the notice may remain in force until such time (if any) as such a licence is granted to the person.

56 Further provision as to stop notices

- (1) A stop notice issued by the Scottish Ministers—
 - (a) must be served on any person carrying on or in control of the activity to which the notice relates,
 - (b) if a marine licence has been granted in relation to that activity, may also be served on the licensee.
- (2) The Scottish Ministers may by a further notice—
 - (a) revoke a stop notice,
 - (b) vary a stop notice so as to substitute a later date for the date specified in accordance with section 55(5)(b).
- (3) A person who fails to comply with a stop notice commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction, to a fine not exceeding £50,000,
 - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years, or both.

57 Emergency safety notices

- (1) This section applies if it appears to the Scottish Ministers that serious interference with legitimate uses of the sea is occurring, or is likely to occur, as a result of—
 - (a) any works for the carrying out of which a marine licence is or was needed, or
 - (b) any substantial and unforeseen change in the state or position of any such works.
- (2) The Scottish Ministers may issue a notice (an “emergency safety notice”) to any person who is in control of the works to which the notice relates.
- (3) By issuing an emergency safety notice to a person, the Scottish Ministers impose on that person such requirements as are specified in the notice with respect to any of the matters specified in subsection (4).
- (4) The matters are—
 - (a) the provision of lights, signals or other aids to navigation,
 - (b) the stationing of guard ships.

- (5) An emergency safety notice (in addition to specifying the requirements which it imposes)—
- (a) must state the Scottish Ministers' grounds for believing that serious interference with legitimate uses of the sea is occurring, or is likely to occur,
 - (b) must state the date and time from which the requirements are to take effect (which may be at a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case),
 - (c) may require the person to take such steps as the Scottish Ministers consider appropriate to ensure that compliance with the requirements takes place safely.

58 Further provision as to emergency safety notices

- (1) An emergency safety notice issued by the Scottish Ministers must be served on each of the following—
- (a) if a marine licence has been granted authorising the carrying out of the works, the licensee,
 - (b) if there is in effect a stop notice which relates to the works, any person on whom the stop notice was served.
- (2) The Scottish Ministers may by a further notice—
- (a) revoke an emergency safety notice,
 - (b) vary an emergency safety notice so as to substitute a later date for the date specified in accordance with section 57(5)(b).
- (3) A person who fails to comply with an emergency safety notice commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction, to a fine not exceeding £50,000,
 - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years, or to both.