



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

#### MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

##### *Licences granted under Wildlife and Countryside Act 1981*

#### **104 Grant of certain licences under Wildlife and Countryside Act 1981**

- (1) Section 16 of the Wildlife and Countryside Act 1981 (c.69) (power to grant licences) is amended as follows.
- (2) After subsection (8A) (inserted by section 10(2) of the 2009 Act) insert—
  - “(8B) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the Scottish marine area, “the appropriate authority” means the Scottish Ministers.”.
- (3) In subsection (9) (meaning of appropriate authority), at the beginning insert “Except as provided by subsection (8B)”—
- (4) After subsection (9) insert—
  - “(9ZA) The Scottish Ministers may by direction delegate their power to grant licences in relation to the Scottish marine area under any of subsections (1) to (4) to Scottish Natural Heritage.
  - (9ZB) Delegation under subsection (9ZA) may be—
    - (a) in relation to a specific case,
    - (b) in relation to specific species of animal,
    - (c) in relation to a particular type of licence,
    - (d) in relation to a particular area.
  - (9ZC) A direction under subsection (9ZA) must be in writing.”.
- (5) After subsection (12) (inserted by section 10(4) of the 2009 Act), add—
  - “(13) In this section, the “Scottish marine area” has the meaning given by section 1(1) of the [Marine \(Scotland\) Act 2010 \(asp 5\)](#).”.