



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Special provision for certain cases

37 Submarine cables

- (1) This section applies where a stretch of exempt submarine cable—
 - (a) is proposed to be laid,
 - (b) is in the course of being laid,
 - (c) has been laid,beyond the seaward limits of the territorial sea.
- (2) The Scottish Ministers must grant any application made to them for a marine licence for the carrying on of a licensable marine activity in the course of laying any stretch of the cable in the Scottish marine area.
- (3) The Scottish Ministers have the same powers to attach conditions to a marine licence granted by virtue of subsection (2) as they have in relation to any other marine licence (see section 29(1) to (3)).
- (4) Nothing in this Part applies to anything done in the course of maintaining any stretch of the cable in the Scottish marine area.
- (5) For the purposes of this section a submarine cable is “exempt” unless it is a cable constructed or used in connection with any of the following—
 - (a) the exploration of the UK sector of the continental shelf,
 - (b) the exploitation of the natural resources of that sector,
 - (c) the operations of artificial islands, installations and structures under the jurisdiction of the United Kingdom,
 - (d) the prevention, reduction or control of pollution from pipelines.
- (6) In this section—

“natural resources” means—

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 37. (See end of Document for details)

- (a) the mineral and other non-living resources of the sea bed and subsoil, together with
 - (b) living organisms belonging to sedentary species,
- “living organisms belonging to sedentary species” means organisms which, at the harvestable stage, are either—
- (a) immobile on or under the sea bed, or
 - (b) unable to move except in constant physical contact with the sea bed or the subsoil,
- “UK sector of the continental shelf” means the areas for the time being designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964 (c.29).

Commencement Information

II S. 37 in force at 6.4.2011 by [S.I. 2011/58](#), [art. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 37.