
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 202

**The Marine (Scotland) Act 2010 (Transitional
and Consequential Provisions) Order 2011**

FEPA licences previously issued and outstanding applications

5.—(1) Any licence having effect under Part 2 of FEPA (a “FEPA licence”) which—

- (a) is in effect immediately before 6th April 2011, and
- (b) relates to the doing of anything which—
 - (i) falls with section 5 or 6 of that Act⁽¹⁾, and
 - (ii) is an activity which, on or after that date, must not be carried on except in accordance with a marine licence,

has effect on and after that date as if it were a marine licence granted by the Scottish Ministers in relation to that activity (a “deemed licence”).

(2) In accordance with paragraph (1)—

- (a) a licence issued for a specified period remains in force (subject to the provisions of Part 4 of the Act) for so much of that period as falls after 5th April 2011;
- (b) any provision included in a FEPA licence by virtue of section 8(3) or (4) of that Act⁽²⁾ has effect as if it were a condition attached to the deemed licence.

(3) Any application for a FEPA licence which—

- (a) was made before 6th April 2011, and
- (b) relates to an activity which—
 - (i) falls within section 5 or 6 of FEPA, and
 - (ii) on or after that date, must not be carried on except in accordance with a marine licence,

has effect on and after that date as if it were an application for a marine licence made to the Scottish Ministers in relation to that activity.

(4) An applicant who has paid a fee under section 8(7) or (8) of FEPA must not be charged a fee under section 25(1)(b) of the Act in respect of the deemed licence.

(1) Sections 5 and 6 are relevantly amended by the Marine and Coastal Access Act 2009 (c.23), Schedule 8, paragraph 2(2) and (3).
(2) Section 8(4) is amended by the Marine and Coastal Access Act 2009, Schedule 8, paragraph 2(5)(a).