

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 202**

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

**Electronic Communications Code**

9.—(1) In this article—

(a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984<sup>(1)</sup>;

(b) “communications approval” means an approval under paragraph 11 of the Code<sup>(2)</sup>.

(2) Paragraphs (3) to (5) apply to any communications approval (“a qualifying approval”)—

(a) which is in effect immediately before 6th April 2011, and

(b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date is a licensable marine activity.

(3) A qualifying approval has effect on and after 6th April 2011 as if it were a marine licence granted by the Scottish Ministers in relation to the licensable marine activity (“a deemed marine licence”).

(4) If the qualifying approval was given for a specified period, the deemed marine licence is to remain in force (subject to the provisions of Part 4 of the Act) for so much of that period as falls after the transitional date.

(5) If, by virtue of paragraph 11(5) of the Code, the qualifying approval was given subject to a condition, the deemed marine licence has effect as if the condition were a condition attached to the deemed marine licence.

(6) Any application for a communications approval—

(a) which was submitted before 6th April 2011, and

(b) which relates to an activity which, on or after that date, is a licensable marine activity,

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.

---

(1) 1984 c.12.

(2) Parts of paragraph 11 are repealed by the Marine and Coastal Access Act 2009, Schedule 22, Part 2.