
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 57

**The Marine Licensing (Exempted Activities)
(Scottish Offshore Region) Order 2011**

PART 1

Introductory provisions

Citation and commencement

1. This Order may be cited as the Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011 and comes into force on 6th April 2011.

Application

2. This Order applies in relation to any activity for which the Scottish Ministers are the appropriate licensing authority in terms of section 113(2) of the Act.

Interpretation

3.—^[F1](1) In this Order, except where the context otherwise requires—

“the Act” means the Marine and Coastal Access Act 2009;

“activity” means licensable marine activity ^{M1};

“disposal” has the meaning given by Article 3 of the Waste Framework Directive;

“a European site” means—

(a) a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats &c.) Regulations 1994 ^{M2};

(b) ^[F2]a European offshore marine site within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017];

“exempt activity” has the meaning given by article 4;

“fish” includes shellfish and any part of a fish;

“fishing operation” includes fishing for or taking shellfish but does not include an activity relating to the propagation or cultivation of shellfish;

“item 10” means item 10 in section 66(1) of the Act;

“lighthouse authority” means a general lighthouse authority or a local lighthouse authority within the meaning of Part 8 of the Merchant Shipping Act 1995 ^{M3};

“an MPA” means a marine protected area designated under section 116 of the Act ^{M4} or a Nature Conservation MPA ^[F3] or a Historic MPA] designated under section 67 of the Marine (Scotland) Act 2010;

“plan or project” has the same meaning as in Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora ^{M5};

“shellfish” includes crustaceans and molluscs of any kind and any part of a shellfish;

[^{F4}“waste” has the same meaning as in section 75(2) of the Environmental Protection Act 1990 as read with section 75A of that Act;]

[^{F5}“the Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives, as last amended by Commission Directive (EU) 2015/1127 amending Annex II to [Directive 2008/98/EC](#).]

[^{F6}(2) A reference in this Order to anything done in writing includes a reference to an electronic communication, as defined in section 15 of the Electronic Communications Act 2000 (general interpretation) which has been recorded in written form and is capable of being reproduced in that form.]

Textual Amendments

- F1** Art. 3(1): art. 3 renumbered as art. 3(1) (3.2.2012) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore and Offshore Regions\) Amendment Order 2012 \(S.S.I. 2012/25\)](#), arts. 1, **8(a)**
- F2** Words in art. 3 substituted (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), reg. 1, **Sch. 4 para. 8(2)** (with regs. 3, 4(2))
- F3** Words in art. 3(1) inserted (3.2.2012) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore and Offshore Regions\) Amendment Order 2012 \(S.S.I. 2012/25\)](#), arts. 1, **8(b)(ii)**
- F4** Words in art. 3(1) substituted (31.12.2020) by [The Marine Environment \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/55\)](#), regs. 1, **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in art. 3(1) substituted (1.7.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) \(Scotland\) Order 2015 \(S.S.I. 2015/438\)](#), arts. 1, **5**
- F6** Art. 3(2) inserted (3.2.2012) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore and Offshore Regions\) Amendment Order 2012 \(S.S.I. 2012/25\)](#), arts. 1, **8(c)**

Marginal Citations

- M1** See section 66 of the Act.
- M2** [S.I. 1994/2716](#).
- M3** [1995 c.21](#). See section 193 of that Act, to which certain relevant amendments have been made by paragraph 6 of Schedule 6 to the [Merchant Shipping and Maritime Security Act 1997 \(c.28\)](#).
- M4** Section 116(7) provides that a marine conservation zone designated by the Scottish Ministers under that section is to be known as a marine protected area.
- M5** O.J. No. L 206, 22.7.1992, p.7, last amended by Council Directive 2006/105/EC (O.J. No. L 363, 20.12.2006, p.368).

Changes to legislation:

There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011, PART 1.