
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. In this Order, except where the context otherwise requires—

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

“activity” means licensable marine activity⁽¹⁾;

“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⁽²⁾;

(b) a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007⁽³⁾;

“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⁽⁴⁾;

(1) See section 66 of the Act.

(2) [S.I. 1994/2716](#).

(3) [S.I. 2007/1842](#).

(4) [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 \(c.28\)](#).

“an MPA” means a marine protected area designated under section 116 of the Act⁽⁵⁾ or a Nature Conservation 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⁽⁶⁾;

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

“waste” means anything that—

- (a) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Article 5(1) of that Directive; and
- (b) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;

“the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste⁽⁷⁾.

(5) 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.

(6) 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).

(7) O.J. No. L 312, 22.11.2008, p.3.