

EXECUTIVE NOTE

THE MARINE LICENSING (CONSULTEES) (SCOTLAND) ORDER 2011

SSI 2011/79

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 27(4)(a) and 165(1) of the Marine (Scotland) Act 2010 (“the 2010 Act”). This instrument is subject to negative resolution procedure.

Policy objectives

This instrument forms part of an implementation package in connection with the introduction of marine licensing under the 2010 Act and under the Marine and Coastal Access Act 2009.

The Order stipulates those bodies that Scottish Ministers must consult in relation to every licence application under the 2010 Act.

All applications require to be rigorously assessed and in order to do so it is essential for Scottish Ministers to seek the views of appropriate expert bodies. There are certain bodies which need to be consulted on every licence application to ensure this requirement is met. These are set out in the Order and comprise:

the Commissioners of Northern Lighthouses
the Maritime and Coastguard Agency
Scottish Environment Protection Agency
Scottish Natural Heritage

In addition, where an application relates to a marine region in relation to which marine planning functions have been delegated, there must be consultation with the person to whom the delegation has been made.

Further, non-statutory, consultees will be consulted on applications where appropriate.

There is no provision equivalent to section 27(4)(a) of the 2010 Act within the Marine and Coastal Access Act 2009 and so there will be no statutory consultees under that Act.

Consultation

A consultation on proposals for secondary legislation required to implement the new marine licensing regime provided for by the 2010 Act took place between 8 September and 1 December 2010. The consultation received 46 responses. In addition the consultation document was considered at 4 events which took place during the consultation period.

The consultation did not result in any changes to the draft Order. Responses to the consultation were published in the Scottish Government’s Consultation Report which contains a full list of those who responded and is available at the following address – <http://www.scotland.gov.uk/Consultations/Current>

There are no equality impact issues.

Marine Scotland
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