



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4

MARINE LICENSING

CHAPTER 5

SUPPLEMENTARY

Interpretation

113 The appropriate licensing authority

- (1) This section has effect for determining who is the appropriate licensing authority for any area (and any licensable marine activity carried on in that area).
- (2) In relation to the Scottish offshore region, the appropriate licensing authority is—
 - (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (3);
 - (b) except as provided by paragraph (a), the Scottish Ministers.
- (3) The activities are—
 - (a) any activity relating to a matter which is a reserved matter by virtue of Section D2 (oil and gas) of Schedule 5 to the [Scotland Act 1998 \(c. 46\)](#) (but see also section 77 above (this Part not to apply to certain oil and gas etc activities));
 - (b) any activity relating to a matter which is a reserved matter by virtue of paragraph 9 in Part 1 of that Schedule (defence);
 - (c) any activity falling within the subject matter of Part 6 of the [Merchant Shipping Act 1995 \(c. 21\)](#) (pollution etc).
- (4) In relation to Wales and the Welsh inshore region, the appropriate licensing authority is—

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- (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (5);
 - (b) except as provided by paragraph (a), the Welsh Ministers.
- (5) The activities are—
- (a) any activity concerning or arising from the exploration for, or production of, petroleum (but see also section 77 (this Part not to apply to certain oil and gas etc activities));
 - (b) any defence activity other than an excepted activity.
- Subsection (9) supplements this subsection.
- (6) In relation to Northern Ireland and the Northern Ireland inshore region, the appropriate licensing authority is—
- (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (7);
 - (b) except as provided by paragraph (a), the Department of the Environment in Northern Ireland.
- (7) The activities are any activities which relate to a matter which is an excepted matter by virtue of paragraph 4 of Schedule 2 to the [Northern Ireland Act 1998 \(c. 47\)](#) (defence of the realm etc).
- (8) In relation to any area not mentioned in subsection (2), (4) or (6), the appropriate licensing authority is the Secretary of State.
- (9) In subsection (5)—
- “defence activity” means any activity relating to—
 - (a) the defence of the realm;
 - (b) the naval, military or air forces of the Crown, including reserve forces;
 - (c) visiting forces;
 - (d) international headquarters and defence organisations;
 - (e) trading with the enemy and enemy property; - “excepted activity” means the exercise of civil defence functions by any person otherwise than as a member of—
 - (a) any force or organisation referred to in paragraphs (b) to (d) of the definition of “defence activity”, or
 - (b) any other force or organisation established or maintained for the purposes of, or for purposes connected with, the defence of the realm; - “petroleum” has the same meaning as in Part 3 of the [Petroleum Act 1998 \(c. 17\)](#) (see section 28(1) of that Act).

114 Meaning of “enforcement authority”

- (1) This section has effect for determining who is an enforcement authority for any area.
- (2) For the purposes of sections 90 to 97 and 102 to 105 (and any other provisions of this Part so far as relating to those sections) the appropriate licensing authority for any area is an enforcement authority for that area.
- (3) For the purposes of sections 90, 92 (so far as relating to section 90) and 102 to 105 (and any other provisions of this Part (except sections 91 and 93 to 97) so far as relating to those sections) each of the following persons is also an enforcement authority—

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- (a) in relation to the relevant enforcement area (within the meaning of section 236), any marine enforcement officer (as defined in section 235);
 - (b) in relation to the relevant enforcement area (within the meaning of section 240), any person appointed under section 240;
 - (c) in relation to the relevant enforcement area (within the meaning of section 241), any person appointed under section 241;
 - (d) in relation to the Scottish offshore region, any person appointed under section 242.
- (4) A person is an enforcement authority by virtue of subsection (3) (so far as relating to the sections specified in that subsection) only to the extent that the person may exercise powers for the purposes of enforcing this Part.

115 Interpretation of this Part

(1) In this Part—

“appropriate enforcement authority”, in the case of any area and any provision of this Part, means any authority which is an enforcement authority for that area for the purposes of that provision;

“the appropriate licensing authority” has the meaning given by section 113;

“British aircraft” means an aircraft registered in the United Kingdom;

“British marine structure” means a marine structure owned by or leased to an individual residing in, or a body corporate incorporated under the law of, any part of the United Kingdom;

“British vessel” means a vessel—

- (a) which is registered in the United Kingdom,
- (b) which falls within section 1(1)(d) of the [Merchant Shipping Act 1995](#) (c. 21) (small ships), or
- (c) which is exempt from registration under section 294 of that Act;

“compliance notice” means a notice issued under section 90;

“emergency safety notice” means a notice issued under section 104;

“enforcement authority” has the meaning given by section 114;

“fixed monetary penalty” has the meaning given by section 93(3);

“licensable marine activity” is to be read in accordance with section 66;

“licensing authority” means—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) the Department of the Environment in Northern Ireland;

“marine licence” means a licence granted under this Part;

“marine structure” means a platform or other artificial structure at sea, other than a pipeline;

“remediation notice” means a notice issued under section 91;

“stop notice” means a notice issued under section 102;

“the UK marine licensing area” has the meaning given by section 66(4);

“variable monetary penalty” has the meaning given by section 95(3);

“vessel” includes—

- (a) hovercraft, and

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- (b) any other craft capable of travelling on, in or under water, whether or not self-propelled.
- (2) In this Part any reference to the environment includes a reference to any site (including any site comprising, or comprising the remains of, any vessel, aircraft or marine structure) which is of historic or archaeological interest.