

---

**Changes to legislation:** Marine and Coastal Access Act 2009, Cross Heading: The Food and Environment Protection Act 1985 Electronic communications apparatus: operations in tidal waters etc is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

## SCHEDULES

### SCHEDULE 8

#### LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

#### OTHER AMENDMENTS

*The Food and Environment Protection Act 1985 Electronic communications apparatus: operations in tidal waters etc*

5 In the Food and Environment Protection Act 1985 after section 8 (licences) insert—

**“8A Electronic communications apparatus: operations in tidal waters etc**

- (1) The Scottish Ministers must not issue a licence to carry out any operation which amounts to, or involves the exercise of, a right conferred by paragraph 11 of the electronic communications code set out in Schedule 2 to the Telecommunications Act 1984 unless they are satisfied that adequate compensation arrangements have been made.
- (2) For the purposes of subsection (1) “adequate compensation arrangements” are adequate arrangements for compensating any persons—
  - (a) who appear to the Scottish Ministers to be owners of interests in the tidal water or lands on, under or over which the right is to be exercised,
  - (b) for any loss or damage sustained by those persons in consequence of the operation being carried out.”.

---

**Commencement Information**

**II** Sch. 8 para. 5 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a)

**Changes to legislation:**

Marine and Coastal Access Act 2009, Cross Heading: The Food and Environment Protection Act 1985 Electronic communications apparatus: operations in tidal waters etc is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)