
Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Licences previously issued and outstanding applications is up to date with all changes known to be in force on or before 20 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 9

LICENSING: TRANSITIONAL PROVISION RELATING TO PART 4

PART 3

FOOD AND ENVIRONMENT PROTECTION ACT 1985

Licences previously issued and outstanding applications

- 4 (1) Any licence having effect under Part 2 of FEPA (a “FEPA licence”) which—
- (a) is in effect immediately before the commencement date, and
 - (b) relates to the doing of anything which—
 - (i) falls within section 5 or 6 of that Act, and
 - (ii) is an activity which, on or after that date, must not be carried on except in accordance with a marine licence granted by the appropriate licensing authority,
- has effect on and after that date as if it were a marine licence granted by the appropriate licensing authority in relation to that activity (a “deemed licence”).
- (2) In accordance with sub-paragraph (1)—
- (a) a licence issued for a specified period remains in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the commencement date;
 - (b) any provision included in a FEPA licence by virtue of section 8(3) or (4) of that Act has effect as if it were a condition attached to the deemed licence.
- (3) Any reference in sub-paragraph (1) or (2) to a FEPA licence, or to a provision included in such a licence, includes a reference to a licence deemed to have been issued, or a provision deemed to have been included, by virtue of provision included in an order granting development consent (see paragraphs 29 and 30 of Schedule 5 to the Planning Act 2008 (c. 29)).
- (4) Any application for a FEPA licence which—
- (a) was made before the commencement date, and
 - (b) relates to an activity which—
 - (i) falls within section 5 or 6 of FEPA, and
 - (ii) on or after that date, must not be carried on except in accordance with a marine licence granted by the appropriate licensing authority,
- has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.
- (5) An applicant who has paid a fee under section 8(7) or (8) of FEPA must not be charged a fee under section 67(1)(b) of this Act in respect of the deemed licence.

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Commencement Information

I1 Sch. 9 para. 4 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

- 5 (1) Despite the amendments made by paragraph 2 of Schedule 8, paragraphs 5 to 17 of Schedule 3 to FEPA continue to apply in any case where a person—
- (a) makes written representations (in accordance with paragraph 5 of that Schedule) before the commencement date, or
 - (b) within the period of 28 days ending with that date, is issued with a FEPA licence or receives notice under paragraph 1, 3 or 4 of that Schedule.
- (2) Sub-paragraph (1) has effect in place of any provision made under section 73 of this Act for appeals against any decision of an appropriate licensing authority on an application for a licence.

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Commencement Information

I2 Sch. 9 para. 5 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

Changes to legislation:

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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\(2\)\(a\)](#)