
STATUTORY INSTRUMENTS

2011 No. 409

The Marine Licensing (Exempted Activities) Order 2011

PART 1

Introductory provisions

Citation and commencement

1. This Order—
 - (a) may be cited as the Marine Licensing (Exempted Activities) Order 2011; and
 - (b) comes into force on 6th April 2011.

Application

2. This Order applies in relation to any area, and any licensable marine activity carried on in that area, for which the Secretary of State is the appropriate licensing authority under section 113 of the Marine and Coastal Access Act 2009(1).

Interpretation

3. In this Order—
 - “the Act” means the Marine and Coastal Access Act 2009;
 - “activity” means licensable marine activity(2);
 - “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 8(1) of [F1the Conservation of Habitats and Species Regulations 2017];
 - (b) [F2“European offshore marine site” as defined in regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017;]
 - “exempt activity” has the meaning given by article 4;
 - [F3“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;]
 - “harbour authority” has the meaning given by section 57(1) of the Harbours Act 1964(3);
 - “licensing authority” means the Secretary of State as the appropriate licensing authority under section 113(2)(a), (4)(a), (6)(a) or (8) of the Act;

(1) By virtue of section 113(2)(a), (4)(a), (6)(a) and (8) of the Marine and Coastal Access Act 2009, the Secretary of State is the appropriate licensing authority as respects anything done in the course of carrying on certain activities in the Scottish offshore region, Wales and the Welsh inshore region, Northern Ireland and the Northern Ireland inshore region, and in relation to any other area not mentioned in subsections (2), (4) or (6). See section 322(1) for definitions of those regions.

(2) See sections 66 and 115(1) of the Marine and Coastal Access Act 2009.

(3) 1964 c. 40, to which there are amendments not relevant to this Order.

“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);

[^{F4}“marine litter” means any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment;]

“an MCZ” means a marine conservation zone from time to time designated by an Order made under section 116 of the Act(5);

“plan or project” has the same meaning as in [^{F5}the Habitats Directive];

“protected feature” has the meaning given by section 147(1) of the Act;

“Ramsar site” has the same meaning as in section 37A of the Wildlife and Countryside Act 1981(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 [^{F6},

and for this purpose Article 5(1) of that Directive is to be read as if the words “Member States shall take appropriate measures to ensure that” were omitted];

[^{F7}“the Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste^{F8}, as last amended by [^{F9}[Directive \(EU\) 2018/851](#)]]

- F1** Words in art. 3 substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 21(2)**
- F2** Words in art. 3 substituted (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), reg. 1, **Sch. 4 para. 10(2)** (with regs. 3, 4(2))
- F3** Words in art. 3 inserted (6.4.2013) by [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2013 \(S.I. 2013/526\)](#), arts. 1(1), **3(a)** (with art. 1(2))
- F4** Words in art. 3 inserted (31.5.2019) by [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2019 \(S.I. 2019/893\)](#), arts. 1(1), **3** (with art. 1(2))
- F5** Words in art. 3 substituted (6.4.2013) by [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2013 \(S.I. 2013/526\)](#), arts. 1(1), **3(b)** (with art. 1(2))
- F6** Words in art. 3 inserted (31.12.2020) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(2), **9(2)**
- F7** Words in art. 3 substituted (3.8.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/738\)](#), regs. 1(1), **9**
- F8** Words in art. 3 inserted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **17**
- F9** Words in art. 3 substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **14**

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- (4) [1995 c. 21](#). See section 193 of that Act, to which section relevant amendments have been made by paragraph 6 of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).
 - (5) [2009 c. 23](#). By virtue of paragraph 2(1) of Schedule 12 to the Act, any area which, immediately before the coming into force of paragraph 2 of Schedule 11 in relation to that area, is designated by an Order under section 36 of the Wildlife and Countryside Act 1981 as a marine nature reserve is to be treated, on and after that date, as if it were a marine conservation zone designated by an Order under section 116 of the Marine and Coastal Access Act 2009.
 - (6) [1981 c. 69](#). Section 37A was inserted, in relation to England and Wales, by section 77 of the Countryside and Rights of Way Act 2000 (c. 37), and amended by section 105(1) of, and paragraph 86 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16).

Changes to legislation: *There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) Order 2011, PART 1. (See end of Document for details)*

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