

---

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 the Conservation of Habitats and Species Regulations 2010(3);
    - (b) a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007(4);
  - “exempt activity” has the meaning given by article 4;
  - “harbour authority” has the meaning given by section 57(1) of the Harbours Act 1964(5);
  - “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) [S.I. 2010/490](#).

(4) [S.I. 2007/1842](#), last amended by [S.I. 2010/1513](#).

(5) [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(6);

“an MCZ” means a marine conservation zone from time to time designated by an Order made under section 116 of the Act(7);

“plan or project” has the same meaning as in Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(8);

“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(9);

“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;

“the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste(10).

---

(6) 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).

(7) 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.

(8) OJ No L 206, 22.7.1992, p 7, last amended by Council Directive 2006/105/EC (OJ No L 363, 20.12.2006, p 368).

(9) 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).

(10) OJ No L 312, 22.11.2008, p 3.