



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Licensable marine activities*

#### **21 Licensable marine activities**

- (1) For the purposes of this Part, it is a licensable marine activity to do any of the following—
- (1) To deposit any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from any of the following—
    - (a) a vehicle, vessel, aircraft or marine structure,
    - (b) a container floating in the sea, or
    - (c) a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.
  - (2) To deposit any substance or object anywhere in the sea or on or under the seabed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object either—
    - (a) in Scotland, or
    - (b) in the Scottish marine area.
  - (3) To scuttle any vessel or floating container in the Scottish marine area.
  - (4) To scuttle any vessel or floating container anywhere at sea, if the vessel or container has been towed or propelled for the purpose of that scuttling either—
    - (a) from Scotland, or
    - (b) from the Scottish marine area (except where the towing or propelling began outside that area).
  - (5) To construct, alter or improve any works within the Scottish marine area either—
    - (a) in or over the sea, or
    - (b) on or under the seabed.

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*Status: This is the original version (as it was originally enacted).*

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- (6) To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area.
  - (7) To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed).
  - (8) To deposit or use any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed.
  - (9) To incinerate any substance or object on any vehicle, vessel, marine structure or floating container in the Scottish marine area.
  - (10) To load a vehicle, vessel, marine structure or floating container in Scotland or in the Scottish marine area with any substance or object for incineration anywhere at sea.
- (2) In subsection (1)—
- (a) in item 7, “dredging” includes using any device to move any material (whether or not suspended in water) from one part of the sea or seabed to another part,
  - (b) in item 10, “incineration” means the combustion of a substance or object for the purpose of its thermal destruction (and in item 9 “incinerate” is to be read accordingly),
  - (c) nothing therein is to be taken to apply to fishing by any method.
- (3) The Scottish Ministers may by order—
- (a) amend subsection (1) so as to add or remove any activity from the list of licensable marine activities,
  - (b) make such amendment consequential on such amendment of subsection (1) as they consider appropriate to any other provision of this Act.
- (4) In deciding whether to make an order under subsection (3), the Scottish Ministers must have regard to—
- (a) the need to protect the environment,
  - (b) the need to protect human health,
  - (c) the need to prevent interference with legitimate uses of the sea,
  - (d) such other matters as the Ministers consider relevant.