



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Delegation*

#### **51 Delegation of functions relating to marine licensing**

- (1) The Scottish Ministers may make an order which—
  - (a) designates any of the delegable marine licensing functions which would (apart from any order under this section) be exercisable by the Scottish Ministers, and
  - (b) provides that the functions so designated (the “designated functions”), instead of being so exercisable, are to be exercisable by such delegate, acting on behalf of the Scottish Ministers as is designated in the order.
- (2) The delegate so designated may be either—
  - (a) a public authority, or
  - (b) a group of persons comprising (either or both)—
    - (i) persons nominated by such public authorities with an interest in the Scottish marine area as the Scottish Ministers consider appropriate,
    - (ii) persons nominated by the Scottish Ministers.
- (3) The Scottish Ministers may make an order under this section—
  - (a) where the proposed delegate is a public authority, only with the consent of the authority,
  - (b) where the proposed delegate is a group of persons referred to in paragraph (b) of subsection (2), only with the consent of any public authority responsible for nominating under sub-paragraph (i) of that paragraph.
- (4) The delegate—
  - (a) must comply with the order, and
  - (b) is to be taken to have all the powers necessary to do so.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In this section “delegable marine licensing functions” means functions of the Scottish Ministers under this Part other than excepted functions.
- (6) The excepted functions are functions under—
- (a) section 21(3) (altering the list of licensable marine activities),
  - (b) section 25(1)(b) (making regulations regarding the fee for an application),
  - (c) section 27(4)(a) (making order specifying consultees for licence applications),
  - (d) section 27(7) (making regulations as to the procedure for applications),
  - (e) section 32(1) and (5) (making orders specifying activities which do not require a marine licence and consulting in relation to such orders),
  - (f) section 33(1) (making regulations regarding activities falling below specified levels of environmental impact),
  - (g) section 35(3) (making orders providing for special procedures for certain applications),
  - (h) section 38(1) (making regulations regarding appeals against licensing decisions),
  - (i) sections 46(1) and 48(1) (making orders conferring powers to impose civil sanctions),
  - (j) this section and section 53,
  - (k) section 54(3) (making regulations regarding a register of licensing information),
  - (l) section 61 (making regulations regarding appeals against notices issued under sections 30, 43, 44, 55 or 57).