



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Delegation*

#### **52 Orders under section 51: supplementary provisions**

- (1) For so long as an order made under section 51 remains in force, the designated functions are exercisable by the delegate acting on behalf of the Scottish Ministers (and are not exercisable by the Scottish Ministers).
- (2) Subsection (1) is subject to any provision to the contrary which is included in the order.
- (3) An order under section 51 may include—
  - (a) such terms or conditions,
  - (b) such obligations or requirements,
  - (c) such financial provisions,as the Scottish Ministers may determine.
- (4) The provision that may be made under subsection (3) includes, in particular, provision (where appropriate) as to—
  - (a) the manner in which the delegate is to exercise any of the functions,
  - (b) the form and manner in which licence applications must be made to the delegate,
  - (c) the persons to whom notice of an application should be published under section 26, and the circumstances in which such notice should not be published,
  - (d) matters (in addition to those set out in section 27) to which the delegate must have regard in determining applications for licences,
  - (e) the circumstances in which the delegate must exercise the power to consult under section 27(4), and the persons who must or may be consulted,
  - (f) the form and content of any licence granted,

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*Status: This is the original version (as it was originally enacted).*

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- (g) appeals from any decision of the delegate (whether to the Scottish Ministers, a court, tribunal or (as the case may be) person to which, or whom, the appeal is made),
  - (h) any other provision that may be made by virtue of section 27(7).
- (5) An order under section 51 may make different provision for different cases or different delegates.
- (6) Where an order has been made under section 51 that a delegate is to grant licences—
  - (a) the delegate may (in accordance with subsections (1) to (3) and (8) of section 30) vary, suspend, revoke or transfer a licence granted before making the order, and
  - (b) any reference in those subsections to a licence granted by the Scottish Ministers includes a reference to a licence granted by the delegate.
- (7) The Scottish Ministers may make grants to a delegate for the exercise of the designated functions.