



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Licences*

#### **27 Determination of applications**

- (1) In determining an application for a marine licence (including the terms on which it is to be granted and what conditions, if any, are to be attached to it), the Scottish Ministers must have regard to—
  - (a) the need to—
    - (i) protect the environment,
    - (ii) protect human health,
    - (iii) prevent interference with legitimate uses of the sea,
  - (b) such other matters as the Scottish Ministers consider relevant.
- (2) In considering an application for a licence to authorise an activity mentioned in item 1 or 2 in section 21(1) (deposit of substance or object), the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the substance or object.
- (3) In considering an application for a licence to authorise an activity mentioned in item 5 in section 21(1) (constructing, altering or improving works), the Scottish Ministers must have regard (among other things) to the effects of any use intended to be made of the works when constructed, altered or improved.
- (4) The Scottish Ministers—
  - (a) must, in relation to each application, consult such persons or bodies as may be specified by them by order,
  - (b) may, in relation to any particular application, consult any other person or body they consider appropriate.

---

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 27. (See end of Document for details)*

---

- (5) The Scottish Ministers must give the applicant the opportunity to make representations to them about any observations made to them by a person or body consulted by them under subsection (4).
- (6) The Scottish Ministers must have regard to any representations which they receive from any person having an interest in the outcome of the application.
- [<sup>F1</sup>(6A) Regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 makes provision about the time within which certain applications under this section for the granting of rights to install facilities must be determined.]
- (7) The Scottish Ministers may by regulations make further provision as to the procedure to be followed in connection with—
- (a) applications to them for marine licences,
  - (b) the grant by them of such licences.
- (8) Regulations under subsection (7) may include, in particular, provision as to—
- (a) the period within which any function is to be exercised (including when that period is to begin and how it is to be calculated),
  - (b) notifying the applicant of any licensing determination.

---

#### **Textual Amendments**

- F1** S. 27(6A) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 102** (with Sch. 3 paras. 1, 2)
- 

#### **Commencement Information**

- I1** S. 27 in force at 6.4.2011 by [S.S.I. 2011/58](#), **art. 3(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 27.