



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Stop notices and emergency safety notices

55 Notice to stop activity causing serious harm etc.

- (1) If it appears to the Scottish Ministers that subsection (3) is satisfied in relation to a person carrying on an activity, they may issue a stop notice to the person.
- (2) A stop notice is a notice prohibiting a person from carrying on an activity specified in the notice.
- (3) This subsection is satisfied if—
 - (a) a person is carrying on, or is likely to carry on, a licensable marine activity (whether or not in accordance with a marine licence),
 - (b) the carrying on of the activity to be specified in the notice—
 - (i) is causing or is likely to cause any of the effects in subsection (4), or
 - (ii) is creating or is likely to create an imminent risk of any of those effects.
- (4) The effects are—
 - (a) serious harm to the environment,
 - (b) serious harm to human health,
 - (c) serious interference with legitimate uses of the sea.
- (5) A stop notice (in addition to specifying the activity to which it relates)—
 - (a) must state the Scottish Ministers' grounds for believing that subsection (3) is satisfied,
 - (b) must state the date and time from which the prohibition is to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case),
 - (c) may require the person to take such steps as the Scottish Ministers consider appropriate to ensure that the cessation of the activity takes place safely.

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 55. (See end of Document for details)

- (6) Except in a case falling within subsection (8), a stop notice—
- (a) ceases to have effect at the end of the period of 7 days (or such shorter period as may be specified in the notice) beginning with the date on which the prohibition takes effect, but
 - (b) may be renewed for a period specified in a further notice.
- (7) A stop notice may be renewed more than once under subsection (6)(b), but not so that it has effect for a total period exceeding 35 days.
- (8) If a stop notice relating to a licensable marine activity is issued to a person who does not hold a marine licence authorising the activity, the notice may remain in force until such time (if any) as such a licence is granted to the person.

Commencement Information

II S. 55 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 55.