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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 78**

**The Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011**

**PART 1**

**Introductory provisions**

**Citation and commencement**

1. This Order may be cited as the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 and comes into operation on 6th April 2011.

**Application**

2. This Order applies in relation to Northern Ireland and the Northern Ireland inshore region, and any activity carried on in Northern Ireland or the Northern Ireland inshore region, for which the Department of the Environment is the appropriate licensing authority under section 113(6) of the Marine and Coastal Act 2009<sup>(1)</sup>.

**Interpretation**

3.—(1) In this Order—

“the Act” means the Marine and Coastal Access Act 2009;

“activity” means licensable marine activity<sup>(2)</sup>;

“disposal” has the meaning given by Article 3 of the Waste Framework Directive;

“a European site” means—

(a) a European site within the meaning of regulation 9(1) of the Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995<sup>(3)</sup>; and

(b) a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007<sup>(4)</sup>;

“exempt activity” has the meaning given by Article 4;

“fishing operation” includes fishing for or taking shellfish but does not include an activity relating to the propagation or cultivation of shellfish;

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(1) By virtue of section 113(6) of the Marine and Coastal Access Act 2009, the Department of the Environment is the appropriate licensing authority. See section 322(1) for a definition of this region and section 66 for list of licensable marine activities. Functions not licensed under this legislation include fisheries, oil and gas.

(2) See sections 66 and 115(1) of the Marine and Coastal Access Act 2009.

(3) [SR 1995 No. 380](#).

(4) [S.I. 2007/1842](#), last amended by [S.I. 2010/1513](#).

“harbour authority” has the meaning given by section 38(1) of the Harbours Act (Northern Ireland) 1970<sup>(5)</sup>;

“licensing authority” means the appropriate licensing authority under section 113(6)(b) of the Act;

“lighthouse authority” means a general lighthouse authority or a local lighthouse authority within the meaning of Part 8 of the Merchant Shipping Act 1995<sup>(6)</sup>;

“plan or project” has the same meaning as in Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora<sup>(7)</sup>;

“protected feature” has the meaning given by section 147(1) of the Act;

“Ramsar site” means wetlands designated as internationally important under the Convention of Wetlands (Ramsar 1971)<sup>(8)</sup>;

“shellfish” includes crustaceans and molluscs of any kind and any part of a shellfish;

“waste” means anything that—

- (a) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Article 5(1) of that Directive; and
- (b) is not excluded from the scope of that Directive by Article 2(1), 2(2) or 2(3) of that Directive; and

“the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste<sup>(9)</sup>.

(2) A reference in this Order to a numbered item is a reference to that numbered item in section 66(1) of the Act (Licensable marine activities).

(3) The Interpretation Act (Northern Ireland) 1954<sup>(10)</sup> applies to this Order as it applies to an Act of the Assembly.

(5) 1970 c.1.

(6) 1995 c. 21. See section 193 of that Act, to which section relevant amendments have been made by paragraph 6 of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(7) OJ No L 206, 22.7.1992, p 7, last amended by Council Directive 2006/105/EC (OJ No L 363, 20.12.2006, p 368).

(8) These sites are given statutory protection by the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. No. 170

(9) OJ No L 312, 22.11.2008, p 3.

(10) 1954 c.33 (N.I.)