

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 and the Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011 (“the principal Orders”).

Articles 15 and 13, respectively, of the principal Orders provide that a marine licence is not required for the deposit of marine chemical and marine oil treatment substances if certain specified conditions apply. Articles 5 and 11 of this Order, respectively, amend articles 15 and 13 of the principal Orders to add a new condition, namely that no deposit of any such substance may be made below the surface of the sea except with the approval of the Scottish Ministers.

Articles 6 and 13 of this Order amend the principal Orders by inserting new provisions which provide that removal activity carried out either for the purpose of retrieving objects from the seabed which have been accidentally deposited there or for the purpose of sediment sampling does not require a marine licence in certain specified circumstances. Under the new provisions notice of the intention to carry on the removal activity must be given to the Scottish Ministers. Notice is not required to be given to the Scottish Ministers where the removal activity concerns sediment sampling which has been authorised by the Scottish Environment Protection Agency to be carried on as a condition of a controlled activity under Part II of the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Articles 4 and 10 of this Order make provision consequential to the new provisions made within articles 6 and 13.

Articles 3 and 8 of this Order extend the definition of “an MPA” in the principal Orders to include historic marine protected areas. They also make minor and consequential amendments.

Articles 9 and 12 make minor amendments to the Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011.