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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 25**

**The Marine Licensing (Exempted Activities) (Scottish Inshore and Offshore Regions) Amendment Order 2012**

**Amendment of the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011**

6. After article 18 (scientific instruments etc. – removal activity), insert—

**“Accidental deposits – removal activity**

**18A.**—(1) This article applies to a removal activity carried on for the purpose of removing any object from the seabed which has been accidentally deposited there.

(2) This article is subject to conditions 1 and 2.

(3) Condition 1 is that notice of the activity must be given, in writing, to the Scottish Ministers no later than 3 months from the date of commencement of the removal activity.

(4) Condition 2 is that the object to be removed from the seabed has been deposited there for less than one year before the removal activity is commenced.

(5) This article does not apply to an activity where—

- (a) it causes, or is likely to cause, obstruction or danger to navigation;
- (b) it is a plan or a project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
- (c) it is likely to have a significant effect on a Ramsar site; or
- (d) it is capable of affecting (other than insignificantly)—
  - (i) the protected features of an MPA; or
  - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MPA is (wholly or in part) dependent.

(6) A reference to a “removal activity” in this article does not include the use of an aircraft, marine structure or floating container to remove the object from the seabed.

**Sediment sampling**

**18B.**—(1) This article applies to a removal activity which is carried on for the purpose of sediment sampling.

(2) This article is subject to the condition that notice of the intention to carry on the activity must be given, in writing, to the Scottish Ministers before the activity is commenced.

(3) The condition in paragraph (2) is deemed to be satisfied where the removal activity is carried on as a condition of an authorisation of a controlled activity granted by the Scottish Environment Protection Agency under Part II of the Water Environment (Controlled Activities) (Scotland) Regulations 2011(1).

- (4) This article does not apply to an activity where—
- (a) the volume of sediment removed is more than 1 cubic metre;
  - (b) it causes, or is likely to cause, obstruction or danger to navigation;
  - (c) it is a plan or a project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
  - (d) it is likely to have a significant effect on a Ramsar site; or
  - (e) it is capable of affecting (other than insignificantly)—
    - (i) the protected features of an MPA; or
    - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MPA is (wholly or in part) dependent.
- (5) “Controlled activity” in this article has the meaning given to it in regulation 2(1) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011.”.