
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 316

**The Marine Licensing (Exempted Activities)
(Scottish Inshore Region) Amendment Order 2020**

PART 1

General

Citation and commencement

1. This Order may be cited as the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2020 and comes into force on 9 November 2020.

Interpretation

2. In this Order—

“the 2011 Regulations” means the Marine Licensing Appeals (Scotland) Regulations 2011(1),

“the Act” means the Marine (Scotland) Act 2010,

“the Controlled Activities Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011(2),

“controlled waters” means that part of the Scottish marine area which is within the area extending landward from the three mile limit,

“fish” includes shellfish and any part of a fish,

“marine licence” means a licence granted under section 29 of the Marine (Scotland) Act 2010 which relates to an operation which involves the deposit of any substance within controlled waters carried on in the course of the propagation or cultivation of fish, other than a deposit—

(a) made for the purpose of creating, altering or maintaining an artificial reef, or

(b) that causes or is likely to cause obstruction or danger to navigation,

and which deposit is liable to cause pollution of the water environment,

“pollution” means the direct or indirect introduction, as a result of human activity, of a substance or heat into the water environment, or any part of it, which may give rise to any harm; and “harm” means—

(a) harm to the health of human beings or other living organisms,

(b) harm to the quality of the water environment, including—

(i) harm to the quality of the water environment taken as a whole,

(ii) other impairment of, or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,

(1) S.S.I. 2011/203.

(2) S.S.I. 2011/209.

- (c) offence to the senses of human beings,
- (d) damage to property, or
- (e) impairment of, or interference with, amenities or other legitimate uses of the water environment,

“relevant date” has the meaning given by article 4(4),

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

“substance” means—

- (a) any chemical used for medicinal purposes or otherwise, with the exception of any reagent or chemical or particle tracer used in connection with any scientific experiment or survey,
- (b) any organic or biological matter,

“three mile limit” means the limit consisting of a line every point of which is at a distance of 3 miles on the seaward side from the nearest point of the baseline from which the breadth of the territorial sea of the United Kingdom adjacent to Scotland is measured; and “miles” means international nautical miles of 1,852 metres,

“the water environment” has the same meaning as in section 3(2) of the Water Environment and Water Services (Scotland) Act 2003(3),

“water use licence” means an authorisation granted by the Scottish Environment Protection Agency under regulation 8 of the Controlled Activities Regulations.