
STATUTORY INSTRUMENTS

2007 No. 1518

**The Marine Works (Environmental
Impact Assessment) Regulations 2007**

[^{F1}PART 1

INTRODUCTION

F1 Regulations revoked (S.) (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/115\)](#), [reg. 42\(a\)](#) (with [regs. 1\(2\), 40, 41](#))

Title and commencement

1. These Regulations may be cited as the Marine Works (Environmental Impact Assessment) Regulations 2007 and come into force on 24th June 2007.

[^{F2}Extent

1A. These Regulations do not extend to the Scottish inshore region, except in respect of activities and operations for which a licence is required under Part 2 of the 1985 Act.]

F2 [Reg. 1A](#) inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), [regs. 1\(1\), 3](#) (with [reg. 34](#))

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Food and Environment Protection Act 1985⁽¹⁾;

[^{F3}“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the 2010 Act” means the Marine (Scotland) Act 2010;]

^{F4}

^{F4}

“applicant” means—

(a) an applicant (or prospective applicant) for the issue of a regulatory approval; or

(b) any person giving notice to a regulator for the purpose of obtaining a regulatory approval;

“application” includes the giving of notice to a regulator for the purpose of obtaining a regulatory approval;

[^{F5}“appropriate authority” means—

(1) 1985 c.48.

- (a) where the regulator is the Secretary of State, the Marine Management Organisation [^{F6}, the Natural Resources Body for Wales] or a devolved authority, the regulator;
- (b) where the regulator is any other person—
 - (i) as regards any regulated activity in Northern Ireland, the Department of [^{F7}Agriculture, Environment and Rural Affairs in Northern Ireland];
 - (ii) [^{F8}as regards any regulated activity in the Scottish offshore region, the Scottish Ministers;]
 - (iii) [^{F9}as regards harbour works relating to harbours that are wholly in Wales, other than harbours that are reserved trust ports, the Welsh Ministers;]
 - (iv) in any other case, the Secretary of State; [^{F10}and—
 - (a) for the purpose of paragraph (a), “devolved authority” means any Northern Ireland Department, the Scottish Ministers or the Welsh Ministers; and
 - (b) for the purpose of paragraph (b)(iii), “reserved trust port” has the meaning given by section 32 of the Wales Act 2017;]

[^{F11}“consenting authority”, in relation to a project, means any authority whose consent to any activity to be undertaken in the course of the project is required under any enactment;]

“the consultation bodies” means—

- (a) the local planning authority;
- (b) such of the nature conservation bodies as the appropriate authority considers likely to have an interest in the activity by reason of their responsibilities;
- (c) any relevant authority;
- (d) any consenting authority; and
- (e) such other bodies as the appropriate authority considers likely to have an interest in the regulated activity (whether by virtue of their having specific environmental responsibilities [^{F12}or local or regional competences] under an enactment or otherwise);

^{F13}

^{F14}

“EIA consent” means consent for a regulated activity given by an appropriate authority in accordance with these Regulations and on the basis of an assessment of [^{F15}the significant effects of the project] on the environment;

“EIA consent decision” means a decision whether to give EIA consent and (where the decision is to give such consent) as to the terms on which to do so;

[^{F16}“the EIA Directive” means Directive 2011/92/EU of the European Parliament and of the Council of 13th December 2011 on the assessment of the effects of certain public and private projects on the environment, as [^{F17}amended by [Directive 2014/52/EU](#) of the European Parliament and of the Council]];

[^{F18}“England” includes any part of the territorial sea that is not part of Scotland, Wales or Northern Ireland;]

[^{F19}“environmental impact assessment” means a process consisting of—

- (a) the preparation of an environmental statement in accordance with regulation 12 and Schedule 3;
- (b) the carrying out of consultations in accordance with regulation 17 and, where relevant, regulations 20 and 20A;

- (c) the consideration of the environmental statement and other information in accordance with regulation 21A(1);
- (d) the conclusion in respect of the likely significant effects of the project in accordance with regulation 21A(2); and
- (e) the consideration of that conclusion in reaching the EIA consent decision, in accordance with regulation 22(1)(b);

[^{F20}“EU environmental assessment” means an assessment of the effect of anything on the environment carried out under retained EU law other than any law of any part of the United Kingdom that implemented the EIA Directive;]

“environmental statement” means a statement complying with regulation 12(2);

“excluded information” means—

- (a) in the case of information to which the Environmental Information Regulations 2004(2) or the Environmental Information (Scotland) Regulations 2004(3) apply, any information that the regulator would be entitled to withhold in response to a request made in accordance with those Regulations; and
- (b) in any other case, any information which is exempt information for the purposes of the Freedom of Information Act 2000(4) or the Freedom of Information (Scotland) Act 2002(5);

^{F21} ...

[^{F22}“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;]

“harbour” has the meaning assigned to it in section 57(1) of the Harbours Act 1964(6);

[^{F23}“harbour authority” has the same meaning as in section 57(1) of the Harbours Act 1964](6)

[^{F24}“harbour works” means—

- (a) works involved in the construction of a harbour;
- (b) works involving the making of modifications to an existing harbour;
- (c) any dredging operation undertaken by or on behalf of a harbour authority and carried out for the purpose of extracting minerals; and
- (d) works involving the deposit of spoil from any such dredging operation;]

“local planning authority” means—

- (a) in relation to England or Wales, any authority that is a local planning authority for the purposes of the Town and Country Planning Act 1990(7) in or adjacent to whose area the regulated activity is proposed to be carried out;
- (b) in relation to Northern Ireland, [^{F25}the Department for Infrastructure or, as the case may be, any district council in whose district, or adjacent to whose district, the regulated activity is proposed to be carried out]; and
- (c) in relation to Scotland—

(2) S.I. 2004/3391.

(3) S.S.I. 2004/520.

(4) 2000 c.36.

(5) 2002 asp 13.

(6) 1964 c.40.

(6) 1964 c.40.

(7) 1990 c.8.

- (i) any authority that is a planning authority for the purposes of the Town and Country Planning (Scotland) Act 1997⁽⁸⁾ in or adjacent to whose area the regulated activity is proposed to be carried out; and
- (ii) where the regulated activity is carried out in or adjacent to a National Park, the National Park authority for the National Park;

“the nature conservation bodies” means—

- (a) the Joint Nature Conservation Committee⁽⁹⁾;
- (b) Natural England⁽¹⁰⁾;
- (c) Scottish Natural Heritage⁽¹¹⁾; and
- (d) [^{F26}the Natural Resources Body for Wales];

“Northern Ireland” has the meaning assigned to it by section 98(1) of the Northern Ireland Act 1998⁽¹²⁾;

[^{F27}“public” means one or more natural or legal persons and, in accordance with the law or practice of any part of the United Kingdom, their associations, organisations or groups;]

[^{F27}“public concerned” means the public affected or likely to be affected by, or having an interest in, environmental decision making procedures (for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under the law of any part of the United Kingdom are deemed to have an interest);]

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^{F29}

“regulated activity” means any activity (or proposed activity) for which a regulatory approval is (or would be) required;

“regulator” means the person responsible for considering an application for a regulatory approval;

[^{F30}“regulatory approval” means—

- (a) a licence under Part 2 of the 1985 Act;
- (b) a marine licence, or variation of a marine licence, under Part 4 of the 2009 Act;
- (c) ^{F31}
- (d) except in relation to Northern Ireland, an approval or consent for harbour works under—
 - (i) any local Act;
 - (ii) such an Act read together with a notice given and published under section 9 of the Harbours Transfer Act 1862; or
 - (iii) any order under section 14 or 16 of the Harbours Act 1964;]

“regulatory decision” means a decision whether to grant or issue a regulatory approval and (where the decision is to grant or issue such an approval) as to the terms on which to do so;

[^{F32}“relevant authority” means—

(8) 1997 c.8.
 (9) The Joint Nature Conservation Committee was re-constituted by section 31 of the Natural Environment and Rural Communities Act 2006 (2006 c.16).
 (10) Natural England is constituted by section 1 of the Natural Environment and Rural Communities Act 2006 (2006 c.16).
 (11) Scottish Natural Heritage is constituted by section 1 of the Natural Heritage (Scotland) Act 1991 (1991 c.28).
 (12) 1998 c.47.

- (a) where a regulated activity is likely to have a significant effect on the environment of Northern Ireland and the appropriate authority is not a Northern Ireland [^{F33}department], such of the Northern Ireland [^{F34}departments] as the appropriate authority considers likely to have an interest in the activity by reason of their environmental responsibilities;
- (b) where a regulated activity is likely to have a significant effect on the environment of [^{F35}the Scottish inshore region], or the Scottish offshore region (or both) and the appropriate authority is not the Scottish Ministers, the Scottish Ministers;
- (c) where the regulated activity is likely to have a significant effect on the environment of the Scottish offshore region and the appropriate authority is not the Secretary of State, the Secretary of State;
- (d) where a regulated activity is likely to have a significant effect on the environment of [^{F36}the Welsh inshore region or the Welsh offshore region (or both)] and the appropriate authority is not the Welsh Ministers, the Welsh Ministers;
- (da) [^{F37}where the regulated activity is likely to have a significant effect on the environment of the Welsh offshore region and the appropriate authority is not the Secretary of State, the Secretary of State;]
- (f) where a regulated activity is likely to have a significant effect on the environment of England or a relevant offshore region and the appropriate authority is the Marine Management Organisation, the Secretary of State; and
- (g) where a regulated activity is likely to have a significant effect on the environment of England or a relevant offshore region and the appropriate authority is the Secretary of State, the Marine Management Organisation;]

[^{F38}and for the purposes of paragraphs (d) and (da), “Welsh inshore region” and “Welsh offshore region” have the meanings given by section 322(1) of the 2009 Act;]

“relevant legislation” means, in relation to an application, a regulatory decision or a regulatory approval, the legislation under which the application was made, the regulatory decision taken or the regulatory approval granted or issued (as the case may be);

[^{F39}“relevant offshore region” means—

- (a) the English offshore region; [^{F40}or]
- (b) ^{F41}...
- (c) the Northern Ireland offshore region;

within the meaning of those expressions given by section 322(1) of the 2009 Act;

“the relevant Public Register” means the register on which information must be recorded in accordance with (as the case may be)—

- (a) section 14 of the 1985 Act;
- (b) section 101 of the 2009 Act; or
- (c) section 54 of the 2010 Act;]

[^{F42}“Schedule A1 project” means a project of a type specified in Schedule A1 to these Regulations;

“Schedule A2 project” means a project of a type specified in Schedule A2 to these Regulations;]

“scoping opinion” means an opinion given by an appropriate authority as to the information to be provided in an environmental statement for an application;

[^{F43}“Scotland” (other than in the definition of “the Scottish offshore region”) includes the Scottish inshore region;]

[^{F44}“the Scottish inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Scotland;

“the Scottish offshore region” means so much of the UK marine area as lies outside the Scottish inshore region and consists of—

- (a) areas of sea which lie within the Scottish zone, and
- (b) areas of sea which lie outside the Scottish zone but which are nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom;

and for this purpose “the Scottish zone” has the meaning given by section 126(1) of the Scotland Act 1998;]

^{F45}

“screening opinion” means an opinion given by an appropriate authority as to whether or not an environmental impact assessment is required for a regulated activity;

[^{F46}“sea” includes—

- (a) any area submerged at mean high water spring tide, and
- (b) the waters of every estuary, arm of the sea, river or channel, so far as the tide flows at mean high water spring tide,

and any reference to an area of sea includes the bed and subsoil of the sea within that area;]

[^{F47}“UK environmental assessment” means an assessment carried out in accordance with an obligation under the law of any part of the United Kingdom of the effect of anything on the environment;]

[^{F48}“UK marine area” has the same meaning as in section 42 of the 2009 Act;]

^{F49}

^{F50}

[^{F51}“Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006;]

[^{F52}“the Wild Birds Directive” means [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds.]

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^{F56}

[^{F57}(1A) The area of sea referred to in sub-paragraph (a) of the definition of “sea” in paragraph (1) includes waters in any area—

- (a) which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but
- (b) into and from which seawater is caused or permitted to flow, whether continuously or from time to time.]

[

^{F58}(1B) In these Regulations, “enactment” includes an enactment contained in, or in an instrument made under, Northern Ireland legislation.

(1C) In these Regulations, any reference to the likely significant effects, or the likely significant adverse effects, of projects or regulated activities on the environment includes a reference to the effects of those projects or activities on the environment once they are completed and in operation.

(1D) In paragraph (1C), the reference to the environment includes a reference to the matters referred to in regulation 21A(2)(a) to (e).]

(2) In these Regulations, any term used in the EIA Directive has the same meaning as in that Directive.]

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|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F3 | Words in reg. 2(1) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735) , regs. 1, 3(1)(a) |
| F4 | Words in reg. 2(1) omitted (16.5.2017) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(a) (with reg. 34) |
| F5 | Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735) , regs. 1, 3(1)(b) |
| F6 | Words in reg. 2(1)(a) inserted (27.3.2015) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015 (S.I. 2015/446) , regs. 1, 3(a) |
| F7 | Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(b)(i) (with reg. 34) |
| F8 | Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(b)(ii) (with reg. 34) |
| F9 | Words in reg. 2(1) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287) , regs. 1, 2(2)(a)(i) |
| F10 | Words in reg. 2(1) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287) , regs. 1, 2(2)(a)(ii) |
| F11 | Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(c) (with reg. 34) |
| F12 | Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(d) (with reg. 34) |
| F13 | Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735) , regs. 1, 3(1)(o)(i) |
| F14 | Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735) , regs. 1, 3(1)(o)(ii) |
| F15 | Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(e) (with reg. 34) |
| F16 | Words in reg. 2(1) substituted (27.3.2015) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015 (S.I. 2015/446) , regs. 1, 3(b) |
| F17 | Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(f) (with reg. 34) |
| F18 | Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735) , regs. 1, 3(1)(d) |
| F19 | Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(g) (with reg. 34) |
| F20 | Words in reg. 2(1) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25) , regs. 1(1), 6(2)(a) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F21 | Words in reg. 2(1) omitted (1.4.2018) by virtue of The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287) , regs. 1, 2(2)(b) |
| F22 | Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588) , regs. 1(1), 4(2)(h) (with reg. 34) |

- F23** Words in reg. 2(1) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(e)**
- F24** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(f)**
- F25** Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(i)** (with reg. 34)
- F26** Words in reg. 2(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 4 para. 276** (with Sch. 7)
- F27** Words in reg. 2(1) inserted (31.12.2020) by The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25), regs. 1(1), **6(2)(b)** (as amended by S.I. 2019/1078, **reg. 2**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F28** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(iii)**
- F29** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(iv)**
- F30** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(g)**
- F31** Words in reg. 2(1) omitted (16.5.2017) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(j)** (with reg. 34)
- F32** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(h)**
- F33** Word in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(aa)(k)(i)** (with reg. 34)
- F34** Word in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(bb)(k)(i)** (with reg. 34)
- F35** Words in reg. 2(1) substituted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(k)(ii)** (with reg. 34)
- F36** Words in reg. 2(1) substituted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **2(2)(c)(i)**
- F37** Words in reg. 2(1) inserted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **2(2)(c)(ii)**
- F38** Words in reg. 2(1) inserted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **2(2)(c)(iii)**
- F39** Words in reg. 2(1) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(i)**
- F40** Word in reg. 2(1) inserted (1.4.2018) by The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **2(2)(d)(i)**
- F41** Words in reg. 2(1) omitted (1.4.2018) by virtue of The Marine Works (Environmental Impact Assessment) and Marine Strategy (Amendment) Regulations 2018 (S.I. 2018/287), regs. 1, **2(2)(d)(ii)**
- F42** Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(l)** (with reg. 34)
- F43** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(j)**
- F44** Words in reg. 2(1) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(k)**
- F45** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(v)**
- F46** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(l)**
- F47** Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(m)** (with reg. 34)
- F48** Words in reg. 2(1) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(n)**

- F49** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(vi)**
- F50** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(vii)**
- F51** Words in reg. 2(1) substituted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(m)**
- F52** Words in reg. 2(1) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(2)(n)** (with reg. 34)
- F53** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(viii)**
- F54** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(ix)**
- F55** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(x)**
- F56** Words in reg. 2(1) omitted (6.4.2011) by virtue of The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(1)(o)(xi)**
- F57** Reg. 2(1A) inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **3(2)**
- F58** Reg. 2(1B)-(1D) inserted (16.5.2017) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588), regs. 1(1), **4(3)** (with reg. 34)

[^{F59}Proposed activity which would otherwise be a regulated activity

2A.—(1) Paragraph (2) applies where—

- (a) an activity is proposed to be carried out which would be a regulated activity if carried out by a person other than the person who would be the regulator in relation to that activity; and
- (b) the person by whom the activity is proposed to be carried out (“the relevant person”) is the person who would be the regulator in relation to that activity if it were carried out by any other person.

(2) Where this paragraph applies, these Regulations apply in relation to that proposal as if—

- (a) the activity were a regulated activity, the relevant person had made an application for regulatory approval in respect of that activity and, in relation to the carrying out of that activity by that person, that person were also the regulator; and
- (b) accordingly—
 - (i) references to the regulator’s dealing with the application or to a regulatory decision were references to determining whether to carry out the proposal;
 - (ii) references to granting a regulatory approval were references to a decision to proceed to carry out the proposal; and
 - (iii) references to treating the application as withdrawn were references to treating the proposal as abandoned.]

- F59** Reg. 2A inserted (6.4.2011) by The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011 (S.I. 2011/735), regs. 1, **4**

[^{F60}Fees

3.—(1) An appropriate authority may require an applicant for a regulatory approval to pay to it reasonable fees in respect of relevant expenses.

(2) In paragraph (1) “relevant expenses” means administrative and other expenses which the authority reasonably incurs under these Regulations in its capacity as an appropriate authority (including any expenses in respect of examinations and tests carried out for that purpose), but does not include any expenses in respect of which a fee may be charged under any other provision of these Regulations.

(3) Paragraph (4) applies to any requirement imposed under—

- (a) paragraph (1);
- [^{F61}(aa) regulation 10(4J);]
- (b) paragraph 2 of Schedule 2;
- (c) paragraph 3 of Schedule 4; or
- (d) regulation 24A.

(4) The determination of the amount of a reasonable fee in accordance with any requirement to which this paragraph applies must be made—

- (a) where the appropriate authority is the Secretary of State, by the Secretary of State ^{F62} ...;
- (b) where the appropriate authority is the Marine Management Organisation, by the Marine Management Organisation [^{F63}with the consent of the Secretary of State;]
- [^{F64}(c) where the appropriate authority is the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, by that Department with the consent of the Department of Finance in Northern Ireland;]
- (d) where the appropriate authority is the Welsh Ministers [^{F65}or the Natural Resources Body for Wales], by the Welsh Ministers ^{F66} ...; and
- (e) where the appropriate authority is the Scottish Ministers, by the Scottish Ministers.

(5) Before determining the amount of a fee which is imposed under any requirement referred to in paragraph (3), the authority must consult such organisations as appear to it to represent persons who are likely to apply for regulatory approval.]]

F60 Reg. 3 substituted (6.4.2011) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2011 \(S.I. 2011/735\)](#), regs. 1, **5**

F61 Reg. 3(3)(aa) inserted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **5(2)** (with reg. 34)

F62 Words in reg. 3(4)(a) omitted (1.4.2018) by virtue of [The Marine Works \(Environmental Impact Assessment\) and Marine Strategy \(Amendment\) Regulations 2018 \(S.I. 2018/287\)](#), regs. 1, **2(3)(a)**

F63 Words in reg. 3(4)(b) substituted (1.4.2018) by [The Marine Works \(Environmental Impact Assessment\) and Marine Strategy \(Amendment\) Regulations 2018 \(S.I. 2018/287\)](#), regs. 1, **2(3)(b)**

F64 Reg. 3(4)(c) substituted (16.5.2017) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2017 \(S.I. 2017/588\)](#), regs. 1(1), **5(3)** (with reg. 34)

F65 Words in reg. 3(4)(d) inserted (27.3.2015) by [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulations 2015 \(S.I. 2015/446\)](#), regs. 1, **4**

F66 Words in reg. 3(4)(d) omitted (1.4.2018) by virtue of [The Marine Works \(Environmental Impact Assessment\) and Marine Strategy \(Amendment\) Regulations 2018 \(S.I. 2018/287\)](#), regs. 1, **2(3)(a)**

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, PART 1.