



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Pre-application consultation

23 Pre-application consultation: compliance

- (1) A person to whom this section applies (“the prospective applicant”) must give notice that an application for a marine licence is to be submitted.
- (2) A period of at least 12 weeks must elapse between giving the notice and the prospective applicant submitting the application.
- (3) Notice under subsection (1) must contain—
 - (a) a description in general terms of the activity to be carried out,
 - (b) a plan or chart showing the outline of the location at which the activity is to be carried out (including, as appropriate, the route to be taken in order to carry out the activity), which is sufficient to identify the location,
 - (c) details as to how the prospective applicant is to be contacted,
 - (d) such other information as may be prescribed by regulations made by the Scottish Ministers.
- (4) Regulations may—
 - (a) require that the notification be given to persons specified in the regulations,
 - (b) specify persons who are to be consulted as respects a proposed application and what form that consultation is to take.
- (5) Different provision may be made under subsection (4) for different parts of the Scottish marine area (see also section 165(1)).
- (6) The Scottish Ministers may, provided that they do so within 21 days of having received the notification, notify the prospective applicant that they require (either or both)—
 - (a) that the notification under subsection (1) be given to persons additional to those specified under subsection (4) (specifying in the notification who those persons are),

Status: This is the original version (as it was originally enacted).

- (b) that consultation additional to that required by virtue of subsection (4)(b) be undertaken as regards the proposed activity (specifying in the notification what form that consultation is to take).
- (7) In considering whether to give notification under subsection (6), the Scottish Ministers are to have regard to the nature, extent and location of the proposed activity, and to the likely effects at and in the vicinity of that location, of its being carried out.