



Marine (Scotland) Act 2010

2010 asp 5

PART 5

MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

Licences granted under Wildlife and Countryside Act 1981

104 Grant of certain licences under Wildlife and Countryside Act 1981

- (1) Section 16 of the Wildlife and Countryside Act 1981 (c.69) (power to grant licences) is amended as follows.
- (2) After subsection (8A) (inserted by section 10(2) of the 2009 Act) insert—

“(8B) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the Scottish marine area, “the appropriate authority” means the Scottish Ministers.”.
- (3) In subsection (9) (meaning of appropriate authority), at the beginning insert “Except as provided by subsection (8B)”—
- (4) After subsection (9) insert—

“(9ZA) The Scottish Ministers may by direction delegate their power to grant licences in relation to the Scottish marine area under any of subsections (1) to (4) to Scottish Natural Heritage.

(9ZB) Delegation under subsection (9ZA) may be—

 - (a) in relation to a specific case,
 - (b) in relation to specific species of animal,
 - (c) in relation to a particular type of licence,
 - (d) in relation to a particular area.

(9ZC) A direction under subsection (9ZA) must be in writing.”.
- (5) After subsection (12) (inserted by section 10(4) of the 2009 Act), add—

“(13) In this section, the “Scottish marine area” has the meaning given by section 1(1) of the [Marine \(Scotland\) Act 2010 \(asp 5\)](#).”.