



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Special provision for certain cases

36 Electronic communications apparatus

- (1) The Scottish Ministers must not issue a licence to carry out any activity which amounts to or involves the exercise of a right conferred by ^{[^{F1}}Part 9 of Schedule 3A to the Communications Act 2003 (the electronic communications code) (works in connection with electronic communications apparatus)] unless they are satisfied that adequate compensation arrangements have been made.
- (2) For the purposes of subsection (1), adequate compensation arrangements are adequate arrangements for compensating any persons who appear to the Scottish Ministers to be owners of interests in the tidal water or lands on, under or over which the right is to be exercised, for any loss or damage sustained by those persons in consequence of the activity being carried out.

Textual Amendments

- F1** Words in s. 36(1) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 56](#); S.I. 2017/1286, reg. 2(d)

Commencement Information

- I1** S. 36 in force at 6.4.2011 by [S.I. 2011/58, art. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 36.