



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4 **U.K.**

MARINE LICENSING

CHAPTER 1 **U.K.**

MARINE LICENCES

65 Requirement for licence **U.K.**

- (1) No person may—
- (a) carry on a licensable marine activity, or
 - (b) cause or permit any other person to carry on such an activity,
- except in accordance with a marine licence granted by the appropriate licensing authority.
- (2) Subsection (1) is subject to any provision made by or under sections 74 to 77 (exemptions).

Commencement Information

II S. 65 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

66 Licensable marine activities **U.K.**

- (1) For the purposes of this Part, it is a licensable marine activity to do any of the following—

1. To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the sea bed, from—

Status: Point in time view as at 26/05/2011.

Changes to legislation: *Marine and Coastal Access Act 2009, Chapter 1 is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) any vehicle, vessel, aircraft or marine structure,
 - (b) any container floating in the sea, or
 - (c) any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.
2. To deposit any substance or object anywhere in the sea or on or under the sea bed from—
 - (a) a British vessel, British aircraft or British marine structure, or
 - (b) a container floating in the sea, if the deposit is controlled from a British vessel, British aircraft or British marine structure.
3. To deposit any substance or object anywhere in the sea or on or under the sea bed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object—
 - (a) in any part of the United Kingdom except Scotland, or
 - (b) in the UK marine licensing area.
4. To scuttle any vessel or floating container in the UK marine licensing area.
5. To scuttle any vessel or floating container anywhere at sea, if the scuttling is controlled from a British vessel, British aircraft or British marine structure.
6. To scuttle any vessel or floating container anywhere at sea, if the vessel or container has been towed or propelled, for the purpose of that scuttling,—
 - (a) from any part of the United Kingdom except Scotland, or
 - (b) from the UK marine licensing area, unless the towing or propelling began outside that area.
7. To construct, alter or improve any works within the UK marine licensing area either—
 - (a) in or over the sea, or
 - (b) on or under the sea bed.
8. To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the sea bed within the UK marine licensing area.
9. To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).
10. To deposit or use any explosive substance or article within the UK marine licensing area either in the sea or on or under the sea bed.
11. To incinerate any substance or object on any vehicle, vessel, marine structure or floating container in the UK marine licensing area.
12. To incinerate any substance or object anywhere at sea on—
 - (a) a British vessel or British marine structure, or
 - (b) a container floating in the sea, if the incineration is controlled from a British vessel, British aircraft or British marine structure.

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13. To load a vehicle, vessel, aircraft, marine structure or floating container in any part of the United Kingdom except Scotland, or in the UK marine licensing area, with any substance or object for incineration anywhere at sea.

- (2) In subsection (1)—
- (a) in item 9, “dredging” includes using any device to move any material (whether or not suspended in water) from one part of the sea or sea bed to another part;
 - (b) in items 12 and 13, “incineration” means the combustion of a substance or object for the purpose of its thermal destruction (and in items 11 and 12 “incinerate” is to be read accordingly).
- (3) The appropriate licensing authority for any area may by order amend subsection (1) so as to add any activity to, or remove any activity from, the list of licensable marine activities as it has effect in that area.
- (4) For the purposes of this Part “the UK marine licensing area” consists of the UK marine area, other than the Scottish inshore region.

Commencement Information

- I2** S. 66 partly in force; s. 66 in force for specified purposes at Royal Assent see s. 324(1)(c)
I3 S. 66 in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

67 Applications **U.K.**

- (1) The appropriate licensing authority may require an application for a marine licence—
- (a) to be made in such form as the authority may determine;
 - (b) to be accompanied by a fee.
- (2) The fee that may be charged under subsection (1)(b) is to be determined by, or in accordance with, regulations made by the appropriate licensing authority.
- (3) A licensing authority may—
- (a) determine different forms for different descriptions of applications;
 - (b) provide for different fees for different descriptions of applications.
- (4) The appropriate licensing authority may require an applicant—
- (a) to supply such information,
 - (b) to produce such articles, and
 - (c) to permit such investigations, examinations and tests,
- as in the opinion of the authority may be necessary or expedient to enable it to determine the application.
- (5) If the appropriate licensing authority carries out any investigation, examination or test (whether or not by virtue of subsection (4)(c)) which in its opinion is necessary or expedient to enable it to determine an application, the authority may require the applicant to pay a fee towards the reasonable expenses of that investigation, examination or test.
- (6) If an applicant fails to comply with a requirement made by the appropriate licensing authority under this section, the authority may—

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- (a) refuse to proceed with the application, or
- (b) refuse to proceed with it until the failure is remedied.

Commencement Information

I4 S. 67 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

68 Notice of applications **U.K.**

- (1) Having received an application for a marine licence, the appropriate licensing authority must—
 - (a) publish notice of the application, or
 - (b) require the applicant to publish notice of it.
- (2) Publication under subsection (1) must be in such manner as the authority thinks is best calculated to bring the application to the attention of any persons likely to be interested in it.
- (3) If the activity in respect of which the application is being made is proposed to be carried on wholly or partly within the area of a local authority in England, Wales or Northern Ireland, the appropriate licensing authority must give notice of the application, or require the applicant to give notice of the application, to that local authority (whether or not notice has been published under subsection (1)).
- (4) The appropriate licensing authority must not proceed with an application unless—
 - (a) notice has been published under subsection (1) (but see subsection (7)), and
 - (b) notice has been given under subsection (3) to any local authority to which notice of the application is required to be given by virtue of that subsection (but see subsection (8)).
- (5) If the appropriate licensing authority—
 - (a) publishes notice of an application, in pursuance of subsection (1)(a), or
 - (b) gives notice of an application to a local authority, in pursuance of subsection (3),
 the licensing authority may require the applicant to pay a fee towards the reasonable expenses of doing so.
- (6) If an applicant fails to comply with a requirement made by the authority under subsection (5), the authority may—
 - (a) refuse to proceed with the application, or
 - (b) refuse to proceed with it until the failure is remedied.
- (7) Subsection (1) does not apply in the case of any particular application if—
 - (a) the authority considers that notice of the application should not be published, or
 - (b) the Secretary of State certifies that in the opinion of the Secretary of State publication of notice of the application would be contrary to the interests of national security.
- (8) Subsection (3) does not apply in the case of any particular application and any particular local authority if—

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- (a) the appropriate licensing authority considers that notice of the application should not be given to the local authority, or
 - (b) the Secretary of State certifies that in the opinion of the Secretary of State it would be contrary to the interests of national security to give notice of the application to the local authority.
- (9) In this section “local authority” means—
- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
 - (c) in relation to Northern Ireland, a district council.

Modifications etc. (not altering text)

C1 S. 68 excluded by 2008 c. 29, s. 149A(5) (as inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 8 para. 4(2)** (with s. 111); S.I. 2011/556, art. 3(2)(a))

Commencement Information

I5 S. 68 in force at 6.4.2011 by [S.I. 2011/556](#), art. 3(2)(a)

69 Determination of applications **U.K.**

- (1) In determining an application for a marine licence (including the terms on which it is to be granted and what conditions, if any, are to be attached to it), the appropriate licensing authority must have regard to—
 - (a) the need to protect the environment,
 - (b) the need to protect human health,
 - (c) the need to prevent interference with legitimate uses of the sea,and such other matters as the authority thinks relevant.
- (2) In the case of an application for a licence to authorise such activities as are mentioned in item 7 in section 66(1), the appropriate licensing authority must have regard (among other things) to the effects of any use intended to be made of the works in question when constructed, altered or improved.
- (3) The appropriate licensing authority must have regard to any representations which it receives from any person having an interest in the outcome of the application.
- (4) A licensing authority may—
 - (a) from time to time consult any person or body it thinks fit as to the general manner in which the licensing authority proposes to exercise its powers in cases involving any matter in which that person or body has particular expertise;
 - (b) in relation to any particular application, consult any person or body which has particular expertise in any matter arising in relation to that application.
- (5) If the appropriate licensing authority consults any person or body under subsection (4) (b), it must give the applicant the opportunity to make representations to the licensing authority about any observations made by the person or body.

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- [^{F1}(5A) Regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 makes provision about the time within which certain applications under this section for the granting of rights to install facilities must be determined.]
- (6) A licensing authority may by regulations make further provision as to the procedure to be followed in connection with—
- (a) applications to it for marine licences, and
 - (b) the grant by it of such licences.
- (7) The provision that may be made by virtue of subsection (6) includes (in particular) provision as to—
- (a) the period within which any function is to be exercised (including when that period is to begin and how it is to be calculated);
 - (b) notifying the applicant of any licensing determination.

Textual Amendments

- F1** S. 69(5A) inserted (E.W.) (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 101** (with Sch. 3 para. 12)

Modifications etc. (not altering text)

- C2** S. 69(3) excluded by 2008 c. 29, s. 149A(5) (as inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 8 para. 4(2)** (with s. 111); S.I. 2011/556, art. 3(2)(a))
- C3** S. 69(5) excluded by 2008 c. 29, s. 149A(5) (as inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 8 para. 4(2)** (with s. 111); S.I. 2011/556, art. 3(2)(a))

Commencement Information

- I6** S. 69 partly in force; s. 69 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I7** S. 69 in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), art. 3(2)(a)

70 Inquiries **U.K.**

- (1) The appropriate licensing authority may cause an inquiry to be held in connection with the determination of an application for a marine licence.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (c. 70) apply to any inquiry which the Secretary of State or the Welsh Ministers may cause to be held under subsection (1) as they apply to inquiries under that section.
- (4) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) apply to any inquiry which the Scottish Ministers may cause to be held under subsection (1) as they apply to inquiries under that section.
- (5) Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to any inquiry which the Department of the Environment in Northern Ireland may cause to be held under subsection (1) as it applies to a local inquiry held under an enactment passed or made as mentioned in section 23 of that Act.
- (6) Where—
 - (a) an inquiry is caused by a licensing authority to be held under subsection (1), and

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- (b) in the case of some other matter required or authorised to be the subject of an inquiry (“the other inquiry”), it appears to the relevant authority or authorities that the matters are so far cognate that they should be considered together, the relevant authority or authorities may direct that the two inquiries be held concurrently or combined as one inquiry.
- (7) In subsection (6) “the relevant authority or authorities” means the licensing authority or, where causing the other inquiry to be held is the function of some other person or body, the licensing authority and that other person or body acting jointly.
- (8) If, in the case of any particular application, the Secretary of State certifies that it would in the opinion of the Secretary of State be contrary to the interests of national security—
- (a) if an inquiry under subsection (1) were to be held, or
- (b) if any members of the public, or any specified persons, were to be admitted to the inquiry or some specified part of it,
- the inquiry is not to be held or, as the case may be, the public is not, or those persons are not, to be admitted to the inquiry or that part of it.
- (9) In subsection (8) “specified” means—
- (a) specified in the certificate, or
- (b) of a description specified in the certificate.

Commencement Information

I8 S. 70 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

71 Licences **U.K.**

- (1) The appropriate licensing authority, having considered an application for a marine licence, must—
- (a) grant the licence unconditionally,
- (b) grant the licence subject to such conditions as the authority thinks fit, or
- (c) refuse the application.
- (2) The conditions that may be attached to a licence under subsection (1)(b) may relate to—
- (a) the activities authorised by the licence;
- (b) precautions to be taken or works to be carried out (whether before, during or after the carrying out of the authorised activities) in connection with or in consequence of those activities.
- (3) Those conditions include, in particular, conditions—
- (a) that no activity authorised by the licence be carried out until the authority or some other specified person has given such further approval of the activity as may be specified;
- (b) as to the provision, maintenance, testing or operation of equipment for measuring or recording specified matters relating to any activity authorised by the licence;
- (c) as to the keeping of records or the making of returns or giving of other information to the authority;

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- (d) for the removal, at the end of a specified period, of any object or works to which the licence relates;
 - (e) for the carrying out, at the end of a specified period, of such works as may be specified for the remediation of the site or of any object or works to which the licence relates;
 - (f) that any activity authorised by the licence must take place at a specified site, whether or not in the UK marine licensing area.
- (4) A licence may provide—
- (a) that it is to expire unless the activity which it authorises is begun or completed within a specified period;
 - (b) that it is to remain in force indefinitely or for a specified period of time (which may be determined by reference to a specified event).
- (5) A licence authorising such activities as are mentioned in item 7 in section 66(1) may provide that the conditions attached to it are to bind any other person who for the time being owns, occupies or enjoys any use of the works in question (whether or not the licence is transferred to that other person).
- (6) A licensing authority must not grant a licence to carry on any activity which is contrary to international law.
- (7) In this section “specified” means specified in the licence in question.

Commencement Information

19 S. 71 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

72 Variation, suspension, revocation and transfer **U.K.**

- (1) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that there has been a breach of any of its provisions.
- (2) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that—
 - (a) in the course of the application for the licence, any person either supplied information to the authority that was false or misleading or failed to supply information, and
 - (b) if the correct information had been supplied the authority would have, or it is likely that the authority would have, refused the application or granted the licence in different terms.
- (3) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that the licence ought to be varied, suspended or revoked—
 - (a) because of a change in circumstances relating to the environment or human health;
 - (b) because of increased scientific knowledge relating to either of those matters;
 - (c) in the interests of safety of navigation;
 - (d) for any other reason that appears to the authority to be relevant.
- (4) A suspension under subsection (1), (2) or (3) is for such period as the authority specifies in the notice of suspension.

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- (5) A licensing authority may by further notice extend the period of a suspension.
- (6) But a licence may not by virtue of this section be suspended for a period exceeding 18 months.
- (7) On an application made by a licensee, the licensing authority which granted the licence—
 - (a) may transfer the licence from the licensee to another person, and
 - (b) if it does so, must vary the licence accordingly.
- (8) A licence may not be transferred except in accordance with subsection (7).

Commencement Information

I10 S. 72 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

73 Appeals against licensing decisions **U.K.**

- (1) The appropriate licensing authority must by regulations make provision for any person who applies for a marine licence to appeal against a decision under section 71.
- (2) The regulations required by subsection (1) must come into force on the day on which this Part comes into force.
- (3) Regulations under this section may include—
 - (a) provision as to the procedure to be followed with respect to an appeal;
 - (b) provision for or in connection with suspending or varying any condition subject to which the licence was granted, pending determination of the appeal;
 - (c) provision as to the powers of any person to whom the appeal is made;
 - (d) provision as to how any sum payable in pursuance of a decision of that person is to be recoverable.

Commencement Information

I11 S. 73 partly in force; s. 73 in force for specified purposes at Royal Assent see s. 324(1)(c)

I12 S. 73 in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

Status:

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