



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 4

#### MARINE LICENSING

### CHAPTER 2

#### EXEMPTIONS AND SPECIAL CASES

##### *Exemptions*

#### **74 Exemptions specified by order**

- (1) The appropriate licensing authority for an area may by order specify, as regards that area, activities—
  - (a) which are not to need a marine licence;
  - (b) which are not to need a marine licence if conditions specified in the order are satisfied.
- (2) The conditions that may be specified in an order under this section include conditions enabling the authority to require a person to obtain the authority's approval before the person does anything for which a licence would be needed but for the order.
- (3) Approval under subsection (2) may be—
  - (a) without conditions;
  - (b) subject to such conditions as the authority considers appropriate.
- (4) In deciding whether to make an order under this section, 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,

*Status: Point in time view as at 26/12/2023.*

*Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Exemptions is up to date with all changes known to be in force on or before 14 July 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)*

and such other matters as the authority thinks relevant.

- (5) A licensing authority must consult such persons as the authority considers appropriate as to any order the authority contemplates making under this section.

#### Commencement Information

- I1** S. 74 partly in force; s. 74 in force for specified purposes at Royal Assent see s. 324(1)(c)  
**I2** S. 74 in force at 6.4.2011 in so far as not already in force by S.I. 2011/556, art. 3(2)(a)

## 75 Exemptions for certain dredging etc activities

- (1) A marine licence is not needed for a dredging or spoil disposal activity if
- [<sup>F1</sup>(a) the conditions in subsection (2) are met][<sup>F2</sup>, and
  - (b) where the activity involves the disposal or recovery of waste materials, the additional conditions in subsection (2A) are met].

(2) The conditions are—

- (a) that the activity is undertaken by or on behalf of a harbour authority, and
- (b) that the activity is authorised by, and carried out in accordance with, any legislation falling within subsection (3).

[<sup>F3</sup>(2A) The additional conditions are—

- (a) that the activity involves the relocation of sediments inside surface waters,
- (b) that the activity is for the purpose of—
  - (i) managing waters or waterways,
  - (ii) preventing floods,
  - (iii) mitigating the effects of floods or droughts, or
  - (iv) land reclamation, and
- (c) that it is proved to the satisfaction of the appropriate licensing authority for the area in which the activity is to be undertaken that the sediments are not hazardous waste.]

(3) The legislation is—

- (a) any local Act,
- (b) any order under section 14 or 16 of the Harbours Act 1964 (c. 40),
- (c) any order under section 1 of the Harbours Act (Northern Ireland) 1970 (c. 1 (N.I.)), or
- (d) section 10(3) of that Act.

(4) In this section—

“dredging or spoil disposal activity” means—

- (a) any dredging operation, or
- (b) the deposit of any dredged materials that result from an exempt dredging operation;

“exempt dredging operation” means a dredging operation for which a marine licence is not needed by virtue of this section.

- [<sup>F4</sup>(5) Any expression used in subsection (1)(b) or (2A) and also in [<sup>F5</sup>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste][<sup>F6</sup>,

*Status: Point in time view as at 26/12/2023.*

*Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Exemptions is up to date with all changes known to be in force on or before 14 July 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)*

as last amended by [<sup>F7</sup>Directive (EU) 2018/851],] has the same meaning as in that Directive.]

#### Textual Amendments

- F1** Words in s. 75(1) renumbered as s. 75(1)(a) (6.4.2011) by [Marine and Coastal Access Act 2009 \(Amendment\) Regulations 2011 \(S.I. 2011/405\)](#), regs. 1, **2(2)(a)**
- F2** S. 75(1)(b) and word inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(Amendment\) Regulations 2011 \(S.I. 2011/405\)](#), regs. 1, **2(2)(b)**
- F3** S. 75(2A) inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(Amendment\) Regulations 2011 \(S.I. 2011/405\)](#), regs. 1, **2(3)**
- F4** S. 75(5) inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(Amendment\) Regulations 2011 \(S.I. 2011/405\)](#), regs. 1, **2(4)**
- F5** Words in s. 75(5) substituted (3.8.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/738\)](#), regs. 1(1), **3**
- F6** Words in s. 75(5) inserted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **6**
- F7** Words in s. 75(5) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **6**

#### Modifications etc. (not altering text)

- C1** S. 5 excluded (17.7.2023) by [S.I. 2023/675](#), **art. 50(4)** (as inserted by [The Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023 \(S.I. 2023/680\)](#), arts. 1(1), **5(3)** (with arts. 6, 7))
- C2** S. 75(3) modified (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **43(1)(4)** (with arts. 55, 56)

#### Commencement Information

- I3** S. 75 in force at 6.4.2011 by [S.I. 2011/556](#), **art. 3(2)(a)**

## 76 Dredging in the Scottish zone

- (1) Nothing in this Part applies to anything done, in the exercise of a function falling within subsection (2), in relation to the extraction of minerals by dredging in the Scottish zone.
- (2) The functions are—
  - (a) any function [<sup>F8</sup>exercisable under retained EU law];
  - (b) any of Her Majesty's prerogative and other executive functions which is exercisable on behalf of Her Majesty by the Scottish Ministers.

#### Textual Amendments

- F8** Words in s. 76(2)(a) substituted (31.12.2020) by [The Marine Environment \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1399\)](#), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I4** S. 76 in force at 6.4.2011 by [S.I. 2011/556](#), **art. 3(2)(a)**

## 77 Oil and gas activities and carbon dioxide storage

- (1) Nothing in this Part applies to any of the following—

---

**Status:** Point in time view as at 26/12/2023.

**Changes to legislation:** Marine and Coastal Access Act 2009, Cross Heading: Exemptions is up to date with all changes known to be in force on or before 14 July 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) anything done in the course of carrying on an activity for which a licence under section 3 of the Petroleum Act 1998 (c. 17) or section 2 of the Petroleum (Production) Act 1934 (c. 36) (licences to search for and get petroleum) is required;
  - (b) anything done for the purpose of constructing or maintaining a pipeline as respects any part of which an authorisation (within the meaning of Part 3 of the Petroleum Act 1998) is in force;
  - (c) anything done for the purpose of establishing or maintaining an offshore installation (within the meaning of Part 4 of the Petroleum Act 1998 (c. 17));
  - (d) anything done in the course of carrying on an activity for which a licence under section 4 or 18 of the Energy Act 2008 (c. 32) is required (gas unloading, storage and recovery, and carbon dioxide storage).
- (2) For the purposes of subsection (1)(a) or (d), activities are to be regarded as activities for which a licence of the description in question is required if, by virtue of such a licence, they are activities which may be carried on only with the consent of the Secretary of State or another person.
- (3) Subsection (1)(d) does not apply in relation to anything done in the course of carrying on an activity for which a licence under section 4 of the Energy Act 2008 is required in, under or over any area of sea—
- (a) which is within the Welsh inshore region or the Northern Ireland inshore region, or
  - (b) which is within both the Scottish offshore region and a Gas Importation and Storage Zone (within the meaning given by section 1 of the Energy Act 2008).
- (4) Subsection (1)(d) does not apply in relation to anything done in, under or over any area of sea within the Welsh inshore region or the Northern Ireland inshore region in the course of carrying on an activity for which a licence under section 18 of the Energy Act 2008 (c. 32) is required.

---

**Commencement Information**

**15** S. 77 in force at 6.4.2011 by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

**Status:**

Point in time view as at 26/12/2023.

**Changes to legislation:**

Marine and Coastal Access Act 2009, Cross Heading: Exemptions is up to date with all changes known to be in force on or before 14 July 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.