



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 4

#### MARINE LICENSING

### CHAPTER 5

#### SUPPLEMENTARY

#### *Other powers*

#### **106 Power to take remedial action**

- (1) This section applies if it appears to the appropriate licensing authority for an area that a licensable marine activity has been carried on in its area otherwise than under a licence and in accordance with its conditions.
- (2) The authority may carry out any works that appear to it to be necessary or expedient for any one or more of the following purposes—
  - (a) protecting the environment;
  - (b) protecting human health;
  - (c) preventing interference with legitimate uses of the sea;
  - (d) preventing or minimising, or remedying or mitigating the effects of, any harm or interference falling within subsection (3);
  - (e) restoring (whether in whole or in part) the condition of any place affected by any such harm or interference to the condition, or a condition reasonably similar to the condition, in which the place would have been had the harm or interference not occurred.
- (3) The harm or interference mentioned in subsection (2)(d) and (e) is any of the following which has been, is being, or is likely to be, caused by the carrying on of the licensable marine activity—

- (a) harm to the environment;
- (b) harm to human health;
- (c) interference with legitimate uses of the sea.

### **107 Power to test, and charge for testing, certain substances**

(1) A licensing authority may, at the request of any person, conduct tests for the purpose of ascertaining the probable effect on the marine environment of using any of the following substances—

- (a) any marine chemical treatment substance;
- (b) any marine oil treatment substance;
- (c) any marine surface fouling cleaner.

(2) In this section—

“marine chemical treatment substance” means any substance used or intended to be used for treating chemicals—

- (a) on the surface of the sea or of the sea bed;
- (b) in the case of a wash-off substance, on any surface of a marine structure;

“marine oil treatment substance” means any substance used or intended to be used for treating oil on the surface of the sea;

“marine surface fouling cleaner” means any substance used or intended to be used for removing surface fouling matter—

- (a) from the surface of the sea or of the sea bed;
- (b) in the case of a wash-off substance, from any surface of a marine structure or vessel at times when the structure or vessel is in the sea or on the sea bed;

“surface fouling matter” means any fouling, and includes, in particular,—

- (a) any algae;
- (b) any surface oil or chemical residue;

“surface oil or chemical residue” means any residual matter on a surface after the removal, or substantial removal, of any oil or chemical (whether by natural processes, or by treatment, or in any other way);

“wash-off substance”, in relation to a marine structure or vessel, means any substance which, if used on a surface of the marine structure or vessel, will or might (whether in whole or to a significant extent)—

- (a) be removed from that surface, and
- (b) be deposited in the sea,

whether by natural processes, or by treatment, or in any other way.

(3) A licensing authority may recover any expenses reasonably incurred in conducting any tests under subsection (1) from any person at whose request those tests were conducted.