

*Status: Point in time view as at 06/04/2011.*

*Changes to legislation: Marine and Coastal Access Act 2009, Part 2 is up to date with all changes known to be in force on or before 16 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)*

## SCHEDULES

### SCHEDULE 9

#### LICENSING: TRANSITIONAL PROVISION RELATING TO PART 4

#### PART 2

#### COAST PROTECTION ACT 1949

##### *Consents previously given and outstanding applications*

- 2 (1) Any consent given under subsection (1) of section 34 of the CPA which—
- (a) is in effect immediately before the commencement date, and
  - (b) relates to an operation which—
    - (i) falls within that subsection, and
    - (ii) is a licensable marine activity,
- has effect on and after that date as if it were a marine licence granted by the appropriate licensing authority in relation to that activity (a “deemed licence”).
- (2) In accordance with sub-paragraph (1)—
- (a) a consent given for a specified period remains in force (subject to the provisions of this Part of this Act) for so much of that period as falls after the commencement date;
  - (b) any condition subject to which a consent under subsection (1) of section 34 of the CPA has been given has effect as if it were a condition attached to the deemed licence;
  - (c) any provision made under subsection (4) of that section in respect of a consent has effect as if it were provision made under section 71(4)(a) of this Act in respect of the deemed licence;
  - (d) any condition having effect under section 34(4A)(b) of the CPA has effect as if it were such a condition as is mentioned in section 71(5) of this Act.
- (3) Any reference in sub-paragraph (1) or (2) to a consent given under section 34(1) of the CPA, or to a condition subject to which such a consent is given, includes a reference to a consent deemed to have been given, or a condition deemed to have been imposed, by virtue of provision included in an order granting development consent (see paragraphs 27 and 28 of Schedule 5 to the Planning Act 2008 (c. 29)).
- (4) Any application for consent under subsection (1) of section 34 of the CPA which—
- (a) is made before the commencement date, and
  - (b) relates to an operation which—
    - (i) falls within that subsection, and
    - (ii) is a licensable marine activity,

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has effect on and after that date as if it were an application for a marine licence made to the appropriate licensing authority in relation to that activity.

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

**C1** Sch. 9 para. 2(1)-(3) excluded (6.4.2011) by [The Marine and Coastal Access Act 2009 \(Commencement No.5, Consequential and Transitional Provisions\) Order 2011 \(S.I. 2011/556\)](#), arts. 1(3), 4

**Commencement Information**

**I1** Sch. 9 para. 2 in force at 6.4.2011 by [S.I. 2011/556](#), **art. 3(2)(a)** (with art. 4)

*Safety requirements*

3 The repeal of section 36A of the CPA does not affect the operation of that provision in relation to anything occurring before the date on which that repeal takes effect.

**Commencement Information**

**I2** Sch. 9 para. 3 in force at 6.4.2011 by [S.I. 2011/556](#), **art. 3(2)(a)** (with art. 4)

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