
STATUTORY INSTRUMENTS

2013 No. 526

The Marine Licensing (Exempted Activities) (Amendment) Order 2013

Insertion of articles 17A and 17B

7. After article 17 (scientific instruments etc) insert—

“Samples for testing or analysis

17A.—(1) Article 4 applies to a removal activity carried on for the purpose of taking a sample of any material for testing or analysis.

(2) Paragraph (1) is subject to the condition that notice of the intention to carry on the removal activity must be given to the licensing authority before the removal activity is carried on.

(3) But article 4 does not apply—

- (a) to any such removal activity where the volume of material removed exceeds 1 cubic metre;
- (b) to any such removal activity that causes, or is likely to cause, obstruction or danger to navigation; or
- (c) to any such removal activity—
 - (i) that falls within sub-paragraph (a), (b) or (c) of paragraph (4); and
 - (ii) that is not directly connected with or necessary to the management of the site or zone (as the case may be) referred to in that sub-paragraph.

(4) A removal activity falls within this paragraph if—

- (a) it is a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
- (b) it is likely to have a significant effect on a Ramsar site; or
- (c) it is capable of affecting (other than insignificantly)—
 - (i) the protected features of an MCZ; or
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(5) In paragraph (4)(a) and (b), “likely” has the same meaning as in the Habitats Directive.

Accidental deposits – removal activity

17B.—(1) Article 4 applies to a removal activity carried on for the purpose of removing any object which has been accidentally deposited on the seabed.

(2) Paragraph (1) is subject to conditions 1 and 2.

- (3) Condition 1 is that notice of the intention to carry on the removal activity must be given to the licensing authority before the removal activity is carried on.
- (4) Condition 2 is that the removal activity must be commenced within the period of 12 months beginning with the day on which the object was accidentally deposited on the seabed.
- (5) But article 4 does not apply—
 - (a) to any such removal activity that causes, or is likely to cause, obstruction or danger to navigation; or
 - (b) to any such removal activity—
 - (i) that falls within sub-paragraph (a), (b) or (c) of paragraph (6); and
 - (ii) that is not directly connected with or necessary to the management of the site or zone (as the case may be) referred to in that sub-paragraph.
- (6) A removal activity falls within this paragraph if—
 - (a) it is a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
 - (b) it is likely to have a significant effect on a Ramsar site; or
 - (c) it is capable of affecting (other than insignificantly)—
 - (i) the protected features of an MCZ; or
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.
- (7) In paragraph (6)(a) and (b), “likely” has the same meaning as in the Habitats Directive.”.