

2011 No. 79

ENVIRONMENTAL PROTECTION

MARINE LICENSING

**The Marine Licensing (Register of Licensing Information)
Regulations (Northern Ireland) 2011**

Made - - - - - *16th March 2011*

Coming into operation - - - - - *6th April 2011*

The Department of the Environment, as the appropriate licensing authority under section 113(6)(b) of the Marine and Coastal Access Act 2009(a), makes the following Regulations in exercise of the powers conferred by sections 101 and 316(1) of that Act.

Citation and commencement

1. These Regulations may be cited as the Marine Licensing (Register of Licensing Information) Regulations (Northern Ireland) 2011 and come into operation on 6th April 2011.

Interpretation

2.—(1) In these Regulations—

- (a) “the Act” means the Marine and Coastal Access Act 2009;
- (b) “application” means in regulations 4 to 12, an application for a marine licence, but does not include an application for a marine licence submitted and subsequently withdrawn;
- (c) “co-ordinates” means—
 - (i) co-ordinates of latitude and longitude on the World Geodetic System 1984, or
 - (ii) co-ordinates on the National Grid used by the Ordnance Survey;
- (d) “the Department” means the Department of the Environment;
- (e) “licence” means a marine licence; and
- (f) “the register” means the register of licensing information maintained under section 101(1) of the Act by the Department as the appropriate licensing authority.

(2) A reference in these Regulations to a numbered item is reference to that numbered item in section 66(1) of the Act (which identifies licensable marine activities).

(3) The Interpretation Act (Northern Ireland) 1954(b) applies to these Regulations as it applies to an Act of the Assembly.

(a) 2009 c.23.
(b) 1954 c.33 (NI)

Application

3. These Regulations apply in relation to Northern Ireland and the Northern Ireland inshore region, and any licensable marine activity carried on in Northern Ireland or the Northern Ireland inshore region, for which the Department is the appropriate licensing authority under section 113(6)(b) of the Act (a) (and references in these Regulations to the “licensing authority” are to be read accordingly).

The register and prescribed particulars

- 4.—(1) The register may be kept in any form.
- (2) The register must contain the particulars prescribed in these Regulations.
- (3) Regulation 5 prescribes particulars relating to all applications for licences, licences granted, information supplied, etc.
- (4) Regulations 6 to 12 prescribe additional particulars relating to certain types of applications for licences and licences granted.
- (5) Regulations 13 and 14 prescribe particulars relating to variation, revocation, suspension and transfer of licences.
- (6) Regulations 15 to 17 prescribe particulars relating to convictions, other enforcement action and remedial action.
- (7) The licensing authority must include in the register the particulars prescribed by regulations 5 to 14 as soon as reasonably practicable after receiving or generating the information in question.

General particulars for application and marine licences

5. The particulars relating to any application for a licence and any licence granted are—
- (a) the date the application was made;
 - (b) the application reference number or licence number issued by the licensing authority;
 - (c) the application reference number or licence number of any other application or licence that the licensing authority considers is related to the application or licence in question;
 - (d) the name and address of the applicant or licence holder;
 - (e) the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to which the application or licence relates;
 - (f) any marine plan area(b) to which the application or licence relates;
 - (g) the dates of commencement and expiry of the licence (as sought, in the case of an application and as granted, in the case of a licence);
 - (h) the date the licence was granted;
 - (i) details of any conditions subject to which the licence was granted;
 - (j) details of any studies of the potential environmental and human health effects of the activity to be licensed, supplied with the application and copies of any correspondence relating to such potential effects; and
 - (k) details of any information supplied or articles produced, and the results of any investigation, examination or test carried out, under section 67(4) of the Act(c).

(a) Under section 113(6)(a), the Secretary of State is the appropriate licensing authority in respect of anything done in the course of carrying on any activities which relate to a matter which is an excepted matter by virtue of paragraph 4 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (defence of the realm etc) in Northern Ireland and the Northern Ireland inshore region.

(b) See section 51(1) of the Marine & Coastal Access Act 2009

(c) Under section 67(4), the appropriate licensing authority may require such steps if necessary or expedient to enable it to determine the application.

Deposit of substances or objects

6.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within items 1, 2 or 3 (deposit of substances or objects).

(2) The additional particulars are—

- (a) the description, composition and quantity of the substance or object to be deposited;
- (b) the name and description of any vehicle, vessel, aircraft, marine structure or floating container from which the deposit is to be made, and in the case of any vessel, its registration number and country of registration;
- (c) the name and co-ordinates of the location at which the deposit is to be made;
- (d) where the activity falls within item 3, the name, latitude and longitude of the location where the loading is to take place; and
- (e) in the case of a deposit made for the purpose of disposal, details of any alternative methods of disposal considered by the applicant and the reason for seeking to deposit the substance or object in the sea.

Scuttling

7.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within items 4, 5 or 6 (scuttling of vessels or floating containers).

(2) The additional particulars are—

- (a) the intended date of the scuttling;
- (b) the name of the vessel or floating container to be scuttled, and, in the case of any vessel, the registration number and country of registration;
- (c) the name and co-ordinates of the location at which the vessel or floating container is to be scuttled; and
- (d) a description of any cargo of the vessel or floating container by reference to its composition and quantity.

Construction, alteration or improvement of works

8.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within item 7 (construction, alteration or improvement of works).

(2) The additional particulars are—

- (a) a description of the works to be carried out and the dates on or between which the works are to be carried out; and
- (b) the name and co-ordinates of the location at which the construction, alteration or improvement of works is to take place.

Use of a vehicle, etc. to remove substances or objects from sea bed

9.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within item 8 (use of vehicle, vessel, etc. to remove substances or objects from sea bed).

(2) The additional particulars are—

- (a) a description of the substance or object to be removed from the sea bed;
- (b) the name and description of any vehicle, vessel, aircraft, marine structure or floating container intended to be used to remove the substance or object from the sea bed, and, in the case of any vessel, its registration number and country of registration;

- (c) the name and co-ordinates of the location from which the substance or object is to be removed; and
- (d) details of any alternative methods of removal considered by the applicant and the reason for seeking to remove the substance or object from the sea bed.

Dredging

10.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within item 9 (dredging).

(2) The additional particulars are—

- (a) details of the type of dredging to be carried out;
- (b) the name and co-ordinates of the location at which the dredging is to be carried out; and
- (c) any information supplied by the applicant or held by the licensing authority as to the contamination of the material to be dredged.

Deposit or use of explosive substance or article

11.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within item 10 (deposit or use of explosive substance or article).

(2) The additional particulars are—

- (a) the name and co-ordinates of the location at which the explosive substance or article is to be deposited or used;
- (b) a description, including its quantity, of that explosive substance or article; and
- (c) details of the purpose of the deposit or use of that explosive substance or article.

Incineration or loading of vehicle etc. for incineration

12.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within items 11, 12 or 13 (incineration of substances or objects or loading of a vehicle, vessel, etc. for incineration).

(2) The additional particulars are—

- (a) a description of the substance or object to be incinerated, together with its composition and quantity;
- (b) the name and description of any vehicle, vessel, aircraft, marine structure or floating container on which the incineration is to take place or which is to be loaded, and, in the case of any vessel, its registration number and country of registration;
- (c) the name and co-ordinates of the location at which the incineration is to take place;
- (d) where the activity falls within item 13, the name, latitude and longitude of the location at which the loading is to take place; and
- (e) details of any alternatives to incineration considered by the applicant and the reason for seeking to incinerate the substance or object.

Variation, revocation or suspension of licences

13. The particulars in relation to any variation, revocation or suspension of a licence are—

- (a) the licence number;
- (b) the date of the variation, revocation or suspension;
- (c) the reason for the variation, revocation or suspension; and
- (d) in the case of a variation, details of the variation.

Transfer of licences

14. The particulars in relation to any transfer of a licence are—

- (a) the licence number;
- (b) the name and address of the person to whom the licence has been transferred; and
- (c) the date of the transfer.

Convictions

15.—(1) The particulars in relation to any conviction for any offence under Part 4 of the Act are—

- (a) the provisions of the Act under which the person has been convicted;
- (b) the licence number (where applicable);
- (c) the name and address of the person convicted;
- (d) the date of the offence;
- (e) the reason for the prosecution;
- (f) the court where the case was heard;
- (g) the date of conviction; and
- (h) any penalty imposed by the court.

(2) In paragraph (1), “conviction” does not include a conviction that has been overturned on appeal.

Other enforcement action

16.—(1) The particulars in relation to any other enforcement action taken in relation to Part 4 of the Act are—

- (a) the licence number (where applicable);
- (b) the name and address of the person against whom the enforcement action was taken;
- (c) the type of enforcement action taken;
- (d) the date of the offence or other activity in relation to which the enforcement action was taken;
- (e) the reason for the enforcement action; and
- (f) details of any fixed monetary penalty or variable monetary penalty^(a) imposed, or any payment made to discharge a proposed fixed monetary penalty.

(2) In paragraph (1), “enforcement action” means—

- (a) the issue of a compliance notice, remediation notice, stop notice or emergency safety notice^(b); and
- (b) the imposition of a fixed monetary penalty (or its discharge before imposition) or a variable monetary penalty under the Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011^(c),

but does not include any such notice or penalty that has been overturned on appeal.

Remedial action

17. The particulars relating to any works carried out by the licensing authority under section 106 of the Act are—

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- (a) See section 115(1) of the Marine and Coastal Access Act 2009 c. 23 for definitions of these terms.
 - (b) See section 115(1) of the Marine and Coastal Access Act 2009 c. 23 for definitions of these terms.
 - (c) S.R. 2011 No. 81

- (a) the licence number (if applicable);
- (b) the date of the works;
- (c) the type of works undertaken;
- (d) the name and co-ordinates of the location at which the works were carried out; and
- (e) the reason for the works.

Sealed with the Official Seal of the Department of the Environment on 16th March 2011



Maggie Smith
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the particulars of the matters required by section 101(1) of the Marine and Coastal Access Act 2009 (“the Act”) to be contained in the register of information maintained by the Department of the Environment as the appropriate licensing authority for the Northern Ireland inshore region. Section 66 of the Act identifies licensable marine activities.

Regulation 5 prescribes the particulars that must be included in the register relating to applications and licences. Regulations 6 to 12 prescribe additional particulars relating to particular types of applications and licences. Regulations 13 and 14 prescribe particulars relating to variation, revocation, suspension and transfer of licences. Regulations 15 to 17 prescribe particulars relating to convictions, other enforcement action and remedial action.

Section 101(5) of the Act prohibits inclusion in the register of certain information on the ground of national security or commercial confidentiality. See paragraph 7 of Schedule 9 to the Act for transitional provisions relating to the register maintained under section 14 of the Food and Environment Protection Act 1985(a).

The Marine Assessment and Licensing Team of the Northern Ireland Environment Agency (NIEA) can be contacted in relation to the availability of the register, at 17 Antrim Road, Lisburn, Co Antrim, BT28 3AL. Further information may be obtained from the Agency’s website at www.ni-environment.gov.uk.

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Marine Policy Team, Department of the Environment, Millennium House, 17-25 Great Victoria Street, Belfast, BT2 7BN and from the Department of the Environment website, www.doeni.gov.uk.

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(a) 1985 c.48

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