

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for appeals to be made to the sheriff against certain decisions made, or notices issued, under the marine licensing provisions of the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010. The Scottish Ministers are responsible for marine licensing in inshore waters under the 2010 Act and in offshore waters under the 2009 Act.

Regulation 3 deals with appeals against decisions taken by the Scottish Ministers on marine licence applications. A refusal can be appealed, as can a decision to grant a licence with conditions.

Regulations 4 deals with appeals against the following types of notice—

- (a) a notice varying, suspending or revoking a marine licence or extending a period of suspension;
- (b) a compliance notice;
- (c) a remediation notice;
- (d) a stop notice; and
- (e) an emergency safety notice.

Regulation 5 concerns the suspension of notices when an appeal is lodged and regulation 6 deals with the powers of the sheriff when determining an appeal under regulation 4.