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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Marine Licensing (Exempted Activities)  
(Scottish Inshore Region) Order 2011**

**PART 1**

Introductory provisions

**Citation and commencement**

1. This Order may be cited as the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 and comes into force on 6th April 2011.

**Interpretation**

2.—(1) In this Order, a reference to—

- (a) a particular numbered item (without further specification) is a reference to that numbered item in section 21(1) of the 2010 Act; and
- (b) a particular numbered item “of the 2009 Act” is a reference to that numbered item in section 66(1) of the 2009 Act.

(2) In this Order, except where the context otherwise requires—

“the 2009 Act” means the Marine and Coastal Access Act 2009(1);

“the 2010 Act” means the Marine (Scotland) Act 2010;

“activity” means licensable marine activity;

“disposal” has the meaning given by Article 3 of the Waste Framework Directive;

“a European site” means—

- (a) a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats &c.) Regulations 1994(2);
- (b) a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007(3);

“exempt activity” has the meaning given by article 3;

“fish” includes shellfish and any part of a fish;

“fishing operation” includes fishing for or taking shellfish but does not include an activity relating to the propagation or cultivation of shellfish;

“harbour authority” has the meaning given by section 57(1) of the Harbours Act 1964(4);

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(1) 2009 c.23.

(2) S.I. 1994/2716.

(3) S.I. 2007/1842.

(4) 1964 c.40, to which there are amendments not relevant to this Order.

“lighthouse authority” means a general lighthouse authority or a local lighthouse authority within the meaning of Part 8 of the Merchant Shipping Act 1995<sup>(5)</sup>;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(6)</sup>;

“an MPA” means a Nature Conservation MPA designated under section 67 of the 2010 Act or a marine protected area designated under section 116 of the 2209 Act<sup>(7)</sup>;

“plan or project” has the same meaning as in Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora<sup>(8)</sup>;

“Ramsar site” has the same meaning as in section 37A of the Wildlife and Countryside Act 1981<sup>(9)</sup>;

“shellfish” includes crustaceans and molluscs of any kind and any part of a shellfish;

“waste” means anything that—

- (a) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Article 5(1) of that Directive; and
- (b) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;

“the Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste<sup>(10)</sup>.

(3) In the following provisions, “likely” has the same meaning as in Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora—

- (a) sub-paragraphs (a) and (b) of article 17(4);
- (b) sub-paragraphs (a) and (b) of article 18(3); and
- (c) sub-paragraphs (a) and (b) of article 22(3).

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(5) [1995 c.21](#). See section 193 of that Act, to which certain relevant amendments have been made by paragraph 6 of Schedule 6 to the Merchant Shipping and Maritime Security Act [1997 \(c.28\)](#).

(6) [1994 c.39](#).

(7) Section 116(7) provides that a marine conservation zone designated by the Scottish Ministers under that section is to be known as a marine protected area.

(8) O.J. No. L 206, 22.7.1992, p.7, last amended by Council Directive [2006/105/EC](#) (O.J. No. L 363, 20.12.2006, p.368).

(9) [1981 c.69](#). Section 37A was inserted by section 77 of the Countryside and Rights of Way Act [2000 \(c.37\)](#).

(10) O.J. No. L 312, 22.11.2008, p.3.