
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 204

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

PART 3

Exempt activities and conditions

Propagation and cultivation of fish – deposits

12.—^{F1}(1) This article applies to the deposit of any—

- (a) trestle;
- (b) raft;
- (c) cage;
- (d) pole;
- (e) rope;
- (f) line; or
- (g) within controlled waters, substance which is liable to cause pollution of the water environment,

carried on in the course of the propagation or cultivation of fish.]

(2) ^{F2}Subject to paragraph (3), this] article does not apply to a deposit—

- (a) made for the purpose of disposal;
- (b) made for the purpose of creating, altering or maintaining an artificial reef; or
- (c) that causes or is likely to cause obstruction or danger to navigation.

^{F3}(3) Paragraph (2)(a) does not apply to a deposit of the type described in paragraph (1)(g).

(4) In this article—

“controlled waters” means that part of the Scottish marine area which is within the area extending landward from the three mile limit;

“pollution” means the direct or indirect introduction, as a result of human activity, of a substance or heat into the water environment, or any part of it, which may give rise to any harm; and “harm” means—

- (a) harm to the health of human beings or other living organisms;
- (b) harm to the quality of the water environment, including—
 - (i) harm to the quality of the water environment taken as a whole;
 - (ii) other impairment of, or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems;
- (c) offence to the senses of human beings;

- (d) damage to property; or
- (e) impairment of, or interference with, amenities or other legitimate uses of the water environment;

“substance” means—

- (a) any chemical used for medicinal purposes or otherwise, with the exception of any reagent or chemical or particle tracer used in connection with any scientific experiment or survey,
- (b) any organic or biological matter;

“three mile limit” means the limit consisting of a line every point of which is at a distance of 3 miles on the seaward side from the nearest point of the baseline from which the breadth of the territorial sea of the United Kingdom adjacent to Scotland is measured; and “miles” means international nautical miles of 1,852 metres; and

“the water environment” has the same meaning as in section 3(2) of the Water Environment and Water Services (Scotland) Act 2003.]

Textual Amendments

- F1** Art. 12(1) substituted (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **3(a)** (with Pt. 3)
- F2** Words in art. 12(2) substituted (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **3(b)** (with Pt. 3)
- F3** Art. 12(3)(4) inserted (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **3(c)** (with Pt. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011, Section 12.