
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 57

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

PART 2

Exempt activities – general provisions

Exemption from need for marine licence

- 4.—(1) A marine licence is not needed for an activity that is an exempt activity.
- (2) An activity is an exempt activity to the extent that—
- (a) it is an activity to which an article in Part 3 applies; and
 - (b) it satisfies any conditions specified in that article in relation to that activity.
- (3) But this is subject to paragraph (4) and [^{F1}article 5] .
- (4) Nothing in this Order makes an activity an exempt activity to the extent to which the carrying on of the activity is contrary to international law.

Textual Amendments

- F1** Words in art. 4(3) substituted (3.2.2012) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore and Offshore Regions\) Amendment Order 2012 \(S.S.I. 2012/25\)](#), arts. 1, **9**

Activities relating to disposal or recovery of waste

- 5.—(1) An activity carried on by an establishment or undertaking involving the disposal or recovery of waste is not an exempt activity unless the conditions in this article are satisfied.
- (2) Condition 1 is that the establishment or undertaking is carrying out—
- (a) disposal of its own non-hazardous waste at the place of production; or
 - (b) recovery of waste.
- [^{F2}(3) Condition 2 is that the type and quantity of waste involved and the method of disposal or recovery are consistent with the objective that waste management is carried out without endangering human health, without harming the environment and, in particular:
- (a) without risk to water, air, soil, plants or animals;
 - (b) without causing nuisance through noise or odour; and
 - (c) without adversely affecting the countryside or places of special interest.]
- (4) Condition 3 is that the establishment or undertaking must be registered with the Scottish Ministers.

(5) The Scottish Ministers must maintain a register containing the name and address of any establishment or undertaking carrying on an exempt activity involving the disposal or recovery of waste in the Scottish marine area.

(6) The register may be kept in any form.

(7) In this article—

(a) “establishment” and “undertaking” have the same meaning as in Articles 23 and 24 of the Waste Framework Directive;

(b) “recovery” has the meaning given by Article 3 of the Waste Framework Directive;

[^{F3}(c) “non-hazardous waste” means any waste which is not special waste within the meaning of regulation 2 of the Special Waste Regulations 1996.]

Textual Amendments

F2 Art. 5(3) substituted (31.12.2020) by *The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/55)*, regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Art. 5(7)(c) substituted (31.12.2020) by *The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/55)*, regs. 1, **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011, PART 2.