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SCOTTISH STATUTORY INSTRUMENTS

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**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 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.

**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.
- (3) Condition 2 is that the type and quantity of waste involved, and the method of disposal or recovery, are consistent with the need to attain the objectives mentioned in Article 13 of the Waste Framework Directive.
- (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;
  - (c) “non-hazardous waste” has the same meaning as in the Waste Framework Directive.