

EXECUTIVE NOTE

THE MARINE LICENSING (FEES) (SCOTLAND) REGULATIONS 2011

SSI 2011/78

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 67(2) and (3)(b) and 316(1)(b) of the Marine and Coastal Access Act 2009 (“the 2009 Act”) and sections 25(1)(b) and (2) and 165(1)(b) of the Marine (Scotland) Act 2010 (“the 2010 Act”). This instrument is subject to negative resolution procedure.

Policy objectives

This instrument forms part of an implementation package in connection with the introduction of marine licensing under the 2009 and 2010 Acts.

The Regulations provide as to fees to be charged by Scottish Ministers for marine licence applications.

There are to be two categories of fee: fees charged based on the total estimated cost of the project and, in the case of dredging licences, fees based on the total tonnage of dredged material deposited.

The categories have been set to reflect the current nature of activity in Scotland’s seas, with the lowest fee of £50 covering projects of £0 - £2,500 and the highest (being £30,000) covering projects of £50 million +. The fees for each category in order that the total projected income achieves full cost recovery for the licensing process.

The fees for dredging licences are set by reference to the amount of materials to be deposited and the period over which disposal will take place.

The Regulations also provide for the Scottish Ministers to have discretion on the matter of charges for the re-submission of an application and that these charges can be assessed on a case by case basis.

Consultation

A consultation on proposals for secondary legislation required to implement the new marine licensing regime provided for by the 2010 Act took place between 8 September and 1 December 2010. The consultation received 46 responses. In addition the consultation document was considered at 4 events which took place during the consultation period.

The consultation resulted in one addition to the proposed fee structure. This was the provision for the Scottish Ministers to have discretion on the matter of charges for re-submission of an application. Responses to the consultation were published in the Scottish Government’s Consultation Report which contains a full list of those who responded and is available at the following address – <http://www.scotland.gov.uk/Consultations/Current>

Business and regulatory impact assessment

A Business and Regulatory Impact Assessment has been completed on the policy of fees for marine licensing and was subject to consultation.. The final assessment was published in January 2011 and is available at the following address - <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/partial-assessments/full/2011/MarineActFees#top>

There are no equality impact issues.

Marine Scotland
February 2011