
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 316

**The Marine Licensing (Exempted Activities)
(Scottish Inshore Region) Amendment Order 2020**

PART 3

Transitional and saving provisions

Deemed licence

4.—(1) A marine licence has effect on and after the relevant date (“a deemed CAR licence”) as if it were a water use licence granted in relation to the activities it authorises and regulates and is subject to the provisions of the Controlled Activities Regulations from that date.

(2) For the purposes of paragraph (1)—

- (a) a marine licence granted for a specified period has effect as a deemed CAR licence for so much of that period as falls on and after the relevant date or until 30 April 2021, whichever is later,
- (b) any condition subject to which a marine licence has been granted under section 29(1)(b) of the Marine (Scotland) Act 2010 has effect as if it were a condition attached to the deemed CAR licence, subject to the modifications in paragraph (3),
- (c) the licensing authority for a deemed CAR licence is the Scottish Environment Protection Agency,
- (d) the person who is named on the marine licence as the licensee is to be treated as the person who is responsible for securing compliance with the deemed CAR licence and the conditions specified in it (“the responsible person”), and
- (e) it is an additional condition of the deemed CAR licence that the responsible person secures such compliance.

(3) The modifications referred to in paragraph (2)(b) are—

- (a) any reference to “Marine Scotland – Licensing Operations Team” or “MS-LOT” is to be read as if it were a reference to “the Scottish Environment Protection Agency”, and
- (b) in the “Notes” section of the licence, paragraphs 2 to 5 are to be treated as omitted.

(4) For the purposes of this article, the relevant date is determined in accordance with articles 5 to 10.

(5) Article 3 does not have effect in relation to—

- (a) a marine licence until immediately before the relevant date,
- (b) an application for a marine licence, where article 6 applies,
- (c) an appeal in relation to a marine licence under regulation 3 or 4 of the 2011 Regulations, where article 7 or article 9 applies.