



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4

MARINE LICENSING

CHAPTER 5

SUPPLEMENTARY

Interpretation

113 The appropriate licensing authority

- (1) This section has effect for determining who is the appropriate licensing authority for any area (and any licensable marine activity carried on in that area).
- (2) In relation to the Scottish offshore region, the appropriate licensing authority is—
 - (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (3);
 - (b) except as provided by paragraph (a), the Scottish Ministers.
- (3) The activities are—
 - (a) any activity relating to a matter which is a reserved matter by virtue of Section D2 (oil and gas) of Schedule 5 to the Scotland Act 1998 (c. 46) (but see also section 77 above (this Part not to apply to certain oil and gas etc activities));
 - (b) any activity relating to a matter which is a reserved matter by virtue of paragraph 9 in Part 1 of that Schedule (defence);
 - (c) any activity falling within the subject matter of Part 6 of the Merchant Shipping Act 1995 (c. 21) (pollution etc).
- (4) In relation to Wales and the Welsh inshore region, the appropriate licensing authority is—

Status: Point in time view as at 01/04/2015. This version of this provision has been superseded.

Changes to legislation: Marine and Coastal Access Act 2009, Section 113 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (5);
 - (b) except as provided by paragraph (a), the Welsh Ministers.
- (5) The activities are—
- (a) any activity concerning or arising from the exploration for, or production of, petroleum (but see also section 77 (this Part not to apply to certain oil and gas etc activities));
 - (b) any defence activity other than an excepted activity.
- Subsection (9) supplements this subsection.
- (6) In relation to Northern Ireland and the Northern Ireland inshore region, the appropriate licensing authority is—
- (a) the Secretary of State, as respects anything done in the course of carrying on an activity falling within subsection (7);
 - (b) except as provided by paragraph (a), the Department of the Environment in Northern Ireland.
- (7) The activities are any activities which relate to a matter which is an excepted matter by virtue of paragraph 4 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (defence of the realm etc).
- (8) In relation to any area not mentioned in subsection (2), (4) or (6), the appropriate licensing authority is the Secretary of State.
- (9) In subsection (5)—
- “defence activity” means any activity relating to—
 - (a) the defence of the realm;
 - (b) the naval, military or air forces of the Crown, including reserve forces;
 - (c) visiting forces;
 - (d) international headquarters and defence organisations;
 - (e) trading with the enemy and enemy property;
 - “excepted activity” means the exercise of civil defence functions by any person otherwise than as a member of—
 - (a) any force or organisation referred to in paragraphs (b) to (d) of the definition of “defence activity”, or
 - (b) any other force or organisation established or maintained for the purposes of, or for purposes connected with, the defence of the realm;
 - “petroleum” has the same meaning as in Part 3 of the Petroleum Act 1998 (c. 17) (see section 28(1) of that Act).

Commencement Information

- I1** S. 113 partly in force; s. 113 in force for specified purposes at Royal Assent see s. 324(1)(c)
- I2** S. 113 in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), **art. 3(2)(a)**

Status:

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Changes to legislation:

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