
STATUTORY INSTRUMENTS

2011 No. 409

The Marine Licensing (Exempted Activities) Order 2011

PART 3

Activities to which article 4 applies and conditions

Scientific instruments etc

17.—(1) Article 4 applies—

- (a) to the deposit of any scientific instrument or associated equipment in connection with any scientific experiment or survey;
- (b) to the deposit of any reagent;
- (c) to the deposit of any tracer;
- (d) to a removal activity carried on for the purpose of removing any scientific instrument or associated equipment referred to in sub-paragraph (a).

(2) Sub-paragraphs (b) and (c) of paragraph (1) are subject to conditions 1 and 2.

(3) Condition 1 is that the reagent or tracer must be one the use of which is for the time being approved for the purposes of this Order by the licensing authority.

(4) Condition 2 is that the reagent or tracer must be used in accordance with any conditions to which the approval is subject.

(5) But article 4 does not apply—

- (a) to any such deposit made for the purpose of disposal;
- (b) to any such deposit that causes or is likely to cause obstruction or danger to navigation;
- (c) to any such deposit or removal activity—
 - (i) that falls within sub-paragraph (a), (b) or (c) of paragraph (6); and
 - (ii) that is not directly connected with or necessary to the management of the site or zone (as the case may be) referred to in that sub-paragraph.

(6) A deposit or removal activity falls within this paragraph if—

- (a) it is a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
- (b) it is likely to have a significant effect on a Ramsar site; or
- (c) it is capable of affecting (other than insignificantly)—
 - (i) the protected features of an MCZ;
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(7) In paragraph (6)(a) and (b), “likely” has the same meaning as in Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora⁽¹⁾.

(1) OJ No L 206, 22.7.1992, p. 7, last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p. 368).