

## STATUTORY INSTRUMENTS

### 2011 No. 409

## The Marine Licensing (Exempted Activities) Order 2011

### PART 3

#### Activities to which article 4 applies and conditions

#### [<sup>F1</sup>Recovery of marine litter etc.]

**21A.**—(1) Article 4 applies to the removal of the following during the course of diving activities—

- (a) marine litter; and
  - (b) abandoned, discarded or lost fishing gear.
- (2) But article 4 does not apply to any such removal activity—
- (a) that is likely to cause damage to features of archaeological or historic interest in an area where the diving activities in question occur; or
  - (b) that—
    - (i) falls within paragraph (3); and
    - (ii) is not directly connected with or necessary for the management of a site or zone (as the case may be) referred to in that paragraph.
- (3) An 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.
- (4) In paragraph (3)(a) and (b), “likely” has the same meaning as in the Habitats Directive.]

#### Textual Amendments

- F1** [Art. 21A](#) inserted (31.5.2019) by [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2019 \(S.I. 2019/893\)](#), arts. 1(1), **8** (with art. 1(2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) Order 2011, Section 21A.