

STATUTORY INSTRUMENTS

2011 No. 409

The Marine Licensing (Exempted Activities) Order 2011

PART 3

Activities to which article 4 applies and conditions

[^{F1}Temporary markers

26A.—(1) Article 4 applies—

- (a) to a deposit made for the purpose of placing a marker;
- (b) to a removal activity carried on for the purpose of meeting the condition in paragraph (3).

(2) Paragraph (1) is subject to the condition that notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on [^{F2}except where the activity consists of a deposit made for the purpose of placing a marker and the subsequent removal of that marker will take place within 24 hours of the deposit].

(3) Sub-paragraph (a) of paragraph (1) is subject to the condition that the marker and its appurtenances must be removed from the sea and, where applicable, the seabed within the period of 28 days beginning with the day on which the deposit is made.

(4) But article 4 does not apply—

- (a) to any such activity that causes, or is likely to cause, obstruction or danger to navigation; or
- (b) to any such activity—
 - (i) that falls within sub-paragraph (a), (b) or (c) of paragraph (5); 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.

(5) 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; or
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(6) In paragraph (5)(a) and (b), “likely” has the same meaning as in the Habitats Directive.]

Textual Amendments

F1 Art. 26A inserted (6.4.2013) by [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2013 \(S.I. 2013/526\)](#), arts. 1(1), 13 (with art. 1(2))

Changes to legislation: *There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) Order 2011, Section 26A. (See end of Document for details)*

F2 Words in art. 26A(2) inserted (31.5.2019) by The Marine Licensing (Exempted Activities) (Amendment) Order 2019 (S.I. 2019/893), arts. 1(1), **11** (with art. 1(2))

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There are currently no known outstanding effects for the The Marine Licensing (Exempted Activities) Order 2011, Section 26A.