

EXPLANATORY NOTE

(This note is not part of the Order)

This Order delegates the exercise of certain functions of the Secretary of State as a licensing authority and an enforcement authority under the Marine and Coastal Access Act 2009 (“the 2009 Act”) to the Marine Management Organisation.

This Order does not apply to those functions of the licensing authority (mainly relating to the making of subordinate legislation) which are excepted functions and not delegable by virtue of section 98(5) (a) of the 2009 Act (article 2(2)).

Article 3 designates functions of the Secretary of State as licensing authority and an enforcement authority under Part 4 (marine licensing) of the 2009 Act (including functions under subordinate legislation made under that Part).

Article 3 does not designate functions relating to activities falling within the subject matter of Part 6 of the Merchant Shipping Act 1995; the Petroleum Act 1998, or Part 1, 4 or 4A of the Energy Act 2008 (article 3(4)).

Article 4 provides that the designated functions are exercisable by or in relation to the Marine Management Organisation acting on behalf of the licensing authority or the enforcement authority (instead of being exercisable by or in relation to such an authority). The licensing authority has the power to give directions to the Marine Management Organisation with respect to the performance of the delegated functions (see section 100 of the 2009 Act, which power is an excepted function).

A full impact assessment of the effects that this instrument will have on the costs of business, the voluntary sector and the public sector has been prepared, and copies are available from the Licensing Policy Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR, and from Defra’s website at www.defra.gov.uk.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Marine Licensing (Delegation of Functions) Order 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 3 inserted by [S.I. 2015/1674 art. 2\(3\)](#)
- art. 3(3)(b) substituted by [S.I. 2015/1674 art. 2\(2\)\(a\)](#)
- art. 3(3)(d) substituted by [S.I. 2015/1674 art. 2\(2\)\(b\)](#)