
STATUTORY INSTRUMENTS

2011 No. 735

The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011

PART 3

Revocations, transitional provisions, and savings

CHAPTER 3

Transitional provisions in relation to the Marine Minerals Regulations

Dredging permission

16.—(1) Any dredging permission which—

- (a) is in effect immediately before 6th April 2011, and
- (b) relates to an operation which is a licensable marine activity for the purposes of Part 4 of the 2009 Act,

has effect as if it were a marine licence granted by the appropriate licensing authority in relation to that activity under Part 4 of the 2009 Act (a “deemed licence”).

(2) In accordance with paragraph (1)—

- (a) a dredging permission issued for a specified period remains in force as a deemed licence for so much of that period as falls on or after 6th April 2011; and
- (b) any condition subject to which a dredging permission has been granted under regulation 13(6)(a) of the Marine Minerals Regulations has effect as if it were a condition of the deemed licence.

(3) Any dredging permission which—

- (a) before 6th April 2011 was suspended under regulation 21(2)(b), (7) or (8) of the Marine Minerals Regulations, and
- (b) relates to an operation which is a licensable marine activity for the purposes of Part 4 of the 2009 Act,

has effect as if it were a marine licence granted by the appropriate licensing authority in relation to that activity under Part 4 of the 2009 Act (a “deemed licence”), which immediately after 5th April 2011 was suspended.

(4) Where a deemed licence has effect by virtue of paragraph (3) as if it is suspended, the effect of such suspension is to be determined in accordance with paragraph (6) in place of any provision in or under the 2009 Act.

(5) Paragraphs (6) to (10) apply to a dredging permission which has effect by virtue of paragraph (1) as a deemed licence.

(6) In relation to a deemed licence which has effect by virtue of paragraph (3) as if it is suspended, regulation 21(9), and, so far as they relate to a suspended permission or a suspension of a permission,

regulations 21(10) to (12) and 22(3) and (4) of the Marine Minerals Regulations apply as they applied to the dredging permission.

(7) In relation to a dredging permission which has been varied temporarily under regulation 21(2) (c) or (7) of the Marine Minerals Regulations, regulations 21(10) to (12) and 22(3) and (5) of those Regulations (so far as they relate to temporary variations of a dredging permission or a dredging permission that has been temporarily varied) apply—

- (a) in relation to the deemed licence as they applied to the dredging permission; and
- (b) in place of any provision in or under the 2009 Act which relates to the variation of a marine licence.

(8) Where a notice of a proposed revocation or permanent variation of the dredging permission has been served under regulation 21(3)(a) of the Marine Minerals Regulations, but no decision has been taken under regulation 21(11) before 6th April 2011 to revoke or permanently vary the dredging permission, regulations 21(10) to (12) and 22(1), (2) and (4) of those Regulations apply in relation to the deemed licence as they applied in relation to the dredging permission.

(9) Any notice of a decision to revoke or permanently vary a deemed licence served pursuant to regulation 21(12) of the Marine Minerals Regulations has effect as a notice to revoke or vary that deemed licence in accordance with section 72(1) or (3) of the 2009 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011, Section 16.