
STATUTORY INSTRUMENTS

2011 No. 735

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

PART 2

Amendments to the Marine Works (Environmental Impact Assessment) Regulations 2007

Proposed activity which would otherwise be a regulated activity

4. After regulation 2 (interpretation), insert—

“Proposed activity which would otherwise be a regulated activity

2A.—(1) Paragraph (2) applies where—

- (a) an activity is proposed to be carried out which would be a regulated activity if carried out by a person other than the person who would be the regulator in relation to that activity; and
- (b) the person by whom the activity is proposed to be carried out (“the relevant person”) is the person who would be the regulator in relation to that activity if it were carried out by any other person.

(2) Where this paragraph applies, these Regulations apply in relation to that proposal as if—

- (a) the activity were a regulated activity, the relevant person had made an application for regulatory approval in respect of that activity and, in relation to the carrying out of that activity by that person, that person were also the regulator; and
- (b) accordingly—
 - (i) references to the regulator’s dealing with the application or to a regulatory decision were references to determining whether to carry out the proposal;
 - (ii) references to granting a regulatory approval were references to a decision to proceed to carry out the proposal; and
 - (iii) references to treating the application as withdrawn were references to treating the proposal as abandoned.”.