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STATUTORY INSTRUMENTS

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**2019 No. 893**

**The Marine Licensing (Exempted Activities) (Amendment) Order 2019**

**Insertion of article 21A**

8. After article 21 insert—

**“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<sup>(1)</sup>.”.

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(1) OJ No. L 206, 22.7.92, p.7, as last amended by Council Directive 2013/17/EU (OJ No. L 158, 10.6.2013, p.193), and see OJ No. L 80, 21.3.2007, p.15, for the corrigendum amending the original title.