WELSH STATUTORY INSTRUMENTS

2013 No. 414 (W.50)

LICENSING (MARINE), WALES
MARINE MANAGEMENT, WALES

The Marine Licensing (Delegation of Functions) (Wales) Order 2013

Made - - - -	*26 February 2013*
Laid before the National Assembly for Wales - -	*26 February 2013*
Coming into force - -	*1 April 2013*

The Welsh Ministers, as the appropriate licensing authority under section 113(4)(b) of the Marine and Coastal Access Act 2009(**1**), make the following Order in exercise of the powers conferred by sections 98(1) and 316(1)(b) of that Act, and by section 2(2) of the European Communities Act 1972(**2**).

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the prevention, reduction and management of waste(3).

In accordance with section 98(**3**) of the Marine and Coastal Access Act 2009, the Natural Resources Body for Wales consents to the making of this Order.

Title and commencement

1.—(1) The title of this Order is the Marine Licensing (Delegation of Functions) (Wales) Order 2013.

(2) This Order comes into force on 1 April 2013.

Application

2.—(1) This Order applies in relation to any licensable marine activity for which the Welsh Ministers are the appropriate licensing authority under section 113(4)(b) of the Marine and Coastal Access Act 2009(**4**) and references in this Order to "the licensing authority" are to be read accordingly.

(**1**) 2009 c. 23.
(**2**) 1972 c. 68.
(**3**) Article 3 of the European Communities (Designation) (No.2) Order 2010 (S.I. 2010/1552).
(**4**) By virtue of section 113(4)(b) of the Marine and Coastal Access Act 2009, the Welsh Ministers are the appropriate licensing authority as respects anything done in the course of carrying on licensable marine activities in relation to Wales and the Welsh

(2) Nothing in this Order applies in relation to any excepted function within the meaning of section 98(6) of that Act.

Designation

3.—(1) The functions referred to in paragraph (2) are designated for the purposes of section 98(1)(a) of the Marine and Coastal Access Act 2009.

(2) The functions are any function of the licensing authority under—

(a) Part 4 of that Act (sections 65 to 115 and Schedules 7 to 9);

(b) the Marine Licensing (Application Fees) (Wales) Regulations 2011(**5**);

(c) the Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011(**6**);

(d) the Marine Licensing (Exempted Activities) (Wales) Order 2011(**7**), except any function of the licensing authority under article 5;

(e) the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011(**8**), as amended by article 6 of this Order.

Delegation to the Natural Resources Body for Wales

4. The functions designated by article 3, instead of being exercisable by or in relation to the licensing authority, are exercisable by or in relation to the Natural Resources Body for Wales acting on behalf of the licensing authority.

Amendment of the Marine Licensing (Exempted Activities) (Wales) Order 2011

5.—(1) Article 5 of the Marine Licensing (Exempted Activities) (Wales) Order 2011 is amended as follows.

(2) In paragraphs (4) and (5), for "licensing authority" substitute "Natural Resources Body for Wales".

Consequential amendment of the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011

6.—(1) Regulation 6 of the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011 is amended as follows.

(2) That regulation becomes paragraph (1) of that regulation.

(3) After paragraph (1) insert—

"(2) A person who sends notice of an appeal to the Welsh Ministers must, at the same time, send a copy of that notice to the Licensing Authority."

Transitional Provisions and Savings

7.—(1) In this article—

(a) "the effective date" means 1 April 2013;

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inshore region other than activities for which the Secretary of State is the appropriate licensing authority under section 113(4)(a) and (5) of that Act. *See* section 322(1) for a definition of the Welsh inshore region.

(**5**) S.I. 2011/555 (W.78).

(**6**) S.I. 2011/557 (W.79).

(**7**) S.I. 2011/559 (W.81).

(**8**) S.I. 2011/925 (W.134). Certain functions relating to appeals under regulations 4(1), 5(1), (4) and (5), 6, 8(8) and 18(4) are functions of the Welsh Ministers, rather than the licensing authority, and accordingly fall outside the scope of the designation under this Order.