WELSH STATUTORY INSTRUMENTS

2011 No. 557 (W.79)

ENVIRONMENTAL PROTECTION, WALES

MARINE POLLUTION, WALES

The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011

Made - - - -	*25 February 2011*
Laid before the National Assembly for Wales - -	*1 March 2011*
Coming into force - -	*6 April 2011*

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 Regulations in exercise of the powers conferred by sections 101(2) and (3) and 316(1) of that Act.

Title and commencement

1.—(1) The title of these Regulations is the Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011.

(2) These Regulations come into force on 6 April 2011.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Marine and Coastal Access Act 2009;

"application" ("*cais*") means an application for a licence, but does not include an application for a licence submitted and subsequently withdrawn;

"co-ordinates" ("*cyfesurynnau*") means—

(a) co-ordinates of latitude and longitude on the World Goedetic System 1984; or

(b) co-ordinates on the National Grid used by the Ordnance Survey;

"licence" ("*trwydded*") means a marine licence;

"the licensing authority" ("*yr awdurdod trwyddedu*") means the Welsh Ministers acting in their capacity as the appropriate licensing authority under section 113 of the Act;

(**1**) 2009 c. 23.

"the register" ("*y gofrestr*") means the register of licensing information maintained under section 101 of the Act by the Welsh Ministers as the appropriate licensing authority.

(2) A reference in these Regulations to a numbered item is a reference to that numbered item in section 66(1) of the Act (which identifies licensable marine activities).

Application

3. These Regulations apply in relation to any licensable marine activity for which the Welsh Ministers are the appropriate licensing authority under section 113 of the Act(**2**).

The register and prescribed information

4.—(1) The register may be kept in any form.

(2) The register must contain the particulars prescribed in these Regulations.

(3) Regulation 5 prescribes particulars in relation to all applications and licences.

(4) Regulations 6 to 12 prescribe additional particulars relating to particular types of applications and licences.

(5) Regulations 13 and 14 prescribe particulars relating to variations, revocations, suspensions and transfers of licences.

(6) Regulations 15 to 17 prescribe particulars relating to convictions, other enforcement action and remedial action.

(7) The licensing authority must include in the register the particulars prescribed by regulations 5 to 14 as soon as practicable after receiving or generating the information in question.

General particulars for applications and licences

5. The particulars in relation to all applications and licences are—

(a) the date on which the application was made;

(b) the application reference number or licence number issued by the licensing authority;

(c) the application reference number or licence number of any other application or licence that the licensing authority considers is related to the application in question;

(d) the name and address of the applicant or licence holder;

(e) the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to which the application or the licence relates;

(f) any marine plan area(**3**) to which the application or licence relates;

(g) the dates of commencement and expiry of the licence (as applied for in the case of an application, or as granted , in the case of a licence);

(h) the date on which the licence was granted;

(i) details of any conditions subject to which the licence was granted;

(j) the details supplied with the application of any studies of the potential environmental and human health effects of the activity to be licensed; and

(**2**) Under section 113(4)(b) of the Act, the Welsh Ministers are the appropriate licensing authority as respects anything done in the course of carrying on licensable marine activities in Wales and the Welsh inshore region, other than activities for which the Secretary of State is the appropriate licensing authority by virtue of section 113(4)(a) and (5) of the Act. *See* section 322(1) for the definition of the Welsh inshore region.

(**3**) *See* section 51(1) of the Act.

(k) details of any information supplied, article produced, or the result of any investigation, examination or test carried out under section 67(4) of the Act (power to require applicant to supply information etc) and any such information, article or result otherwise supplied or produced as part of the application.

Deposit of substances or objects

6.—(1) This regulation applies in relation to applications and licences to carry on a licensable marine activity which falls within item 1, 2 or 3 (deposit of substances or objects).

(2) The additional particulars are—

(a) the description, composition and quantity of the substance or object to be deposited;

(b) the name and description of any vehicle, vessel, aircraft, marine structure or floating container from which the deposit is to be made, and, in the case of any vessel, its registration number and country of registration;

(c) the co-ordinates at which the deposit is to be made;

(d) where the activity falls within item 1(c), the co-ordinates of the structure on land from which the deposit is to be made;

(e) where the activity falls within item 3, the co-ordinates at which the loading is to take place;

(f) in the case of deposit for the purposes of disposal, details of any alternative methods of disposal considered by the applicant and the reason for deposit of the substance or object in the sea.

Scuttling

7.—(1) This regulation applies in relation to applications and licences to carry on a licensable marine activity which falls within item 4, 5 or 6 (scuttling of vessels or floating containers).

(2) The additional particulars are—

(a) the intended date of the scuttling;

(b) the name of the vessel or floating container to be scuttled and, in the case of any vessel, its registration number and country of registration;

(c) the co-ordinates at which the vessel or floating container is to be scuttled;

(d) a description of any cargo of the vessel or floating container by reference to its composition and quantity.

Construction, alteration or improvement of works

8.—(1) This regulation applies in relation to applications and licences to carry on a licensable marine activity which falls within item 7 (construction, alteration or improvement of works).

(2) The additional particulars are—

(a) a description of the works to be carried out and the dates on or between which the works are to be carried out;

(b) the co-ordinates at which the construction, alteration or improvement of works is to take place.