STATUTORY RULES OF NORTHERN IRELAND

2011 No. 79

ENVIRONMENTAL PROTECTION

MARINE LICENSING

The Marine Licensing (Register of Licensing Information) Regulations (Northern Ireland) 2011

Made - - - -	*16th March 2011*
Coming into operation	*6th April 2011*

The Department of the Environment, as the appropriate licensing authority under section 113(6)(b) of the Marine and Coastal Access Act 2009(**1**), makes the following Regulations in exercise of the powers conferred by sections 101 and 316(1) of that Act.

Citation and commencement

1. These Regulations may be cited as the Marine Licensing (Register of Licensing Information) Regulations (Northern Ireland) 2011 and come into operation on 6th April 2011.

Interpretation

2.—(1) In these Regulations—

(a) "the Act" means the Marine and Coastal Access Act 2009;

(b) "application" means in regulations 4 to 12, an application for a marine licence, but does not include an application for a marine licence submitted and subsequently withdrawn;

(c) "co-ordinates" means—

(i) co-ordinates of latitude and longitude on the World Geodetic System 1984, or

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

(d) "the Department" means the Department of the Environment;

(e) "licence" means a marine licence; and

(f) "the register" means the register of licensing information maintained under section 101(1) of the Act by the Department as the appropriate licensing authority.

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

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

(3) The Interpretation Act (Northern Ireland) 1954(**2**) applies to these Regulations as it applies to an Act of the Assembly.

Application

3. These Regulations apply in relation to Northern Ireland and the Northern Ireland inshore region, and any licensable marine activity carried on in Northern Ireland or the Northern Ireland inshore region, for which the Department is the appropriate licensing authority under section 113(6)(b) of the Act (**3**) (and references in these Regulations to the "licensing authority" are to be read accordingly).

The register and prescribed particulars

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 relating to all applications for licences, licences granted, information supplied, etc.

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

(5) Regulations 13 and 14 prescribe particulars relating to variation, revocation, suspension and transfer 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 reasonably practicable after receiving or generating the information in question.

General particulars for application and marine licences

5. The particulars relating to any application for a licence and any licence granted are—

(a) the date 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 or licence 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 licence relates;

(f) any marine plan area(**4**) to which the application or licence relates;

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

(h) the date the licence was granted;

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

(**2**) 1954 c.33 (NI)

(**3**) Under section 113(6)(a), the Secretary of State is the appropriate licensing authority in respect of anything done in the course of carrying on any activities which relate to a matter which is an excepted matter by virtue of paragraph 4 of Schedule 2 to the Northern Ireland Act1998 (c. 47) (defence of the realm etc) in Northern Ireland and the Northern Ireland inshore region.

(**4**) See section 51(1) of the Marine & Coastal Access Act 2009

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

(k) details of any information supplied or articles produced, and the results of any investigation, examination or test carried out, under section 67(4) of the Act(**5**).

Deposit of substances or objects

6.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within items 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 name and co-ordinates of the location at which the deposit is to be made;

(d) where the activity falls within item 3, the name, latitude and longitude of the location where the loading is to take place; and

(e) in the case of a deposit made for the purpose of disposal, details of any alternative methods of disposal considered by the applicant and the reason for seeking to deposit the substance or object in the sea.

Scuttling

7.—(1) This regulation applies in relation to applications for licences and licences granted to carry on a licensable marine activity which falls within items 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, the registration number and country of registration;

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

(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 for licences and licences granted 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; and

(**5**) Under section 67(4), the appropriate licensing authority may require such steps if necessary or expedient to enable it to determine the application.