

Marine (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

General duties

97, 113, 99, 100, 112, 110, 111

Requirement to prepare marine plans

1, 6, 7

Notes on amendments in this group

Amendment 7 is pre-empted by amendment 35 in the group “Marine planning: relationship between marine plans and other documents”

Marine planning: content of marine plans

2, 19, 3, 114, 101, 102, 115, 4, 20, 10, 11

Notes on amendments in this group

Amendment 101 pre-empts amendments 102 and 115. Amendment 102 pre-empts amendment 115

Marine planning: designation of whole marine area

21

Marine planning: relationship between marine plans and other documents

22, 5, 23, 23A, 23B, 103, 27, 27A, 28, 29, 29A, 30, 31, 35, 36, 39

Notes on amendments in this group

Amendment 22 pre-empts amendment 5.

Marine planning: relationship with National Planning Framework

116

Marine planning: notification and consultation

24, 25, 26

Marine planning: participation statement

117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133

Marine planning: consideration of draft by the Parliament

134, 32, 135, 33, 136, 34, 34A, 34B, 34C, 137, 138, 139, 143

Notes on amendments in this group

Amendment 32 pre-empts amendment 135

Amendments 34A and 34B are direct alternatives

Marine planning: review of plans and delegation

37, 38

Marine planning and licensing: directions and orders to delegates

140, 141, 142, 144, 165

Notes on amendments in this group

Amendment 140 pre-empts amendment 141

Decisions of public authorities affected by marine plans

8, 145, 9

Marine licensing: licensable activities

146, 148

Marine licensing: registrable activities

147, 15, 16, 157, 158, 106

Marine licensing: considerations of Scottish Ministers

40, 40A, 40B, 154, 155, 41, 41A, 41B, 105, 160, 161, 51A, 51B, 18, 64A, 64B

Marine licensing: pre-application procedures

149, 150, 151

Marine licensing: application, notification, variation, suspension, revocation and transfer of licence

152, 153, 12, 104, 156

Marine licensing: electricity works and submarine cables

42, 43, 166

Marine licensing: appeals against licensing decisions

107, 159, 108

Marine licensing: offences and enforcement

44, 45

Marine licensing: compliance notices

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Marine licensing: enforcement notices and remedial action

49, 50, 51, 63, 64

Marine licensing: monetary penalties

52, 162, 53, 54, 55, 56, 57, 58, 163, 59

Marine licensing: fishfarming

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Marine licensing: marine licensing information

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Marine licensing: testing for substances

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Marine protection and enhancement: historic MPAs

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Marine protection and enhancement: publicity in relation to designation orders

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Marine protection and enhancement: duties relating to network

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Marine protection and enhancement: duties of public authorities in relation to marine protection areas

71, 72, 73, 74

Marine protection and enhancement: defences to offences under sections 82, 83 and 84

75, 76, 77, 93

Definitions

78, 79, 80, 81, 87, 89, 90, 91, 94, 95, 96

Conservation of seals

82, 83, 84, 85, 86

Common enforcement powers: powers of seizure

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Crown application

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Amendments in debating order

General duties

Peter Peacock

97 After section 2, insert—

<PART

GENERAL DUTIES

Sustainable development

In exercising any function that affects the Scottish marine area under this Act or any other enactment—

- (a) the Scottish Ministers, and
- (b) public authorities,

must act in the way best calculated to further the achievement of sustainable development, so far as is consistent with the purpose of the function concerned.>

Peter Peacock

113 After section 2, insert—

<Protection and enhancement of health of Scottish marine area

- (1) In exercising any function that affects the Scottish marine area under this Act or any other enactment—
 - (a) the Scottish Ministers, and
 - (b) public authorities,

must act in the way best calculated to protect and enhance the health of the Scottish marine area, so far as is consistent with the purpose of the function concerned.

- (2) Such actions must have regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment.>

Peter Peacock

99 After section 2, insert—

<Delivery of marine ecosystem objectives

In exercising any function that affects the Scottish marine area under this Act or any other enactment—

- (a) the Scottish Ministers, and
- (b) public authorities,

must act in the way best calculated to deliver marine ecosystem objectives, so far as is consistent with the purpose of the function concerned.>

Robin Harper

100 After section 2, insert—

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<Application of precautionary principle

In exercising any function that affects the Scottish marine area under this Act or any other enactment—

- (a) the Scottish Ministers, and
- (b) public authorities,

must apply the precautionary principle, so far as is consistent with the purpose of the function concerned.>

Peter Peacock

112 After section 2, insert—

<Mitigation of and adaptation to climate change

In exercising any function that affects the Scottish marine area under this Act, the Climate Change (Scotland) Act 2009 (asp 12), or any other enactment—

- (a) the Scottish Ministers, and
- (b) public authorities,

must act in a way best calculated to mitigate, and adapt to, climate change so far as is consistent with the purpose of the function concerned.>

Peter Peacock

110 In the long title, page 1, line 1, leave out <functions and activities in> and insert <the sustainable development of>

Peter Peacock

111 In the long title, page 1, line 3, after <protection> insert <and enhancement>

Requirement to prepare marine plans

Elaine Murray

1 In section 3, page 1, line 24, leave out from <may> to <area,> in line 2 on page 2 and insert <must prepare and adopt in accordance with schedule 1 a national marine plan for the Scottish marine area.

- () The Scottish Ministers may>

Elaine Murray

6 In section 6, page 3, line 3, at end insert—

- <() Following withdrawal of a national marine plan, the Scottish Ministers must prepare and adopt in accordance with schedule 1 a new national marine plan for the Scottish marine area as soon as is reasonably practicable.>

Elaine Murray

7 In section 6, page 3, line 6, leave out <may come> and insert <comes>

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Marine planning: content of marine plans

Liam McArthur

- 2 In section 3, page 2, line 7, after <policies> insert <and programmes>

John Scott

- 19 In section 3, page 2, line 7, leave out <(however expressed)>

Elaine Murray

- 3 In section 3, page 2, line 8, at end insert—

<() states the Scottish Ministers' policies and programmes for and in connection with the protection and enhancement of the area to which the plan applies,

Elaine Murray

- 114 In section 3, page 2, line 10, at end insert—

<() includes a spatial strategy being, in the case of a national marine plan, a general statement of the proposed use and development of the Scottish marine area or, in the case of a regional marine plan, a detailed statement of the proposed use and development of the area of the relevant marine region,

() includes maps, diagrams and illustrations as determined by the Scottish Ministers to be appropriate to the purpose of the plan.>

Robin Harper

- 101 In section 3, page 2, line 11, leave out from <may> to the end of line 12 and insert <must include—

(a) marine ecosystem objectives, and

(b) objectives relating to the mitigation of, and adaptation to, climate change.

() A national marine plan may include economic and social objectives, where these are consistent with the objectives in subsection (3).>

Liam McArthur

- 102 In section 3, page 2, line 11, leave out <may> and insert <must>

Liam McArthur

- 115 In section 3, page 2, line 11, leave out from <may> to end of line 12 and insert <or (as the case may be) a regional marine plan must include—

(a) economic, social, and marine ecosystems objectives, and objectives relating to the mitigation of, and adaptation to, climate change,

(b) an assessment of the condition of the relevant marine area at the time of the plan's preparation,

(c) the policies and programmes best calculated to achieve the objectives set out in paragraph (a), and

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- (d) a list of those public authorities or persons responsible for implementing the policies and programmes referred to in paragraph (c).>

Liam McArthur

- 4 In section 3, page 2, line 12, at end insert <, and
() state the programmes to be pursued to secure these objectives.>

Richard Lochhead

- 20 In section 3, page 2, line 12, at end insert—
<() objectives relating to the mitigation of, and adaptation to, climate change.>

Liam McArthur

- 10 In section 12, page 6, line 33, after <policies> insert <and programmes>

Liam McArthur

- 11 In section 12, page 6, line 34, after <policies> insert <and programmes>

Marine planning: designation of whole marine area

John Scott

- 21 In section 3, page 2, line 13, leave out from <designate> to end of line 15 and insert <provide that the Scottish marine area is to be divided into Scottish marine regions; and any such order must identify the borders of each Scottish marine region.>

Marine planning: relationship between marine plans and other documents

Richard Lochhead

- 22 In section 3, page 2, line 16, leave out subsection (5)

Elaine Murray

- 5 In section 3, page 2, line 17, leave out <, unless relevant considerations indicate otherwise>

Richard Lochhead

- 23 After section 3, insert—

<Conformity of marine plans with other documents

- (1) A national marine plan and a regional marine plan must be in conformity with any marine policy statement currently in effect for the Scottish marine area, unless relevant considerations indicate otherwise.
- (2) A regional marine plan must be in conformity with any national marine plan currently in effect, unless relevant considerations indicate otherwise.
- (3) For the purposes of this Part, a marine policy statement is “currently in effect” for the Scottish marine area if—

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- (a) the statement has been adopted by the Scottish Ministers in accordance with Schedule 5 to the 2009 Act,
- (b) the statement has been published in accordance with paragraph 12 of that Schedule,
- (c) the statement has not been replaced by a later marine policy statement (see section 45(3) of that Act),
- (d) the Scottish Ministers have not withdrawn from the statement in accordance with section 48 of that Act, and
- (e) the statement has not been withdrawn (by virtue of the withdrawal of the Secretary of State in accordance with that section).>

Elaine Murray

23A As an amendment to amendment 23, line 3, leave out <in conformity> and insert <consistent>

Elaine Murray

23B As an amendment to amendment 23, line 6, leave out <in conformity> and insert <consistent>

Elaine Murray

103 In schedule 1, page 75, line 28, at end insert <, and

- () where area A adjoins an area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to—
 - (i) England, the plan is compatible with any marine plan which applies to that adjoining area as prepared and adopted by the Secretary of State,
 - (ii) Northern Ireland, the plan is compatible with any marine plan which applies to that adjoining area as prepared and adopted by the Department of the Environment in Northern Ireland.>

Richard Lochhead

27 In schedule 1, page 77, line 17, at end insert—

- <() the requirement under section (*Conformity of marine plans with other documents*) (1) for a national marine plan to be in conformity with any marine policy statement currently in effect for the Scottish marine area unless relevant considerations indicate otherwise.>

Elaine Murray

27A As an amendment to amendment 27, line 3, leave out <in conformity> and insert <consistent>

Richard Lochhead

28 In schedule 1, page 77, line 28, leave out <Scotland> and insert <the United Kingdom or the UK marine area>

THIS IS NOT THE MARSHALLED LIST

Richard Lochhead

29 In schedule 1, page 77, line 32, at end insert—

<() the requirement under section (*Conformity of marine plans with other documents*)(1) for a regional marine plan to be in conformity with any marine policy statement currently in effect for the Scottish marine area unless relevant considerations indicate otherwise,>

Elaine Murray

29A As an amendment to amendment 29, line 3, leave out <in conformity> and insert <consistent>

Richard Lochhead

30 In schedule 1, page 77, line 33, leave out <3(5)> and insert <(Conformity of marine plans with other documents)(2)>

Richard Lochhead

31 In schedule 1, page 78, line 7, leave out <Scotland> and insert <the United Kingdom or the UK marine area>

Richard Lochhead

35 In section 6, page 3, line 4, leave out subsection (5)

Richard Lochhead

36 After section 6 insert—

<Effect of withdrawal from or of marine policy statement or of national marine plan

- (1) Where the Scottish Ministers withdraw from a marine policy statement in accordance with section 48 of the 2009 Act, or a marine policy statement is withdrawn (by virtue of the withdrawal of the Secretary of State under that section), the withdrawal does not affect—
 - (a) the continuing validity or effect of a national marine plan or regional marine plan, or
 - (b) until such time as a new marine policy statement is in effect in relation to the Scottish marine area, the construction of any national or regional marine plan.
- (2) Where the Scottish Ministers withdraw a national marine plan, the withdrawal does not affect—
 - (a) the continuing validity or effect of a regional marine plan, or
 - (b) until such time as a new national marine plan is in effect, the construction of any regional marine plan.>

Richard Lochhead

39 In section 15, page 8, line 32, at end insert—

<“marine policy statement” is to be construed in accordance with sections 44 and 47 of the 2009 Act,>

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Marine planning: relationship with National Planning Framework

Elaine Murray

116 After section 3, insert—

<National Planning Framework

In section 3A(2) of the Town and Country Planning (Scotland) Act 1997 (c.8), after “land” insert “and the Scottish marine area”.>

Marine planning: notification and consultation

Richard Lochhead

24 In schedule 1, page 75, line 7, at end insert—

<() to the Secretary of State,

() to the Department of the Environment in Northern Ireland>

Richard Lochhead

25 In schedule 1, page 75, line 11, at end insert—

<() where the Scottish marine region to which the plan is to apply adjoins the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to England, to the Secretary of State,

() where the Scottish marine region to which the plan is to apply adjoins the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Northern Ireland, to the Department of the Environment in Northern Ireland>

Richard Lochhead

26 In schedule 1, page 75, line 12, after <paragraph> insert—

<“adjacent to England” and “adjacent to Northern Ireland”, in relation to areas of sea within the seaward limits of the territorial sea of the United Kingdom, are to be construed in accordance with subsections (4) to (9) of section 317 of the 2009 Act,>

Marine planning: participation statement

Elaine Murray

117 In schedule 1, page 75, leave out lines 23 and 24

Elaine Murray

118 In schedule 1, page 75, line 35, leave out <statement of public participation> and insert <participation statement>

Elaine Murray

119 In schedule 1, page 75, line 36, leave out <(an “SPP”)>

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Elaine Murray

120 In schedule 1, page 76, line 1, leave out <An SPP> and insert <A participation statement>

Elaine Murray

121* In schedule 1, page 76, line 1, leave out from <for> to <preparation> in line 2 and insert <as to when consultation is likely to take place and with whom, its likely form, and the steps to be taken to involve the general public in the stages of preparation or review>

Elaine Murray

122 In schedule 1, page 76, line 4, leave out <An SPP> and insert <A participation statement>

Elaine Murray

123 In schedule 1, page 76, line 6, leave out <an SPP> and insert <a participation statement>

Elaine Murray

124 In schedule 1, page 76, line 8, leave out <an SPP> and insert <a participation statement>

Elaine Murray

125 In schedule 1, page 76, line 10, leave out <An SPP> and insert <A participation statement>

Elaine Murray

126 In schedule 1, page 76, line 21, leave out <An SPP> and insert <A participation statement>

Elaine Murray

127 In schedule 1, page 76, line 23, leave out <An SPP> and insert <A participation statement>

Elaine Murray

128 In schedule 1, page 76, line 32, leave out <an SPP> and insert <a participation statement>

Elaine Murray

129 In schedule 1, page 76, line 35, leave out <an SPP> and insert <a participation statement>

Elaine Murray

130 In schedule 1, page 76, line 35, leave out second <SPP> and insert <participation statement>

Elaine Murray

131 In schedule 1, page 77, line 21, leave out <SPP> and insert <participation statement>

Elaine Murray

132 In schedule 1, page 77, line 39, leave out <SPP> and insert <participation statement>

Elaine Murray

133 In schedule 1, page 78, line 20, leave out <SPP> and insert <participation statement>

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Marine planning: consideration of draft by the Parliament

Elaine Murray

- 134** In schedule 1, page 79, line 15, leave out <draft> and insert <proposed>

Richard Lochhead

- 32** In schedule 1, page 79, leave out lines 17 and 18

Elaine Murray

- 135** In schedule 1, page 79, line 17, leave out <draft> and insert <proposed plan>

Richard Lochhead

- 33** In schedule 1, page 79, line 19, leave out <relevant period> and insert <period for Parliamentary consideration>

Elaine Murray

- 136** In schedule 1, page 79, line 19, leave out <draft> and insert <proposed plan>

Richard Lochhead

- 34** In schedule 1, page 79, line 22, leave out from <relevant> to end of line 23 and insert <period for Parliamentary consideration” means the period of 40 days beginning on the day on which a copy of the draft plan is laid before the Parliament under sub-paragraph (2); and in reckoning that period no account is to be taken of any time during which the Parliament is—

- (a) dissolved,
- (b) in recess for more than 4 days.>

John Scott

- 34A** As an amendment to amendment 34, line 2, leave out <40> and insert <90>

Elaine Murray

- 34B** As an amendment to amendment 34, line 2, leave out <40> and insert <60>

Elaine Murray

- 34C** As an amendment to amendment 34, line 3, leave out <draft> and insert <proposed>

Elaine Murray

- 137** In schedule 1, page 79, line 28, leave out <draft> and insert <proposed plan>

Elaine Murray

- 138** In schedule 1, page 79, line 29, leave out <draft> and insert <proposed plan>

Elaine Murray

- 139** In schedule 1, page 80, line 7, at end insert—

- <() The Scottish Ministers must lay a copy of the adopted national marine plan before the Parliament as soon as is reasonably practicable after the plan’s adoption.>

THIS IS NOT THE MARSHALLED LIST

Elaine Murray

- 143 In section 8, page 4, line 38, after <to> insert <adopt and>

Marine planning: review of plans and delegation

Richard Lochhead

- 37 In section 7, page 3, line 38, at end insert—

<() The reference—

- (a) in subsection (2)(a)(i) to the cultural characteristics of the Scottish marine area includes a reference to characteristics of the area which are of a historic or archaeological nature,
- (b) in subsection (2)(b)(i) to the cultural characteristics of a Scottish marine region includes a reference to characteristics of the region which are of a historic or archaeological nature.>

Richard Lochhead

- 38 In section 8, page 4, leave out line 40

Marine planning and licensing: directions and orders to delegates

Elaine Murray

- 140* In section 8, page 4, line 10, leave out from <either> to end of line 22 and insert <a group comprising—

- (a) such public authority (or 2 or more public authorities acting together) with an interest in the Scottish marine region to which the regional marine plan applies as the Scottish Ministers consider appropriate,
- (b) persons nominated by any such public authority,
- (c) persons nominated by the Scottish Ministers.>

Robin Harper

- 141 In section 8, page 4, line 16, at end insert—

<() Where the Scottish Ministers designate delegable functions to a group of persons under subsection (2)(b), the Scottish Ministers must ensure that the group of persons comprises representatives of those persons with an interest in the use of the relevant Scottish marine region for—

- (a) the protection and enhancement of the marine environment,
- (b) recreational purposes, and
- (c) commercial purposes.>

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Robin Harper

142 In section 8, page 4, line 22, at end insert—

- <() Where a direction designates a public authority under paragraph 8(2)(a), such a direction must include—
- (a) a statement of reasons setting out the grounds for designating a public authority, in preference to a group of persons under subsection (2)(b),
 - (b) a requirement for the public authority so designated to consult on the exercise of its functions for the relevant Scottish marine region with representatives of those persons with an interest in—
 - (i) protecting and enhancing the marine environment within that region,
 - (ii) using the region for recreational purposes, and
 - (iii) using the region for commercial purposes,
 - (c) a requirement for the public authority so designated to have regard to any representations made to it under paragraph (b).>

Robin Harper

144 After section 8, insert—

<Directions under section 8: laying a draft before the Parliament

- (1) The Scottish Ministers must not give a direction under section 8 unless they have complied with the requirements of this section.
- (2) The Scottish Ministers must—
 - (a) lay before the Parliament a copy of the draft direction, and
 - (b) specify the relevant period in relation to the draft on or before the day on which they lay the copy.
- (3) In this section, “the relevant period” is the period specified by the Scottish Ministers under subsection (2)(b).
- (4) In settling the text of the direction the Scottish Ministers must have regard to any representations received on the content of the draft direction from any member of the Parliament.>

Elaine Murray

165* In section 42, page 24, line 15, leave out from <either> to end of line 26 and insert <a group comprising—

- (a) such public authority (or 2 or more public authorities acting together) with an interest in the Scottish marine region to which the regional marine plan applies as the Scottish Ministers consider appropriate,
- (b) persons nominated by any such public authority,
- (c) persons nominated by the Scottish Ministers.>

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Decisions of public authorities affected by marine plans

Elaine Murray

- 8 In section 11, page 5, line 34, leave out <relevant> and insert <material>

Karen Gillon

- 145 In section 11, page 5, line 34, at end insert—

<() If a public authority intends to make an authorisation or enforcement decision otherwise than in accordance with the appropriate marine plans, it must consult with any delegate designated under section 8 for the relevant marine region prior to confirming its decision.>

Liam McArthur

- 9 In section 11, page 5, line 36, leave out <state> and insert <publish>

Marine licensing: licensable activities

Stuart McMillan

- 146 In section 17, page 9, line 38, at end insert—

<To carry out any development within the Scottish Marine area, either in the sea or on or under the seabed, that might adversely affect the safety of navigation.>

Karen Gillon

- 148 In section 17, page 10, line 13, at end insert—

<() nothing therein is to be taken to apply to sea fishing by any method>

Marine licensing: registrable activities

Karen Gillon

- 147 In section 17, page 10, line 7, at end insert—

<To undertake any activity that is listed as a registrable activity within any regulations made under section 25, but cannot be registered by virtue of section 25(2)(ba).>

Elaine Murray

- 15 In section 25, page 14, line 33, leave out <may> and insert <must>

Elaine Murray

- 16 In section 25, page 14, line 37, leave out <may> and insert <must>

Karen Gillon

- 157 In section 25, page 15, line 4, at end insert—

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<(ba) make provision for circumstances where an activity that would otherwise be a registrable activity requires a marine licence under section 16.>

Elaine Murray

158 In section 25, page 15, line 4, at end insert—

<() make provision for circumstances where an activity that would otherwise be a registrable activity should not be registered where it is considered by the Scottish Ministers that—

- (i) the impact on the environment of activities that are already registered (and, as the case may be, in combination with licensed activities), is such that the specified environmental impact threshold defined in the regulations is exceeded, or
- (ii) with the addition of the activity for which registration is sought, the specified environmental impact threshold defined in the regulations would be exceeded.>

Elaine Murray

106 In section 25, page 15, line 15, at end insert <, including—

- (a) representatives of those persons with an interest in the protection and enhancement of the Scottish marine area,
 - (b) representatives of those persons with an interest in the use of the area for commercial purposes, and
 - (c) Scottish Natural Heritage.
- () The Scottish Ministers must have regard to any representations made to them under subsection (4).>

Marine licensing: considerations of Scottish Ministers

Richard Lochhead

40 In section 17, page 10, line 15, at end insert—

<() In deciding whether to make an order under subsection (3), the Scottish Ministers must have regard to—

- (a) the need to protect the environment,
- (b) the need to protect human health,
- (c) the need to prevent interference with legitimate uses of the sea,
- (d) such other matters as the Ministers consider relevant.>

Peter Peacock

40A As an amendment to amendment 40, line 6, leave out <interference with legitimate uses of the sea> and insert <serious interference with safety of navigation>

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Peter Peacock

- 40B** As an amendment to amendment 40, line 6, at end insert—
<() the need to mitigate, and adapt to, climate change,>

Peter Peacock

- 154** In section 20, page 11, line 27, leave out <interference with legitimate uses of the sea> and insert <serious interference with safety of navigation>

Peter Peacock

- 155** In section 20, page 11, line 27, at end insert—
<() mitigate, and adapt to, climate change,

Richard Lochhead

- 41** In section 24, page 14, line 29, at end insert—
<() In deciding whether to make an order under subsection (1), the Scottish Ministers must have regard to—
(a) the need to protect the environment,
(b) the need to protect human health,
(c) the need to prevent interference with legitimate uses of the sea,
(d) such other matters as the Ministers consider relevant.>

Peter Peacock

- 41A** As an amendment to amendment 41, line 6, leave out <interference with legitimate uses of the sea> and insert <serious interference with safety of navigation>

Peter Peacock

- 41B*** As an amendment to amendment 41, line 6, at end insert—
<() the need to mitigate, and adapt to, climate change,>

Elaine Murray

- 105** In section 24, page 14, line 31, at end insert <, including—
(a) representatives of those persons with an interest in the protection and enhancement of the Scottish marine area,
(b) representatives of those persons with an interest in the use of the area for commercial purposes, and
(c) Scottish Natural Heritage.
() The Scottish Ministers must have regard to any representations made to them under subsection (4).>

Peter Peacock

- 160** In section 34, page 19, line 5, leave out <legitimate uses of the sea> and insert <safety of navigation>

THIS IS NOT THE MARSHALLED LIST

Peter Peacock

- 161 In section 35, page 19, leave out line 27 and insert—
<() serious interference with safety of navigation>

Peter Peacock

- 51A As an amendment to amendment 51, line 10, leave out <interference with legitimate uses of the sea> and insert <serious interference with safety of navigation>

Peter Peacock

- 51B* As an amendment to amendment 51, line 10, at end insert—
<() the need to mitigate, and adapt to, climate change,>

Peter Peacock

- 18 In section 46, page 27, line 32, leave out <legitimate uses of the sea> and insert <safety of navigation>

Peter Peacock

- 64A As an amendment to amendment 64, leave out line 13, and insert—
<() serious interference with safety of navigation>

Peter Peacock

- 64B As an amendment to amendment 64, line 13, at end insert—
<() the need to mitigate, and adapt to, climate change>

Marine licensing: pre-application procedures

Karen Gillon

- 149 After section 17, insert—

<Pre-application consultation

Pre-application consultation: preliminary

- (1) The Scottish Ministers may by regulations prescribe classes or descriptions of licensable marine activity.
- (2) Where a licensable marine activity is of such a class or description, section (*pre-application consultation: compliance*) applies to a prospective applicant for a marine licence in respect of that activity.
- (3) Regulations under subsection (1) may also make provision—
 - (a) as to the right of a prospective applicant for a marine licence to notify the Scottish Ministers requiring a statement from them as to whether or not, in their opinion, the activity in respect of which the licence is being sought is of such a class or description,
 - (b) as to the manner in which—

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- (i) notification under paragraph (a) is to be exercised, including provision as to the information that the prospective applicant is to provide,
- (ii) a statement under paragraph (a) is to be provided, including provision as to when a statement must be provided following receipt of sufficient information to determine the matter,
- (c) as to the power of the Scottish Ministers to require further information in order to determine the application,
- (d) as to the effect of a statement under paragraph (a), including, the circumstances in which section (*pre-application consultation: compliance*), despite subsection (2), does not apply to a prospective applicant following provision of a statement that the activity is not of such a class or description,
- (e) as to any other matter the Scottish Ministers consider necessary or expedient for the purposes of this section.>

Karen Gillon

150* After section 17, insert—

<Pre-application consultation: compliance

- (1) A person to whom this section applies (“the prospective applicant”) must give notice that an application for a marine licence is to be submitted.
- (2) A period of at least 12 weeks must elapse between giving the notice and the prospective applicant submitting the application.
- (3) Notice under subsection (1) must contain—
 - (a) a description in general terms of the activity to be carried out,
 - (b) a plan or chart showing the outline of the location at which the activity is to be carried out (including, as appropriate, the route to be taken in order to carry out the activity), which is sufficient to identify the location,
 - (c) details as to how the prospective applicant is to be contacted,
 - (d) such other information as may be prescribed by regulations made by the Scottish Ministers.
- (4) Regulations may—
 - (a) require that the notification be given to persons specified in the regulations,
 - (b) specify persons who are to be consulted as respects a proposed application and what form that consultation is to take.
- (5) Different provision may be made under subsection (4) for different cases or classes of case or for different parts of the Scottish marine area.
- (6) The Scottish Ministers may, provided that they do so within 21 days of having received the notification, notify the prospective applicant that they require (either or both)—
 - (a) that the notification under subsection (1) be given to persons additional to those specified under subsection (4) (specifying in the notification who those persons are),

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- (b) that consultation additional to that required by virtue of subsection (4)(b) be undertaken as regards the proposed development (specifying in the notification what form that consultation is to take).
- (7) In considering whether to give notification under subsection (6), the Scottish Ministers are to have regard to the nature, extent and location of the proposed activity, and to the likely effects at and in the vicinity of that location, of its being carried out.>

Karen Gillon

151* After section 17, insert—

<Pre-application consultation report

- (1) A person who, before submitting an application for a marine licence, was required to comply with section (*pre-application consultation: compliance*) and who proceeds to submit that application must prepare a report as to what has been done to effect such compliance.
- (2) A report under subsection (1) is to be in such form as the Scottish Ministers may by regulations prescribe.>

Marine licensing: application, notification, variation, suspension, revocation and transfer of licence

Liam McArthur

152 In section 18, page 10, line 27, leave out from beginning to <expedient> in line 28 and insert <as they may reasonably require>

Liam McArthur

153 In section 18, page 10, line 29, at end insert—

- <() Where, despite subsection (3), the applicant has been unable to provide sufficient evidence by way of information or articles to satisfy the Scottish Ministers as to how they should determine the application, the Scottish Ministers may require the applicant to permit such investigations, examinations or tests as they may reasonably require to enable them to determine the application.>

Liam McArthur

12 In section 19, page 11, line 8, at end insert <, and must include publication on a website specified by the Scottish Ministers>

Liam McArthur

104 In section 19, page 11, line 18, leave out subsection (6)

Liam McArthur

156* In section 23, page 14, line 4, leave out from <the> to end of line 9 and insert—

- <() since the granting of the licence, there has been—

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- (i) a significant change in circumstances relating to the environment or human health,
 - (ii) a significant increase in scientific knowledge relating to either of those matters, or
 - (iii) a significant change in circumstances affecting the safety of navigation, and
- () allowing any activity permitted by the licence in any manner permitted or not prohibited by the licence would pose a significant risk to the environment or human health.
- () In subsection (3), “the environment” includes the historic environment.>

Marine licensing: electricity works and submarine cables

Richard Lochhead

42 In section 27, page 15, line 28, leave out subsections (1) to (4) and insert—

<(1A) This section applies where—

- (a) a person who proposes to carry out an activity must first make both—
 - (i) an application for a marine licence, and
 - (ii) an application for consent under section 36 of the Electricity Act (consent for construction etc. of generating stations) (a “generating station application”) in relation to the activity or other works to be undertaken in connection with the activity,
 - (b) the person makes both applications, or one of them, and
 - (c) the Scottish Ministers—
 - (i) decide that both applications are to be considered together and, as the case may be, if only one of the applications has been made that it is not to be considered without the other, and
 - (ii) give the person notice of their decision.
- (1B) Both of the applications are to be considered together; but this is subject to any provision that may be made in an order under subsection (1C).
- (1C) The Scottish Ministers may by order do any of the following—
- (a) provide that such procedural provisions of this Part as are specified in the order are not to apply to the person’s application for the marine licence,
 - (b) provide that such procedural provisions of the Electricity Act as are so specified are to apply to the application instead,
 - (c) modify the procedural provisions of the Electricity Act in their application to the marine licence by virtue of paragraph (b),
 - (d) in relation to cases where the Scottish Ministers come to the conclusion that either the application for the marine licence or the generating station application is not going to be made, make additional provision modifying either—
 - (i) such procedural provisions of this Part as are specified in the order, or

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- (ii) such procedural provisions of the Electricity Act as are specified in the order.>

Richard Lochhead

43 After section 28, insert—

<Submarine cables

- (1) This section applies where a stretch of exempt submarine cable—
 - (a) is proposed to be laid,
 - (b) is in the course of being laid,
 - (c) has been laid,beyond the seaward limits of the territorial sea.
- (2) The Scottish Ministers must grant any application made to them for a marine licence for the carrying on of a licensable marine activity in the course of laying any stretch of the cable in the Scottish marine area.
- (3) The Scottish Ministers have the same powers to attach conditions to a marine licence granted by virtue of subsection (2) as they have in relation to any other marine licence (see section 22(1) to (3)).
- (4) Nothing in this Part applies to anything done in the course of maintaining any stretch of the cable in the Scottish marine area.
- (5) For the purposes of this section a submarine cable is “exempt” unless it is a cable constructed or used in connection with any of the following—
 - (a) the exploration of the UK sector of the continental shelf,
 - (b) the exploitation of the natural resources of that sector,
 - (c) the operations of artificial islands, installations and structures under the jurisdiction of the United Kingdom,
 - (d) the prevention, reduction or control of pollution from pipelines.
- (6) In this section—
 - “natural resources” means—
 - (a) the mineral and other non-living resources of the sea bed and subsoil, together with
 - (b) living organisms belonging to sedentary species,
 - “living organisms belonging to sedentary species” means organisms which, at the harvestable stage, are either—
 - (a) immobile on or under the sea bed, or
 - (b) unable to move except in constant physical contact with the sea bed or the subsoil,
 - “UK sector of the continental shelf” means the areas for the time being designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964 (c.29).>

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John Scott

166* In section 42, page 25, line 6, at end insert—

<() section 27(1C) (making orders for a special procedure for applications relating to certain electricity works).>

Marine licensing: appeals against licensing decisions

Robin Harper

107 In section 29, page 16 line 26, leave out <person who applies for a marine licence> and insert <appropriate person>

Karen Gillon

159 In section 29, page 16, line 27, after <licence> insert—

<() any person whose economic interest is adversely affected by the grant of a marine licence,>

Robin Harper

108 In section 29, page 16, line 30, at end insert—

<() as to the meaning of “appropriate person” in subsection (1),>

Marine licensing: offences and enforcement

Richard Lochhead

44 In section 32, page 18, line 5, at end insert <and>

Richard Lochhead

45 In section 32, page 18, line 7, leave out from <and> to end of line 9

Marine licensing: compliance notices

Elaine Murray

46 In section 34, page 19, line 3, leave out <serious>

Elaine Murray

47 In section 34, page 19, line 4, leave out <serious>

Elaine Murray

48 In section 34, page 19, line 5, leave out <serious>

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Marine licensing: enforcement notices and remedial action

Richard Lochhead

- 49 In section 35, page 19, line 34, after <remedial> insert <or compensatory>

Richard Lochhead

- 50 In section 35, page 19, line 37, after <remedial> insert <or compensatory>

Richard Lochhead

- 51 In section 35, page 20, line 1, leave out subsection (6) and insert—

<(6) In subsection (5)(b) and (c) “remedial or compensatory steps” means steps taken (or to be taken) for any one or more of the purposes mentioned in subsection (7) (whether or not the steps are taken at or near the place where the harm or interference mentioned in subsection (3)(c) has been, is being, or is likely to be, caused or the activity in respect of which the notice is issued is or has been carried on).

(7) The purposes are—

- (a) protecting the environment,
- (b) protecting human health,
- (c) preventing interference with legitimate uses of the sea,
- (d) preventing or minimising, or remedying or mitigating the effects of, the harm or interference mentioned in subsection (3)(c),
- (e) restoring (whether in whole or in part) the condition of any place affected by that harm or interference to the condition, or a condition reasonably similar to the condition, in which the place would have been had the harm or interference not occurred,
- (f) such purposes not falling within the preceding paragraphs as the Scottish Ministers consider appropriate in all the circumstances of the case.>

Richard Lochhead

- 63 In section 50, page 29, line 30, leave out <the purpose of> and insert <any one or more of the following purposes>

Richard Lochhead

- 64 In section 50, page 29, line 34, at end insert—

<(d) preventing or minimising, or remedying or mitigating the effects of, any harm or interference falling within subsection (2),

(e) restoring (whether in whole or in part) the condition of any place affected by any such harm or interference to the condition, or a condition reasonably similar to the condition, in which the place would have been had the harm or interference not occurred.

(2) The harm or interference mentioned in subsection (1)(d) and (e) is any of the following which has been, is being, or is likely to be, caused by the carrying on of the licensable marine activity—

- (a) harm to the environment,

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- (b) harm to human health,
- (c) interference with legitimate uses of the sea.>

Marine licensing: monetary penalties

Richard Lochhead

- 52 In section 38, page 22, line 3, leave out <it was> and insert <the penalty is proposed to be>

Karen Gillon

- 162 In section 38, page 22, line 13, at end insert—

<() Provision to secure the result in subsection (2)(e) must secure that any appeal is to be considered by—

- (a) a court,
- (b) a tribunal chaired by a legally qualified person, or
- (c) a legally qualified person.>

Richard Lochhead

- 53 In section 40, page 23, leave out lines 1 to 3

Richard Lochhead

- 54 In section 40, page 23, line 4, leave out from <(or> to <accepted)> in line 6

Richard Lochhead

- 55 In section 40, page 23, line 19, leave out <(2)(c) or (d)> and insert <(2)(d)>

Richard Lochhead

- 56 In section 40, page 23, line 20, leave out <, or accept an undertaking offered by,>

Richard Lochhead

- 57 In section 40, page 23, line 25, leave out <or accept an undertaking>

Richard Lochhead

- 58 In section 40, page 23, line 26, leave out subsection (5) and insert—

<() Provision to secure the result in subsection (2)(d) must also include provision for—

- (a) the person on whom the notice of intent is served to be able to offer an undertaking as to action to be taken by that person (including the payment of a sum of money) to benefit any person affected by the offence,
- (b) the Scottish Ministers to be able to accept or reject such an undertaking, and
- (c) the Scottish Ministers to take any undertaking so accepted into account in their decision.>

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Karen Gillon

163 In section 40, page 23, line 39, at end insert—

- <() Provision to secure the result in subsection (2)(f) must secure that any appeal is to be considered by—
- (a) a court,
 - (b) a tribunal chaired by a legally qualified person, or
 - (c) a legally qualified person.>

Richard Lochhead

59 In schedule 2, page 82, leave out lines 2 and 3

Marine licensing: fishfarming

Elaine Murray

164 In section 42, page 24, line 14, at end insert—

- <() The Scottish Ministers' power, under subsection (1), to delegate the function of determining whether to grant or refuse a licence for a licensable marine activity includes the power to delegate the function of determining whether to grant or refuse a licence for a particular type of licensable marine activity (for example marine fish farming).>

Elaine Murray

167 Leave out section 54

Elaine Murray

174 In schedule 4, page 87, line 18, at end insert—

<Town and Country Planning (Scotland) Act 1997 (c.8)

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26—
 - (a) in subsection (1), the words “or the operation of a marine fish farm in the circumstances specified in section 26AA” are repealed,
 - (b) in subsection (6)—
 - (i) after “any”, where it occurs for the third time, there is inserted “inland”,
 - (ii) the words from “which”, where it first occurs, to “miles”, where it first occurs, are repealed,
 - (iii) for the definition of “inland waters”, there is substituted ““inland waters” means waters which do not form part of the sea, as defined in section 2 of the Marine (Scotland) Act 2009 (asp 00),”
 - (iii) the definition of “nautical miles” is repealed,
 - (c) subsections (6C) to (6J) are repealed.
- (3) Section 26AA is repealed.

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- (4) Section 31A is repealed.
- (5) In section 275—
 - (a) in subsection (4), for the words“(6A) and (6C), 31A” there is substituted “and (6A)”,
 - (b) in subsection (5A), the words “or (6C)” are repealed.>

Marine licensing: marine licensing information

Richard Lochhead

- 60** In section 45, page 26, line 23, after <of> insert <marine>

Richard Lochhead

- 61** In section 45, page 26, line 34, after <licensable> insert <marine>

Liam McArthur

- 17** In section 45, page 27, line 2, at end insert <and must include publication on a website specified by the Scottish Ministers>

Richard Lochhead

- 62** In section 45, page 27, line 6, leave out from <be> to end of line 7 and insert <adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest.>

Marine licensing: testing for substances

Richard Lochhead

- 65** In section 51, page 29, line 37, leave out from <substance> to end of line 6 on page 30 and insert <of the following substances—

- (a) any marine chemical treatment substance,
- (b) any marine oil treatment substance,
- (c) any marine surface fouling cleaner.

- () In this section—

“marine chemical treatment substance” means any substance used or intended to be used for treating chemicals—

- (a) on the surface of the sea or of the sea bed,
- (b) in the case of a wash-off substance, on any surface of a marine structure,

“marine oil treatment substance” means any substance used or intended to be used for treating oil on the surface of the sea,

“marine surface fouling cleaner” means any substance used or intended to be used for removing surface fouling matter—

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- (a) from the surface of the sea or of the sea bed,
- (b) in the case of a wash-off substance, from any surface of a marine structure or vessel at times when the structure or vessel is in the sea or on the sea bed,

“surface fouling matter” means any fouling, and includes, in particular—

- (a) any algae,
- (b) any surface oil or chemical residue,

“surface oil or chemical residue” means any residual matter on a surface after the removal, or substantial removal, of any oil or chemical (whether by natural processes, or by treatment, or in any other way),

“wash-off substance”, in relation to a maritime structure or vessel, means any substance which, if used on a surface of the maritime structure or vessel, will or might (whether in whole or to a significant extent)—

- (a) be removed from that surface, and
- (b) be deposited in the sea,

whether by natural processes, or by treatment, or in any other way.>

Marine protection and enhancement: historic MPAs

Richard Lochhead

- 66** In section 63, page 35, line 27, leave out <located, or believed to be located,> and insert <which is, or which they are satisfied may be, located>

Marine protection and enhancement: publicity in relation to designation orders

Richard Lochhead

- 67** In section 66, page 36, line 24, leave out subsection (1) and insert—
- <(1A) This section applies where the Scottish Ministers have made a designation order (or an order amending or revoking any such order).
 - (1B) The Scottish Ministers must publish notice of the making of the order.
 - (1C) The notice under subsection (1B) must—
 - (a) be published in such a manner as the Scottish Ministers consider is most likely to bring the order to the attention of any persons likely to be affected by the making of it,
 - (b) give an address at which a copy of the order may be inspected.>

Richard Lochhead

- 68** In section 66, page 36, line 28, leave out <every designation> and insert <the>

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Richard Lochhead

- 69 In section 66, page 36, line 28, leave out <one of their offices> and insert <the address specified under subsection (1C)(b)>

Richard Lochhead

- 70 In section 66, page 36, line 30, leave out <a designation> and insert <the>

Marine protection and enhancement: duties relating to network

Bill Wilson

Supported by: Peter Peacock, Elaine Murray

- 109 After section 68, insert—

<Duties relating to network

Creation of network of conservation sites

- (1) In order to contribute to the achievement of the objective in subsection (2), the Scottish Ministers must designate areas as Nature Conservation MPAs under section 58.
- (2) The objective is that the areas designated as Nature Conservation MPAs by the Scottish Ministers, taken together with any areas designated as marine conservation zones under section 116 of the 2009 Act and any relevant conservation sites in the UK marine area, form a network which satisfies the conditions in subsection (3).
- (3) The conditions are—
 - (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area,
 - (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area,
 - (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site.
- (4) For the purposes of subsection (2), the following are “relevant conservation sites”—
 - (a) any European marine site,
 - (b) any European offshore marine site,
 - (b) the whole or part of any site of special scientific interest,
 - (c) the whole or part of any Ramsar site.
- (5) When complying with the duty imposed by subsection (1), the Scottish Ministers must have regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment.
- (6) Before the end of the period of 2 months beginning with the date on which this section comes into force, the Scottish Ministers must—
 - (a) prepare a statement setting out such principles relating to the achievement of the objective in subsection (2) as the Scottish Ministers intend to follow when complying with the duty imposed by subsection (1), and
 - (b) lay of copy of the statement before the Parliament.

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- (7) A statement prepared by the Scottish Ministers under this section may also set out other matters relating to the achievement of that objective which they intend to take into account when complying with the duty imposed by subsection (1).
- (8) The Scottish Ministers must—
- (a) keep under review any statement they have prepared under this section, and,
 - (b) if they consider it appropriate in consequence of a review, prepare a revised statement of the principles referred to in subsection (6)(a) and lay a copy of it before the Parliament.
- (9) In this section—
- “European offshore marine site” means any site within the meaning of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (S.I. 2007/1842),
- “feature” means—
- (a) marine flora or fauna,
 - (b) marine habitats or types of such habitat,
 - (c) features of geological or geomorphological interest,
- “Ramsar site” has the same meaning as in section 37A of the Wildlife and Countryside Act 1981 (c.69),
- “site of special scientific interest” includes a site within the meaning of Part 2 of the Wildlife and Countryside Act 1981.>

Bill Wilson

- 168** In section 87, page 49, line 27, leave out from beginning to <all> in line 28 and insert <A marine management scheme must be established for each>

Bill Wilson

- 169** In section 87, page 50, line 1, leave out <relevant authority’s (or authorities’) functions> and insert <functions of a relevant authority (or of 2 or more relevant authorities acting together)>

Bill Wilson

- 170** In section 87, page 50, line 17, after <area> insert <directed in writing by the Scottish Ministers to establish a marine management scheme (whether on its own or together with another relevant authority or other relevant authorities)>

Richard Lochhead

- 171** In section 91, page 52, line 20, leave out from <an> to the end of line 26 and insert <the objective in section (*Creation of network of conservation sites*)(2).>

Richard Lochhead

- 172** In section 91, page 52, leave out lines 28 to 30

Richard Lochhead

- 173** In section 91, page 52, leave out lines 35 and 36

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Marine protection and enhancement: duties of public authorities in relation to marine protection areas

Richard Lochhead

- 71** In section 71, page 39, line 1, leave out <the exercise of any of its functions> and insert <any of its functions is such that the exercise of the function>

Richard Lochhead

- 72** In section 71, page 39, line 4, at end insert—

- <(3A) Subject to subsection (3C), subsection (3B) applies in any case where a public authority intends to do an act which is capable of affecting (other than insignificantly) any feature, purpose, asset or process mentioned in paragraphs (a) to (d) of subsection (1).
- (3B) If the authority believes that there is or may be a significant risk of the act hindering the achievement of the objectives or purpose mentioned in subsection (2)(a), the authority must notify the Scottish Ministers and (if appropriate) Scottish Natural Heritage of that fact.
- (3C) Subsection (3B) does not apply where—
 - (a) in relation to acts of a particular description—
 - (i) Scottish Natural Heritage has given advice or guidance to the authority under section 69,
 - (ii) the Scottish Ministers have given advice or guidance to the authority under section 70,
 - (b) the act which the authority intends to do is an act of that description, and
 - (c) the advice or guidance has not ceased to apply.
- (3D) Where the authority has given notification under subsection (3B), it must wait until the expiry of 28 days beginning with the date that the Scottish Ministers and (if appropriate) Scottish National Heritage are notified (and if such notification is given on different dates, the later of those dates) before deciding whether to do the act.
- (3E) Subsection (3D) does not apply where—
 - (a) the Scottish Ministers notify the authority that it need not wait until the end of the period referred to in that subsection, or
 - (b) the authority thinks that there is an urgent need to act.>

Richard Lochhead

- 73** In section 71, page 39, line 5, leave out <the> and insert <a public>

Richard Lochhead

- 74** In section 71, page 39, line 19, after <(3)> insert <, (3B)>

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Marine protection and enhancement: defences to offences under sections 82, 83 and 84

Richard Lochhead

75 In section 85, page 49, line 3, at end insert—

<(2A) The Scottish Ministers may by order amend this section so as to remove, or restrict the application of, the defence provided by subsection (2).>

Richard Lochhead

76 In section 86, page 49, line 11, leave out <structure,> and insert <installation, and>

Richard Lochhead

77 In section 86, page 49, leave out line 12

Richard Lochhead

93 In section 145, page 73, line 33, at end insert

<() an order under section 85(2A),>

Definitions

Richard Lochhead

78 In section 91, page 51, line 20, leave out <Marine and Coastal Access Act 2009 (c.00)> and insert <2009 Act>

Richard Lochhead

79 In section 92, page 53, line 1, leave out <Marine and Coastal Access Act 2009 (c.00)> and insert <2009 Act>

Richard Lochhead

80 In section 92, page 53, line 18, leave out <Marine and Coastal Access Act 2009> and insert <2009 Act>

Richard Lochhead

81 In section 94, page 53, line 33, at end insert—

<“animal” includes any egg, larva, pupa or other immature stage of an animal,>

Richard Lochhead

87 In section 117, page 61, line 37, at end insert—

<“vessel” does not include aircraft.>

Richard Lochhead

89 In section 126, page 66, line 29, leave out <Marine and Coastal Access Act 2009 (c.00)> and insert <2009 Act>

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Richard Lochhead

- 90 In section 141, page 71, leave out lines 26 and 27.

Richard Lochhead

- 91 In section 141, page 72, line 4, at end insert—
<() any aircraft,>

Richard Lochhead

- 94 In section 146, page 74, line 2, at end insert—
<“the 2009 Act” means the Marine and Coastal Access Act 2009 (c.00),>

Richard Lochhead

- 95 In section 146, page 74, line 10, at end insert—
<“marine installation” means any artificial island, installation or structure (other than a vessel),>

Richard Lochhead

- 96 In section 146, page 74, line 12, at end insert—
<“UK marine area” has the meaning given in section 40 of the 2009 Act,>

Conservation of seals

Richard Lochhead

- 82 In section 97, page 55, line 23, leave out <or an authorisation granted under section 107>

Richard Lochhead

- 83 In section 97, page 55, line 26, leave out <or an authorisation granted under section 107>

Richard Lochhead

- 84 In section 97, page 55, line 28, leave out <or an authorisation granted under section 107>

Richard Lochhead

- 85 In section 107, page 58, line 23, leave out from first <any> to <prevent> and insert <a person to enter land in order to kill or take seals in accordance with a seal licence granted for the purpose of preventing>

Richard Lochhead

- 86 In section 117, page 61, line 10, leave out <and 84> and insert <, 84, 95 and 100(4),>

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Common enforcement powers: powers of seizure

Richard Lochhead

88 In section 126, page 66, line 26, at end insert—

<() Where a marine enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require that person to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise in relation to that person of any power conferred by section 125 or this section.>

Crown application

Richard Lochhead

92 In section 142, page 72, line 21, leave out <Part> and insert <Act>

