

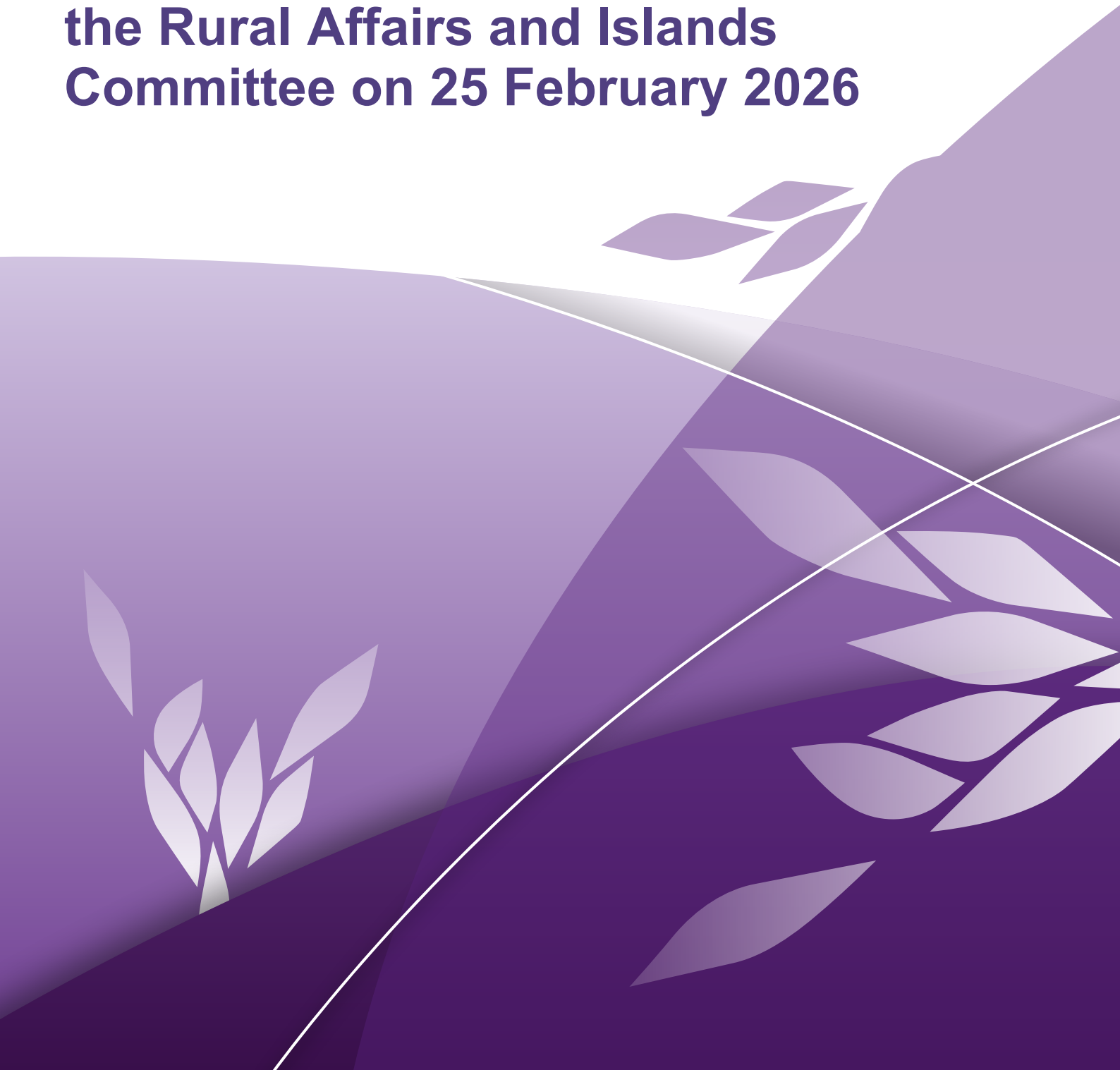


The Scottish Parliament
Pàrlamaid na h-Alba

Published 26 February 2026
SP Paper 1026
6th Report, 2026 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 25 February 2026



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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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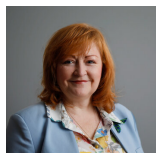
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Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of the [draft Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2026](#).

2. **The Committee agreed by division to recommend to the Scottish Parliament that it approve the instrument.**

The draft Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026

3. The draft Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026 ('the draft Order') was laid before the Scottish Parliament on 30 January under sections 32(1) and 165(1) of the [Marine \(Scotland\) Act 2010](#). The instrument was referred to the Rural Affairs and Islands Committee for consideration. It is subject to the affirmative procedure, meaning the Parliament must approve the instrument before it can come into force.
4. Under the existing regulatory framework for Scotland's inshore waters, the depositing of substances such as waste and chemicals from fish farms may be exempt from requiring a marine licence if certain conditions are met. At present, this exemption applies to activities taking place from 0-3 nautical miles from the coastline, in line with the responsibility of the Scottish Environment Protection Agency (SEPA) in regulating these activities.
5. The Scottish Government has laid the [Environmental Authorisations \(Scotland\) Amendment Regulations 2026](#) ('the 2026 Regulations') which seeks to extend SEPA's authority to regulate discharges from fish farms from 3 nautical miles to up to 12 nautical miles. The Committee considered the 2026 Regulations at its meeting on 25 February 2026 and agreed to make no recommendations in relation to this instrument.
6. The purpose of the draft Order is to support the implementation of the 2026 Regulations by extending the exemptions regime for the deposit of substances into the marine environment from 3 nautical miles to up to 12 nautical miles. The policy note accompanying the instrument said this would "reduce regulatory duplication" resulting from the changes to SEPA's regulatory responsibilities.
7. The draft Order also seeks to amend the exemptions in place for depositing fish and equipment from fish farms. The policy note states that this amendment is intended to "confirm that the exemption applies to all equipment used directly in the course of the propagation or cultivation of fish and shellfish, where the relevant conditions on the application of the exemption are met".

Delegated Powers and Law Reform (DPLR) Committee consideration

8. The DPLR Committee considered the instrument on 10 February 2026 and [reported on it in its 17th Report, 2026](#). The Committee made no recommendations in relation to the instrument.

Rural Affairs and Islands Committee consideration

9. The Committee took evidence on the draft Order [from the Cabinet Secretary for Rural Affairs, Land Reform and Islands and Scottish Government officials at its meeting on 25 February 2026](#).
10. The Cabinet Secretary made an opening statement, setting out the purpose and objectives of the instrument.
11. The Committee questioned the potential impacts on SEPA's resources and regulatory capabilities as a result of the additional responsibilities placed on it by the 2026 Regulations. The Cabinet Secretary said the Scottish Government had engaged with SEPA about taking on these responsibilities and the agency had not raised concerns about potential resource implications. She added that SEPA could reclaim any costs from assessing applications due to its cost recovery model.
12. Members asked the Cabinet Secretary how many additional fish farm applications might be expected in the 3-12 nautical miles area as a result of changes to SEPA's regulatory responsibilities. The Cabinet Secretary explained that some fish farm businesses have expressed an interest in making an application for farms in offshore locations and, therefore, it is important that the regulatory framework is in place in advance of these applications being made.

Conclusion

13. At the end of evidence taking, the Cabinet Secretary moved motion [S6M-20638](#)—

That the Rural Affairs and Islands Committee recommends that the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026 be approved.

14. The motion was debated and was then agreed to by division (7 For, 0 Against, 1 Abstention).

15. The Rural Affairs and Islands Committee recommends that the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026 be approved.

