STATUTORY INSTRUMENTS

2026 No. 1110

ENVIRONMENTAL PROTECTION

LICENSING (MARINE)

MARINE POLLUTION

The Marine Licensing (Exempted Activities and Fees) (Amendment) Regulations 2026

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SCHEDULES

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 67(2) and (3), 72A(4) and (5), 74(1) and (2), 107A(3), 107B(5) and 316(1) of the Marine and Coastal Access Act 2009(**a**).

The Secretary of State is the appropriate licensing authority under section 113(2)(a), (4)(a), (6)(a) and (8) of that Act(**b**).

The Secretary of State has had regard to the matters mentioned in section 74(4) of that Act, and has consulted in accordance with section 74(5) of that Act, before making provision in these Regulations under section 74 of that Act.

In deciding to make provision in these Regulations under section 67(2) and 72A(4) of that Act in respect of types of application to the licensing authority or in respect of an activity of the licensing authority, the Secretary of State has decided what provision to make by reference to

(**a**) 2009 c. 23. Section 72A was inserted by section 77(1), and sections 107A and 107B were inserted by section 78, of the Environment (Wales) Act 2016 (anaw 3). Those sections are amended by section 232 of the Levelling-up and Regeneration Act 2023 (c. 55). Section 113 was amended by section 46(2) of the Wales Act 2017 (c. 4).

(**b**) By virtue of section 113(2)(a), (4)(a), (6)(a) and (8) of the Marine and Coastal Access Act 2009, the Secretary of State is the "appropriate licensing authority" as respects anything done in the course of carrying out certain activities in the Scottish offshore region, Wales, the Welsh inshore region and the Welsh offshore region, Northern Ireland and the Northern Ireland inshore region (see section 322(1) for the definition of those regions), and in relation to any area not mentioned in subsection (2), (4) or (6) of section 113.

the expected costs of dealing with that type of application or of carrying out that activity, in accordance with section 107B(2) of that Act.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marine Licensing (Exempted Activities and Fees) (Amendment) Regulations 2026 and come into force on 4th January 2027.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

PART 2

Amendment of the Marine Licensing (Exempted Activities) Order 2011

Amendment of the Marine Licensing (Exempted Activities) Order 2011

2. The Marine Licensing (Exempted Activities) Order 2011(**a**) is amended in accordance with this Part.

Amendment to article 3 (interpretation)

3. At the appropriate place in article 3 insert—

> ""advanced mooring system" means a mooring which uses a suspended or buoyant rode for the purpose of minimising contact with the sea bed;"
>
> ""highly protected marine area" means a marine conservation zone from time to time designated by an Order made under section 116 of the Act, the title of which includes "Highly Protected Marine Area"(**b**);"
>
> ""working day" means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(**c**).".

Amendment to article 13 (shellfish propagation and cultivation)

4.—(1) Article 13 is amended as follows.

(2) In paragraph (2)—

(a) omit the "or" after sub-paragraph (b);

(b) at the end insert "; or—

(d) to any such deposit that—

(i) falls within paragraph (3); and

(**a**) S.I. 2011/409, as amended by S.I. 2013/526, 2017/1012 and 1013, 2019/893 and 2026/676. There are other amending instruments but none are relevant.
(**b**) See S.I. 2023/1, 2023/2 and 2023/3.
(**c**) 1971 c. 80.

(ii) is not directly connected with or necessary to the management of the area referred to in that paragraph.".

(3) At the end insert—

"(3) A deposit falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

Amendment to article 17 (scientific instruments)

5.—(1) Article 17 is amended as follows.

(2) In paragraph (1)(a), for " or associated equipment" substitute "other than a seismic airgun, or to the deposit of any associated equipment,".

(3) In paragraph (2) for "condition 1" substitute "conditions 1 and 4".

(4) After paragraph (4) insert—

"(4A) Condition 4 is that, in the case of the deposit of a sub-bottom profiling system—

(a) information about the date of the first such deposit must be provided to the licensing authority before the end of the period of 6 months beginning with the date on which that deposit takes place;

(b) information about the dates on which, and location at which, the deposit takes place must be submitted to the Joint Nature Conservation Committee(**a**) for inclusion in the UK Marine Noise Registry—

(i) before the end of the period of 6 months beginning with the date on which the first such deposit takes place;

(ii) before the end of each subsequent period of 6 months during which the deposit takes place; and

(iii) before the end of the period of 12 weeks beginning with the date on which the final such deposit takes place.

(4B) In this regulation—

"sub-bottom profiling system" means instruments or equipment which use an acoustic or seismic energy source for the purpose of surveying the geological features beneath the seabed;

"UK Marine Noise Registry" means the database developed and maintained by the Joint Nature Conservation Committee on behalf of the Secretary of State to record the spatial and temporal distribution of impulsive noise generating activities in UK seas(**b**).".

Amendment to article 19 (maintenance of coast protection, drainage and flood defence works)

6. For article 19(3) substitute—

(**a**) The Joint Nature Conservation Committee is continued in existence by section 31 of the Natural Environment and Rural Communities Act 2006 (c. 16).

(**b**) The UK Marine Noise Registry is maintained at this link: https://mnr.jncc.gov.uk/.

"(3) But article 4 does not apply to any such activity—

(a) that consists of beach replenishment; or

(b) that—

(i) falls within paragraph (3A); and

(ii) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(3A) An activity falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

Amendment to article 22 (deposits in the course of normal navigation or maintenance)

7. At the end of article 22 insert—

"(3) Article 4 does not apply to a deposit described in paragraph (1) which consists of the deposit of a spud leg and which—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) A deposit falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.

(5) In paragraph (3), "spud leg" means a leg or stake for anchoring a vessel that can be jacked up to lift its hull above the waterline.".

Amendment to article 23 (maintenance of harbour works)

8. At the end of article 23 insert—

"(3) But article 4 does not apply to any such activity that—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) An activity falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

Insertion of article 23A (maintenance of bridges and cantilevered structures)

9. After article 23 insert—

"Maintenance of bridges and cantilevered structures

23A.—(1) Article 4 applies to a deposit, removal activity or works activity carried on for the purpose of maintaining the ancillary assets of a bridge or cantilevered structure which is over the sea.

(2) In paragraph (1) "ancillary assets" means those parts of the bridge or cantilevered structure which do not form part of its structure, including lights, signage, drainage, fencing, pathways and road surfaces.

(3) Paragraph (1) is subject to the condition that the activity is carried on wholly within the external perimeter of the bridge or structure being maintained.".

Substitution of article 25 (moorings and aids to navigation)

10. For article 25 substitute—

"Moorings and aids to navigation

25.—(1) Article 4 applies—

(a) to a deposit or works activity carried on for the purpose of providing a pile mooring, swinging mooring, trot mooring, advanced mooring system or aid to navigation;

(b) to a removal activity carried on for the purpose of removing any such mooring or aid to navigation.

(2) Where the activity is carried on by a person other than a harbour authority or a lighthouse authority, paragraph (1) is subject to the conditions that—

(a) the activity must be carried on in accordance with a consent granted by a harbour authority or a lighthouse authority; and

(b) before the activity is carried on, the person must give to the licensing authority—

(i) a copy of that consent; and

(ii) notice of the intention to carry on the activity.

(3) But article 4 does not apply to any such activity that—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) An activity falls within this paragraph if it is carried out by a person other than a lighthouse authority and is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

Insertion of article 25ZA (replacement of existing swinging mooring with advanced mooring system)

11. After article 25 insert—

"Replacement of existing swinging mooring with advanced mooring system

25ZA.—(1) Article 4 applies to a deposit, removal activity or works activity carried on for the purpose of replacing a swinging mooring with an advanced mooring system.

(2) Paragraph (1) is subject to the conditions that—

(a) the anchor for the advanced mooring system is either a helical screw or, where the existing anchor cannot be removed, that existing anchor;

(b) the anchor for the advanced mooring system is deposited within the existing boundary of the existing anchor;

(c) notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on;

(d) no damage is caused during the activity to any habitat or species which is a protected feature of a European site, a Ramsar site or an MCZ.

(3) Article 4 does not apply to an activity described in paragraph (1) that—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) An activity falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.

(5) In this article—

"deposit, removal activity or works activity" does not include any such activity which consists of the deposit or the construction of a pontoon;

"existing anchor" means the seabed anchor used by the swinging mooring which is to be replaced by an advanced mooring system.".

Substitution of article 25A (pontoons)

12. For article 25A substitute—

"Pontoons

25A.—(1) Article 4 applies—

(a) to a deposit or works activity carried on for the purpose of providing a pontoon; or

(b) to a removal activity carried on for the purpose of removing a pontoon.

(2) Paragraph (1) is subject to the condition that notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on.

(3) Where the activity is carried on by a person other than a harbour authority, paragraph (1) is subject to the conditions that—

(a) the activity must be carried on in accordance with a consent granted by a harbour authority; and

(b) before the activity is carried on, the person must give a copy of that consent to the licensing authority.

(4) Paragraph (1)(a) is subject to the condition that the activity may only be carried on with an approval granted by the licensing authority where—

(a) the activity is carried on by, or with the consent granted by, a harbour authority; and

(b) in the 6 months before the activity is commenced, more than 10 pontoons have been constructed by, or with the consent granted by, that harbour authority.

(5) But article 4 does not apply to any activity referred to in paragraph (1)—

(a) that consists of the deposit, construction or removal of a pontoon the deck of which has an area exceeding 30 square metres; or

(b) that—

(i) falls within paragraph (6); and

(ii) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(6) An activity falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

Amendment to article 26 (markers for European marine sites and marine conservation zones)

13.—(1) Article 26 is amended as follows.

(2) For paragraph (1)(a) substitute—

"(a) to a deposit made by Natural England, or by a person acting on behalf of Natural England, for the purpose of installing a marker—

(i) for the purposes of regulation 37(1) of the Conservation of Habitats and Species Regulations 2017(**a**) (installation of markers indicating the existence and extent of a European marine site within the meaning of those Regulations); or

(ii) which is otherwise necessary for the purposes of managing a site referred to in that regulation;".

(3) In paragraph (1)(b), after "Natural England" insert ", or by a person acting on behalf of Natural England,".

(4) For paragraph (1)(c) substitute—

"(c) to a deposit made by a public authority, or by a person acting on behalf of a public authority—

(i) for the purpose of installing a marker which indicates the existence and extent of an MCZ; or

(ii) which is otherwise necessary for the purpose of managing the MCZ;".

(5) In paragraph (1)(d), after "public authority" insert ", or by a person acting on behalf of a public authority,".

(**a**) S.I. 2017/1012.

(6) For paragraph (2) substitute—

"(2) Paragraph (1) is subject to the conditions that—

(a) notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on; and

(b) the activity does not take place within 200 metres of a site (including any site comprising, or comprising the remains of, any vessel, aircraft or marine structure) which is of historic or archaeological interest.".

Substitution of article 27A (deposit of a substance arising from the cleaning of vessels)

14. For article 27A substitute—

"Deposit of a substance arising from the cleaning of vessels

27A.—(1) Article 4 applies to the deposit of a substance removed from that part of the hull of a vessel which is normally submerged ("submerged hull").

(2) Paragraph (1) is subject to the condition that—

(a) the removal of the substance, whether it is undertaken by hand or by mechanical means, is undertaken using only—

(i) a soft cloth;

(ii) a sponge;

(iii) the bristles of a soft brush; or

(iv) sandpaper, the grit size of which is at least P2000; and

(b) where the removal is undertaken by mechanical means—

(i) the removal is carried out using a technique or technology which ensures that the amount of the substance deposited either in the sea, or on or under the sea bed, after removal is negligible;

(ii) the substance removed does not include anti-fouling paint; and

(iii) the removal of the substance is from a submerged hull no more than 15 per cent of which is covered by visible aquatic organisms.

(3) But article 4 does not apply to any such deposit that—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) A deposit falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.

(5) In this regulation "anti-fouling paint" means any surface coating containing one or more chemical compounds which may have a detrimental effect on estuarial or marine life and which is applied to the hull of a vessel.".

Amendment to article 28 (dismantling of ships)

15. At the end of article 28 insert—

"(3) Article 4 does not apply to a deposit or removal activity described in paragraph (1) which—

(a) falls within paragraph (4); and

(b) is not directly connected with or necessary to the management of the area referred to in that paragraph.

(4) A deposit or removal activity falls within this paragraph if it is capable of affecting (other than insignificantly)—

(a) the protected feature of a highly protected marine area; or

(b) any ecological or geomorphological process on which the conservation of the protected feature of the highly protected marine area is (wholly or in part) dependent.".

PART 3

Amendment of the Marine Licensing (Application Fees) Regulations 2014

Amendment of the Marine Licensing (Application Fees) Regulations 2014

16. The Marine Licensing (Application Fees) Regulations 2014(**a**) are amended in accordance with this Part.

Amendment to regulation 2 (interpretation)

17.—(1) Regulation 2 is amended as follows.

(2) At the appropriate place insert—

""consumer prices index" means the all items consumer prices index published by the Statistics Board(**b**);"

""deemed licence" means a marine licence deemed to have been granted under Part 4 of the Act by—

(a) a provision in a development consent order made under section 149A of the Planning Act 2008(**c**); or

(b) a provision in an order of the Secretary of State under section 1 or 3 of the Transport and Works Act 1992(**d**) made under section 19A of that Act;"

""fee change date" means—

(a) 1st April 2027;

(b) 1st April in any subsequent year;"

""hourly rate" has the meaning given in regulation 2A;"

(**a**) S.I. 2014/615, amended by S.I. 2014/950, 2017/1012, 2017/1013 and 2018/850.
(**b**) The Statistics Board is established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).
(**c**) 2008 c. 29. Section 149A was inserted by section 112(1) of, and Schedule 8 to, the Marine and Coastal Access Act 2009 (c. 23), and amended by section 69(1) of, and Schedule 6 to, the Wales Act 2017 (c. 4).
(**d**) 1992 c. 42. Section 19A was inserted by section 44(1) of the Planning and Infrastructure Act 2025 (c. 34).

""relevant CPI percentage", in relation to a fee change date, means the percentage by which the consumer prices index for the September before the fee change date is higher than it was for the September before that, or 0% if it is not higher.".

(3) For the definition of "licence" substitute—

""licence" means a marine licence granted under section 71(1)(a) or (b) of the Act, or a deemed licence;".

Insertion of regulation 2A (meaning of "hourly rate")

18. After regulation 2 insert—

"Meaning of "hourly rate"

2A.—(1) The hourly rate is £155, subject to annual increase in accordance with this regulation.

(2) The hourly rate is increased on each fee change date by the relevant CPI percentage, rounded to the nearest £1.

(3) An increase in the hourly rate in accordance with paragraph (2) applies in respect of hours worked and hours of travel undertaken on or after the fee change date.".

Amendment to regulation 3 (application of regulations)

19. In regulation 3 omit "any application for".

Amendment to regulation 4 (fees for applications for licences)

20.—(1) Regulation 4 is amended as follows.

(2) In each place it occurs, for "the Schedule" substitute "Schedule 1".

(3) In paragraph (1)(a) for "(4)" substitute "(4C)".

(4) In paragraphs (2)(b) and (5)(a) for "£122" substitute "the hourly rate".

(5) In paragraph (4), for the words from "is specified" to the end substitute "is the maximum fee (if any) specified in relation to that band in the third column of the table, subject to annual increase in accordance with paragraphs (4A) and (4B)".

(6) After paragraph (4) insert—

"(4A) A maximum fee in relation to an application which is specified in the third column of the table in paragraph 1 of Schedule 1 is increased on each fee change date by the relevant CPI percentage, rounded to the nearest £1.

(4B) An increase in a maximum fee in accordance with paragraph (4A) applies in respect of an application for licence which is made on or after the fee change date.".

Insertion of regulations 4A and 4B (fees payable for monitoring, variation or transfer)

21. After regulation 4 insert—

"Fee payable for monitoring

4A.—(1) The fee payable in respect of monitoring of a description in the first column of the tables in Schedule 2, in relation to a licence described in the second column of those tables, is set out in the third column of those tables.

(2) The maximum fee specified in relation to the first entry in table 1 in Schedule 2 is increased on each fee change date by the relevant CPI percentage, rounded to the nearest £1.

(3) An increase in a maximum fee in accordance with paragraph (2) applies in respect of monitoring which commences on or after the fee change date.

Fee payable for variation or transfer

4B.—(1) The fee payable in respect of the variation of a licence under section 72(3) of the Act (whether or not on an application), or for the transfer and variation of a licence under section 72(7) of the Act, is the fee set out in the third column of Schedule 3 in relation to—

(a) a licence described in the second column of that Schedule; and

(b) the circumstances described in the first column of that Schedule.

(2) A maximum fee specified in the third column of Schedule 3 is increased on each fee change date by the relevant CPI percentage, rounded to the nearest £1.

(3) An increase in a maximum fee in accordance with paragraph (2) applies in respect of—

(a) the variation of a licence, or the transfer and variation of a licence, for which an application is made on or after the fee change date;

(b) the variation of a licence which is varied by notice given by the licensing authority on or after the fee change date.".

Amendment to regulation 5 (payment of fees)

22. Omit regulation 5(4).

Insertion of regulation 5A (calculation and determination of fees payable for monitoring, variation or transfers)

23. After regulation 5 insert—

"Calculation and determination of fees payable for monitoring, variation or transfer

5A.—(1) Where a fee payable under regulation 4A or 4B in respect of monitoring, variation or transfer is to be calculated at the hourly rate, the total number of hours worked or travelled may be expressed as a fraction where it cannot be expressed as a whole number.

(2) Where an activity or licence falls within more than one description in Schedule 2 or Schedule 3, as the case may be, the higher fee is payable in relation to the activity.

(3) Subject to paragraph (4), the fee payable in respect of monitoring of any description specified in the first column of the tables in Schedule 2 may be charged on each occasion on which the monitoring is carried out.

(4) Where monitoring in relation to a licence of a kind mentioned in the first entry in the second column of table 1 in Schedule 2 is carried out on more than one occasion, the maximum fee specified in the third column of that table in relation to the fee for such

monitoring applies in relation to the aggregate of the various amounts that (but for that limit) would be payable by way of fees in respect of the monitoring carried out on those occasions.

(5) The fee payable under regulation 4A or 4B in respect of monitoring, variation or transfer may include—

(a) a travel time charge which is the product of the hourly rate and the total number of hours of travel undertaken by each relevant person; and

(b) the total amount of the reasonable travelling costs and related incidental expenditure incurred in respect of each relevant person.

(6) In paragraph (5), ”relevant person” means a person acting on behalf of the Secretary of State in relation to monitoring, variation or transfer.”.

Amendment to regulation 6 (deposits in cases where fee payable at hourly rate)

24.—(1) Regulation 6 is amended as follows.

(2) For the heading substitute “Deposits”.

(3) In paragraph (1) for “the Schedule” substitute “Schedule 1”.

(4) After paragraph (1) insert—

“(1A) In relation to any fee payable under regulation 4A or 4B, other than one which is subject to a maximum fee which is specified in the first or final entry in the third column of Schedule 3, the Secretary of State may require the holder of a licence to pay a deposit of such amount as the Secretary of State may determine on account of the fee payable.”.

(5) In paragraph (3) for “the Schedule” substitute “Schedule 1, or in relation to a fee payable under regulation 4A or 4B in respect of which no maximum fee is specified in Schedule 2 or 3,”.

(6) Omit paragraph (4).

Amendment to regulation 7 (repayment, waiver or reduction of fee)

25.—(1) Regulation 7 is amended as follows.

(2) For the heading substitute “Repayment of fee”.

(3) Omit paragraph (2).

Substitution of the Schedule (applications and maximum fees)

26. The Schedule is renumbered as Schedule 1 and substituted by the Schedule set out in Schedule 1.

Insertion of Schedule 2 (fee payable for monitoring)

27. After Schedule 1, as renumbered by regulation 26, insert the Schedule set out in Schedule 2.

Insertion of Schedule 3 (fee payable for variation or transfer)

28. After Schedule 2, as inserted by regulation 27, insert the Schedule set out in Schedule 3.

PART 4

Transitional provision in relation to fees

Interpretation of Part 4

29.—(1) In this Part—

"2014 Regulations" means the Marine Licensing (Application Fees) Regulations 2014;

"amendments" means the amendments made to the 2014 Regulations by Part 3;

"relevant date" means 4th January 2027.

(2) In this Part, "hourly rate", "licence" and "relevant year" have the same meaning as in the 2014 Regulations.

Transitional provision in relation to licence application fees

30.—(1) The amendments do not apply in relation to a fee payable for determining an application for a licence where the application—

(a) was made before the relevant date, and

(b) fell within one of the descriptions in Band 2 in the Schedule to the 2014 Regulations, as those Regulations stood immediately before the relevant date.

(2) Subject to paragraph (1), the amendments apply on and after the relevant date in relation to a fee payable for determining an application for a licence so that—

(a) the fee specified in the table in paragraph 1 of Schedule 1 to the 2014 Regulations (as inserted by these Regulations) is payable in relation to determining such an application where the fee is due for payment on or after the relevant date, but

(b) hours worked or travelled before the relevant date in connection with the application are calculated at the rate of £122 per hour.

Transitional provision in relation to monitoring fees

31.—(1) The amendments apply on and after the relevant date in relation to a fee payable for the monitoring of a licence described in column 1 of table 1 of Schedule 2 to the 2014 Regulations (as inserted by these Regulations) so that—

(a) the fee specified in table 1 in Schedule 2 to the 2014 Regulations (as inserted by these Regulations) is payable in relation to monitoring where the fee is due for payment on or after the relevant date, but

(b) hours worked or travelled before the relevant date in connection with the monitoring are calculated at the rate of £94 per hour.

(2) The amendments apply in relation to a fee payable for the monitoring of a licence described in column 1 of table 2 of Schedule 2 to the 2014 Regulations (as inserted by these Regulations) in respect of the relevant year beginning with 1st January 2027 and subsequent relevant years.

Transitional provision in relation to licence variation and transfer fees

32.—(1) The amendments do not apply in relation to a fee payable for determining an application for the variation or transfer of a licence which—

(a) was made before the relevant date, and

(b) was, immediately before the relevant date, subject to a maximum fee specified in the table in Schedule 2 to the Public Bodies (Marine Management Organisation) (Fees) Order 2014(**a**) of £50 or £200.

(2) Subject to paragraph (1), the amendments apply on and after the relevant date in relation to a fee payable for determining an application for the variation or transfer of a licence, or for the consideration of the variation of a licence by notice given by the licensing authority, so that—

(a) the fee specified in Schedule 3 to the 2014 Regulations (as inserted by these Regulations) is payable in relation to determining such an application, or considering such a variation, where the fee is due for payment on or after the relevant date, but

(b) hours worked or travelled before the relevant date in connection with the application or consideration are calculated at the rate of £94 per hour.

Stephen Morgan
Parliamentary Under-Secretary of State
19th October 2026 Department for Environment, Food and Rural Affairs

(**a**) S.I. 2014/2555.

SCHEDULES

SCHEDULE 1 Regulation 26

Substitution of Schedule 1 (application bands and maximum fees)

The following Schedule is substituted as Schedule 1 to the Marine Licensing (Application Fees) Regulations 2014—

"SCHEDULE 1 Regulation 4

Application bands and maximum fees

1. The bands and (where applicable) maximum fees are as follows—

Band	*Description of application*	*Maximum fee*
Band 1	Any application where paragraph 2(1) applies to the activity which relates to— (a) the burial of a body at sea; (b) erecting scaffolding for discrete maintenance projects; (c) removing poles, girders, joists and objects of a similar nature unattached to the seabed or any structure; (d) the deposit of a single scientific instrument (other than a seismic airgun), and equipment associated with such an instrument, in connection with any scientific experiment or survey, where that deposit causes or is likely to cause obstruction or danger to navigation, in particular where any such deposit is tethered to the seabed or reduces navigational clearance by more than 5% by reference to Chart Datum; (e) activities related to the detection of unexploded ordnance; (f) the removal by a local planning authority, a harbour authority or the Environment Agency, or a person acting on behalf of such an authority or agency, of a vessel which is sunk or stranded, or which has been abandoned on the sea bed, where— (i) the vessel is, or is likely to become, a risk to the environment, safe navigation or health and safety; and (ii) paragraph 2(2) applies in relation to the removal;	

Band	*Description of application*	*Maximum fee*
	(g) the deposit of fireworks from a vehicle, vessel, marine structure or floating container for the purposes of a firework display by a local planning authority or a harbour authority, or by a person acting on behalf of such an authority, where paragraph 2(3) applies in relation to the deposit; (h) resurfacing a slipway; (i) repairing joints of any structure; (j) any activity of a similar minor nature.	
Band 2	Any application where paragraph 2(1) applies to the activity, which does not fall, or which does not fall exclusively, within the description in Band 1, and which relates to a specified activity or activities which has, or (in the case of more than one activity) taken together have, an estimated cost ceiling within one of the following ranges—	
Band 2A	less than £20,000	£2,950
Band 2B	£20,000 or more, but less than £75,000	£4,650
Band 2C	£75,000 or more, but less than £250,000	£9,290
Band 2D	£250,000 or more, but less than £1,000,000	£12,390
Band 3	Any other application	No maximum

2.—(1) This paragraph applies in relation to an activity which is not—

(a) to be carried out in the course of an Annex I project;

(b) to be carried out in the course of an Annex II project, if it is likely because of its size, nature or location to have significant effects on the environment;

(c) a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;

(d) capable of affecting (other than insignificantly)—

(i) the protected features of an MCZ; or

(ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent;

(e) likely to have a significant effect on a Ramsar site; or

(f) an activity with respect to which an environmental impact assessment is required by virtue of regulation 5 (requirement of assessment by agreement) of the EIA Regulations.

(2) This paragraph applies in relation to the removal of a vessel if—

(a) the vessel is located within one nautical mile of the baseline;

(b) the vessel is not located within a highly protected marine area.

(3) This paragraph applies in relation to the deposit of fireworks if—

(a) the deposit of the fireworks does not take place in a highly protected marine area;

(b) the deposit of the fireworks does not cause, and would not be likely to cause, obstruction or danger to navigation.

(4) In this Schedule—

"Annex I project" means a project of a type specified in Annex I to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment(**a**);

"Annex II project" means a project of a type specified in Annex II to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment;

"EIA Regulations" means the Marine Works (Environmental Impact Assessment) Regulations 2007(**b**);

"environmental impact assessment" means an assessment under Part 3 of the EIA Regulations;

"European site" means a European site within the meaning of regulation 8(1) of the Conservation of Habitats and Species Regulations 2017(**c**) or a "European offshore marine site" within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017(**d**);

"harbour authority" has the meaning given by section 57(1) of the Harbours Act 1964(**e**);

"highly protected marine area" means a marine conservation zone from time to time designated by an Order made under section 116 of the Act, the title of which includes "Highly Protected Marine Area";

"local planning authority" has the same meaning as in Part 1 of the Town and Country Planning Act 1990(**f**);

"MCZ" means a marine conservation zone from time to time designated by an Order made under section 116 of the Act;

"plan or project" has the same meaning as in Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora(**g**);

"protected feature" has the meaning given by section 147(1) of the Act;

"Ramsar site" means a site described in section 37A of the Wildlife and Countryside Act 1981(**h**);

(**a**) OJ L 26, 28.1.2012, pp. 1–21, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, pp. 1–18.

(**b**) S.I. 2007/1518, as amended by S.I. 2011/735, 2017/588 and 2019/25 and by S.S.I. 2017/115. There are other amending instruments but none are relevant.

(**c**) S.I. 2017/1012, as amended by S.I. 2019/579. There are other amending instruments but none are relevant.

(**d**) S.I. 2017/1013, as amended by S.I. 2019/579. There are other amending instruments but none are relevant.

(**e**) 1964 c. 40.

(**f**) 1990 c. 8.

(**g**) OJ L 206, 22.7.1992, pp. 7–50, as last amended by Directive (EU) 2025/1237 of the European Parliament and of the Council of 17 June 2025 amending Council Directive 92/43/EEC as regards the protection status of the wolf (Canis lupus), OJ L 2025/1237.

(**h**) 1981 c. 69. Section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 (c. 37). It was amended by section 105 of, and Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16); section 16 of, and Schedule 2 to, the Planning (Wales) Act 2015 (anaw 4); section 88 of, and Schedule 9 to, the Local Government and Elections (Wales) Act 2021 (asc 1); and by S.I. 2013/755.

"specified activity" means any activity falling within item 1 (deposits within the UK marine licensing area etc), 7 (construction, alteration or improvement of works etc) or 8 (use of vehicle to remove substances etc) of section 66(1) of the Act.".

SCHEDULE 2

Regulation 27

Insertion of Schedule 2 (fee payable for monitoring)

The following Schedule is inserted as Schedule 2 to the Marine Licensing (Application Fees) Regulations 2014—

"SCHEDULE 2

Regulation 4A

Fee payable for monitoring

Table 1

Fee payable for monitoring: general

Description of monitoring	*Description of licence*	*Fee*
Reviewing the information submitted by the holder of a licence and, where necessary, inspecting the licensable activity or place where it is or was carried on; analysing any samples taken or further information gathered; and preparing a report.	A licence the application for which was subject to a fee of an invariable amount, or a fee calculated at an hourly rate and subject to a maximum fee specified in Schedule 1.	A fee calculated at the hourly rate and subject to a maximum fee of £1,500.
	Any other licence.	A fee calculated at the hourly rate.

Table 2

Fee payable for monitoring of disposal of dredged material

Description of monitoring	*Description of licence*	*Fee*
In relation to a licensable activity of a kind mentioned in item 1 (deposits within the UK marine licensing area etc) of section 66(1) of the Act, inspecting the licensable activity or place where it is or was carried on; analysing any samples taken or further information gathered; and preparing a report.	Any licence	A fee of A x B, where A is the amount of the tonnage of material disposed at sea in any relevant year and B is £0.03, subject to a maximum fee of £60,000. For this purpose, "relevant year" means the year in respect of which the fee is charged, beginning with the date on which monitoring begins or any anniversary of that date.".

SCHEDULE 3

Regulation 28

Insertion of Schedule 3 (fee payable on variation or transfer)

The following Schedule is inserted as Schedule 3 to the Marine Licensing (Application Fees) Regulations 2014—

"SCHEDULE 3

Regulation 4B

Fee payable on variation or transfer

Description of circumstances	*Description of licence*	*Fee*
Varying a licence where the name of a vessel, the registration number of a vehicle, or the name and address of an agent, contractor or sub-contractor changes	Any licence	A fee calculated at the hourly rate and subject to a maximum fee of £200.
Varying any other provision of a licence where the Secretary of State consults a person or body other than the holder of the licence in order to determine whether, or how, to vary that licence.	Any licence	A fee calculated at the hourly rate.
Varying any other provision of a licence in any other circumstances.	Any licence	A fee calculated at the hourly rate and subject to a maximum fee of £500.
Transferring a licence from the licensee to another person and varying it accordingly.	A deemed licence	A fee calculated at the hourly rate.
	A licence other than a deemed licence	A fee calculated at the hourly rate and subject to a maximum fee of £200.".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marine Licensing (Exempted Activities) Order 2011 (S.I. 2011/409) ("the 2011 Order") and the Marine Licensing (Application Fees) Regulations 2014 (S.I. 2014/615) ("the Fees Regulations").

Part 2 amends the 2011 Order, which specifies licensable marine activities in respect of which a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (c. 23) ("the 2009 Act") is not required, whether subject to conditions or otherwise. The amendments create new exemptions from the need for a marine licence in relation to maintenance of bridges or cantilevered structures and replacement of existing swinging moorings with advanced mooring systems. They also modify certain existing exemptions, including to make some of them unavailable where the exempted activity might impact a highly protected marine area.

Part 3 amends the Fees Regulations, which prescribe the fees payable in relation to marine licence applications where the Secretary of State is the appropriate licensing authority under the 2009 Act. The hourly rate payable for application fees is increased to £155, and becomes subject to annual increases in line with increases in the consumer prices index. Four new activities are added to Band 1 (which attracts an application fee of £50) in what will become Schedule 1 to the Fees Regulations (activities related to the detection of unexploded ordnance, the deposit of scientific instruments or equipment which might cause an obstruction or danger to navigation, recovery of abandoned vessels, and the deposit of fireworks). Paragraph 2 of Schedule 1 sets out matters which determine the availability of Band 1 and Band 2 licences. Sub-paragraphs (1) and (2) apply to the activities listed in Band 1 relating to the removal of a vessel and the deposit of fireworks respectively, while sub-paragraph (3) applies to any Band 1 or 2 activity.

The amendments also provide for fees in relation to monitoring, variations and transfers of marine licences under powers introduced into the 2009 Act by section 232 of the Levelling-up and Regeneration Act 2023 (c. 55). These fees were previously provided for by the Public Bodies (Marine Management Organisation) (Fees) Order 2014 (S.I. 2014/2555), which is revoked on the date these Regulations come into force by subsection (9) of that section. The new provision for these fees in the Fees Regulations largely reflects the provision that was made in that Order, but with the new hourly rate that now applies for application fees, increased maximum fees and other minor updates.

Part 4 includes transitional provision in relation to the new fees.

No impact assessment has been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment of the effect that this instrument will have on the cost of business has been prepared and is available from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF.

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