SCOTTISH STATUTORY INSTRUMENTS

2026 No. 165

ENVIRONMENTAL PROTECTION

LICENSING (MARINE)

FISH FARMING

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

Made - - - -	*24th March 2026*
Coming into force - -	*26th March 2026*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 32(1) and 165(1) of the Marine (Scotland) Act 2010(**a**) and all other powers enabling them to do so.

In deciding to make this Order, the Scottish Ministers have had regard to the matters mentioned in section 32(4) of that Act.

The Scottish Ministers have carried out consultation in accordance with section 32(5) of that Act.

In accordance with section 165(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026 and comes into force on 26 March 2026.

Amendment of the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011

2. For article 12 (propagation and cultivation of fish - deposits) of the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011(**b**) substitute—

(**a**) 2010 asp 5.
(**b**) S.S.I. 2011/204. Article 12 was amended by S.S.I. 2020/316.

"Propagation and cultivation of fish - deposits

12.—(1) Subject to paragraphs (2) and (3), this article applies to the deposit of any—

(a) equipment, or

(b) substance liable to cause harm to the Scottish marine area,

carried on in the course of the propagation or cultivation of fish.

(2) In the case of a deposit of equipment under paragraph (1)(a), this article is subject to the condition that the deposit of that equipment is authorised by and carried out in accordance with a planning permission.

(3) This article does not apply to—

(a) a deposit falling within paragraph (1)(a) where any of the circumstances in paragraph (4) apply,

(b) a deposit falling within paragraph (1)(b) where any of the circumstances in paragraph (4)(b) or (c) apply.

(4) The circumstances are as follows—

(a) the deposit is made for the purposes of a disposal,

(b) the deposit is made for the purposes of creating, altering or maintaining an artificial reef,

(c) the deposit causes or is likely to cause obstruction or danger to navigation.

(5) In this article—

"harm to the Scottish marine area" means—

(a) harm to the health of human beings or other living organisms,

(b) harm to the quality of the Scottish marine area, including—

(i) harm to the quality of the Scottish marine area taken as a whole,

(ii) other impairment of, or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,

(c) offence to the senses of human beings,

(d) damage to property, or

(e) impairment of, or interference with, amenities or other legitimate uses of the Scottish marine area,

"planning permission" means planning permission under Part 3 of the Town and Country Planning (Scotland) Act 1997(**a**),

"substance" means—

(a) any chemical used for medicinal purpose or otherwise, with the exception of any reagent or chemical or particle tracer used in connection with any scientific experiment or survey,

(**a**) 1997 c. 8.

(b) any organic or biological matter.”.

MAIRI GOUGEON
A member of the Scottish Government

St Andrew's House
Edinburgh
24th March 2026

EXPLANATORY NOTE

(This note is not part of the Order)

The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 (“the principal Order”) specifies activities which do not need a marine licence under the marine licensing regime contained in Part 4 of the Marine (Scotland) Act 2010 or do not need a marine licence if conditions specified in the principal Order are satisfied.

Article 12 of the principal Order makes provision in relation to deposits within the Scottish marine area concerning the propagation and cultivation of fish.

Article 2 of this Order amends article 12 of the principal Order. It extends the geographical scope of the pre-existing exemption for deposit of substances to cover the whole of the Scottish marine area, where previously it was limited to waters within the Scottish marine area in an area defined as “controlled waters”. It makes changes to the pre-existing exemption for deposit of equipment by broadening the definition of “equipment” so that it applies to deposit of all types of equipment carried on in the course of the propagation or cultivation of fish, where previously particular types of equipment were specified. It also provides a condition that a deposit of equipment must be authorised by and carried out an in accordance with planning permission.

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