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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2017 No. 962 (W. 245)**

**LICENSING (MARINE),  
WALES**

**MARINE MANAGEMENT,  
WALES**

**The Marine Licensing (Delegation  
of Functions) (Wales) Order 2017**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order delegates the exercise of certain functions of the Welsh Ministers as a licensing authority under the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”) to the Natural Resources Body for Wales.

This Order does not apply to those functions of the licensing authority (mainly relating to the making of subordinate legislation) which are excepted functions and not delegable by virtue of section 98(5)(a) of the 2009 Act (article 2(2)).

Article 3 designates functions of the Welsh Ministers as licensing authority under sections 67A, 72A, 107A and 107B of the 2009 Act.

Article 4 provides that the designated functions are exercisable by or in relation to the Natural Resources Body for Wales acting on behalf of the licensing authority (instead of being exercisable by or in relation to that authority). The licensing authority has the power to give directions to the Natural Resources Body for Wales with respect to the performance of the delegated functions (see section 100 of the 2009 Act, which is an excepted function).

This Order supplements the Marine Licensing (Delegation of Functions) (Wales) Order 2013 (S.I. 2013/414 (W. 50)) and should be read in conjunction with that Order.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was

considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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**2017 No. 962 (W. 245)**

**LICENSING (MARINE),  
WALES**

**MARINE MANAGEMENT,  
WALES**

**The Marine Licensing (Delegation  
of Functions) (Wales) Order 2017**

*Made* 27 September 2017

*Laid before the National Assembly for Wales*  
4 October 2017

*Coming into force* 20 November 2017

The Welsh Ministers, as the appropriate licensing authority under section 113(4)(b) of the Marine and Coastal Access Act 2009<sup>(1)</sup>, make the following Order in exercise of the powers conferred by section 98(1) of that Act.

In accordance with section 98(3) of the Marine and Coastal Access Act 2009, the Natural Resources Body for Wales consents to the making of this Order.

**Title and commencement**

**1.**—(1) The title of this Order is the Marine Licensing (Delegation of Functions) (Wales) Order 2017.

(2) This Order comes into force on 20 November 2017.

**Application**

**2.**—(1) This Order applies in relation to any licensable marine activity for which the Welsh Ministers are the appropriate licensing authority under

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(1) 2009 c. 23; amended by Part 6 of the Environment (Wales) Act 2016 (anaw 3), there are other amendments but none is relevant.

section 113(4)(b) of the Marine and Coastal Access Act 2009<sup>(1)</sup> and references in this Order to “the licensing authority” are to be read accordingly.

(2) Nothing in this Order applies in relation to any excepted function within the meaning of section 98(6) of that Act.

### **Designation**

**3.**—(1) The functions referred to in paragraph (2) are designated for the purposes of section 98(1)(a) of the Marine and Coastal Access Act 2009.

(2) The functions are any function of the licensing authority under—

- (a) section 67A (advice and other assistance from the Welsh Ministers);
- (b) section 72A (further fees chargeable where the Welsh Ministers are the appropriate licensing authority);
- (c) section 107A (deposits on account of fees payable to the Welsh Ministers);
- (d) section 107B (supplementary provisions about fees payable to the Welsh Ministers);
- (e) the Marine Licensing (Notices Appeals) (Wales) Regulations 2011<sup>(2)</sup> as amended by the Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017<sup>(3)</sup>;
- (f) the Marine Licensing (Fees) (Wales) Regulations 2017<sup>(4)</sup>.

### **Delegation to the Natural Resources Body for Wales**

**4.** The functions designated by article 3, instead of being exercisable by or in relation to the licensing authority, are exercisable by or in relation to the Natural Resources Body for Wales acting on behalf of the licensing authority.

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(1) By virtue of section 113(4)(b) of the Marine and Coastal Access Act 2009, the Welsh Ministers are the appropriate licensing authority as respects anything done in the course of carrying on licensable marine activities in relation to Wales and the Welsh inshore region other than activities for which the Secretary of State is the appropriate licensing authority under section 113(4)(a) and (5) of that Act. *See* section 322(1) of that Act for a definition of the “Welsh inshore region”.

(2) S.I. 2011/923 (W. 132).

(3) S.I. 2017/509 (W. 105).

(4) S.I. 2017/280 (W. 74).

*Lesley Griffiths*  
Cabinet Secretary for Environment and Rural Affairs,  
one of the Welsh Ministers  
27 September 2017