

Guidance: Marine licensing guidance for recreational divers

Updated: HTML guide added

Legislative and policy

The Marine and Coastal Access Act 2009 changed how certain activities that occur in tidal rivers, on the coast and out at sea are consented to protect the marine environment and all that it contains. Activities sometimes carried out by divers including deposit, removal and dredge activities became marine licensable activities in certain circumstances.

The MMO is responsible for marine licensing in English Inshore and offshore areas and Northern Ireland offshore areas and in some instances for activities undertaken outside of this area in other parts of the world. The MMO are also responsible for the management of non-licensable activities that occur within marine protected areas.

Details of the [MMO's jurisdiction](#).

Divers can check the MMO's [geographical information system](#) if they are unsure if the location of their dive falls within the part of the UK marine area managed by the MMO.

When do I need a marine licence for recreation diving?

In most cases the activities undertaken in the course of a recreational dive will be limited to deposit and removal activities.

The circumstances in which the deposit or removal activity is carried out is key to understanding whether the activity proposed may be one that needs a licence.

Deposit – If a deposit in the sea, or on or under the seabed, is made from a vehicle, vessel, aircraft, marine structure or floating container it is likely require a licence.

A deposit in the sea, or on or under the seabed, carried out by hand alone (where the object is not taken from a vessel into the sea as part of the process) does NOT require a marine licence.

Example 1

A diver intends to dive at a location close to the shore. The diver wishes to place an object on the seabed at the location. The diver accesses the sea

from the shore and swims to the location carrying the object and deposits the item. As the object to be deposited has not been taken from a vessel in the course of the activity the deposit is made 'by hand' and no licence is required.

Example 2

A diver intends to dive at a location away from the shore which requires the use of a vessel to transport both the diver and equipment. The diver wishes to place an object on the seabed at the location. The diver accesses the sea from the vessel taking with them an object which is subsequently left in the sea or on or under the sea bed. The object placed in the sea is an object deposited from a vessel and as such is likely to require a marine licence (see [recreational dive activity table](#)). The use of the vessel in the process is key.

Removal – If a removal from the seabed is made using a vehicle, vessel, aircraft, marine structure or floating container (Lifting bag) it is likely to require a marine licence.

A removal from the seabed carried out by hand alone (where a vessel or lifting bag is not used to make the removal does NOT require a marine licence.

'Seabed' means the ground under the sea (the seafloor) and includes anything resting on it such as a wreck.

Example 1

In the course of a dive a diver discovers some abandoned, lost, discarded fishing gear (ALDFG). As there is only a small amount of ALDFG gear the diver is able to pick it up and carry it back to the surface where it is transferred to a vessel. The diver repeats this process several times until all the ALDFG is recovered. The removal of the objects from the seabed takes place by hand and does NOT require a marine licence.

Example 2

In the course of a dive a diver discovers some ALDFG. The nature of ALDFG in question is of a size and quantity that requires the diver to use a lifting bag to raise it to the surface where it is winched onto the vessel. The removal of the item from the seabed takes place using a lifting bag (floating container) and as such a marine licence is likely to be required (see [recreational dive activity table](#)). While a winch on the vessel is also used in this scenario it is not relevant as the ALDFG was no longer on the seabed when it was engaged.

Example 3

In the course of a dive a diver discovers a large heavy object and wishes to recover it. The size and weight of the item means that it is necessary to winch it directly from the seabed. The removal of the item from the seabed

takes place using a winch on a vessel and as such a marine licence is required (see [recreational dive activity table](#)).

If your proposed activity is one that will involve 'deposit from' or 'removal using' one of those means set out, there are some further considerations which ultimately determine whether or not a licence will be required.

Requirements under other legislation

The need for a marine licence as set out in this document does not absolve divers from requirements under other legislation. Divers should familiarise themselves with those requirements to ensure compliance. Requirements likely to be relevant to divers include, but are not limited to, those set out:

Health and Safety

- The Diving at Work regulations 1997, including the HSE ACOPS

The approved code of practice and associated guidance is available [here](#)

Historic environment

- the Protection of Wrecks Act 1973
- the Merchant Shipping Act 1995
- the Ancient Monuments and Archaeological Areas Act 1979
- the Protection of Military Remains Act 1986

Details of the law and responsibilities of divers under relevant legislation including details of the process for reporting wreck can be found [here](#).

Other environmental

- the Wildlife and Countryside Act 1981
- the Conservation of Seals Act 1970
- conservation of Offshore Marine Habitats and Species Regulations 2017
- conservation of Habitats and Species Regulations 2017
- marine and Coastal Access Act 2009

You must have a marine wildlife licence if you want to carry out an activity in the marine area that would otherwise be an offence under UK and EU legislation (disturb, take or kill protected species).

MMO licence activities in English waters below low water mark (high water mark for seals).

As the issue of a wildlife licence permits an offence to be committed, such as disturbance or taking of a species, a licence is issued as a last resort.

Full details about marine wildlife licence requirements can be found [here](#).

Details of the law and responsibilities of divers under other relevant legislation can be found [here](#).