



Introduction

This guidance has been produced by the Marine Management Organisation (MMO) to help recreational divers understand whether the activities they propose to carry out during a dive are likely to require a marine licence.

Legislative and policy context

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.

Further details about the MMO's jurisdiction can be found [here](#).

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 licence?

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.



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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. To assist with this consideration, the MMO has produced a table of dive related activities to help you






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Recreational dive Activity table

Activity	Description/conditions	Marine Licence requirements	
Launching of Rigid Inflatable Boat (RIB) or other Dive Vessel	A marine licence is not required for the launching of a vessel nor is one required for a deposit made in connection with the launching of a vessel.		No marine licence needed.
Anchoring at a dive site	<p>A marine licence is not required for deposits made in the course of normal navigation.</p> <p>Note: Some Marine protected Areas have bylaws in place that prohibit anchoring. You will need to check if there is a bylaw in place at the location of your proposed dive.</p> <p>If anchoring is prohibited at the location a different location must be selected or the activity carried out without anchoring.</p>		No marine licence is needed







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Marking – Less than 24 hours	A marine licence is not required for markers (including shot lines or similar) deployed for less than 24 hours.		No marine licence is required
Marking – Longer than 24 hours but less than 28 days	A marine licence is not required for markers (deployed and left unattended for longer than 24 hours but less than 28 days) in most cases but notification to the MMO is required. The exemption only applies if: <ul style="list-style-type: none"> • The marker is removed from the marine environment entirely before 28 days. (Moving the marker to a different location in the same vicinity for the same purpose does not reset the clock) • the deposit will not cause an obstruction or danger to navigation; and • Notification of the intention to carry on the activity is provided to the MMO in advance 		No marine licence is required in most circumstances but you will need to ensure what you do will not cause an obstruction or danger to navigation and make sure you notify the MMO by completing an exemption notification form .
Marking – Longer than 28 days	Markers deployed for more than 28 days require a marine licence. In these circumstances the activity may be suitable for a self-service marine licence. Divers are encouraged to review the Self-service guidance in the first instance paying particular attention to site sensitive factor criteria.		A marine licence is required. Apply for a marine licence





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Surveying of a dive site	A marine licence is not required to conduct surveys of shipwrecks, use survey lines or datums deployed for less than 24 hours.		No marine licence is required
Dive trails – within restricted sites	A marine licence is not required for a deposit or removal activity for the purpose of placing, securing or removing signage or other identifying markers for divers on wrecks protected under the Protection of Wrecks Act 1973 . Trails on wrecks protected under the Protection of Military Remains Act 1986 are excluded from this exemption. Note: See below requirements under other legislation		No marine licence is required
Dive trails – other	A marine licence is required for a deposit or removal activity for the purpose of placing, securing or removing signage or other identifying markers anywhere at sea other than in circumstances set out above.		A marine licence is required. Apply for a marine licence
Removals – by hand	A marine licence is not required to remove an object from the seabed provided the removal is made by hand alone. Note: See below requirements under other legislation		No marine licence is required.
Removals – airbag lifting	A marine licence is not required to remove an object from the seabed using an airbag provided:		No marine licence is required






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<p>capacity of less than 100KG</p>	<ol style="list-style-type: none"> 1. the object does not require a <u>total</u> lifting capacity greater than 100KG; and 2. the object to be removed has not been on the seabed for longer than 12 months. <p>Example A recently lost outboard motor or other objects the nature and condition indicate clearly that the item not been lost for a period of time in excess of 12 months.</p>		
<p>Removal - Airbag(s) lifting capacity of more than 100KG; or object on the seabed for more than 12 months.</p>	<p>A marine licence is required where either one or more of the following two statements are true:</p> <p>a removal activity requires an airbag(s) with a total lifting capacity greater than 100KG;</p> <p>or</p> <p>a removal where the object to be removed has been on the sea bed longer than 12 months.</p> <p>Example You wish to recover something that is part of an old shipwreck or the condition of the object is such that it is clear it has been lost for a period in excess of 12 months.</p>		<p>A marine licence is required.</p> <p>Apply for a marine licence</p>



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	<p>In these circumstances the activity may be suitable for a self-service marine licence. Divers are encouraged to review the Self-service guidance in the first instance paying particular attention to site sensitive factor criteria.</p>		
Removals using a vehicle, vessel, aircraft, marine structure or floating container	<p>A marine licence is required for a removal activity using a vehicle, vessel, aircraft, marine structure or floating container, other than an airbag, irrespective of the lifting capacity required or the length of time the object has been on the sea bed. E.g. a winch system on a boat is needed to lift the object.</p> <p>In these circumstances the activity may be suitable for a self-service marine licence. Divers are encouraged to review the Self-service guidance in the first instance paying particular attention to site sensitive factor criteria.</p>		<p>A marine licence is required.</p> <p>Apply for a marine licence</p>
Ascending from a dive	<p>A marine licence is not required for delayed or permanently inflated SMBs</p>		<p>No marine licence is required</p>
Taking photos or video of certain species	<p>A marine licence is not required.</p> <p>Note: See below requirements under other legislation</p>		<p>No marine licence is required</p>



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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](#).



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Additional Support

Further guidance on the need for a licence and the marine licence application process itself can be obtained by submitting an enquiry through the MMO's [Marine case Management System](#).

If your query is considered straightforward, we will provide a simple response. More complex queries may require a fee to be paid. Where this is the case we will discuss this with you and an estimate provided for acceptance before we start any work.