

2017 No. 509 (W. 105)

**ENVIRONMENTAL
PROTECTION, WALES**

**MARINE POLLUTION,
WALES**

**TRIBUNALS AND INQUIRIES,
WALES**

The Marine Licensing (Notices
Appeals) (Wales) (Amendment)
Regulations 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marine Licensing (Notices Appeals) (Wales) Regulations 2011 (S.I. 2011/923 (W. 132)) (“the Principal Regulations”), which provide for appeals to be made to the First-tier Tribunal against certain notices issued under Part 4 of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

These Regulations amend the Principal Regulations to provide for appeals to be made to the First-tier Tribunal against notices varying, suspending or revoking a marine licence issued under sections 72A(7) and 107A(4) of the 2009 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Marine Licensing (Notices
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Made

29 March 2017

Coming into force

1 April 2017

The Welsh Ministers, as the appropriate licensing authority under section 113(4)(b) of the Marine and Coastal Access Act 2009⁽¹⁾, make the following Regulations in exercise of the powers conferred by section 108 of that Act.

In accordance with section 316(6)(b) and (7)(f) of that Act, a draft of these Regulations has been laid before, and approved by, a resolution of, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 1 April 2017.

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

Application

2. These Regulations apply in relation to any licensable marine activity for which the Welsh Ministers are the appropriate licensing authority⁽¹⁾.

Amendment

3. Regulation 3 (appeals against variation, suspension or revocation of marine licence) of the Marine Licensing (Notices Appeals) Wales Regulations 2011⁽²⁾ is amended as follows—

(a) after paragraph (1) insert—

“(1A) A person to whom a notice under—

(a) section 72A(7) of the 2009 Act (further fees chargeable where the Welsh Ministers are the appropriate charging authority); or

(b) section 107A(4) of the 2009 Act (deposits on account of fees payable to the Welsh Ministers);

has been issued may appeal to the First-tier Tribunal against the notice.”;

(b) in paragraph (2) after “paragraph (1)” insert “or paragraph (1A)”;

(c) in paragraph (3) after “paragraph (1)” insert “or paragraph (1A)”.

Jane Hutt

One of the Welsh Ministers

29 March 2017

(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 a licensable marine activity in relation to Wales and the Welsh inshore region, other than activities for which the Secretary of State is the appropriate licensing authority by virtue of 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).