



STATUTORY INSTRUMENTS.

S.I. No. 771 of 2021

AQUACULTURE LICENSING APPEALS (FEES) REGULATIONS 2021

AQUACULTURE LICENSING APPEALS (FEES) REGULATIONS 2021

I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 60 and 63(1)(b) of the Fisheries (Amendment) Act, 1997 (No. 23 of 1997) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)) , and with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

1. (1) These Regulations may be cited as the Aquaculture Licensing Appeals (Fees) Regulations 2021.

(2) These Regulations come into operation on the 8 December 2021

2. In these Regulations –

"Act" means the Fisheries (Amendment) Act, 1997 (No. 23 of 1997);

"appeal" means an appeal under section 40 of the Act;

"Board" means the Aquaculture Licences Appeals Board established under section 22 of the Act.

3. (1) A person making an appeal shall pay a fee to the Board in the amount specified in column 2 of the Schedule opposite the mention in column 1 of the Schedule of the class or description of appeal concerned.

(2) A person making an appeal shall not be entitled to a refund of any fee paid to the Board in respect of that appeal where the appeal is withdrawn or the provisions of section 54 of the Act apply.

4. (1) A person making a request to the Board for an oral hearing shall pay a fee of €75 to the Board.

(2) The fee referred to in paragraph (1) shall be payable in addition to any fee payable by virtue of Regulation 3.

(3) A person referred to in paragraph (1) may, by written notice, withdraw such a request before the Board has decided whether or not to hold an oral hearing of the appeal.

(4) Withdrawal of a request for an oral hearing shall not give rise to an entitlement to a refund of any fee paid to the Board in relation to such request.

5. (1) The Aquaculture Licensing Appeals (Fees) Regulations 1998 (S.I. No. 449 of 1998) are revoked.

(2) Any reference made in an instrument to the Regulations revoked by paragraph (1) shall, from the commencement of these Regulations, be construed as a reference to these Regulations.

(3) Where, immediately before the commencement of these Regulations, any fee was payable under the Regulations revoked by paragraph (1), such fee remains payable as if those Regulations had not been revoked.

SCHEDULE

Regulation 3

Fees payable to the Board

Column 1 Class or description of Appeal	Column 2 Amount of Fee
1. An appeal by an applicant for a licence against a decision by the Minister in respect of that application.	€380
2. An appeal by the holder of a licence against the revocation or amendment of that licence by the Minister.	€380
3. An appeal by a person other than a person referred to elsewhere in this Schedule.	€150

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
7 December, 2021.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
8 December, 2021.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations prescribe the fees payable to the Aquaculture Licences Appeals Board in relation to appeals to the Board under Section 40 of the Fisheries (Amendment) Act, 1997 (No. 23) including oral hearings of such appeals, against Ministerial decisions on aquaculture licence applications or to revoke or amend aquaculture licences.

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