STATUTORY RULES OF NORTHERN IRELAND

2011 No. 77

ENVIRONMENTAL PROTECTION

MARINE LICENSING

The Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011

Made - - - -	*16th March 2011*
Coming into operation	*6th April 2011*

The Department of the Environment, as the appropriate licensing authority under section 113(6)(b) of the Marine and Coastal Access Act 2009(**1**), in exercise of the powers conferred by sections 67(2) and 316(1) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 and come into operation on 6th April 2011.

Application

2. These Regulations apply in relation to Northern Ireland and the Northern Ireland inshore region, and any application for a marine licence in relation to Northern Ireland or the Northern Ireland inshore region, for which the Department is the appropriate licensing authority(**2**).

Interpretation

3.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

"application" means an application for a marine licence made under section 67 of the Marine and Coastal Access Act 2009; and

(**1**) 2009 c. 23.

(**2**) Under Section 113(6)(a) of the Marine and Coastal Access Act 2009, the Secretary of State is the appropriate licensing authority in respect of anything done in the course of carrying on any activity which relates to a matter which is an excepted matter, by virtue of paragraph 4 of schedule 2 to the Northern Ireland Act 1998 (c. 47) (defence of the realm etc.), in Northern Ireland and the Northern Ireland inshore region.

(**3**) 1954 c. 33 (N.I.).

"the Department" means the Department of the Environment.

Payment

4.—(1) All applications for a marine licence shall be accompanied by a fee to be paid to the Department.

(2) All fees shall be calculated in accordance with the Schedule and, in the case of an application made on or after 1st April 2012, shall be varied in accordance with regulation 5.

(3) Payment of all fees shall be made in accordance with these Regulations.

(4) Payment of a fee is deemed not to have been made until the Department has received cleared funds for the full amount due.

(5) If an application is not accompanied by the relevant fee and payment is not made to the Department in accordance with these Regulations, the Department may—

(a) refuse to proceed with the application; or

(b) refuse to proceed with it until payment of the full fee has been made.

Applications made on or after 1st April 2012

5.—(1) The fees payable in respect of applications are to be varied with effect from 1st April each year and the fee to accompany an application made on or after 1st April 2012 is to be determined in accordance with paragraph (2).

(2) The fee payable in respect of an application is to be determined in accordance with the formula —

$A \times \frac{B}{C}$

where —

"A" is the amount that would have been payable had the application of the kind in question been made in the licensing year prior to the licensing year in which the application is made;

"B" is the Gross Domestic Product Deflator Index for February in the licensing year immediately before the licensing year in which the application is made; and

"C" is the Gross Domestic Product Deflator Index figure for February in the licensing year finishing a year before the start of the licensing year in which the application is made.

(3) In paragraph (2), "licensing year" means the period of 12 months starting on the 1st April.

Repayment, waiver or reduction of fee

6.—(1) Subject to paragraph (2), fees are non-refundable.

(2) The Department may repay any fee, or any part of a fee, if the Department sees fit.

(3) The Department may waive or reduce any fee if the Department sees fit.

Sealed with the Official Seal of the Department of the Environment on 16th March 2011

L.S.

Maggie Smith
A senior officer of the
Department of the Environment

SCHEDULE

Tables of fees to be paid for licensable marine activities.

PART 1

DESCRIPTION OF FEE TABLES (USAGE)

1. Table 1 (Marine Construction Licence) is categorised into 9 bands which reflect the size and scale of the project, in monetary terms. The applicant will be required to pay the licence fee (Column 2) on submission of an application.
2. Tables 2 (Maintenance Dredging Licence), 3 (Capital Dredging Licence), 4 (Maintenance Dredge Disposal Licence) and 5 (Capital Dredge Disposal Licence) are all categorised into bands which reflect the metric tonnages of material to be dredged or disposed of. In each case, the applicant will be required to pay the Licence Fee (Column 2) on submission of an application.
3. Tables 6 (Deposit of Tracer Dyes, Biocides and Other Such Materials Licence) and 7 (Marine Minerals Extraction Licence) each have a single band. The fee to be paid by the applicant on submission of an application is as indicated.
4. Table 8 (Marine Renewable Energy Licence) is categorised into 4 bands which reflect the size and scale of the project, in terms of its output in Megawatts. The applicant will be required to pay the Licence Fee (Column 2) on submission of an application.

PART 2

FEES PAYABLE (AMOUNTS PAYABLE)

Table 1

Marine Construction Licence

Column 1 *Banded values in monetary terms*	*Column 2* *Licence Fee*
Band A Up to £19,999	£550
Band B £20,000 - £49,999	£759
Band C £50,000 - £199,999	£1,446
Band D £200,000 - £499,999	£2,075
Band E	£2,410