



Environment (Wales) Act 2016

2016 anaw 3

PART 6

MARINE LICENSING

76 Advice and assistance in relation to marine licensing

In the Marine and Coastal Access Act 2009 (c. 23), after section 67 insert—

“67A Advice and other assistance from the Welsh Ministers

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) The licensing authority may provide advice or other assistance to any person who requests it in connection with—
 - (a) an application which the person proposes to make to the licensing authority for a marine licence, or
 - (b) any other matter in respect of which the licensing authority exercises functions under this Part.
- (3) The licensing authority may charge fees in respect of the reasonable costs incurred by it in connection with the provision of advice or other assistance under subsection (2).”

Commencement Information

II S. 76 in force at 1.4.2017 by S.I. 2017/504, art. 2

77 Fees for monitoring, variation etc. of marine licences

- (1) In the Marine and Coastal Access Act 2009, after section 72 insert—

Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, PART 6. (See end of Document for details)

“72A Further fees chargeable where the Welsh Ministers are the appropriate licensing authority

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority in relation to a marine licence granted under this Part.
 - (2) The licensing authority may require the licensee to pay a fee for—
 - (a) monitoring an activity authorised by the licence,
 - (b) assessing and interpreting the results of any monitoring of an activity authorised by the licence, or
 - (c) dealing with an application by the licensee for a variation, suspension, revocation or transfer of the licence under section 72.
 - (3) In subsection (2) “monitoring”, in relation to a licence, means monitoring carried out for the purposes of enabling the licensing authority to determine—
 - (a) the environmental, economic or social consequences of any activity authorised by the licence, or
 - (b) whether the licensee is complying with any conditions attached to that licence.
 - (4) The fees that may be charged under subsection (2) are to be determined by or in accordance with regulations made by the licensing authority.
 - (5) Regulations under subsection (4) may provide for different fees for different cases.
 - (6) If the licensing authority carries out any investigation, examination or test which in its opinion is necessary or expedient to enable it to determine an application by a licensee for a variation, suspension, revocation or transfer of a licence under section 72, the authority may require the licensee to pay a fee towards the reasonable expenses of that investigation, examination or test.
 - (7) If a licensee fails to comply with a requirement to pay a fee charged under subsection (2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
 - (8) The suspension of a licence under subsection (7) continues in effect until the fee is paid (but this is subject to any provision made under section 108(3)(b) in relation to notices under that subsection).
 - (9) If a licensee who has applied for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a fee charged under this section in connection with that application, the licensing authority may—
 - (a) refuse to proceed with the application, or
 - (b) refuse to proceed with it until the failure is remedied.”
- (2) The amendment made by subsection (1) has effect in relation to marine licences whenever granted.

Commencement Information

I2 S. 77 in force at 24.2.2017 for specified purposes by S.I. 2017/152, art. 2(a)

Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, PART 6. (See end of Document for details)

I3 S. 77 in force at 1.4.2017 in so far as not already in force by S.I. 2017/504, art. 2

78 Further provision about payment of fees

In the Marine and Coastal Access Act 2009, after section 107 insert—

“107A Deposits on account of fees payable to the Welsh Ministers

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) Where a person is required to pay a fee to the licensing authority under this Part, the licensing authority may require the person to pay a deposit on account of the fee.
- (3) The amount that a person may be required to pay under subsection (2) is to be determined by or in accordance with regulations made by the licensing authority.
- (4) If a licensee fails to comply with a requirement to pay a deposit charged under subsection (2) on account of a fee charged under section 72A(2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
- (5) The suspension of a licence under subsection (4) continues in effect until the deposit is paid (but this is subject to any provision made under section 108(3) (b) in relation to notices under that subsection).
- (6) If a person who has applied for a licence under section 67 or for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a deposit charged under subsection (2) in connection with that application, the licensing authority may—
 - (a) refuse to proceed with the application, or
 - (b) refuse to proceed with it until the failure is remedied.

107B Supplementary provision about fees payable to the Welsh Ministers

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) When making provision under section 67(2) or 72A(4) about fees payable in respect of a type of application to the licensing authority or in respect of an activity of the licensing authority, the licensing authority must decide what provision to make by reference to the expected costs of dealing with that type of application or of carrying out that activity.
- (3) The licensing authority may require a fee charged by it under this Part to be payable in advance of the activity to which the fee relates being carried out.
- (4) The licensing authority may waive or reduce a fee.
- (5) The licensing authority may by regulations make provision about how and when a fee or deposit charged by it under this Part is to be paid.

Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, PART 6. (See end of Document for details)

- (6) A fee or deposit charged under this Part may be recovered by the licensing authority as a civil debt (in addition to any other action that may be taken by the licensing authority).”

Commencement Information

- I4** S. 78 in force at 24.2.2017 for specified purposes by S.I. 2017/152, **art. 2(b)**
I5 S. 78 in force at 1.4.2017 in so far as not already in force by S.I. 2017/504, **art. 2**

79 Appeal against variation etc. of marine licence for non-payment of fee or deposit

In section 108 of the Marine and Coastal Access Act 2009 (appeals against notices), after subsection (2) insert—

- “(2A) The Welsh Ministers must by regulations make provision for any person to whom a notice is issued under section 72A(7) or 107A(4) to appeal against that notice.”

Commencement Information

- I6** S. 79 in force at 24.2.2017 for specified purposes by S.I. 2017/152, **art. 2(c)**
I7 S. 79 in force at 1.4.2017 in so far as not already in force by S.I. 2017/504, **art. 2**

80 Exceptions from power to delegate licensing authority functions

In section 98(6) of the Marine and Coastal Access Act 2009 (functions excepted from power to delegate)—

- (a) after paragraph (c) insert—
“(ca) section 72A(4) (making regulations regarding fees for monitoring, variation etc of licences for which the Welsh Ministers are the licensing authority);”;
- (b) after paragraph (h) insert—
“(ha) section 107A(3) (making regulations regarding deposits payable on account of fees where the Welsh Ministers are the licensing authority);
(hb) section 107B(5) (making regulations regarding payment of fees and deposits where the Welsh Ministers are the licensing authority);”.

Commencement Information

- I8** S. 80 in force at 1.4.2017 by S.I. 2017/504, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Environment (Wales) Act 2016, PART 6.