



Environment (Wales) Act 2016

2016 anaw 3

PART 6

MARINE LICENSING

77 Fees for monitoring, variation etc. of marine licences

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

“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.

Status: This is the original version (as it was originally enacted).

- (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.