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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Marine Licensing (Licence Application Appeals) Regulations 2011**

**PART 2**

Appeals – general

**Appeal against marine licensing decisions**

4.—(1) A person who has applied for a marine licence may by notice appeal against a decision taken under section 71(1)(b) or (c), (4) or (5) of the Act (refusal of licence or grant subject to conditions etc).

(2) Appeals must be made in accordance with these Regulations.

(3) Any requirement in these Regulations for the Secretary of State to give or send any notice or other thing to the Authority, or for the Authority to give or send notice or other thing to the Secretary of State, does not apply where the Authority is the Secretary of State.

**Determination of appeal by appointed person**

5.—(1) Any appeal under these Regulations must be determined by a person appointed for that purpose by the Secretary of State.

(2) An appointment under paragraph (1)—

(a) must be in writing;

(b) may relate to any particular appeal specified in the appointment or to appeals of a class or description so specified;

(c) may provide for any function to which it relates to be exercisable subject to such conditions as may be specified in the appointment;

(d) may provide for payment to be made to the appointed person.

(3) The Secretary of State may at any time, by notice given to the appointed person, revoke the appointment in respect of any appeal which has not been determined before that time.

(4) Where an appointment is so revoked in respect of any appeal, the Secretary of State must appoint another person under paragraph (1) to determine the appeal instead.

(5) Where a new appointment is made, the consideration of the appeal, or any hearing or inquiry in connection with it, must be begun afresh.

(6) But nothing in paragraph (5) requires any person to be given an opportunity of making new representations or comments or modifying or withdrawing any representations or comments already made.