
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Marine Licensing (Licence Application Appeals) Regulations 2011

PART 3

Starting the appeal

Time limit for the notice of appeal

6.—(1) Notice of an appeal must be received by the Secretary of State within the period of 6 months beginning with the date of the decision to which the appeal relates.

(2) A person who sends a notice of appeal to the Secretary of State must, at the same time, send a copy of that notice to the Authority.

(3) In this regulation, “notice of appeal” means a notice of appeal complying with regulation 7(1) and accompanied by the documents specified in regulation 7(2).

Contents of the notice of appeal

7.—(1) A notice of appeal must include—

- (a) the name, address (including any e-mail address) and telephone number of the appellant and any agent acting for the appellant;
- (b) a statement of the grounds of appeal;
- (c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations, a hearing or an inquiry;
- (d) a list of all the documents, including dates (where any document is dated), specified in paragraph (2).

(2) A notice of appeal must be accompanied by—

- (a) a copy of the decision to which the appeal relates; and
- (b) a copy of all documents upon which the appellant wishes to rely.

Decision as to appeal procedure and start date

8.—(1) The Secretary of State must, as soon as practicable after receipt of a valid notice of appeal, decide whether the appeal is to be determined by means of written representations, a hearing or an inquiry.

(2) The Secretary of State must notify the appellant and the Authority of that decision.

(3) The date on which that notification is sent is the start date for the appeal.

(4) A decision under paragraph (1) may be varied by a subsequent decision under that paragraph at any time before the proceedings are determined.

(5) But before making such a variation the Secretary of State must consult—

- (a) the appellant, and
 - (b) where the Authority is not the Secretary of State, the Authority.
- (6) Where the decision is varied—
- (a) the Secretary of State must notify the appellant, the Authority and any other person who has made written representations in respect of the appeal of such change;
 - (b) anything done in relation to the former appeal procedure which could have been done under any corresponding provision of these Regulations relating to the new appeal procedure has effect as if done under that corresponding provision; and
 - (c) the Secretary of State may give consequential directions as to the procedure.
- (7) Nothing in paragraphs (4) to (6) affects the start date under paragraph (3).
- (8) The Secretary of State must publish the criteria that are to be applied in making a decision under paragraph (1).