



Foyle Fisheries Act (Northern Ireland) 1952

1952 CHAPTER 5

[^{F1}PART VIA

AQUACULTURE

[^{F1}Foyle and Carlingford Aquaculture Licensing Appeals Board

F1 Pt. VIA (ss. 52A-52X) inserted (1.6.2008 so far as inserting for certain purposes ss. 52B, 52C, 52G, 52H, 52M, 52N, 52O, 52P, 52U and 52X, otherwise prosp.) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), **3(1)** (with art. 32); S.R. 2008/232, art. 2, Sch.

52O Foyle and Carlingford Aquaculture Licensing Appeals Board

- (1) There is hereby established a body to be known as the Foyle and Carlingford Aquaculture Licensing Appeals Board (“the Appeals Board”).
- (2) The Appeals Board shall consist of 8 members to be appointed by NSMC.
- (3) At least one of the members of the Appeals Board shall be a solicitor or barrister qualified to practice in any part of the Foyle Area or the Carlingford Area.
- (4) In appointing the other members of the Appeals Board, NSMC shall—
 - (a) have regard to the desirability of having as members of the Appeals Board persons with knowledge and experience of fisheries, aquaculture, financial matters or environmental protection; and
 - (b) to the extent practicable, endeavour to ensure that there is an equitable balance between men and women in the composition of the Appeals Board.
- (5) NSMC shall appoint a Chairperson from among the members of the Appeals Board.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, Cross Heading: Foyle and Carlingford Aquaculture Licensing Appeals Board. (See end of Document for details)

- (6) The Department may make regulations providing for the payment to the Appeals Board of fees in relation to appeals under section 52P.
- (7) The Department may make grants to the Appeals Board out of money appropriated by Act of the Assembly.
- (8) Such grants shall be of such amounts and be made on such terms and conditions as the Department may determine.
- (9) Schedule 3A shall have effect in relation to the Board.

52P Appeals from decisions with respect to aquaculture licences

- (1) A person aggrieved by a decision of the Commission—
 - (a) to grant or to refuse to grant an aquaculture licence;
 - (b) to specify any condition in an aquaculture licence;
 - (c) to vary an aquaculture licence under section 52G;
 - (d) to vary or to refuse to vary an aquaculture licence under section 52H;
 - (e) to revoke an aquaculture licence under section 52I;
 - (f) to refuse to transfer an aquaculture licence under section 52L;
 - (g) to refuse to accept the surrender of an aquaculture licence under section 52J;
 may appeal to the Appeals Board.
- (2) An appeal to the Appeals Board shall be made by sending a notice of appeal to the Appeals Board so that it is received by the Appeals Board—
 - (a) in the case of a decision of the Commission to grant an aquaculture licence or specify any condition in an aquaculture licence, not later than 28 days after the date on which notice to grant the licence was last published in accordance with section 52C(4);
 - (b) in the case of a decision by the Commission to vary an aquaculture licence under section 52G or 52H, not later than 28 days after the date on which notice of the decision to vary the licence was last published in accordance with section 52G(6);
 - (c) in the case of a decision of the Commission—
 - (i) to refuse to grant an aquaculture licence;
 - (ii) to refuse to vary an aquaculture licence under section 52H;
 - (iii) to revoke an aquaculture licence; or
 - (iv) to refuse to transfer an aquaculture licence,
 not later than 28 days after the date on which notice of the disputed decision was received by the person aggrieved;
 - (d) in the case of a decision (or deemed decision) of the Commission to refuse to accept the surrender of an aquaculture licence under section 52J, not later than 28 days after the date on which in accordance with subsection (5) of that section, notice of the refusal was given to the applicant or, as the case may be, the Commission was deemed to have refused the application.
- (3) The Appeals Board may—
 - (a) confirm or set aside the decision which is the subject of the appeal, or any part of it; or
 - (b) substitute its decision on the matter for that of the Commission.

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- (4) Where, on an appeal under subsection (1), the Appeals Board determines that the decision of the Commission should be altered, the Commission shall give effect to the determination and shall publish, in such manner and such form as may be prescribed, notice of the determination.
- (5) Schedule 3B shall have effect with respect to appeals under subsection (1).
- (6) The Department may make regulations providing for such additional, incidental, consequential or supplemental procedural matters in respect of appeals to the Appeals Board as appear to the Department to be necessary or expedient.
- (7) Without prejudice to the generality of subsection (6), regulations under that subsection may make provision—
 - (a) in relation to the class or classes of persons who may be heard at an oral hearing;
 - (b) for the manner of the notification of the determination of an appeal; and
 - (c) the availability for inspection by the public of documents or extracts from documents relating to appeals, the period of such availability, and the purchase by the public of copies of such documents or extracts from such documents.

PROSPECTIVE

52Q Reasons to be given for decisions

Where—

- (a) the Commission gives any decision—
 - (i) to grant or refuse to grant an aquaculture licence;
 - (ii) to specify any condition in an aquaculture licence;
 - (iii) to vary an aquaculture licence under section 52G;
 - (iv) to vary or to refuse to vary an aquaculture licence under section 52H;
 - (v) to revoke an aquaculture licence under section 52I;
 - (vi) to refuse to transfer an aquaculture licence under section 52L; or
- (b) the Commission gives any decision, or is deemed to give any decision, to refuse to accept the surrender of an aquaculture licence under section 52J; or
- (c) the Appeals Board gives a decision in relation to a dispute referred to it under section 52G(7) or 52I(6) or determines an appeal under section 52P,

it shall be the duty of the Commission or, as the case may be, the Appeals Board, to state the reasons for the decision or determination.]

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