

## SCHEDULES

### SCHEDULE 7

Section 34

#### IMPOSITION OF CHARGES: POWERS OF DEVOLVED AUTHORITIES

##### *Power of Scottish Ministers*

- 1 (1) The Scottish Ministers may by regulations make provision for the Scottish Ministers to impose charges in respect of the exercise by them of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
  - (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
  - (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
  - (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the Scottish Ministers.
- (6) A power conferred on the Scottish Ministers under this paragraph does not affect, and is not affected by, any other power of the Scottish Ministers to impose charges.
- (7) Before making regulations under this paragraph the Scottish Ministers must consult such persons as they consider appropriate.
- (8) Regulations under this paragraph are subject to the negative resolution procedure.
- (9) In this paragraph—
  - “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a catch quota or an effort quota, or
- (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

*Power of Welsh Ministers*

- 2 (1) The Welsh Ministers may by regulations make provision for the Welsh Ministers to impose charges in respect of the exercise by them of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
- (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
- (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
- (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the Welsh Ministers.
- (6) A power conferred on the Welsh Ministers under this paragraph does not affect, and is not affected by, any other power of the Welsh Ministers to impose charges.
- (7) Before making regulations under this paragraph the Welsh Ministers must consult such persons as they consider appropriate.
- (8) Regulations under this paragraph are subject to the negative resolution procedure.
- (9) In this paragraph—
- “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
- (a) a catch quota or an effort quota, or
  - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

*Power of Northern Ireland department*

- 3 (1) The Northern Ireland department may by regulations make provision for it to impose charges in respect of the exercise by it of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
- (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
- (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
- (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the Northern Ireland department.
- (6) A power conferred on the Northern Ireland department under sub-paragraph (1) does not affect, and is not affected by, any other power of it to impose charges.
- (7) Before making regulations under sub-paragraph (1) the Northern Ireland department must consult such persons as it considers appropriate.
- (8) Regulations under sub-paragraph (1) are subject to the negative resolution procedure.
- (9) In sub-paragraphs (1) to (8)—
- “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
- (a) a catch quota or an effort quota, or
  - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.