
STATUTORY INSTRUMENTS

2014 No. 615

The Marine Licensing (Application Fees) Regulations 2014

Citation and commencement

1. These Regulations—
 - (a) may be cited as the Marine Licensing (Application Fees) Regulations 2014; and
 - (b) come into force on 6th April 2014.

Interpretation

2. In these Regulations—
 - “the Act” means the Marine and Coastal Access Act 2009;
 - “the 2011 Regulations” means the Marine Licensing (Application Fees) Regulations 2011(1);
 - “activity” means a licensable marine activity; and
 - “licence” means a marine licence granted under section 71(1)(a) or (b) of the Act.

Application

3. These Regulations apply in relation to any application for a licence in relation to which the Secretary of State is the appropriate licensing authority under section 113 of the Act, other than any activity relating to an activity falling within the subject-matter of—
 - (a) the Petroleum Act 1998(2); or
 - (b) Part 1 (gas importation or storage), 4 (provisions relating to oil and gas) or 4A (works detrimental to navigation) of the Energy Act 2008(3).

Fees for applications for licences

- 4.—(1) Subject to paragraph (2), the fee payable for determining an application for a licence is calculated by multiplying the total number of hours worked by £94.
- (2) Where the fee that would otherwise be payable under paragraph (1), taken together with the fee (if any) charged under section 67(5) of the Act, would exceed the specified maximum, the amount payable in respect of both such fees taken together is the maximum (“cap”) specified in relation to an application of the kind in question.

(1) [S.I. 2011/564](#).
(2) [1998 c.17](#). Relevant amending instruments are the Energy Act [2004 \(c.20\)](#), the Energy Act [2008 \(c.32\)](#), the Act and the Energy Act [2011 \(c.16\)](#), and [S.I.s 2000/1937, 2004/2043, 2007/290 and 2011/2305, 2704](#).
(3) [2008 c.32](#). In Part 1, sections 1 and 35(1) were amended by section 41(8) of, and paragraph 5 of Schedule 4 to, the Act. Part 4A was inserted by section 314(1) of the Act. Section 30 was amended, and sections 30A and 30B were inserted, by section 107 of the Energy Act 2011; section 46 was amended by section 106 of that Act; and section 88 was amended by section 73 of that Act. Sections 41, 46, 49, 50, 54, 59, 63, 65 and 66 were amended by sections 116, 146 and 149 of the Energy Act 2013 and section 45A was inserted by section 149 of that Act. Sections 17 to 19, 21 to 23, 26 to 28, 30, 31 and 35 were amended by [S.I. 2011/2453](#) and [SSI 2011/224](#). Section 100 was amended by [S.I. 2011/2195](#).

(3) The cap applicable in respect of an application falling within any band specified in the first column of paragraph 1 of the Schedule (and of a kind described in the second column of that paragraph) is specified in relation to that band in the third column of that paragraph.

(4) For the purposes of paragraph (1), the total number of hours worked may be expressed as a fraction where—

- (a) less than one hour is worked; or
- (b) the total amount of time worked is more than one hour but cannot be expressed as a whole number in hours.

Payment of fees

5.—(1) All fees are payable on demand to the Secretary of State.

(2) Payment of any fee may be made by electronic means.

(3) Payment of a fee is not received until the Secretary of State has received cleared funds for the full amount due.

(4) Any unpaid fee may be recovered by the Secretary of State as a civil debt.

Deposits in cases where fee payable at hourly rate

6.—(1) The Secretary of State may require a licensee to pay a deposit of such amount as the Secretary of State may determine on account of the fee payable.

(2) Subject to paragraph (3), the amount of the deposit must be calculated by reference to the estimated duration of the work likely to be required in relation to the application and the hourly rate payable.

(3) In relation to any application which falls within Band 3 in the Schedule, the amount of the deposit may not exceed £10,000.

(4) If an application fails to comply with a requirement to pay a deposit made under paragraph (1), the Secretary of State may—

- (a) refuse to proceed with the application, or
- (b) refuse to proceed with it until the deposit is paid in full.

Repayment, waiver or reduction of fee

7.—(1) The Secretary of State must refund any payment made in excess of the fee payable, but fees paid are not otherwise refundable.

(2) The Secretary of State may waive or reduce any fee if the Secretary of State sees fit.

Revocation of the 2011 Regulations

8. Subject to regulation 9, the 2011 Regulations are revoked.

Transitional and saving provisions

9.—(1) Paragraph (2) applies in respect of any licence application that was received by the Secretary of State before 6th April 2014 but which was not determined by the Secretary of State before that date.

(2) The 2011 Regulations continue to have effect in relation to the application, subject to the exception in paragraph (3) and the modification in paragraph (4).

(3) Where the application falls within the description in Band 1 or Band 2 in the Schedule to the 2011 Regulations and the amount of the fee, if it were determined in accordance with the 2011 Regulations, would be greater than the amount of the fee if it were determined in accordance with these Regulations, the fee is to be determined in accordance with these Regulations.

(4) The fee in respect of an application falling within the description in Band 3 in the Schedule to the 2011 Regulations is to be determined as if, for “£80 per hour or part thereof”, there were substituted “£80 per hour or part thereof worked before 6th April 2014 and £94 per hour or part thereof worked on or after that date”.

(5) For the purposes of paragraph (1), an application is not received until an applicant has supplied such information or produced such articles as in the opinion of the Secretary of State may be necessary or expedient to enable the Secretary of State to determine the application.

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13th March 2014