
WELSH STATUTORY INSTRUMENTS

2017 No. 280

The Marine Licensing (Fees) (Wales) Regulations 2017

Title and commencement

- 1.—(1) The title of these Regulations is the Marine Licensing (Fees) (Wales) Regulations 2017.
- (2) These Regulations come into force on 1 April 2017.

Interpretation

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

Application

3. These Regulations apply in relation to any licence and any application for a licence in relation to which the Welsh Ministers are the appropriate licensing authority under section 113 of the Act and references in these Regulations to “the licensing authority” are to be read accordingly.

Fees for applications for licences

4. The fees payable in respect of determining an application falling within a band described in the first column of paragraph 1 of Schedule 1 are set out in the second column of that paragraph.

Fees for monitoring and discharge of licence conditions

5. The fees payable in respect of monitoring of a description specified in the first column of Schedule 2 in relation to licenses of a description specified in the second column of that Schedule are set out in the third column of that Schedule.

Fees for variation and transfer of licences

6. The fees payable for determining an application for variation or transfer of a marine licence in the circumstances specified in the first column of Schedule 3 in relation to licences of a kind specified in the second column of that Schedule are set out in the third column of that Schedule

Calculation of fees

7. When calculating fees by multiplying the number of hours worked by the hourly rate 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

- 8.**—(1) All fees are payable on demand to the Welsh Ministers.
- (2) Payment of any fee may be made by electronic means.
 - (3) Payment of a fee is not received until the Welsh Ministers have received cleared funds for the full amount due.
 - (4) Any unpaid fee may be recovered by the Welsh Ministers as a civil debt.

Deposits

9. Deposits on account of any fee that is payable at an hourly rate must be calculated by reference to the estimated duration of the work likely to be required and the hourly rate payable.

Refunds

10. The Welsh Ministers must refund any payment made in excess of the fee payable, but fees paid are not otherwise refundable.

Revocation of the 2011 Regulations

11. Subject to regulation 12, the 2011 Regulations are revoked.

Transitional and saving provisions

12.—(1) The 2011 Regulations continue to have effect in respect of any application for a marine licence, variation or transfer of a marine licence that was received by the Welsh Ministers before 1 April 2017 which was not determined by the Welsh Ministers before that date.

(2) These Regulations have effect in relation to all applications for a marine licence, variation or transfer of a marine licence received on or after 1 April 2017

(3) These Regulations have effect in relation to monitoring described in Schedule 2 carried out on or after 1 April 2017 regardless of whether such monitoring relates to a marine licence granted before, on or after 1 April 2017.

(4) For the purposes of this regulation an application is not received until an applicant has supplied such information or produced such articles as in the opinion of the licensing authority may be necessary or expedient to enable the licensing authority to determine the application.

6 March 2017

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Affairs, one of the Welsh Ministers