

2011 No. 564

ENVIRONMENTAL PROTECTION

LICENSING (MARINE)

MARINE POLLUTION

The Marine Licensing (Application Fees) Regulations 2011

<i>Made</i> - - - -	<i>28th February 2011</i>
<i>Laid before Parliament</i>	<i>3rd March 2011</i>
<i>Coming into force</i> - -	<i>6th April 2011</i>

The Secretary of State, as the appropriate licensing authority under section 113(2)(a), (4)(a), (6)(a) and (8) of the Marine and Coastal Access Act 2009^(a), makes the following Regulations in exercise of the powers conferred by sections 67(3) and 316(1)(b) of that Act.

Citation and commencement

1. These Regulations—

- (a) may be cited as the Marine Licensing (Application Fees) Regulations 2011; and
- (b) come into force on 6th April 2011.

Application

2.—(1) These Regulations apply in relation to any application for a marine licence in relation to which the Secretary of State is the appropriate licensing authority under section 113 of the Marine and Coastal Access Act 2009^(b).

(2) But these Regulations do not apply in relation to any such application relating to an activity falling within the subject matter of—

- (a) the Petroleum Act 1998^(c), 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^(d).

(a) 2009 c. 23.
(b) By virtue of section 113(2)(a), (4)(a), (6)(a) and (8) of the Marine and Coastal Access Act 2009, the Secretary of State is the appropriate licensing authority as respects anything done in the course of carrying on certain activities in the Scottish offshore region, Wales and the Welsh inshore region, Northern Ireland and the Northern Ireland inshore region, and in relation to any other area not mentioned in subsection (2), (4) or (6). See section 322(1) for definitions of those regions.
(c) 1998 c. 17. Relevant amending instruments are the Energy Act 2004 (c. 20), the Energy Act 2008 (c. 32), the Marine and Coastal Access Act 2009, S.I. 2000/1937, 2004/2043 and 2007/290.
(d) 2008 c. 32. In Part 1, sections 1 and 35(1) have been amended by section 41(8) of, and paragraph 5 of Schedule 4 to, the Marine and Coastal Access Act 2009. Part 4A was inserted by section 314(1) of that Act.

Fees for applications for marine licences

3.—(1) The Schedule sets out the fees payable for determining an application for a marine licence.

(2) All fees are payable on demand to the Secretary of State.

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

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

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

Deposits in cases where fee payable at hourly rate

4.—(1) Where the fee for determining an application falls within Band 3 in the Schedule (£80 per hour worked), the Secretary of State may require the applicant to pay a deposit of up to £10,000 on account of the fee payable.

(2) 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) If an applicant 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.

Repayment, waiver or reduction of fee

5.—(1) Fees paid are non-refundable.

(2) But the Secretary of State may repay any fee, or any part of any fee, if the Secretary of State sees fit.

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

28th February 2011

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 3

Fees

<i>Band</i>	<i>Nature of application</i>	<i>Fee for determining the application⁽¹⁾</i>
Band 1		
1A	Application to carry on any licensable marine activity relating to— — buoys — burial at sea — meteorological masts — scaffolding — simple moorings	£158
1B	Application to carry on any licensable marine activity relating to— — boreholes or sea bed investigations — jetties, where the work is minor and of a value of less than £10,000	£450

<i>Band</i>	<i>Nature of application</i>	<i>Fee for determining the application⁽¹⁾</i>
	<ul style="list-style-type: none"> — tracers — emergency work — outfalls/pipeline stabilisation, where the work is minor and of a value of less than £10,000 — ‘like for like’ construction or maintenance works, where the work is minor and of a value of less than £10,000 	
Band 2	Application to carry on any licensable marine activity relating to— <ul style="list-style-type: none"> — construction projects of a value of less than £1 million — construction projects of a value of between £1 million and less than £5 million — construction projects of a value of between £5 million and less than £10 million — maintenance dredging projects involving the disposal of up to 20,000 tonnes of dredged material — renewable energy projects with a generating capacity of less than 1 megawatt. 	£2,700 £4,500 £7,200 £7,200 £7,200
Band 3	All other applications	£80 per hour or part thereof.

⁽¹⁾ Where an application is to carry on licensable marine activities in relation to matters falling within more than one fee band (or part of a band), the higher fee is payable in relation to the application.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to any application for a marine licence in relation to which the Secretary of State is the appropriate licensing authority under the Marine and Coastal Access Act 2009, other than ones relating to activities falling within the legislation specified in regulation 2(2).

Under section 67(1)(b) of that Act the appropriate licensing authority may require that an application for a marine licence be accompanied by a fee. These Regulations set out those fees. Bands 1 and 2 set out fixed fees in relation to applications relating to certain specified activities. Band 3 covers all other applications, and provide for fees chargeable at an hourly rate of £80.

These Regulations contain additional provisions relating to the payment of such fees, deposits, repayment, waiver and reduction of fees.

A full impact assessment of the effects that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Licensing Policy Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and from the Department’s website.

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