
STATUTORY INSTRUMENTS

2011 No. 735

The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011

PART 2

Amendments to the Marine Works (Environmental Impact Assessment) Regulations 2007

Fees

5. For regulation 3, substitute—

“Fees

3.—(1) An appropriate authority may require an applicant for a regulatory approval to pay to it reasonable fees in respect of relevant expenses.

(2) In paragraph (1) “relevant expenses” means administrative and other expenses which the authority reasonably incurs under these Regulations in its capacity as an appropriate authority (including any expenses in respect of examinations and tests carried out for that purpose), but does not include any expenses in respect of which a fee may be charged under any other provision of these Regulations.

(3) Paragraph (4) applies to any requirement imposed under—

- (a) paragraph (1);
- (b) paragraph 2 of Schedule 2;
- (c) paragraph 3 of Schedule 4; or
- (d) regulation 24A.

(4) The determination of the amount of a reasonable fee in accordance with any requirement to which this paragraph applies must be made—

- (a) where the appropriate authority is the Secretary of State, by the Secretary of State with the consent of the Treasury;
- (b) where the appropriate authority is the Marine Management Organisation, by the Marine Management Organisation, with the consent of—
 - (i) the Secretary of State; and
 - (ii) the Treasury;
- (c) where the appropriate authority is the Department of the Environment, by the Department of the Environment with the consent of the Department of Finance and Personnel;
- (d) where the appropriate authority is the Welsh Ministers, by the Welsh Ministers with the consent of the Treasury; and

(e) where the appropriate authority is the Scottish Ministers, by the Scottish Ministers.

(5) Before determining the amount of a fee which is imposed under any requirement referred to in paragraph (3), the authority must consult such organisations as appear to it to represent persons who are likely to apply for regulatory approval.”.