



STATUTORY INSTRUMENTS.

S.I. No. 369 of 2010



AQUACULTURE (LICENCE APPLICATION) (AMENDMENT) (NO. 2)
REGULATIONS 2010

(Prn. A10/1103)

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I, SEAN CONNICK, Minister of State at the Department of Agriculture, Fisheries and Food, in exercise of the powers conferred on me by sections 10 and 60 of the Fisheries (Amendment) Act 1997 (No. 23 of 1997) and the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Function) Order (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order (S.I. No. 705 of 2007)) and the Agriculture, Fisheries and Food (Delegation of Ministerial Functions) Order 2010 (S.I. No. 303 of 2010), hereby make the following Regulations:

1. These Regulations may be cited as the Aquaculture (Licence Application) (Amendment) (No. 2) Regulations 2010.

2. The Aquaculture (Licence Application) Regulations 1998 (S.I. No. 236 of 1998) are amended by the substitution for Regulation 19, of—

“19. (1) A licensing authority shall, within 28 days of making a decision, cause a notice informing the public of a decision in respect of an application, made by the authority, to be published—

- (a) in one or more newspapers circulating in the area to which the decision relates, and
- (b) in *Iris Oifigiúil* if an environmental impact statement was required under Regulation 5 in relation to the application.

(2) A notice under paragraph (1), Regulation 20 or Regulation 21 shall—

- (a) if caused to be published by the Minister, state that a person may question the validity of the decision to which it relates in accordance with section 40 of the Act to the Aquaculture Licences Appeals Board, or
- (b) if caused to be published by the Board, state that a person may question the validity of the determination or decision by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 73 of the Act, and
- (c) in each case, identify where further practical information on the appeal mechanism may be found.”.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th July, 2010.*

GIVEN under my hand,
21 July 2010.

SEAN CONNICK,
Minister of State at the Department of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE

(This does not form part of the instrument and does not purport to be a legal interpretation.)

These Regulations amend the Aquaculture (Licence Application) Regulations 1998 (S.I. No. 236 of 1998) (as amended) to make the Aquaculture Licensing procedures compliant with the Aarhus Convention by providing that any notice issued by the Licensing Authority, informing the public regarding a decision made in respect of an aquaculture licence application, must state that a person may question the validity of the decision to which it relates, to the Aquaculture Licensing Appeals Board. In addition, decisions published by the Aquaculture Licensing Appeals Board must state that a person may question the validity of the Board's decision by way of an application for judicial review.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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