

S.I. No. 278/2006 — Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2006

S.I. No. 278 of 2006

ENVIRONMENTAL PROTECTION AGENCY (LICENSING FEES) (AMENDMENT) REGULATIONS 2006

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 6 and 99A of the Environmental Protection Agency Act 1992 (No. 7 of 1992) (as amended by the Protection of the Environment Act 2003 (No. 27 of 2003)) hereby makes the following Regulations:-

Citation	<div>1. (a) These Regulations may be cited as the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2006.</div> <div>(b) These Regulations, the Environmental Protection Agency (Licensing Fees) Regulations 1994, the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996 and the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2004 may be cited together as the Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2006.</div>
Commencement	2. These Regulations shall come into operation on 1 June 2006.
Interpretation	<div>3. In these Regulations, unless the context otherwise requires-</div> <div>“the Regulations of 1994” means the Environmental Protection Agency (Licensing Fees) Regulations 1994;</div> <div>“the Regulations of 1996” means the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996;</div> <div>“the Regulations of 2004” means the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2004.</div>
Insertion of article 7D into the Regulations of 1994	<div>4. The Regulations of 1994 are amended by inserting after article 7C (as inserted by the Regulations of 2004) the following-</div> <div>“Fee for review of a licence or revised licence pursuant to a determination by the Agency under section 82(10)(b) of the Act</div>

	<p>7D (1) A fee shall be paid to the Agency by a licensee in respect of a review of a licence or revised licence pursuant to a determination by the Agency under section 82(10)(b) of the Act.</p> <p>(2) The fee payable under sub-article (1) shall be either of the amounts, as appropriate, indicated in column (3) of Part I of the Schedule opposite the relevant activity or class of activity in column (1) of Part I of the Schedule.”.</p>
<p>Substitution for article 9 of the Regulations of 1994</p>	<p>5. The Regulations of 1994 are amended by substituting for article 9 the following-</p> <p>“Refund or waiver of fees</p> <p>9. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment in full of the fee would not be just and reasonable.</p> <p>(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.”.</p>
<p>Amendment of Schedule to the Regulations of 1994</p>	<p>6. The Schedule to the Regulations of 1994, (as substituted by the Regulations of 1996 and amended by the Regulations of 2004) is amended by substituting for the heading of column (3) of Part I the following-</p> <p>“Amount of fee for a review of a licence or revised licence or an application for the surrender of a licence or revised licence (articles 6, 7B and 7D)”.</p>
<p>Revocations</p>	<p>7. Articles 10, 11, 12 and 13 of the Regulations of 1994 are revoked.</p>

GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 25th day of May 2006.

L.S.

Minister for the Environment, Heritage and Local Government.

Dick Roche

The Minister for Finance hereby consents, in accordance with section 99A of the Act, to these Regulations.

GIVEN under the Official Seal of the Minister for

Finance this 26th day of May 2006.

L.S.

Brian Cowen

Minister for Finance.

The Minister for Enterprise, Trade and Employment hereby consents, in accordance with section 99A of the Act, to these Regulations.

GIVEN under the Official Seal of the Minister for Enterprise, Trade and Employment this 31st day of May 2006.

L.S.

Micheál Martin

Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations extend the fee scales set in accordance with the Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2004 to reviews of licences under section 82(10) of the Environmental Protection Agency Act 1992 (as amended by the Protection of the Environment Act 2003) which are for the purposes of ensuring that licences conform with the requirements of Council Directive 96/61/EC concerning integrated pollution prevention and control.

The Regulations also provide the Agency with a more flexible framework than heretofore to abate or refund licensing fees.

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