

## SCHEDULES

### SCHEDULE 15

#### DEEMED MARINE LICENCE

### PART 3

#### PROCEDURE FOR THE DISCHARGE OF CONDITIONS

##### **Meaning of “application”**

**18.** In this Part, “application” means a submission by the licence holder for approval under conditions 7, 8 or 9.

##### **Further information regarding application**

**19.—(1)** The MMO may request in writing such further information from the licence holder as is necessary to enable the MMO to consider the application.

(2) In the event that the MMO does not make a request in accordance with condition 19(1) above, it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the licence holder.

##### **Determination of application**

**20.—(1)** In determining the application the MMO may have regard to —

- (a) the application and any supporting information or documentation;
- (b) any further information provided by the licence holder in accordance with paragraph 19; and
- (c) such other matters as the MMO thinks relevant.

(2) Having considered the application the MMO must —

- (a) grant the application unconditionally;
- (b) grant the application subject to the conditions as the MMO thinks fit; or
- (c) refuse the application.

##### **Notice of Determination**

**21.—(1)** Subject to condition 21 (2) or (3), the MMO shall give notice to the licence holder of the determination of the application within 35 business days of the day immediately following that on which the application is received by the MMO.

(2) Where the MMO has made a request under paragraph 19, the MMO shall give notice to the licence holder of the determination of the application no later than 65 business days of the day immediately following that on which the application is received by the MMO.

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(3) The MMO and the licence holder may agree in writing a longer period of time for the provision by the MMO of a notice under condition 21(1) such period to be no more than 65 days from the day immediately following that on which the application is received.

(4) Where the MMO refuses the application the refusal notice must state the reasons for the refusal.

(5) Where notice is not given by the MMO in accordance with condition 21(1) or (2) the application is deemed to have been refused.

### **Arbitration**

**22.**—(1) Subject to condition 22(2), any difference under any provision of this licence shall, unless otherwise agreed between the MMO and the licence holder, be referred to and settled by a single arbitrator to be agreed between the MMO and the licence holder or, failing agreement, to be appointed on the application of either the MMO or the licence holder (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) Nothing in condition 21(1) or (2) shall be taken, or shall operate so as to, fetter or prejudice the statutory rights, powers, discretions or responsibilities of the MMO.