Draft General Scheme of the Fisheries Amendment Bill 2026

Contents

Part 1
Preliminary and General

#1. Short title, commencement and citation

#2. Definitions

Part 2
Amendment of Act of 1997

#3. Amendment of section 3 of Act of 1997: Interpretation

#4. Amendment of section 10 of Act of 1997: applications for licences

#5. Amendment of section 13: Period for determination of applications for licences

#6. Amendment of section 14: Granting of licences

#7. Deletion of subsections (1) and (4) of section 19A: Renewal of licence after its expiration

#8. Insertion of section 19B: Licence expiration

#9. Insertion of section 19C: stay on negative decision on renewal of aquaculture licence by Minister

#10. Amendment of section 23 of Act of 1997: Membership of Board

#11. Amendment of section 28 of Act of 1997: Meetings and procedure of Board

#12. Insertion of section 28A of Act of 1997: Divisions of Board

#13. Amendment of section 29 of Act of 1997: Board's quorum, vacancies, etc

#14. Amendment of section 61 of Act of 1997: Matters to which licensing authority shall have regard in determining aquaculture licence applications and appeals

#15. Amendment of section 63 of Act of 1997: Fees in relation to applications and appeals

#16. Amendment of section 65 of Act of 1997: Offences and general penalty for contravention or failure to comply with provision of Act

#17. Amendment of section 68 of Act of 1997: Revocation or amendment of aquaculture licences

#18. Amendment of section 73 of Act of 1997: applications for judicial review of decisions on licence applications or appeals

#19. Deletion of section 82 of Act of 1997: Application of Foreshore Acts, 1933 and 1992

#20. Insertion of Part V of Act of 1997: Enforcement

#21. Amendment of Act of 1997: miscellaneous amendments

Part 3

Amendment of Foreshore Act, 1933

#22. Amendment of section 3 of Act of 1933: Power for Minister to grant licences of foreshore

#23. Amendment of section 13A of Act of 1933: Environmental impact assessment of certain proposals relating to the foreshore

#24. Amendment of section 21A of Act of 1933: Publication of notice of Minister's decision in relation to certain relevant applications

Acts Referred to

Civil Service Regulation Acts 1956 to 2005

Companies Act 2014 (No. 38)

Data Protection Act 2018 (No. 7)

Fisheries (Amendment) Act, 1997 (No. 23)

Fisheries (Amendment) Act 2001 (No. 40)

Fisheries and Foreshore (Amendment) Act 1998 (No. 54)

Foreshore Act 1933 (No. 12)

Foreshore and Dumping at Sea (Amendment) Act 2009 (No. 39)

Industrial and Provident Societies Act 1893

Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8)

Draft General Scheme of the Fisheries (Amendment) Bill 2026

An Act to amend the Fisheries Act 1997; to repeal section 19A(4) on renewal of aquaculture licences; to amend the Foreshore Act 1933; and for related matters.

Part 1
Preliminary and General

Head #1

Short title, collective citation and commencement

#1. (1) This Act may be cited as the Fisheries (Amendment) Act 2026.

(2) The Fisheries (Amendment) Act 1997, sections 2, 3 and 4 of the Fisheries and Foreshore (Amendment) Act 1998, the Fisheries (Amendment) Act 2001, section 101 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 and Part 2 of this Act may be cited together as the Aquaculture Acts 1997 to 2026.

(3) The Foreshore Acts 1933 to 2023 and Part 3 of this Act may be cited together as the Foreshore Acts 1933 to 2026.

(4) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or by reference to a particular purpose or provision and different days may be appointed for different purposes and different provisions.

Explanatory Note

This Head provides the standard provisions for the title, citation and commencement of the Bill.

Head #2

Definitions

#2. In this Act—

"Act of 1997" means the Fisheries (Amendment) Act 1997 (No. 23 of 1997);

"Act of 1933" means the Foreshore Act, 1933 (No. 12 of 1933).

Explanatory Note

This Head provides the definitions for the Bill.

Part 2
Amendment of Act of 1997

Head #3

Amendment of section 3 of Act of 1997: Interpretation

#3. Section 3 of the Act of 1997 is amended by inserting the following definition after the definition of "licensing authority":

"'premises' includes a building, a dwelling or other structure (whether temporary or permanent) on or under land or in water and includes a marine site;"

Explanatory Note

This Head provides for a definition of "premises" to be inserted into the Act, which complements Part V on enforcement: also to be inserted by this Act.

Head #4

Amendment of section 10 of Act of 1997: applications for licences

#4. Section 10 of the Act of 1997 is amended by inserting the following subsection after subsection (1):

"(1A) Where an application referred to in subsection (1) is for the renewal of an aquaculture licence, the application shall be received and accepted by the Minister not less than 24 months in advance of the expiry date of the existing licence.

Explanatory Note

This Head provides that a renewal application for an aquaculture licence should be submitted to the Minister more than 24 months before the licence expires, allowing that time for the processing of the licence.

Head #5

Amendment of section 13: Period for determination of applications for licences

#5. Section 13 of the Act of 1997 is amended in subsection (1) by substituting "24 months" for "four months" in both places it occurs.

Explanatory Note

This Head amends section 13 of the Act to allow the Minister a minimum of 24 months to determine an application.

Head #6

Amendment of section 14: Granting of licences

#6. Section 14 of the Act of 1997 is amended–

(a) in subsection (1), by substituting "issue" for "grant" where it secondly occurs,

(b) substituting for subsection (2) the following subsection:

"(2) Where the Minister determines an application for an aquaculture licence by deciding to grant the licence or a variation of the licence, the Minister shall issue the licence or licence as so varied as soon as practicable after so deciding.", and

(c) deleting subsections (3) and (4).

Explanatory Note

This Head provides for the removal of the stay on issuing of aquaculture licences in section 14(2) pending the ending of the appeal period or the determination of appeals. This approach is based on the presumption of administrative validity. This means a decision of the Minister is presumed to be valid unless/until overturned (whether on appeal to ALAB or on JR).
The date of the determination on the licence and the day of granting is one and the same. Reference to granting the licence as soon as is practicable is changed to reference to issuing the licence in subsections (1) and (2).
Subsection (3) relates to the stay in subsection (2) and subsection (4) applies the stays in subsections (2) and (3) to reviews under section 70.

Head #7

Deletion of subsections (1) and (4) of section 19A: Renewal of licence after its expiration

#7. (1) Section 19A (inserted by section 101(c) of the Sea-Fisheries and Maritime Jurisdiction Act 2006) of the Act of 1997 is amended by deleting subsections (1) and (4) of that section.

(2) Subject to subsection (3), where an application for renewal of an aquaculture licence after its expiration has been received by the Minister either prior to, or within 24 months from, the commencement of this section, subsections (1) and (4) of section 19A shall apply as if they hadn't been repealed.

(3) Subsection (2) does not apply where the Minister determines that the continuation of a licence in accordance with section 19A(4) has the potential to have a significant effect on, or adversely affect the environment.

Explanatory Note

This Head provides for the deletion of section 19A(1) and (4) as inserted by section 101(c) of the Act of 2006, which provided for the renewal of an aquaculture licence after its expiration. It leaves untouched subsections (2) and (3) of section 19A which exclusively relate to licences renewed prior to 2006 and the coming into force of the Act of 2006.
It also provides for a saver for environmentally neutral applications received prior to, or within 24 months from, the commencement of this section.

Head #8

Insertion of section 19B: Licence expiration

#8. The Act of 1997 is amended by Inserting the following section after section 19A:

> "19B. (1) Notwithstanding section 15(2), where a licensee has duly applied for the renewal or further renewal of an aquaculture licence, and the Minister is unlikely to make a determination on the renewal or further renewal of the licence before the lapsing of the licence, the Minister may, at the Minister's discretion and where the Minister is of the opinion that the continuation of the licence is unlikely to have a significant effect on, or adversely affect the environment, extend the licence for a temporary period specified in the licence extension to facilitate the application.
>
> (2) An aquaculture licence extended under subsection (1) may be further extended in accordance with that subsection.
>
> (3) A licence extension referred to in subsection (1) shall be in writing.
>
> (4) The licensee of a licence extended under subsection (1) shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence, be entitled to continue the aquaculture or operations in relation to aquaculture authorised by the licence for the period specified in the licence extension.".

Explanatory Note

This Head provides for the insertion of section 19B. S19B provides that an existing aquaculture licence, subject of an application to renew under S19, may be extended, other than in the case where such an extension could have a significant effect on, or adversely affect the environment, for a period stated in the extension. It breaks the link between the extension period and the determination on the renewal application.

Head #9

Insertion of section 19C: stay on negative decision on renewal of aquaculture licence by Minister

#9. The Act of 1997 is amended by Inserting the following section after section 19B:

> "19C. (1) Notwithstanding section 15(2), where the Minister has refused an application, in whole or in part, for the renewal or further renewal of an aquaculture licence, on grounds other than environmental grounds, and the licensee has duly appealed the decision to the Board in accordance with section 40, the Board may, at its discretion and where it is of the opinion that the continuation of the licence is unlikely to have a significant effect on, or adversely affect the environment, suspend

the decision of the Minister and extend the earlier licence for a temporary period specified in the licence extension to facilitate the appeal.

(2) An aquaculture licence extended under subsection (1) may be further extended by the Board in accordance with that subsection.

(3) A licence extension referred to in subsection (1) shall be in writing.

(4) The licensee of a licence extended under subsection (1) shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence and any additional terms and conditions of the licence extension, be entitled to continue the aquaculture or operations in relation to aquaculture authorised by the licence for the period specified in the licence extension.".

Explanatory Note

This Head provides for the insertion of section 19C. S19C provides that an existing aquaculture licence, subject of an appeal to the Board under S40, may be extended, other than in the case of where such an extension could have a significant effect on, or adversely affect the environment, for a period stated in the extension.

Head #10

Amendment of section 23 of Act of 1997: Membership of Board

#10. The Act of 1997 is amended in section 23–

(a) by substituting for subsection (1) the following subsection:

"(1) Subject to subsection (1B), the Board shall consist of a chairperson and such number of ordinary members, up to a maximum of 14, as the Minister may appoint having regard to the number and nature of appeals, referrals or other matters with which the Board is concerned.",

(b) by inserting after subsection (1A) (inserted by section 3 of the Fisheries (Amendment) Act 2001) the following subsections:

(1B) The Minister may by order increase the number of ordinary members above 14 where he or she is of the opinion that the number of appeals, referrals or other matters with which the Board is concerned is at such a level so as to necessitate the appointment of one or more additional Board members to enable the Board fulfil its duty and objectives under section 56.

(1C) Subject to section 29(1), and notwithstanding subsection (4A), the Minister shall not fill one or more than one vacancy that arises in relation to an ordinary member, for such period as he or she considers appropriate, where he or she is of the opinion that the number of appeals, referrals or other functions conferred on the Board by or under this Act is at such a level so as to necessitate that the vacancy is not filled and that the Board shall, notwithstanding the reduction in the number of Board members be able to fulfil its duty and objective under section 56 or otherwise satisfactorily perform the functions so conferred.

(1D) (a) Notwithstanding subsection (1B), where the Minister is of the opinion that one, or more than one, additional ordinary member should be appointed as a matter of urgency due to the number of appeals, referrals or other matters with which the Board is concerned, the Minister may, subject to paragraphs (b) and (c), appoint, from persons who are, or were formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005, established public servants in state agencies or employees of the Board, one, or more than one person, who is, in the opinion of the Minister, a suitably qualified person on a temporary basis,

(b) A person shall not be appointed to be an ordinary member under this subsection for a term in excess of 12 months,

(c) The Minister shall appoint not more than 3 persons under this subsection at any one time.

(1E) An order made under subsection (1B) shall have effect for such a period not exceeding 5 years as shall be specified therein.",

(c) by deleting subsections (3) and (4), and

(d) by substituting for subsections (6) to (8) the following subsections:

"(6) The Minister shall ensure, in so far as is practicable, that—

(a) the ordinary members of the Board are persons who, in the opinion of the Minister, have satisfactory experience of, or a satisfactory mix of experience and knowledge of, the development of aquaculture, carrying on the business of aquaculture, conservation, development and protection of wild fisheries, physical planning and development, protection and preservation of the environment and amenities, promotion of general economic development, promotion of community development, the marine, climate change, law and corporate governance, and

(b) there is an equitable balance among the ordinary members between men and women.

(7) The Minister shall establish a suitable, independent, objective, and transparent procedure (which may include the establishment of a committee), in accordance with which recommendations may be made to the Minister in relation to the appointment of ordinary members of the Board.

(8) The Minister may make regulations providing for such matters as the Minister considers necessary for the purpose of establishing the procedure referred to in subsection (7) including, where a committee is established under that section, regulations pertaining to the membership of the committee.

(9) The procedure provided for under subsection (7) shall require that—

(a) applications be invited from suitably qualified persons for appointment as an ordinary member of the Board,

(b) a panel of candidates suitable for appointment as an ordinary member be prepared having regard to the knowledge, experience, qualifications and personal qualities appropriate to enable a person to perform the functions of an ordinary member effectively,

(c) the Minister be informed of the names of the candidates on the panel and the reasons why such candidates are suitable for the appointment, and

(d) a recommendation be made to the Minister regarding which candidate on the panel the Minister should appoint as an ordinary member.

(10) Except in the case of a re-appointment under section 24(1)(b) and subject to subsection (1C) and (5), the Minister shall not appoint a person to be an ordinary member other than a person recommended in accordance with the procedure established under subsection (7).

(11) The Minister may make regulations as regards any matter which the Minister considers expedient for the purposes of this section.”.

Explanatory Note

This Head provides for the Minister to make an order increasing the number of members of the Board. Subsections 1B to 1E are based on paragraphs 4(b) and (d) of the Planning and Development and Foreshore (Amendment) Act 2022. Other provisions of this section are also based on the 2022 Act.

Head #11

Amendment of section 28 of Act of 1997: Meetings and procedure of Board

#11. Section 28 of the Act of 1997 is amended by inserting after subsection (8) the following subsections:

"(9) Notwithstanding any provision of this Act, a meeting of the Board, including a division of the board, may take place using remote video or telephone conferencing facilities or by any means of communication by which all of the board members and other persons participating in different locations can hear and be heard at the same time.

(10) In subsection (9), 'meeting' includes any meeting for the purpose of making any decision in relation to any appeal or referral.".

Explanatory Note

This Head provides for the Board, or divisions of the Board, to meet remotely. The inserted provisions are based on section 12 of the Planning and Development and Foreshore (Amendment) Act 2022.

Head #12

Insertion of section 28A of Act of 1997: Divisions of Board

#12. The Act of 1997 is amended by inserting after section 28 the following section:

"Divisions of Board.

28A.—(1) Whenever the Minister or the chairperson considers that, for the speedy dispatch of the business of the Board, it is expedient that the Board should act by divisions, he or she may direct accordingly, and until that direction is revoked—

(a) the chairperson shall assign to each division the business to be transacted by it, and

(b) for the purpose of the business so assigned to it, each division shall have all the function of the Board.

(2) A division of the Board shall consist of no fewer than 3 members of the Board.

(3) The chairperson, or in his or her absence, a person acting as chairperson of a meeting of a division of the Board, may at any stage before a decision is made, transfer the consideration of any appeal or referral from the division to a meeting of all available members of the Board, where the chairperson considers the appeal or referral to be of particular complexity or significance.".

Explanatory Note

This Head provides for appeals to be decided by divisions of the Board.

Head #13

Amendment of section 29 of Act of 1997: Board's quorum, vacancies, etc

#13. The Act of 1997 is amended in section 29 by substituting for subsection (1) the following:

"(1) The quorum for a meeting of the Board shall be three.".

Explanatory Note

This Head provides for the quorum for a meeting of the Board to be reduced from 4 to 3.

Head #14

Amendment of section 61 of Act of 1997: Matters to which licensing authority shall have regard in determining aquaculture licence applications and appeals

#14. Section 61 of the Act of 1997 is amended by–

(a) substituting in paragraph (f)(ii) "1977, and" for "1977,", and

(b) substituting in paragraph (g) "waters." for the following:

"waters, and

(h) all relevant acts of the institutions of the European Union.".

Explanatory Note

This Head provides for the licensing authority, when considering an application for an aquaculture licence or an appeal against a decision on an application for a licence or a revocation or amendment of a licence, to take account of relevant acts of the institutions of the European Union.

Head #15

Amendment of section 63 of Act of 1997: Fees in relation to applications and appeals

#15. Section 63 of the Act of 1997 is amended–

(a) in subsection (1)(a), by inserting after "or applications under" the following:

"section 67B for Permission of use of novel or experimental equipment by licensee,", and

(b) by inserting the following subsection after subsection (2):

"(3) For the avoidance of doubt, providing for different fees, exemption from payment of fees, waiver, remission or refund of fees referred to in subsection (1) may include the differ, exempting, waiver, remission or refunding of fees to proscribed bodies.".

Explanatory Note

This Head provides for the exempting of certain bodies from paying fees in relation to appeals.

Head #16

Amendment of section 65 of Act of 1997: Offences and general penalty for contravention or failure to comply with provision of Act

#16. Section 65(2) of the Act of 1997 is amended by substituting for "20 or 67(2)" the following:

"20, 67(2), #88(1), #90(9) or #91(7)".

Explanatory Note

This Head provides for penalties in relation to Part V, enforcement.

Head #17

Amendment of section 68 of Act of 1997: Revocation or amendment of aquaculture licences

#17. Section 68 (as amended by section 101(i) of the Sea-Fisheries and Maritime Jurisdiction Act 2006) of the Act of 1997 is amended–

(a) in subsection (1), by inserting after paragraph (a) the following paragraph:

"(aa) is satisfied that a significant effect on, or an adverse affect to the environment is occurring or is likely to occur,", and

(b) after subsection (3), by inserting the following subsection:

"(3A) Where the Minister revokes an aquaculture licence in accordance with subsection (1) or amends an aquaculture licence in accordance with subsection (2) and an appeal is lodged against the decision within the time allowed by section 40 (1) for the lodging of such appeals, the Board may, at its discretion and where it is of the opinion that the continuation of the licence is unlikely to have a significant effect on, or adversely affect the environment, suspend the decision of the Minister until the determination of the appeal.".

Explanatory Note

This Head provides that the Minister may revoke a licence without compensation where harm is caused to the environment. It also provides for ALAB to stay the decision of the Minister under section 68 where an appeal is made pursuant to section 40 of the Act.

Head #18

Amendment of section 73 of Act of 1997: applications for judicial review of decisions on licence applications or appeals

#18. Section 73 of the Act of 1997 is amended–

(a) by inserting after subsection (1C) (inserted by Regulation 5(a) of the European Union (Access to Review of Decisions for Certain Bodies or Organisations promoting Environmental Protection) Regulations 2014 (S.I. No. 352 of 2014)) the following subsection:

"(1D) An application to the High Court to review a decision [of the Minister] in accordance with this section shall only be made where an applicant has first exercised their right to appeal a decision to the Board in accordance with section 40.", and

(b) in subsection (2)(a) by substituting "the decision or determination was published in one or more newspapers circulating in the area to which the decision or determination relates (and where there is more than one publication, the later of the relevant publications) ," for "the decision or determination was made,".

Explanatory Note

This Head provides for the 3 month period for taking a JR to commence from the date of publication rather than the date of the determination. It also provides that a JR may only be taken on a decision of the Minister where any appeal to the Board has been exhausted.

Head #19

Deletion of section 82 of Act of 1997: Application of Foreshore Acts, 1933 and 1992 to aquaculture

#19. The Act of 1997 is amended by deleting section 82.

Explanatory Note

This Head will provide for the deletion of section 82

Head #20

Insertion of Part V of Act of 1997: Enforcement

#20. The Act of 1997 is amended by inserting the following Part after Section 82:

"Part V Enforcement

Chapter I
Authorised officers, compliance notices, etc

Appointment of authorised officer

#83. (1) The Minister may appoint in writing such persons or classes of persons as the Minister considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Act, as specified in the appointment.

(2) The chief executive of the Marine Institute may appoint in writing such persons or classes of persons as the chief executive considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Act, as specified in the appointment.

(3) The Minister or chief executive may terminate the appointment of an authorised officer, whether or not the appointment was for a fixed period or specified purpose.

(4) An appointment as an authorised officer ceases—

(a) if it is terminated pursuant to paragraph (3),

(b) if it is for a fixed period, on the expiry of that period,

(c) if it is for a specified purpose, on the completion of that purpose, or

(d) if the person appointed is an officer of the Minister or Marine Institute, or member of a class of person, upon the person ceasing to be such an officer or member.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or chief executive from reappointing as an authorised officer a person to whom that paragraph relates.

(6) An authorised officer appointed under this Section shall be furnished with a warrant of appointment and, when exercising a power conferred on them, the officer or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that they are such an officer or member to the person.

Functions of authorised officer

#84. (1) Notwithstanding section 81(2), for the purposes of this Act, or a regulation made under this Act, relating to aquaculture, or an inquiry into whether a condition to which an aquaculture licence or trial licence is subject, is being or has been complied with, an authorised officer may—

(a) enter and inspect, at all reasonable times, any land or premises if the officer has reasonable grounds for believing that—

(i) an aquaculture animal, plant or product or other thing to which this Act relates is, may be or has been present,

(ii) a record relating to an aquaculture animal, plant or product or other thing to which this Act relates is, may be or has been present,

(iii) equipment, machinery, a vehicle, a vessel or other thing used in connection with an aquaculture animal, plant or product or other thing to which this Act relates is, may be or has been present,

(b) examine an aquaculture animal, plant or product, equipment, machinery or other thing used in connection with an aquaculture animal, plant or product,

(c) require the name and address of the owner, or person in possession or control of an aquaculture animal, plant or product, equipment, machinery, a document, a vehicle or a vessel used in connection with an aquaculture animal, plant or product, or require details of place of departure, journey or destination,

(d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery, a computerised information management system or other thing used in connection with an aquaculture animal, plant or product or other thing to which this Act relates and require the person in charge or control of such to refrain from moving it,

(e) require the owner, person in possession or control of any land or premises, equipment, machinery, a computerised information management system, a vehicle, a vessel or other thing used in connection with an aquaculture animal, plant or product or other thing to which this Act relates, to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

(f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,

(g) make a record, including by means of writing, sound recording, photograph, video or other means,

(h) take, without making a payment, samples from an aquaculture animal, plant or product or other thing to which this Act relates, or any article, substance or liquid as they may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations or inspections as the officer considers necessary or expedient and mark or otherwise identify it.

(2) An authorised officer may require a person to give information regarding the ownership and identity of an aquaculture animal, plant or product, equipment, machinery, a vehicle, a vessel used in connection with an aquaculture animal, plant or product or other thing to which this Act relates, as is in the person's knowledge or procurement.

(3) Where an authorised officer has reasonable grounds for believing that—

(a) an offence is being or has been committed under this Act, or

(b) evidence of an offence to which subparagraph (a) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by them under paragraph (1):

(i) search the land or premises;

(ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery (including any computerised information management system);

(iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—

(I) refrain from moving it, or move it to a location where it may be searched,

(II) give information regarding its place of departure, journey or destination, and

(III) where the equipment or machinery is part of a computerised information management system, provide assistance (including passwords) to enable access to such devices or systems;

(iv) seize and detain an aquaculture animal, plant or product or other thing to which this Act relates and mark or otherwise identify it;

(v) detain a vehicle, vessel, aircraft, railway wagon, equipment, machinery (including any computerised information management system) or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Section either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;

(vi) remove any equipment, machinery (including any computerised information management system), books, documents or records and detain them for such reasonable period necessary for the purpose of the officer's functions under this Act;

(vii) give such direction to a person who has an aquaculture animal, plant or product, or who has equipment, machinery, vehicle or vessel used in connection with an aquaculture animal, plant or product or other thing to which this Act relates in the person's possession or under the person's control or who has information relating to such, as the authorised officer may reasonably consider necessary for the purposes of this Act.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless the officer has obtained a search warrant under Section #89 other than where they have reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Section #89, any evidence of an offence referred to in paragraph (3)(a) is being or is likely to be disposed of or destroyed.

Supplementary powers

#85. (1) An authorised officer, when exercising a function under this Section, may be accompanied by other persons and may take with them, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the function.

(2) An authorised officer may use reasonable force, if necessary, to exercise the officer's functions under this Act.

(3) Where, in the course of exercising a function under this Act, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under this Act, the officer may seize and retain it for use in evidence in proceedings for an offence under this Act.

(4) An authorised officer is not liable in any proceedings for anything done in the purported exercise of the officer's powers under this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(5) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a function conferred on him or her by this Act.

Search of suspects and stopping vehicles

#86. A member of the Garda Síochána may stop a vehicle or vessel, for the purposes of this Act and may require it to be moved for inspection to such place as the member directs.

Assistance to authorised officer

#87. (1) A person who has—

(a) an aquaculture animal, plant or product or other thing to which this Act relates, or

(b) equipment, machinery, a vehicle, a vessel used in connection with an aquaculture animal, plant or product or other thing to which this Act relates

in the person's possession or under the person's control, or information or a record relating to any of them, shall give such—

(i) assistance to an authorised officer, or person who accompanies the officer, and

(ii) information to an authorised officer on request being made, in that behalf by the officer, as the officer may reasonably require for the exercise of the officer's functions under this Act.

(2) The owner or person in charge of any land or premises used in connection with an aquaculture animal, plant or product or other thing to which this Act relates shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the plant or establishment for the officer to carry out the officer's functions under this Act.

(3) An authorised officer may require a person to give to the officer such information as is in the person's power or procurement as regards any land or premises specified by the officer including—

(a) whether or not the land or premises is used, either partly or wholly, for or in connection with an aquaculture animal, plant or product or other thing to which this Act relates,

(b) the name of the owner, occupier or person who is in charge of the land or premises, and

(c) whether or not the land or premises is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

Obstruction and false statements

#88. (1) A person who—

(a) obstructs, interferes with or impedes an authorised officer, or any person who accompanies an authorised officer, in the course of exercising a function conferred on the officer or person under this Act,

(b) fails or refuses, without reasonable cause, to comply with a requirement of an authorised officer under Sections #84, #86 or #87,

(c) fails, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Sections #84 or #87,

(d) in purporting to give information to an authorised officer for the exercise of the officer's functions under this Act—

(i) makes a statement that the person knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or

(ii) intentionally fails to disclose a material particular,

(e) tampers or otherwise interferes with a sample taken under Section #84, or

(f) aids or abets a contravention of this Act

commits an offence.

(2) A statement or admission made by a person pursuant to a requirement under Section #87(1)(ii) is not admissible in evidence in proceedings brought against the person for an offence (other than an offence under this Section for failing to give information or giving false information) under this Act.

Search warrant

#89. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing–

(a) evidence of or relating to the commission or intended commission of an offence under this Act is to be found on land or premises,

(b) there is or was an aquaculture animal, plant or product, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an aquaculture animal, plant or product or other thing to which this Act relates, or

(c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the land or premises,

the judge may issue a search warrant.

(2) A search warrant under this Section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time or times, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the land or premises, vehicle, vessel or aircraft named in the warrant.

(3) If land or premises is entered under a warrant issued under this Section, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under this Act.

Compliance notice(

#90. (1) Where an authorised officer is of the opinion that—

(a) this Act is not being or has not been complied with, or there are reasons to believe that this Act will not be complied with,

(b) a condition of a licence is not being or has not been complied with,

(c) it is necessary for the protection of the environment, or

(d) it is necessary, ancillary or supplementary for this Act to have full effect,

the officer may serve a notice ("compliance notice") stating that opinion to the person—

(i) who appears to be the owner, occupier, or person in charge of the land or premises, or

(ii) who appears to be in possession or control of an aquaculture animal, plant or product or other thing

to which the notice relates.

(2) A compliance notice shall—

(a) require the person to whom it is served to take such action as specified in the notice,

(b) inform the person to whom it is served that they may appeal the notice in the District Court under Section #91, and

(c) state that if the person to whom it is served fails to comply with the notice, that person commits an offence and is liable to a penalty set out in section 65(2).

(3) A compliance notice may require that—

(a) an aquaculture animal, plant or product or other thing to which this Act relates be dealt with in a manner specified in the notice,

(b) an aquaculture animal, plant or product or other thing to which this Act relates be detained, disposed of or destroyed in such manner and at a place (if any) as the officer specifies in the notice,

(c) a person give to an authorised officer any documents or records to which this Act relates,

(d) movement or further movement of an aquaculture animal, plant or product or other thing to which this Act relates is prohibited, either absolutely or unless such conditions as may be specified in the notice are complied with,

(e) a person to return an aquaculture animal, plant or product or other thing to which this Act relates, to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,

(f) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the notice, or

(g) any other measure required by an authorised officer be taken as specified in the notice to ensure compliance with this Act.

(4) A person to whom a compliance notice is served shall comply with the compliance notice until the notice expires, is withdrawn under subsection (6) or is annulled under Section #91, and not cause or permit another person to contravene the terms of the notice.

(5) A compliance notice may specify a time limit within which it is to be complied with.

(6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(7) A compliance notice may require the owner, occupier, operator or person in charge of any aquaculture animal, plant or product, land or premises, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which this Act relates to choose between two or more of the requirements specified in the notice.

(8) A compliance notice shall include an address for service of an appeal under Section #91.

(9) A person who contravenes subsection (4) commits an offence.

Appeal against compliance notice

#91. (1) A person to whom a compliance notice is served may, within 7 days from the date of service of the notice, appeal the notice to the Judge of the District Court having jurisdiction in the District Court district—

(a) where the aquaculture animal, plant or product, land or premises, vehicle, machinery (including any computerised information management system), equipment, vessel or other thing to which this Act relates which is the subject of the notice, is situated, or

(b) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the notice is unreasonable having regard to this Act.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms of the notice are unreasonable and shall be served on the authorised officer who served the compliance notice at the address included on the notice in accordance with section #90 not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice or appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) On the hearing of an appeal a Judge of the District Court may confirm, modify or annul a notice.

(5) A person, including a person on whom a compliance notice has been served—

(a) pending the determination of an appeal, shall not deal with an aquaculture animal, plant or product or other thing to which the notice relates, other than in accordance with the terms of the compliance notice, or

(b) if the notice is confirmed or modified on appeal, deal with an aquaculture animal, plant or product or other thing to which the notice relates other than in accordance with the terms of the compliance notice as confirmed or modified.

(6) In this section "appeal" means an appeal under subsection (1).

(7) A person who contravenes subsection (5) commits an offence.

Seizure and detention for non-compliance with a compliance notice

#92. (1) Without prejudice to an appeal under Section #91, if—

(a) the owner, occupier or person in charge of land or premises, or the owner or person in possession or control of an aquaculture animal, plant or product, vessel,

vehicle, aircraft, equipment, machinery (including any computerised information management system) or other thing used in connection with an aquaculture animal, plant or product fails to comply with the terms of a compliance notice within the time specified,

(b) an authorised officer has reasonable grounds for believing that the terms of a compliance notice, whether or not modified under Section #91(4), will not be complied with, or

(c) a compliance notice has been confirmed with or without modification under Section #91(4) and the notice has not been complied with,

an authorised officer may at any time seize the aquaculture animal, plant or product or other thing to which a compliance notice relates, or seize the vessel, vehicle, aircraft, equipment, machinery (including any computerised information management system) or other thing used in connection with an aquaculture animal, plant or product.

(2) If the aquaculture animal, plant or product or other thing to which a compliance notice relates, a vessel, vehicle, aircraft, equipment, machinery (including any computerised information management system) or other thing used in connection with an aquaculture animal, plant or product is seized in accordance with subsection (1), an authorised officer may—

(a) sell, destroy or dispose of the aquaculture animal, plant or product or other thing to which a compliance notice relates or cause it to be sold, destroyed or be disposed of, or

(b) take such other measures in relation to the aquaculture animal, plant or product or other thing to which a compliance notice relates, or in relation to the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with an aquaculture animal, plant or product as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an aquaculture animal, plant or product or other thing to which a compliance notice relates in accordance with subsection (2) shall be paid to the owner of the aquaculture animal, plant or product or other thing to which a compliance notice relates less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Act are recoverable by the Minister or the Marine Institute—

(a) as a simple contract debt in a court of competent jurisdiction from the person who was the owner of the aquaculture animal, plant or product or other thing to which this Act relates or from the person who was the owner of the means of transport at the time the measure was carried out, or

(b) by deducting the costs from any sum payable from the Minister or the Marine Institute to a person on whom a notice has been served.

(5) The costs of any action required by a compliance notice shall be borne by the owner of land or premises, aquaculture animal, plant or product or other thing to which the notice relates.

Chapter II
Procedural

Service

#93. (1) A compliance notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on or given to the person—

(a) by giving it to the person, the person's employee, servant or agent,

(b) by leaving it at the address at which the person ordinarily resides, normally carries out business, or, if an address for service has been furnished, at that address,

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, if an address for service has been furnished, at that address,

(d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to land or premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the land or premises,

(e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.

(2) If a compliance notice is to be served on or given to a person who is the owner or occupier of land or premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to the person by using the words "the owner" or "the occupier".

(3) A person shall not, at any time within 6 months after a compliance notice is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.

(4) For the purposes of this Section, a company within the meaning of the Companies Act 2014 is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

Evidence on certificate etc

#94. (1) A certificate purporting to be signed by a person employed at a laboratory where a sample taken under this Act was analysed stating the capacity in which the person is employed and stating that—

(a) the person received the sample,

(b) for the period specified in the certificate, the person had the sample in his or her possession, and

(c) the person—

(i) gave the sample to another person named in the certificate, or

(ii) carried out a procedure for the purpose of detecting in the sample evidence that the sample had a specific provenance, or originated in a specific location, as is specified in the certificate,

is (without proof of the signature of the person or that he or she is or was employed at the laboratory), unless the contrary is shown, evidence of the matters stated in the certificate.

(2) In proceedings under this Act, evidence of information contained in a record may be given by producing a copy in legible form of that record, whether that record is maintained in legible or non-legible form and the copy is, until the contrary is shown, sufficient evidence of the information contained in the record.

(3) In proceedings for an offence under this Act the court may, if it considers that the interests of justice so require, direct that oral evidence of any matter stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

Fixed Payment Notice

#95. (1) If an officer of the Minister or the Marine Institute, authorised by the Minister or the Marine Institute in that behalf, has reasonable grounds for suspecting that a person is committing or has committed an offence under this Act and the offence is to be prosecuted summarily, the officer may serve a notice in writing ("fixed payment notice") on that person stating that—

(a) the person is alleged to have committed the offence,

(b) the person may during the period of 28 days beginning on the date of the notice make to the Minister or the Marine Institute, at the address specified in the notice, a payment of €250 accompanied by the notice,

(c) the person is not obliged to make the payment, and

(d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is served under paragraph (1)—

(a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister or the Marine Institute, at the address specified in the notice, the payment specified in the notice accompanied by the notice,

(b) the Minister or the Marine Institute may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and

(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an offence under this Act, the onus of proving that a payment pursuant to a notice under this Section has been made lies on the person on whom the fixed payment notice was served.

(4) In proceedings for an offence referred to in paragraph (1) it is a defence for the accused to show that they have made a payment in accordance with this Section pursuant to a fixed payment notice issued in respect of that offence.

Data Sharing

#96. Without prejudice to any other power to do so, information, including personal data (within the meaning of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 and section 69 of the Data Protection Act 2018) held by—

(a)the Minister,

(b) the Marine Institute,

(c) the Revenue Commissioners,

(d) the Garda Síochána,

(e)the Sea-fisheries Protection Authority, or

(f) the operator of a laboratory for the analysis of samples taken by the Minister or the Marine Institute under this Act,

for the purposes of this Act may be exchanged by them with each other if such exchange is reasonably necessary and proportionate for the performance by them of their functions under the Act.".

Explanatory Note

This Head provides for enforcement provisions complementing those provisions currently provided for under Section 81(2) of the Act of 1997. Section 81(2) references functions provided for under the Fisheries Acts, 1959 to 1995, which Acts were not transferred to DAFM pursuant to the Transfer of Function Order 2007 (S.I. No. 707 of 2007) or subsequently.

This amendment also provides for the sharing of information including personal data required by the Minister, the Marine Institute or another authority for the purposes of a function under the Act.

Head #21

Amendment of Act of 1997: miscellaneous amendments

#21. (1) The provisions of the Act of 1997 specified in subsection (2) are amended by substituting "Environmental Impact Assessment Report" for "Environmental Impact Statement" in each place it occurs.

(2) The provisions of the Act of 1997 referred to in subsection (1) are–

(a) section 10(3)(d)(i), (ii), (iii) and (iv);

(b) section 10(4) (inserted by section 101(b) of the Sea-Fisheries and Maritime Jurisdiction Act 2006);

(c) section 43(2)(a).

(3) References to an Environmental Impact Statement contained in any instrument made under the Act of 1997 shall be construed as including a reference to an Environmental Impact Assessment Report.

(4) The Act of 1997 is amended–

(a) in section 10(3)(d), by substituting "Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011[1] (as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014[2])" for "Council Directive 85/337/EEC";

(b) in section 45(3), by substituting "Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 (as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014)" for "Directive 85/337/EEC";

(c) in section 60(2)(c), by substituting "Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 (as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014)" for "Directive 85/337/EEC".

Explanatory Note

This Head provides for the substitution of EIAR for EIS where it occurs in the Act of 1997. It consequentially provides for an interpretation of the term where it appears in Regulations made under the Act.

[1] OJ L 26, 28.1.2012, p.1
[2] OJ L124, 25.4.2014, p.1

Subsection (4) amends and updates a number of references to Directive 85-337 to a reference to Directive 2011/92 as amended.

Part 3
Amendment of Foreshore Act, 1933

Head #22

Amendment of section 3 of Act of 1933: Power for Minister to grant licences of foreshore

#22. The Act of 1933 is amended in section 3 by inserting the following subsections following subsection (1B) (Inserted by section 8(a) of the Foreshore and Dumping at Sea (Amendment) Act 2009 (39 of 2009)):

"(1C) Without prejudice to Section 3(1) and Section 3(7), where an application for a foreshore licence is made alongside an application for an aquaculture licence for the same plan or project that is accompanied by an environmental impact assessment report, the Minister may grant by deed under his official seal a foreshore licence for aquaculture purposes which is conditioned on the grant of an aquaculture licence in accordance with the Fisheries (Amendment) Act 1997 relating to the same aquaculture plan or project, irrespective of whether the aquaculture licence has at that time been granted.

(1D) For the purposes of subsection (1C), an aquaculture licence shall be deemed to have been granted–

(a) irrespective of which licensing authority has granted the aquaculture licence, and

(b) if granted by the Board (within the meaning of the Fisheries (Amendment) Act 1997), irrespective of whether the Board in doing so has exercised its powers under Section 40(4)(a), (b) or (c).

(1E) Where a foreshore licence has been granted for aquaculture purposes which is conditioned on the grant of an aquaculture licence in accordance with the Fisheries (Amendment) Act 1997 relating to the same aquaculture plan or project, and the granting of the aquaculture licence has been successfully appealed in accordance with section 40 of that Act, the Minister for Agriculture, Food and the Marine shall review the related foreshore

licence in light of the extent and conditions of the aquaculture licence as granted following the appeal.

(1F) Where the Minister for Agriculture, Food and the Marine reviews a foreshore licence referred to in subsection (1E), he or she may seek additional information related to the foreshore licence or the related aquaculture licence in order to determine whether to amend the foreshore licence.

(1G) where a foreshore licence has been granted to facilitate the activity licenced under an aquaculture licence and the licensee has duly applied for the renewal or further renewal of the aquaculture licence, and the Minister for Agriculture, Food and the Marine is unlikely to make a determination on the renewal or further renewal of the aquaculture licence before the lapsing of the foreshore licence, that Minister may, at his or her discretion and where he or she is of the opinion that the continuation of the licence is unlikely to have a significant effect on, or adversely affect the environment, extend the foreshore licence for a temporary period specified in the licence extension to facilitate the application process.

(1H) A Foreshore licence extended under subsection (1G) may be further extended in accordance with that subsection.

(1I) where the Minister for Agriculture, Food and the Marine has refused an application, in whole or in part, for the renewal or further renewal of an aquaculture licence, on grounds other than environmental grounds, and the licensee has duly appealed the decision to the Board in accordance with section 40, the Minister may, at his or her discretion and where he or she is of the opinion that the continuation of the aquaculture licence is unlikely to have a significant effect on, or adversely affect the environment, extend the FORESHORE licence granted to facilitate the activity licenced under the aquaculture licence for a temporary period specified in the licence extension to facilitate the appeal.

(1J) A Foreshore licence extended under subsection (1I) may be further extended by the Minister for Agriculture, Food and the Marine in accordance with that subsection.

(1K) A licence extension referred to in subsections (1G) or (1I) shall be in writing.

(1L) The licence holder of a licence extended under subsection (1I) shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence, be entitled to continue the use of the foreshore for the aquaculture or operations in relation to aquaculture authorised by the aquaculture licence for the period specified in the foreshore licence extension.

(1M) A foreshore Licence which has been granted by the Minister for Agriculture, Food and the Marine to facilitate licensed aquaculture activity may be assigned or reassigned to another person on the approval of that Minister if the aquaculture licence for the activity on the area of foreshore is also approved for assignment or reassignment to that person".

Explanatory Note

This Head provides that where an application for a foreshore licence is made in conjunction with an application for an aquaculture licence, the determinations may be made at the same time and the foreshore licence is only granted under deed once the aquaculture licence has been ultimately determined. It is dependant on section 82 being repealed.

The additional subsections are based on the efficient working of the licencing process for foreshore licences.

Head #23

Amendment of section 13A of Act of 1933: Environmental impact assessment of certain proposals relating to the foreshore

#23. Section 13A (inserted by Regulation 13(c) of the European Communities (Environmental Impact Assessment) Regulations 1989 (S.I. No. 349 of 1989)) of the Act of 1933 is amended by substituting for subsection (6) (Inserted by Regulation 3(b) of the European Communities (Foreshore) Regulations 2009 (S.I. No. 404 of 2009)) the following:

“(6) In this section "relevant application" does not include an application for a foreshore licence under section 3 for the purposes of a plan or project also requiring an aquaculture licence (within the meaning of the Fisheries (Amendment) Act 1997), where:

i. an application for a foreshore licence is made alongside an application for an aquaculture licence for the same plan or project that is accompanied by an environmental impact assessment report; or

ii. where such an aquaculture licence accompanied by an environmental impact assessment report has been granted.”.

Explanatory Note

This Head corrects an error in section 13A(6) of the Act of 1933. That error refers to the exclusion of an application for an aquaculture licence rather than exclude aquaculture-related foreshore licence applications from the EIA obligations under the Act of 1933.

Head #24

Amendment of section 21A of Act of 1933: Publication of notice of Minister's decision in relation to certain relevant applications

#24. Section 21A (inserted by Regulation 13(e) of the European Communities (Environmental Impact Assessment) Regulations 1989 (S.I. No. 349 of 1989)) of the Act of 1933 is amended in paragraph (d) (amended by Regulation 3 of the European Union (Foreshore Act 1933) (Environmental Impact Assessment) (Amendment) Regulations 2021 (S.I. No. 145 of 2021)) by substituting "in respect of a relevant application that is accompanied by an environmental impact assessment report, arrange" for "arrange".

Explanatory Note

This Head provides that where a relevant application for a foreshore licence is based on an application for an aquaculture licence that is accompanied by an EIAR, the publication of the original EIAR is sufficient.