

NOTICE OF APPEAL UNDER SECTION 40(1) OF
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)



Appeal Form

**Please note that this form will only be accepted by REGISTERED POST
or handed in to the ALAB offices**

Name of Appellant (block letters)	Derek Diver		
Address of Appellant	Crocknagee, Roxtown, Clonmany, Co Donegal		
Phone:		Email:	
Mobile:		Fax:	

Fees

Fees must be received by the closing date for receipt of appeals	Amount	Tick
Appeal by licence applicant	€380.92	
Appeal by any other individual or organisation	€152.37	<input checked="" type="checkbox"/>
Request for an Oral Hearing * (fee payable in addition to appeal fee) <small>* In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.</small>	€76.18	
(Cheques Payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))		
Electronic Funds Transfer Details	IBAN: IE89AIBK93104704051067	BIC: AIBKIE2D

Subject Matter of the Appeal



We wish to appeal the decision of the Minister to Grant licence T12/528.

The reason being, I currently have 2 Licences awaiting decision with Alab (T12/345A/1 & T12/492A) and as the bay is nearing full capacity I believe my appeals should be dealt with before any new licences are granted

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Site Reference Number:- (as allocated by the Department of Agriculture, Food and the Marine)	T12/528
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Appellant's particular interest in the outcome of the appeal:

I currently have 2 licences awaiting decision (T12/345A/1 & T12/492A), The bay is near full capacity & I believe that my appeals should be dealt with before any new licences are issued.
My Company Crocknagee Oysters Ltd employs 20 full time and 40 seasonal people in what is a rural area with little alternative full-time employment. I believe the current licencing system undermines the sustainability of our business.

Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):

I applied for Licence T12/345A/1 on 26/06/2006, a greatly reduced variation of this was granted in June 2019 which I have appealed.
I applied for Licence T12/492A on 30/10/2014, a greatly reduced variation of this was granted in June 2019 which I have appealed.
I believe that as Trawbreaga Bay is near full capacity for ground coverage as per the appropriate assessment from the marine institute, my appeals should be dealt with before any new/ recently applied for licences are granted

Signed by appellant:  Date: <u>16/12/19</u>
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Fees must be received by the closing date for receipt of appeals

This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

DATA PROTECTION – the data collected for this purpose will be held by ALAB only as long as there is a business need to do so and may include publication on the ALAB website

Extracts from Act

40.—(1) A person aggrieved by a decision of the Minister on an application for an aquaculture licence or by the revocation or amendment of an aquaculture licence may, before the expiration of a period of one month beginning on the date of publication in accordance with this Act of that decision, or the notification to the person of the revocation or amendment, appeal to the Board against the decision, revocation or amendment, by serving on the Board a notice of appeal.

(2) A notice of appeal shall be served—

(a) by sending it by **registered post** to the Board,

(b) **by leaving it at the office of the Board**, during normal office hours, with a person who is apparently an employee of the Board, or

(c) by such other means as may be prescribed.

(3) The Board shall not consider an appeal notice of which is received by it later than the expiration of the period referred to in subsection (1)

41.—(1) For an appeal under *section 40* to be valid, the notice of appeal shall—

(a) be in writing,

(b) state the name and address of the appellant,

(c) state the subject matter of the appeal,

(d) state the appellant's particular interest in the outcome of the appeal,

(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based, and

(f) **be accompanied by such fee**, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*, and

shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.