

**AQUACULTURE  
LICENCES  
APPEALS BOARD**

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**ANNUAL REPORT  
AND  
ACCOUNTS  
2002**



# AQUACULTURE LICENCES APPEALS BOARD

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*Conor J. Maguire, S.C.  
Chairman*

## **CHAIRMAN'S STATEMENT to the Minister for Communications, Marine and Natural Resources**

WITH the conclusion of another year's work at the Aquaculture Licences Appeals Board, I am pleased, once again, to include my Chairman's Statement in this, the Board's 5th Annual Report.

AS the Board is now well established at its new office premises and with the secondment of additional staff to the Secretariat, considerable success was achieved in the last year in reducing the number of appeals awaiting determination.

THIS year also saw the end of the 1-year re-appointment period for five of the board members on 29 June 2002, with the Minister re-appointing each member for a period of one additional year to 29 June 2003.

WHILE there were no changes at Board membership level in 2002, Ms Anne Balfe, Secretary to the Board since its establishment, departed in November to take up a new appointment in the Department of Communications, Marine and Natural Resources, and was replaced by Ms Ann Kissane, from the Department. I know I speak on behalf of all the Board members in taking this opportunity to wish Anne every success in her new post and to thank her for her enormous contribution to the establishment and operation of the Board.

IN November the Board issued an invitation to the Department of Communications, Marine and Natural Resources to a presentation on the procedures employed by the Board in processing appeals. This took place in December and was attended by officials from the Department and from the Marine Institute and provided a welcome opportunity for all parties to exchange views with others who have a common interest with regard to the regulation of the aquaculture industry.

I will now briefly turn to the Board's activities and output for 2002. This year saw a significant decline in the number of appeals received by the Board. Details of the appeals received are outlined on page 8 of the report.

IN summary, the total number of appeals received was 13, representing 6 Ministerial licence decisions. However, there were a further 38 appeals awaiting decision from 2001, giving a grand total of 51 appeals for determination. Details of the determinations made in 2002 are outlined on pages 11 to 15.

DURING 2002, there was one application made to the courts for a judicial review. Details of this application are contained in the report.

FINALLY, just a note of thanks and acknowledgement to each of the Board members for the level of their commitment and work input throughout the year. The work of the Board is also greatly dependent on the service of the Secretariat, whom I also wish to thank for their continued support and dependable service throughout the year.

I wish to also thank the Minister for Communications, Marine and Natural Resources Mr Dermot Ahern, T.D., for the support given to the Board since taking up office in June 2002, and I look forward to serving as Chairman in the year ahead.

A handwritten signature in blue ink, appearing to read 'Conor J. Maguire', is written above a solid horizontal line.

**CONOR J. MAGUIRE, S.C.,  
CHAIRMAN  
April 2003**

## **BOARD MEMBERS and GENERAL INFORMATION**

**CHAIRMAN**

MR CONOR J MAGUIRE, S.C.

**DEPUTY CHAIRPERSON**

DR ANN QUINN, BSc., PhD., MIPI., FCIArb.

**ORDINARY MEMBERS**

DR RICHARD D FITZGERALD, BSc., PhD., MBA.

MR MICHAEL HARTE, B.Ed.

MR JIM KILLEEN, BE, MI Chem E.

MRS MARY NOLAN

MR MARTIN HOWLEY

**SECRETARY**

MS ANN KISSANE

**REGISTERED OFFICE**Holbrook House  
3rd Floor  
Holles Street  
Dublin 2**AUDITORS**Comptroller & Auditor General  
Treasury Building  
Dublin Castle  
Dublin 2**Web Address**[www.alab.ie](http://www.alab.ie)**E-mail**[info@alab.ie](mailto:info@alab.ie)



*Conor J. Maguire, S.C.  
Chairman*



*Dr. Ann Quinn  
Deputy Chairperson*



*Dr. Richard FitzGerald  
Member*



*Michael Harte  
Member*



*Martin Howley  
Member*



*Jim Killeen  
Member*



*Mary Nolan  
Member*

# AQUACULTURE LICENCES APPEALS BOARD

The following is some general information regarding the Aquaculture Licences Appeals Board. However, to obtain an overall picture as to how the appeal process as well as the aquaculture licensing system operates, reference should be made to the Fisheries (Amendment) Act, 1997, Fisheries and Foreshore (Amendment) Act, 1998, Aquaculture (Licence Application) Regulations, 1998 and also to the most recently introduced legislation, the Fisheries (Amendment) Act, 2001.

## ESTABLISHMENT OF BOARD

The Aquaculture Licences Appeals Board was established on 17 June 1998 under *Section 22* of the Fisheries (Amendment) Act, 1997. All Board members are engaged on a part-time basis.

## FUNCTION

The function of the Board is to provide an independent authority for the determination of appeals against decisions of the Minister for Communications, Marine and Natural Resources on aquaculture licence applications. A person aggrieved by a decision of the Minister on an aquaculture licence application, or by the revocation or amendment of an aquaculture licence, may make an appeal within one month of publication (in the case of a decision) or notification (in the case of revocation/amendment).

## STATUS

The Board is an independent body with its own funding provided for by the Oireachtas under *Section 36* of the Act.

## MEMBERSHIP OF BOARD

Under *Section 23* of the Act, the Board consists of a Chairman and six other members. The Chairman, a senior counsel, was appointed by the Government for a term of 5 years, effective from 30 June 1998.

The Deputy Chairperson was appointed to the Board by the Minister for the Marine and Natural Resources to fill the vacant position with effect from 12 November 2001 to 29 June 2003.

The other five members were appointed by the Minister for the Marine and Natural Resources for a term of three years, effective from 30 June 1998. All five were re-appointed for a period of one year from 30 June 2001, and were re-appointed for an additional period of one year from 30 June 2002, by Mr Frank Fahey, T.D., Minister for the Marine and Natural Resources.

## COMPOSITION OF BOARD

In accordance with *Section 23(3)* of the Act, the Minister for the Marine and Natural Resources made regulations prescribing not less than two organisations representative of each of the following groupings:

- (a) organisations concerned with the promotion of the development of aquaculture or representative of persons carrying on the business of developing aquaculture;
- (b) organisations concerned with the conservation, development and protection of wild fisheries;
- (c) organisations representative of persons whose professions or occupations relate to physical planning and development;



- (d) organisations representative of persons concerned with the protection and preservation of the environment and amenities;
- (e) organisations representative of persons concerned with the promotion of general economic development and
- (f) organisations representative of persons concerned with the promotion of community development.

## RESPONSIBILITIES

The main responsibilities and powers of the Board are set out below:

Under *Section 40(4)* of the Act, on receipt of an appeal by the Board and provided it is not withdrawn, the Board can determine the appeal by

- (a) confirming the decision or action of the Minister
- (b) determining the application for the licence as if the application had been made to the Board in the first instance or
- (c) in relation to the revocation or amendment of a licence, substituting its decision on the matter for that of the Minister;

Under *Sections 43* and *44* of the Act, the Board must send a copy of the notice of appeal to the Minister and to each other party to the appeal;

Under *Section 46* of the Act, the Board can request submissions or observations from parties or other persons who have already made submissions or observations to the Board in relation to an appeal, if, in the opinion of the Board and in the circumstances, it is in the interests of justice to do so;

Under *Section 47* of the Act, the Board can request documents, particulars or other information it considers necessary for the purpose of enabling it to determine an appeal;

Under *Section 49* of the Act, the Board has the absolute discretion to hold an oral hearing of an appeal;

Under *Section 56* of the Act, the Board shall ensure that appeals are dealt with and determined expeditiously and that all steps are taken to avoid unnecessary delays.

## CONSULTANTS AND ADVISERS

Under *Section 35* of the Act, the Board may engage such consultants or advisers as it considers necessary for the performance of its functions. Fees due to either are paid by the Board out of moneys made available by the Oireachtas. The Board did not engage consultants or advisers during 2002.

## SECRETARIAT

Under *Section 32* of the Act, an officer of the Minister who is an established civil servant and who is seconded to the Board for that purpose, either on a whole-time or part-time basis, shall act as Secretary to the Board. In November 2002 Ms Anne Balfe, who has acted as Secretary to the Board since its establishment in 1998, departed to take up a position in the Department's Head Office and was replaced by Ms Ann Kissane, from the Department.

# BOARD'S ACTIVITIES IN 2002

## APPEALS RECEIVED

In 2002, the Board received a total of 13 appeals, representing a decrease of over 80% in the level of appeals received over numbers received in 2001.

However, and in addition to the 13 received in 2002, there were a total of 38 appeals awaiting decision from 2001, giving a grand total of 51 appeals for determination. The 13 appeals received represented 6 Ministerial licence decisions from a total of 51 Ministerial decisions made in 2002.

Of the 13 appeals received in 2002, 8 were in relation to Salmon licences.

There were also two appeals each in relation to scallops and mussels and one in relation to sea urchins.

## JUDICIAL REVIEW

In accordance with Section 73 of the Fisheries (Amendment) Act, 1997, a person can apply for judicial review of determinations of the Board by way of an application for judicial review, provided it is made within the period of three months commencing on the date on which the determination was made.

During 2002 one application was made to the courts in relation to three of the Board determinations in 2002, while an application that was made in April 2001 has been assigned a date for hearing. Details of these applications are as follows:

- 1) The application made in April 2001 was in relation to a Board decision dated 21 January 2001 in respect of the granting of an aquaculture licence to Bannow Bay Fisheries, Clifton, Spawell Road, Wexford, for the cultivation of oysters at Bannow Bay, Co Wexford. This case is listed for hearing on 20 May 2003.
- 2) The application received in 2002 was in relation to three Board decisions of 30 August 2002 refusing to grant aquaculture licences for the cultivation of salmon in Kilkieran Bay, Co. Galway, to the following applicants:
  - a) Mr Donal MacCon Iomaire, An Tain, Casla, Co. Galway, for Site No. 129A.
  - b) Iascaigh Muicineach Teo, c/o Frank Coen & Co., Salthill, Co. Galway, for Site No. 126B and Site No. 126C.
  - c) Muir Gheal Teo., Lettermore, Co. Galway, for Site No. 105D and 105E.

This application is still awaiting decision.

## SUMMARY OF DETERMINATIONS

The Board made a total of 29 determinations in 2002, representing 41 of the appeals on hand.

This resulted in the granting of 24 aquaculture licences with revised conditions, of which 7 were in respect of salmon. The Board also upheld two appeals by refusing to grant two aquaculture licences for the cultivation of salmon.

During 2002, the total area licensed by the Board for oysters was 70.8 ha, for mussels 1,495.6 ha and for salmon the tonnage licensed was 5,756 tonnes increasing by yearly increments to a final production tonnage of 8,926 tonnes per year.

## **DETAILS OF APPEALS RECEIVED AND DETERMINATIONS MADE IN 2002**

Under *Section 40(4)* of the Fisheries (Amendment) Act, 1997, the Board, in determining the appeals has the option of:

- (i) confirming the decision of the Minister to grant or refuse a licence or
- (ii) determining and issuing its own aquaculture licence as if the application for the licence had been made to the Board in the first instance.

Where the Board determined that it wished to alter the terms or conditions of a licence decision granted by the Minister, it did so by issuing its own licence with additional or altered terms and conditions.

*In line with the above, information outlined on the following pages contains:*

- a) a breakdown of the Board determinations for the years 1999 to 2002 inclusive;
- b) map showing location of appealed sites and summary information and
- c) table showing the outcome of determinations of appeals made by the Board in 2002 including subject matter of the appeal, details of Appellants and the results and date of each appeal decision.

# AQUACULTURE LICENCES APPEALS BOARD [A.L.A.B.]

## BREAKDOWN OF BOARD DETERMINATIONS

**1999 – 2002**

YEAR	APPEALS RECEIVED	WITHDRAWN	DEEMED INVALID	BOARD DETERMINATIONS	LICENCES GRANTED	CONFIRMED MINISTER'S DECISION <sup>1</sup>	APPEALS UPHELD
1999	88	0	2	25	16	7	0
2000	38	0	2	83	37	5	2
2001	76	30 <sup>2</sup>	1	38	14	1	1 <sup>2</sup>
2002	13	3 <sup>3</sup>	2	29 <sup>4</sup>	24	0	2

**Note<sup>1</sup>** Where the Board determined that it wished to alter the terms or conditions of a licence decision granted by the Minister, it did so by issuing its own licence with additional or altered terms and conditions.

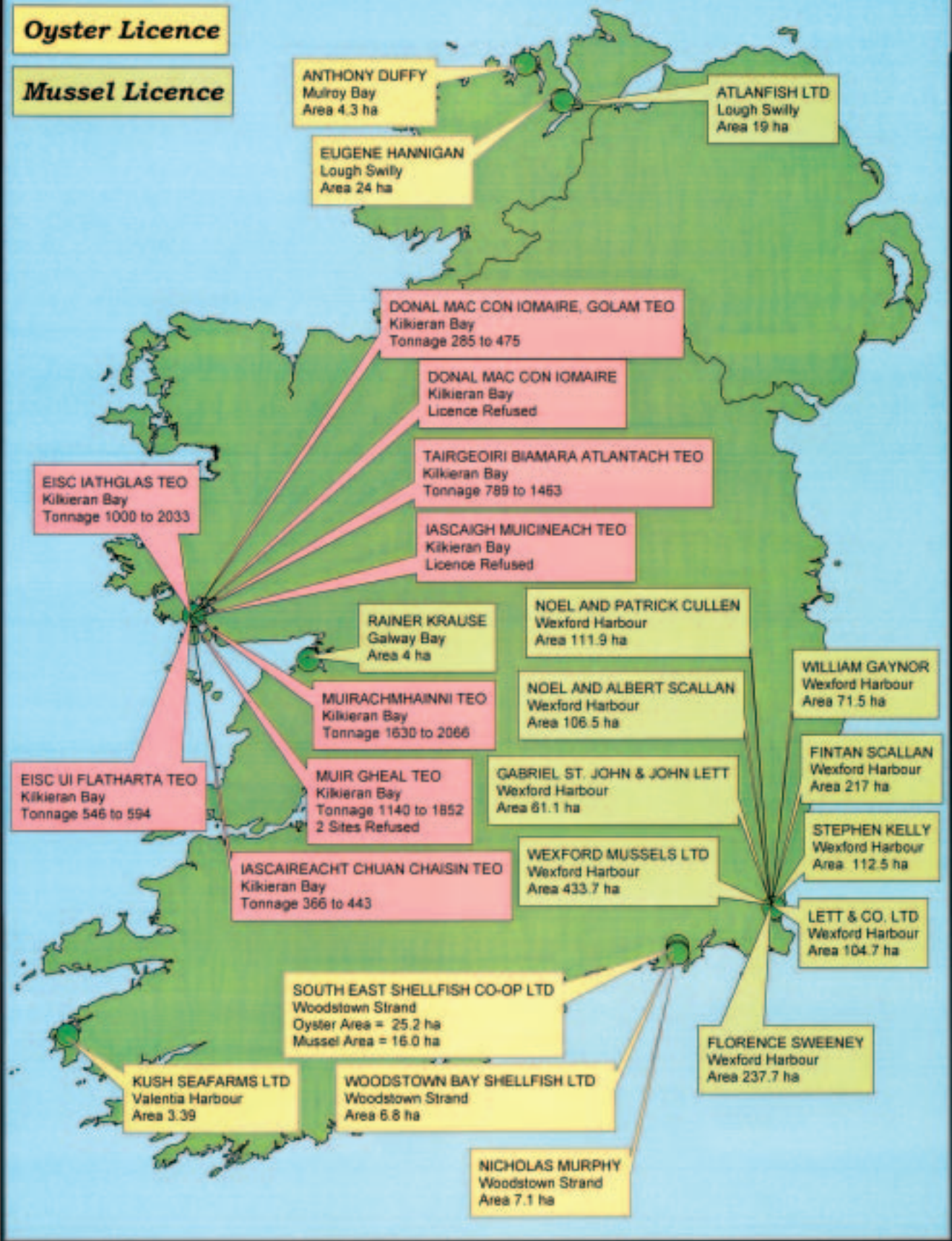
**Note<sup>2</sup>** These figures differ from those which appeared in the 2001 Annual Report because of an error in the recording of 4 Board Determinations on Page 13 of that Report. In this instance it was stated that the Board had refused to licence 4 sites in Trawbreaga Bay, Co. Donegal. As the application for a licence had been abandoned in all four cases the appeals against these licences should have been recorded as withdrawn.

**Note<sup>3</sup>** Of these, 2 related to appeals received in 2001.

**Note<sup>4</sup>** Of these, 28 related to appeals received in 2001.

# Board Decisions 2002

- Salmon Licence**
- Oyster Licence**
- Mussel Licence**



## DETERMINATIONS OF APPEALS IN 2002

SUBJECT MATTER OF APPEAL	APPELLANTS	BOARD DECISION & DATE
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Mussels on one site and for the cultivation of Oysters on one site in Woodstown Strand, Co Waterford to <b><i>SOUTH EAST SHELLFISH CO-OP LTD</i></b> , Barrack St, Passage East, Co Waterford	<ul style="list-style-type: none"> <li>➤ THOMAS CONNORS, Whitehall, Passage East, Co Waterford</li> <li>➤ ANTHONY WHITTY, Blynd Quay, Passage East, Co Waterford</li> <li>➤ SEAMUS WHITTY, Crooke, Passage East, Co Waterford</li> <li>➤ WILLIAM WALSH, Passage East, Co Waterford</li> </ul>	LICENCE ISSUED by BOARD 14/1/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Oysters on one site in Woodstown Strand, Co Waterford to <b><i>WOODSTOWN BAY SHELLFISH LTD</i></b> , Dunmore East, Co Waterford	<ul style="list-style-type: none"> <li>➤ THOMAS CONNORS, Whitehall, Passage East, Co Waterford</li> <li>➤ ANTHONY WHITTY, Blynd Quay, Passage East, Co Waterford</li> <li>➤ SEAMUS WHITTY, Crooke, Passage East, Co Waterford</li> <li>➤ WILLIAM WALSH, Passage East, Co Waterford</li> </ul>	LICENCE ISSUED by BOARD 14/1/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Oysters on one site in Woodstown Strand, Co Waterford to <b><i>NICHOLAS MURPHY</i></b> , Altona, Dock Road, Dunmore East, Co Waterford	<ul style="list-style-type: none"> <li>➤ THOMAS CONNORS, Whitehall, Passage East, Co Waterford</li> <li>➤ ANTHONY WHITTY, Blynd Quay, Passage East, Co Waterford</li> <li>➤ SEAMUS WHITTY, Crooke, Passage East, Co Waterford</li> <li>➤ WILLIAM WALSH, Passage East, Co Waterford</li> </ul>	LICENCE ISSUED by BOARD 14/1/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an Aquaculture licence for the cultivation of Salmon at three sites, off Birmore Island, off NaMacken Rocks and off RedFlag Island within Kilkieran Bay, Co Galway to <b><i>FEIRMEOIRI BRADAIN CHILL CHIARAIN TEO</i></b> .	<ul style="list-style-type: none"> <li>➤ THE WESTERN REGIONAL FISHERIES BOARD, Head Office, The Weir Lodge, Earl's Island, Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin 9</li> </ul>	APPEAL WITHDRAWN 22/1/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Mussels on one site in Galway Bay, Co Galway to <b><i>RAINER KRAUSE</i></b> , Dungora, Kinvara, Co Galway	<ul style="list-style-type: none"> <li>➤ GALWAY &amp; CLADDAGH BOAT OWNERS ASSOCIATION, Newcastle, Co Galway</li> </ul>	LICENCE ISSUED by BOARD 25/02/02

## DETERMINATIONS OF APPEALS IN 2002

SUBJECT MATTER OF APPEAL	APPELLANTS	BOARD DECISION & DATE
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on four sites in Wexford Harbour to <b>FLORENCE SWEENEY</b> , Ballyhoe Lower, Screen, Enniscorthy, Co Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on five sites in Wexford Harbour to <b>LETT &amp; CO LTD</b> , Batt Street, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on two sites in Wexford Harbour to <b>GABRIEL ST. JOHN &amp; JOHN LETT</b> , Shanaar, Rocklands, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on one site to <b>NOEL and ALBERT SCALLAN</b> , 29 William Street, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on three sites in Wexford Harbour to <b>NOEL and PATRICK CULLEN</b> , 11 Bernadette Place, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on three sites in Wexford Harbour to <b>WILLIAM GAYNOR</b> , 19 Hillcrest, Mulgannon, Co Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on three sites in Wexford Harbour to <b>STEPHEN KELLY</b> , 51 The Grove, Clonard, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02

## DETERMINATIONS OF APPEALS IN 2002

SUBJECT MATTER OF APPEAL	APPELLANTS	BOARD DECISION & DATE
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on five sites in Wexford Harbour to <b>FINTAN SCALLAN</b> , 84 King Street, Wexford	➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for Bottom culture Mussels on five sites in Wexford Harbour to <b>WEXFORD MUSSELS LTD</b> , c/o Sean Ryan, Rockfield, Coolcots, Wexford	➤ WEXFORD MUSSELS LTD, c/o Sean Ryan, Rockfield, Coolcots, Wexford ➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands	LICENCE ISSUED by BOARD 15/4/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Oysters on one site in Lough Swilly to <b>EUGENE HANNIGAN</b> , Milford, Co Donegal	➤ LOUGH SWILLY PRESERVATION GROUP, Croghan, Ramelton, Co. Donegal	LICENCE ISSUED by BOARD 3/05/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Sea Urchins off Whiddy Island, Cork to <b>ENDA CROWLEY</b> , Drumchoc, Bantry, Co Cork	➤ BANTRY TERMINALS LTD., Reenrour, Bantry, Co. Cork	APPEAL WITHDRAWN 14/6/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Oysters on one site in Mulroy Bay to <b>ANTHONY DUFFY</b> , Carrick, Carrigart, Letterkenny, Co Donegal	➤ COISTE FORBARTHA OILEAN RUAIGH, Oilean Ruaigh, Cuan na Maoile Ruaigh, Na Dunaibh, Tir Chonaill	LICENCE ISSUED by BOARD 21/6/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on three sites in Lettercallow and one site in Knock Bay, within Kilkieran Bay, Co Galway to <b>MUIR GHEAL TEO</b> , Lettermore, Co Galway	➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway ➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin	LICENCE ISSUED for 2 sites and LICENCE REFUSED for 2 sites. 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on two sites in Golam Harbour and one site in Cuigeal Bay, within Kilkieran Bay, Co Galway to <b>DONAL MAC CON IOMAIRE, GOLAM TEO</b> , An Tain, Casla, Co Galway	➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway ➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin	LICENCE ISSUED by BOARD 19/8/02



## DETERMINATIONS OF APPEALS IN 2002

SUBJECT MATTER OF APPEAL	APPELLANTS	BOARD DECISION & DATE
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on two sites in Ardmore Bay and off BirBeg Island, within Kilkieran Bay, Co Galway to <b>EISC UI FLATHARTA TEO</b> , Ardmore, Kilkieran, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> <li>➤ MR NOEL RYAN, Invermore Fishery, Mount Hanover House, Drogheda, Co Louth</li> </ul>	LICENCE ISSUED by BOARD 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on one site in Kilkieran Bay, Co Galway to <b>DONAL MAC CON IOMAIRE</b> , An Tain, Casla, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	REFUSED LICENCE 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on two sites in Camus Bay, within Kilkieran Bay, Co Galway to <b>IASCAIGH MUICINEACH TEO</b> , Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	REFUSED LICENCE 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on two sites in Ardmore Bay and NaMacken Rocks, within Kilkieran Bay, Co Galway to <b>EISC IATHGLAS TEO</b> , Ardmore, Kilkieran, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	LICENCE ISSUED by BOARD 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on three sites in Cuigeal Bay, Casheen Bay and Coonawileen Bay, within Kilkieran Bay, Co Galway to <b>MUIRACHMHAINNI TEO</b> , Lettermullen, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	LICENCE ISSUED by BOARD 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on one site in Coonawileen Bay, within Kilkieran Bay, Co Galway to <b>IASCAIREAHT CHUAN CHAISIN TEO</b> , Foinis, Lettermullen, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	LICENCE ISSUED 19/8/02

## DETERMINATIONS OF APPEALS IN 2002

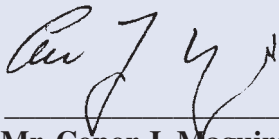
SUBJECT MATTER OF APPEAL	APPELLANTS	BOARD DECISION & DATE
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Salmon on two sites off Annaghvan and off Lettermore within Kilkieran Bay, Co Galway to <b>TAIRGEOIRI BIAMARA ATLANTACH TEO</b> , Rinn, Carraroe, Co Galway	<ul style="list-style-type: none"> <li>➤ WESTERN REGIONAL FISHERIES BOARD, Weir Lodge, Earl's Island, Co Galway</li> <li>➤ CENTRAL FISHERIES BOARD, Balnagowan, Mobhi Boreen, Glasnevin, Dublin</li> </ul>	LICENCE ISSUED by BOARD 19/8/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Abalone on a land – based site at Muings, Belmullet, Co Mayo to <b>AWABI TEO</b> , Tallagh Hill, Belmullet, Co Mayo	<ul style="list-style-type: none"> <li>➤ DÚCHAS, The Heritage Service, Department of Arts, Heritage, Gaeltacht and the Islands</li> </ul>	APPEAL WITHDRAWN 2/9/02
Decision of the Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Oysters on three sites in Valentia Harbour, Co Kerry to <b>KUSH SEAFARMS LTD</b> , Ardgroom, Beara, Co Cork	<ul style="list-style-type: none"> <li>➤ AN TAISCE, The National Trust for Ireland, The Tailors' Hall, Back Lane, Dublin 8</li> </ul>	LICENCE ISSUED by BOARD 30/9/02
Decision of Minister of State at the Department of the Marine and Natural Resources to grant an aquaculture licence for the cultivation of Mussels on one site in Lough Swilly, Co Donegal to Daniel Gallagher, c/o <b>ATLANFISH LTD</b> , Malin Road, Carndonagh, Co Donegal	<ul style="list-style-type: none"> <li>➤ LOUGH SWILLY PRESERVATION GROUP, Croghan, Ramelton, Co Donegal</li> </ul>	LICENCE ISSUED by BOARD 27/11/02

## STATEMENT OF RESPONSIBILITIES OF THE BOARD

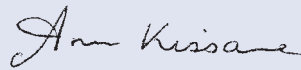
Section 37(1) of the Fisheries (Amendment) Act, 1997 requires the Board to keep all proper and usual accounts of all moneys received or expended by it including an income and expenditure account and a balance sheet. In preparing those financial statements, the Board is required to:

- Select suitable accounting policies and then apply them consistently
- Make judgements and estimates that are reasonable and prudent
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Board will continue in operation
- Disclose and explain any material departures from applicable accounting standards.

The Board is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Board and which enables it to ensure that the financial statements comply with Section 37 of the Act. The Board is also responsible for safeguarding its assets and for taking reasonable steps to prevent and detect fraud and other irregularities.



**Mr. Conor J. Maguire, S.C.**  
*Chairman*



**Ms. Ann Kissane**  
*Secretary*

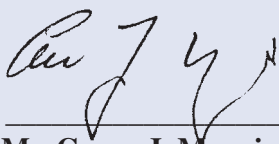
*27 June 2003*

**Date**

## STATEMENT OF INTERNAL FINANCIAL CONTROLS

The Board acknowledges its responsibility for the Aquaculture Licences Appeals Board's system of financial control. It also recognises that any system of financial control can only give reasonable and not absolute assurance against any material errors. The internal financial controls in operation by the Board during 2002 are detailed as follows:

- The Board Secretariat is familiar with financial control procedures, including procurement, debtor and credit procedures.
- All invoices are checked and authorised by the Secretary before payment.
- Both the Chairman and Secretary to the Board sign all cheques, with an additional signature from one other Board member required for cheques over an agreed limit.
- Expenditure details are forwarded to Finance Unit of the Department on a monthly basis.
- The Board has engaged a firm of Accountants to prepare Financial Statements for the annual audit of Board income and expenditure.
- The bulk of the Board expenditure is incurred on staff salaries, Board Members' remuneration and travel and subsistence. Staff salaries and travel and subsistence claims are paid by the Department, which recoups this expenditure from the Board. An external payroll company has been engaged by the Board to deal with Board Members' remuneration.
- The Board did not carry out a formal review of its financial controls during 2002. However a review will be carried out in 2003.
- To the best of our knowledge, there has been no material loss to the Board due to the adequacy or otherwise of the system of financial control in operation during 2002.
- As the Board is reasonably satisfied with the existing financial control arrangements, it is not envisaged that there will be any significant changes during 2003.



**Mr. Conor J. Maguire, S.C.**  
*Chairman*



**Ms. Ann Kissane**  
*Secretary*

*27 June 2003*

**Date**

## REPORT OF THE COMPTROLLER AND AUDITOR GENERAL FOR PRESENTATION TO THE HOUSES OF THE OIREACHTAS

I have audited the financial statements on pages 19-23 under section 37 of the Fisheries (Amendment) Act, 1997.

### RESPECTIVE RESPONSIBILITIES OF THE BOARD AND THE COMPTROLLER AND AUDITOR GENERAL

The accounting responsibilities of the Board are set out in the Statement of Responsibilities of the Board on page 16. It is my responsibility, based on my audit, to form an independent opinion on the financial statements presented to me by the board and to report on them. I review whether the statement on the system of internal financial control on page 17 reflects the Board's compliance with applicable guidance on corporate governance and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements.

### BASIS OF AUDIT OPINION

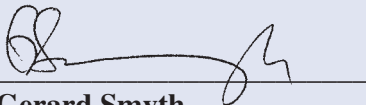
In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with auditing standards issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation.

An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Board's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

### OPINION

In my opinion, proper books of accounts have been kept by the Board and the financial statements, which are in agreement with them, give a true and fair view of the state of affairs of the Aquaculture Licences Appeals Board at 31 December 2002 and of its income and expenditure for the year then ended.



**Gerard Smyth**  
*For and on behalf of the  
Comptroller and Auditor General*

*10th July 2003*

## STATEMENT OF ACCOUNTING POLICIES

### 1. GENERAL

The Aquaculture Licences Appeals Board was established on 17 June 1998 under Section 22 of the Fisheries (Amendment) Act, 1997. The Board deals with Appeals against decisions of the Minister relating to aquaculture licences.

### 2. BASIS OF ACCOUNTING

The Financial statements are prepared under the accruals method of accounting, except as indicated below, and in accordance with generally accepted accounting principles under the historical cost convention. Financial reporting standards recommended by the recognised accountancy bodies are adopted, as they become operative.

### 3. INCOME

Appeal Fees are recognised in the Financial Statements on a receipts basis.

Oireachtas Grants

Change of Accounting Policy

In 2001, Oireachtas grants were recognised as income on the basis of amounts allocated by the Department of Communications, Marine and Natural Resources. In 2002, Oireachtas grants are treated on a cash receipts basis. Comparative figures for 2001 have been re-stated accordingly.

### 4. CAPITAL ACCOUNT

The Capital Account represents the unamortised value of income used for capital purposes.

### 5. DEPRECIATION

The cost or valuation of tangible fixed assets, including leased assets, is written off by equal instalments as follows:

Office Equipment            3 years

Computer Equipment       3 years

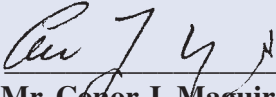
### 6. SUPERANNUATION

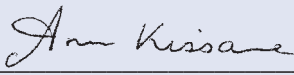
Staff on the Board are seconded from the Department of Communications, Marine and Natural Resources and are covered by the Department's pension arrangements. The Board does not operate pension schemes.

## INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 DECEMBER 2002

	Note	2002 €	2001 €
<b>INCOME</b>			
Appeal Fees		2,639	8,076
Oireachtas Grant		268,225	165,065
Transferred (to)/from Capital Account	5	21,120	15,775
		291,984	188,916
<b>EXPENDITURE</b>			
Board Members' Fees and Expenses		45,150	43,881
Wages and salaries		93,250	64,432
Travel and Expenses		25,664	27,591
Consultancy Fees		–	5,196
Advertising		485	3,987
Postage		3,322	2,348
Audit Fees		2,000	1,500
Accountancy		2,650	6,603
Couriers and taxis		2,180	1,846
Bank charges		275	127
Clothing and equipment		286	2,614
Diving costs		4,269	–
Cleaning		4,092	–
Office stationery and supplies		5,567	11,445
Telephone		7,573	9,392
Miscellaneous		3,407	2,720
Depreciation		25,483	25,276
Publications		4,355	3,157
Repairs, maintenance and security		9,093	4,842
		239,101	216,957
<b>TOTAL</b>		239,101	216,957
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		52,883	(28,041)
<b>Surplus/(deficit) at start of year</b>		(39,195)	(11,154)
<b>SURPLUS/(DEFICIT) AT END OF YEAR</b>		13,688	(39,195)

There are no recognised gains or losses, other than those dealt with in the Income and Expenditure Account. The Statement of Accounting Policies and Notes 1 to 6 form part of these Financial Statements.

  
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 Mr. Conor J. Maguire, S.C.  
 Chairman

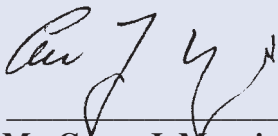
  
 \_\_\_\_\_  
 Ms. Ann Kissane  
 Secretary

27 June 2003  
 \_\_\_\_\_  
 Date

## BALANCE SHEET AS AT 31 DECEMBER 2002

	Notes	2002 €	2001 €
<b>FIXED ASSETS</b>	4	<u>6,103</u>	<u>27,222</u>
<b>CURRENT ASSETS</b>			
Prepayment		3,841	–
Bank		51,120	5,722
		<u>54,961</u>	<u>5,722</u>
<b>CURRENT LIABILITIES</b>			
Creditors		(41,273)	(44,916)
Net Current Assets		<u>13,688</u>	<u>(39,194)</u>
<b>TOTAL ASSETS</b>		<u><u>19,791</u></u>	<u><u>(11,972)</u></u>
 <b>REPRESENTED BY:-</b>			
Capital Account	5	6,103	27,223
Income and expenditure account		13,688	(39,195)
		<u>19,791</u>	<u>(11,972)</u>

The Statement of Accounting Policies and Notes 1 to 6 form part of these Financial Statements.



Mr. Conor J. Maguire, S.C.  
Chairman



Ms. Ann Kissane  
Secretary

27 June 2003

Date



## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 1. GENERAL

The Board is funded by an Oireachtas grant through the Department of Communications, Marine and Natural Resources.

### 2. DISCLOSURE OF INTEREST

In the normal course of business the Board may review an appeal case in which the Board members are employed or otherwise have an interest. The Board adopted procedures in accordance with guidelines issued by the Department of Finance in relation to the disclosure of interest by Board Members and these procedures have been adhered to during the year.

One Board member disclosed an interest in an appeal which came before the Board in 2002. The member concerned did not receive Board documents nor did he participate in or attend discussions relating to the case.

### 3. TAXATION

No provision has to be made for taxation in the Financial Statements.

### 4. FIXED ASSETS

	<b>Computer Equipment</b>	<b>Office Equipment</b>	<b>Total</b>
	€	€	€
Cost at 1 January 2002	38,611	37,224	75,835
Additions	4,363	–	4,363
Cost at 31 December 2002	<u>42,974</u>	<u>37,224</u>	<u>80,198</u>
<b>DEPRECIATION</b>			
Balance at 1 January 2002	22,799	25,814	48,613
Change for the Year	14,310	11,172	25,482
Accumulated Depreciation As at 31 December 2002	<u>37,109</u>	<u>36,986</u>	<u>74,095</u>
<b>NET BOOK AMOUNT</b>			
As at 31 December 2002	<u>5,865</u>	<u>237</u>	<u>6,103</u>
As at 31 December 2001	<u>15,812</u>	<u>11,410</u>	<u>27,222</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 5. CAPITAL ACCOUNT

	2002		2001	
	€	€	€	€
Balance at 1 January 2002		27,223		42,998
Transfer from/(to) Income and Expenditure Account:				
– Funds allocated to acquire fixed assets	4,363		9,501	
– Amortisation in line with depreciation	(25,483)	(21,120)	(25,276)	(15,775)
<b>BALANCE AT 31 DECEMBER 2002</b>		<b>6,103</b>		<b>27,223</b>

### 6. APPROVAL OF FINANCIAL STATEMENTS

The Financial Statements were approved by the Board on 7 April 2003.



