



STATUTORY INSTRUMENTS.

S.I. No. 457 of 2018



CONTROL OF EXPORTS (APPEALS) REGULATIONS 2018

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I, HEATHER HUMPHREYS, Minister for Business, Enterprise and Innovation, in exercise of the powers conferred on me by Section 6 of the Control of Exports Act (No. 1 of 2008) hereby make the following regulations:

Citation

1. These Regulations may be cited as the Control of Exports (Appeals) Regulations 2018.

Interpretation

2. In these Regulations:

- (a) “licence” means a licence issued under section 6 of the Control of Exports Act 2008.
- (b) “applicant” means an individual or entity that has applied for a licence.
- (c) “holder” means an individual or entity who has been granted a licence issued under section 6 of the Control of Exports Act 2008.
- (d) “appeals officer” means an officer acting under the authority of the Minister to review a decision to refuse to grant a licence or to revoke a licence.
- (e) “prescribed period” means the time period set out in Regulation 4.

3. Where the Minister decides to refuse to grant a licence or to revoke a licence, the Minister shall notify in writing the applicant or holder of the decision, the reasons for the decision, and of the appeal procedure under Regulation 4.

4. Where an applicant or holder has been notified of a decision of the Minister to refuse to grant a licence or to revoke a licence, the applicant or holder may, not later than 28 working days from the date of the decision, appeal to the Minister.

- (a) An appeal shall be in writing setting out the grounds of the appeal and furnishing such supporting documentation as the applicant or holder may deem necessary. An appeal shall be sent to the Minister by way of prepaid registered post no later than 28 working days from the date of the decision.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th November, 2018.

(b) An appeal of a decision to refuse or revoke a license shall be considered by an appeals officer acting under the authority of the Minister.

5. Where an appeal of a decision to refuse a licence is made within the pre-scribed period, the decision remains in effect until the date of determination of the appeal.

6. Where an appeal of a decision to revoke a licence is made within the pre-scribed period, the decision continues in force, and the license stands revoked, until the date of determination of the appeal.

7. Upon the date of determination of the appeal under Regulation 4 in relation to a decision to refuse to grant or revoke a license, the appeals officer appointed by the Minister shall either confirm the decision or allow the appeal.

8. If the appeal is allowed in relation to a decision to refuse to grant a licence, the Minister shall grant a licence, the term of which shall be extended by the time from the receipt of the appeal to the date of determination of the appeal.

9. If the appeal is allowed in relation to a decision to revoke a licence, the Minister shall grant a licence, the term of which shall be extended by the time from the receipt of the appeal to the date of determination of the appeal.

10. Where the Minister receives an appeal after the prescribed period, the Minister shall, by notice in writing, inform the applicant or holder that his or her appeal has been received after the prescribed period has expired and that the appeal is rejected on that basis.



GIVEN under my Official Seal,
13 November 2018.

HEATHER HUMPHREYS,
Minister for Business, Enterprise and Innovation.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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