

Draft Regulations laid before the Assembly under section 51(4)(d) and paragraphs 3(8) of Schedule 6 of the Fisheries Act 2020 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2024 No. 0000

**AQUACULTURE
FISHERIES**

**The Fisheries Act 2020 (Scheme for Financial
Assistance) Regulations (Northern Ireland) 2024**

Made - - - - 00th Month 2024
Coming into operation 00th Month 2024

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by paragraph 3 of Schedule 6 to the Fisheries Act 2020(1), makes the following Regulations.

PART 1
General

Citation, commencement, and application

1.—(1) These Regulations may be cited as the Fisheries Act 2020 (Scheme for Financial Assistance) Regulations (Northern Ireland) 2024 and come into operation on 00th Month 2024.

(2) These Regulations apply—

- (a) in relation to Northern Ireland;
- (b) in relation to the Northern Ireland zone; and
- (c) in relation to Northern Ireland fishing boats.

(3) The Interpretation Act (Northern Ireland) 1954(2) applies to these Regulations as it applies to an Act of the Assembly.

(1) 2020 c. 22.
(2) 1954 c.33 (N.I.)

PART 2

Establishment of scheme

Establishment of scheme

2.—(1) These Regulations establish a scheme for the giving of financial assistance under paragraph 3(1) of Schedule 6 to the Fisheries Act 2020.

(2) Part 3 of these Regulations constitutes the scheme.

PART 3

Payments of grants by the Department

Interpretation

3.—(1) In this Part—

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“excluded activity or cost” means an activity or a cost specified in regulation 5;

“notify” means notify in writing, and any reference to a “notice” or “notification” is to a notice or notification given in writing; and

“writing” includes electronic communications within the meaning of section 4 (interpretation) of the Electronic Communications Act (Northern Ireland) 2001(3).

Payments by the Department

4.—(1) The Department may, in accordance with this scheme, pay grants for any of the purposes specified in paragraph 3(1) of Schedule 6 to the Fisheries Act 2020.

(2) The Department may only pay a grant under paragraph (1)—

(a) in relation to Northern Ireland;

(b) in relation to the Northern Ireland zone; or

(c) in relation to a Northern Ireland fishing boat or Northern Ireland fishing boats.

(3) The Department must not pay a grant under paragraph (1) for an excluded activity or cost.

Excluded activities and costs

5.—(1) The following activities and costs are excluded from this scheme—

(a) increasing the fishing capacity of a fishing boat;

(b) building, purchasing or acquiring a fishing boat;

(c) importing a fishing boat into the United Kingdom;

(d) activities which the applicant, or any other person associated with the same project, has a statutory duty to undertake;

(e) interest on a debt;

(f) any cost that could be recovered in part or in full under an insurance policy;

(3) [c.9 \(N.I.\)](#); Article 4 was amended by [2003 c.21](#)

(g) any cost which has been recovered in part or in full as a result of damages having been awarded in civil proceedings, or an agreement having been reached in settlement of a legal claim.

(2) In this regulation—

“project” means a project to which an application for a grant under this scheme relates; and

“fishing capacity” has the same meaning as in Article 4 of [Regulation \(EU\) No 1380/2013](#) of the European Parliament and of the Council on the Common Fisheries Policy⁽⁴⁾.

Advertisement of grants and guidance

6. The Department must—

(a) advertise the grants available under this scheme; and

(b) provide guidance notes for completing applications.

Application for a grant

7.—(1) An application for a grant under this scheme must be made in a form approved, and submitted in a manner specified, by the Department.

(2) An application must supply all the information specified.

(3) The application must be made within any specified time limit.

(4) In this regulation, “specified” means specified in such form or on any documentation provided by the Department with or in connection with this Scheme.

Decision and notification

8.—(1) The Department must—

(a) decide whether to approve an application unconditionally, to refuse or reject it or to approve it subject to such conditions it may determine; and

(b) notify the applicant of the decision made under sub-paragraph (a).

Review of Decision

9.—(1) A person may apply to the Department for a review of a decision in relation to this Scheme in accordance with this Regulation.

(2) An application for review must be made to the Department no later than one month from the date of the notification of the decision to be reviewed.

(3) An application for review shall be in writing and shall specify—

(a) the name and address of the person applying for the review;

(b) the decision of the Department in respect of which the application for review is made and its date; and

(c) full particulars of the grounds upon which a review of the decision is sought.

(4) Where an application for review is made the Department shall review the decision.

(5) In reviewing a decision the Department may—

(a) consider any document or other evidence produced by the person (whether or not that document or evidence was available at the time of the decision);

(4) [EUR 2013/1380](#), Article 4 was amended by [S.I. 2019/739](#).

- (b) invite the person to provide such information relevant to the review as the applicant considers appropriate; and
 - (c) give the person, or their representative, an opportunity to make representations orally or in writing.
- (6) Following a review of the decision the Department may—
- (a) confirm the decision; or
 - (b) substitute for it a new decision.
- (7) As soon as reasonably practicable after reviewing the decision, the Department must notify the person in writing of its decision and the reasons for it.

Evidence of expenditure etc.

10.—(1) The Department must not make a payment to a person under this scheme unless it is satisfied that the person has properly incurred, or will properly incur, expenditure of a kind in respect of which the grant is payable and has complied, or will comply, with any conditions of the approval of the grant.

(2) For the purposes of paragraph (1), the Department may require the person to provide information evidencing expenditure or any necessary actions relating to the grant.

Method of payment

11. The Department may decide to pay a grant under this scheme in a single instalment or in a number of instalments.

Records, inspection and notification of changes

12. It is a condition of the payment of any grant that the person to whom the payment is made must—

- (a) make a record of all payments of grant made and all expenditure in respect of which such payments are made;
- (b) keep any record referred to in sub-paragraph (a) for at least six years after the date on which the last payment was made;
- (c) upon reasonable notice by the Department, make any record referred to in sub-paragraph (a) available for inspection; and
- (d) notify the Department as soon as reasonably practicable of any material change in circumstances that is relevant to the payment of the grant.

Variation, suspension and revocation of approval

13.—(1) The Department may, at any time before the grant has been paid in full, suspend or revoke the approval, or vary a condition of the approval.

(2) Where the Department has decided to suspend or revoke the approval or vary a condition of the approval, it must notify the person to whom the approval relates of the decision.

Notice of recovery of payment

14.—(1) The Department may give notice to require the repayment of any part of a grant paid to a person under this scheme.

(2) Before giving notice under paragraph (1), the Department must be satisfied that—

- (a) the approved application in respect of which the payment of grant was made, or any supporting information provided by the applicant in relation to it, contained information that was inaccurate or misleading;
- (b) any sum paid by way of grant was used for any purpose other than the purpose for which it was paid; or
- (c) any condition subject to which the application was approved, or the grant was paid, has not been or will not be complied with.

(3) A notice given under paragraph (1) must require the person to repay the sum specified in the notice within a period so specified, being no less than 28 days from the date on which the notice is issued.

(4) Where any part of the sum specified in a notice under paragraph (1) is not repaid within the period specified in the notice, the Department may recover such amount as remains outstanding summarily as a civil debt.

Enforcement

15. An officer of the Department has an enforcement function in relation to any offence or suspected offence by any person in relation to an application for a grant made under this scheme.

Data processing and publishing

16.—(1) The Department may publish the following information about each grant given under this scheme—

- (a) the name of the recipient of the grant;
- (b) the amount of the grant; and
- (c) the purpose for which the grant was given.

(2) The information specified in paragraph (1) must be published as soon as reasonably practicable after the payment of the grant in full.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 00th June 2024.

Name Surname
A senior officer of the
Department of Agriculture, Environment and
Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a scheme in relation to Northern Ireland for the giving of grants under paragraph 3(1) of Schedule 6 to the Fisheries Act 2020 (c. 22).

Part 1 of these Regulations contains general introductory provisions.

Part 2 of these Regulations provides for the establishment of the scheme.

Part 3 of these Regulations makes provision for the payment of grants by the Department for the purposes specified in paragraph 3(1) of Schedule 6 to the Fisheries Act 2020.

Regulations 4 and 5 set out the basis on which the Department may pay grants.

Regulations 6 to 8 lay down a procedure for applications for a grant.

Regulation 9 provides that a person can seek a review of the decision for the application for grant.

Regulation 10 makes payment of a grant dependent on the Department being satisfied as to the expenditure incurred, or to be incurred, and compliance with any conditions of approval of the grant.

Regulation 11 makes provision for the method of payment of the grant.

Regulation 12 makes payment conditional on the applicant retaining the relevant records and notifying the Department of any material change in circumstances.

Regulation 13 provides for the variation, suspension and revocation of any approval of a grant.

Regulation 14 provides that the Department may, by notice, require the repayment of a grant if certain conditions are not satisfied and provides that sums outstanding may be recovered as a civil debt.

Regulation 15 confers an enforcement function on officers of the Department for the enforcement of any offence or suspected offence committed in relation to an application for a grant under this scheme (for example, an offence under the Fraud Act 2006 (c. 35)).

Regulation 16 places an obligation on the Department to publish specified information relating to any grants paid out under the scheme.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.