
WELSH STATUTORY INSTRUMENTS

2012 No. 3172

The Fishing Boats (Satellite — Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012

PART 4

Review of determination and reduction, withholding or recovery of Payments

Review of Determination

18.—(1) Where the Welsh Ministers reject an application under paragraphs 7(1)(b) or (2) or under paragraphs 15(1)(b) or (2) or approve an application subject to any condition under paragraph 7(1)(a) or under paragraph 15(1)(a), the person who applied for grant may apply to the Welsh Ministers, in accordance with the provisions of this paragraph, for a review of that determination.

(2) An application for a review under this paragraph must be received by the Welsh Ministers on a date no later than 6 months from the date of the relevant determination under paragraphs 7(1) or 15(1).

(3) An application for review under this paragraph must be in writing and specify—

- (a) the name and address of the person applying for the review and the basis upon which the person is seeking review;
- (b) the determination of the Welsh Ministers which is to be reviewed and its date;
- (c) details of the grounds upon which review is sought; and
- (d) the change sought to the determination.

(4) An application made under this paragraph may be made by post or by fax or other means of electronic communication which is capable of reproduction.

(5) Where an application is made under this paragraph, the Welsh Ministers must review the determination which is specified in it, reach a final decision and notify in writing the person applying for the review of that decision and the reasons for it.

(6) In reviewing a determination the Welsh Ministers may—

- (a) consider any document or other evidence produced by the applicant (whether or not that document or evidence was available at the time of the determination);
- (b) invite the applicant to provide such further information relevant to the review as they consider appropriate; and
- (c) give the applicant an opportunity to give evidence and to make representations in person or through a representative.

Commencement Information

II Para. 18 in force at 31.12.2012, see [para. 1\(1\)](#)

Revocation, withholding or recovery of grant

19.—(1) If at any time after the Welsh Ministers have approved an application under paragraph 7(1) or under paragraph 15(1) it appears to them—

- (a) that any condition imposed under those paragraphs has been breached or has not been complied with; or
- (b) the applicant has committed or may have committed an offence under section 17 of the Fisheries Act 1981(1),

they may revoke the approval of such application or withhold the grant, or any part of the grant, in respect of the application and, where any payment of grant has been made, may recover from the applicant on demand an amount equal to the whole or any part of the payment which has been so made, irrespective of whether payment of grant was made to the applicant direct or to the approved supplier on the applicant's behalf by virtue of paragraphs 8(2)(a) or 16(2)(a).

(2) Before revoking an approval or withholding any grant or making a demand by virtue of sub-paragraph (1), the Welsh Ministers must—

- (a) give the applicant a written explanation of the reasons for the step proposed to be taken;
- (b) afford the applicant the opportunity of making written representations within such time as the Welsh Ministers consider reasonable; and
- (c) consider any such representations.

Commencement Information

I2 Para. 19 in force at 31.12.2012, see [para. 1\(1\)](#)

Interest

20.—(1) Where the Welsh Ministers decide to recover on demand an amount in accordance with paragraph 19(1)(b) they may, in addition, recover interest on that amount at a rate of 1% above LIBOR calculated on a daily basis for the period beginning with the day following that on which the amount was paid and ending on the day on which the amount is recovered.

(2) In this paragraph “LIBOR” (“*LIBOR*”), in relation to any day, means the sterling three-month London inter-bank offered rate in force for that day rounded if necessary to two decimal places.

(3) In any proceedings for recovery under this Scheme, a certificate issued by the Welsh Ministers stating the LIBOR applicable for any day is conclusive evidence of the LIBOR in question if the certificate also states that the Bank of England notified the Welsh Ministers of the LIBOR in question.

Commencement Information

I3 Para. 20 in force at 31.12.2012, see [para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Boats (Satellite — Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012, PART 4.