
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 332

**The Fishing Vessels (Decommissioning)
(Scotland) Scheme 2001**

Reduction, withholding and recovery of grant

16.—(1) If at any time after the Ministers have approved an application in respect of any vessel it appears to them that—

- (a) any of the relevant conditions, or any undertakings provided in relation to that vessel under paragraph 13, have been breached or have not been complied with; or
- (b) without prejudice to the generality of paragraph (a), that any of the circumstances specified in sub-paragraph (2) exist or have occurred,

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 by way of grant has been made, may recover on demand as a debt an amount equal to the whole or any part of the payment which has been so made.

(2) For the purposes of sub-paragraph (1)(b), the circumstances are—

- (a) the application or any part of it was not an application which the applicant was entitled under paragraph 3 to make;
- (b) the applicant or an employee, servant or agent of an applicant—
 - (i) has failed to comply with any requirement imposed under paragraph 8, 9, 10 or 14;
 - (ii) has intentionally obstructed any officer in the exercise of the powers of the officer under paragraph 15; or
 - (iii) has given information on any matter relevant to the giving of the approval or the making of a payment relevant to the approval which is false or misleading in a material respect; or
- (c) there has been damage or destruction of the vessel resulting in the payment to any person of any amount under a policy of insurance or by way of compensation or damages (regardless of whether or not the method of decommissioning the vessel had been approved under paragraph 8(2) before such damage or destruction occurred).

(3) Before revoking an approval or reducing or withholding any grant or making a demand by virtue of paragraph (1), the Ministers shall—

- (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 Ministers consider reasonable; and
- (c) consider any such representations.

Commencement Information

II [Para. 16](#) in force at 29.6.2001, see [para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Vessels (Decommissioning) (Scotland) Scheme 2001, Section 16.