
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 332

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

Consideration of applications

- 5.—(1) As soon as reasonably practicable after the appropriate closing date the Ministers shall—
- (a) identify those applications made in pursuance of the notice published under paragraph 4(4) which satisfy the foregoing provisions of this Scheme,
 - (b) reject any application contrary to Article 7 of Council Regulation 2792/1999;
 - (c) reject any application they consider to be unreasonable, unnecessary or unwarranted;
 - (d) reject any application to which sub-paragraph (5) applies; and
 - (e) subject to sub-paragraph (6), place all other applications in rank.
- (2) The Ministers may—
- (a) select an application for approval according to the rank in which it has been placed under sub-paragraph (1) provided that approval of that application, together with any application higher in rank, will not result in the total of the bids relating to those applications exceeding the relevant amount; and
 - (b) where selection of an application would have that result, place the application on a reserve list in the same rank.
- (3) In exercising their powers under sub-paragraphs (1)(e) or (2) the Ministers shall have regard to—
- (a) the benefit likely to be derived from, and value for money represented by, the bid;
 - (b) the extent to which approval of the application would contribute towards fulfilment of the obligations of the United Kingdom deriving from:
 - (i) Commission Decision [98/124/EC](#) of 16 December 1997 approving the multiannual guidance programme for the fishing fleet of the United Kingdom for the period from 1 January 1997 to 31 December 2001⁽¹⁾;
 - (ii) Council Decision [97/413/EC](#) relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1st January 1997 to 31st December 2001 with a view to achieving a lasting balance between the resources and their exploitation⁽²⁾; and
 - (c) such other matters as they have intimated in the notice inviting applications published pursuant to paragraph 4(4).
- (4) The Ministers shall select for approval the highest ranked application on the reserve list established in accordance with sub-paragraph (2)(b) where—
- (a) any amount remaining available after deduction from the relevant amount of the total of the bids for which approval has been granted; and

(1) O.J. No. L 39, 12.02.98, p.35.

(2) O.J. No. L 175, 3.7.97, p.27.

(b) any amount of grant unclaimed by the appropriate decommissioning date or thereafter withheld or recovered under this Scheme in relation to any approval, together, are sufficient for the approval of that application without exceeding the relevant amount.

(5) This paragraph applies to any application which the Commission decide is incompatible with the common market having regard to [^{F1}Article 107 of the TFEU].

(6) The Ministers may reject an application where they have reasonable grounds for suspecting that there has been any fixing or adjustment of the amount of a bid by, under or in accordance with any agreement (whether legally binding or not) or arrangement with another person.

Textual Amendments

F1 Words in [para. 5\(5\)](#) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 3** (with art. 2(2))

Commencement Information

II [Para. 5](#) 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 5.