

2007 No. 3284

SEA FISHERIES, ENGLAND

SEA FISH INDUSTRY

FISH FARMING, ENGLAND

**The Grants for Fishing and Aquaculture Industries
Regulations 2007**

Made - - - - - 15th November 2007

Laid before Parliament 21st November 2007

Coming into force - - - 6th April 2008

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The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community.

(a) S. I. 1972/1711.

(b) 1972 c. 68.

The Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the references to Council Regulation (EC) 1198/2006 on the European Fisheries Fund(a) to be construed as references to that instrument as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Title, application and commencement

1. These Regulations may be cited as the Grants for Fishing and Aquaculture Industries Regulations 2007; they apply in England and come into force on 6th April 2008.

References to Council Regulation (EC) 1198/2006

2. A reference in these Regulations to Council Regulation (EC) 1198/2006 is a reference to that Regulation as amended from time to time.

Payment by the Secretary of State

3. The Secretary of State may pay grants out of monies provided by Parliament for any of the purposes specified in Title IV of Council Regulation (EC) 1198/2006.

Advertisement of grants

4.—(1) The Secretary of State must advertise the grants available, and provide application forms and guidance notes for completing applications.

(2) The Secretary of State may determine in each financial year how much grant (if any) is payable for any activity.

Application for a grant

5.—(1) An application for a grant must be made on a form provided by the Secretary of State, at the address specified on or with the form.

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

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

(4) The Secretary of State may reject incomplete or late applications.

(5) Any person who applies for a grant who gives information knowing it to be false or not believing it to be true is guilty of an offence.

Approval of applications

6.—(1) The Secretary of State may approve an application with or without conditions, or may reject it.

(2) The Secretary of State may vary conditions at any time until the last instalment of a grant has been paid.

Notification of decisions

7.—(1) The Secretary of State must notify applicants of the result of their applications, or if a condition of a grant is varied.

(2) If an application has been refused, rejected or granted subject to conditions or an existing approval is varied the Secretary of State must notify the applicant, and give the applicant a means of making representation within a given time frame.

(3) The Secretary of State must consider the representations and notify the result to the applicant.

(a) OJ No. L 223, 15.8.2006, p. 1.

Evidence of expenditure or action

8. The Secretary of State must not make any payments unless satisfied that an applicant has properly incurred expenditure, or has carried out any necessary actions, relating to the grant.

Method of payment

9. Payment may be made in full or by instalments.

Information

10. A recipient of a grant must supply the Secretary of State with such information concerning a grant or action required relating to the grant as the Secretary of State requires within a time specified by the Secretary of State, and failure to do so is an offence.

Records

11. Any person who receives a grant must make records of all receipts and expenditure relating to the grant, and keep the records for at least six years after the last payment made to them under the grant, and failure to do so is an offence.

Recovery of payment

12. The Secretary of State may recover any payment made under these Regulations if—

- (a) it was paid following a fraudulent application;
- (b) it was used for any purpose other than the purpose for which it was granted; or
- (c) any condition is not complied with,

and may in addition claim interest at 1% above LIBOR.

Powers of entry

13.—(1) An officer of the Secretary of State may, on producing a duly authenticated authorisation if required, enter any premises (other than domestic premises not being used for the purposes of these Regulations) at any reasonable hour for the purpose of ensuring that the provisions of these Regulations are being complied with; and in this regulation “premises” includes any fishing or other vessel, place, vehicle, trailer or container.

- (2) The officer may be accompanied by—
 - (a) such other persons that the officer considers necessary; and
 - (b) any representative of the European Commission acting for the purpose of the enforcement of these Regulations.
- (3) On entering the premises the officer may—
 - (a) inspect the premises, and any plant, machinery or equipment;
 - (b) inspect, copy and if necessary remove records;
 - (c) search the premises;
 - (d) seize any computers and associated equipment for the purpose of copying documents provided they are returned as soon as practicable; and
 - (e) carry out any inquiries, examinations and tests.

Obstruction

14. Any person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information that that person may reasonably require under these Regulations;
- (c) furnishes to any person acting in the execution of these Regulations any information knowing it to be false or misleading; or
- (d) fails to produce a record when required to do so to any person acting in the execution of these Regulations,

is guilty of an offence.

Penalties

15.—(1) A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum, and
- (b) on indictment, to a fine.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) For the purposes of this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Jonathan Shaw

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

15th November 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the Secretary of State may make payments for the purposes of Title IV of Council Regulation (EC) 1198/2006 on the European Fisheries Fund.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and placed in the library of each House of Parliament. It is available on the Defra website.

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