
STATUTORY INSTRUMENTS

2015 No. 1711

**The Grants for Fishing and Aquaculture
Industries Regulations 2015**

PART 3

Payment of Grants by the Marine Management Organisation

Payments by the Marine Management Organisation

4.—(1) The Marine Management Organisation may pay grants for any of the purposes specified in Title V of the EMFF Regulation.

(2) The Marine Management Organisation may determine in each financial year the rates of grant payable (if any) in respect of any activity.

Advertisement of grants

5. The Marine Management Organisation must advertise the grants available, and provide guidance notes for completing applications.

Application for a grant

6.—(1) An application for a grant must be made in a form approved by the Marine Management Organisation, and submitted to the Marine Management Organisation at the address specified.

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

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

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

(5) In this regulation, “specified” means specified in the form or on any documentation provided with or in connection with the form.

Approval of application

7. The Marine Management Organisation may approve an application subject to such conditions as it may determine, or may reject it.

Notification of decision

8.—(1) Where the Marine Management Organisation approves an application unconditionally it must notify the applicant of the decision it has made.

(2) Where the Marine Management Organisation is minded to refuse or reject an application, or to approve it subject to conditions, the Marine Management Organisation must notify the applicant of the decision it is minded to make and give the applicant a means of making representations within a time frame specified in the notification.

- (3) The Marine Management Organisation must—
- (a) decide whether to refuse or reject the application, or to approve it subject to conditions, after considering any representations made in response to a notification under paragraph (2); and
 - (b) notify the applicant of the decision made under sub-paragraph (a).

Evidence of expenditure or action

9.—(1) The Marine Management Organisation must not make a payment to a person unless it is satisfied that the person has properly incurred expenditure of a kind in respect of which the grant is payable, and has complied with any conditions of the approval of the grant.

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

Method of payment

10. Payment of a grant may be made in a single instalment or a number of instalments.

Records

11.—(1) It is a condition of the payment of any grant that the person to whom the payment is made makes a record of all payments of grant made and all expenditure in respect of which such payments are made, and keeps any such record for at least six years after the date on which the last payment was made.

(2) Failure to comply with paragraph (1) is an offence.

Variation, suspension and revocation of approval

12.—(1) The Marine Management Organisation 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 Marine Management Organisation is minded to vary, suspend or revoke an approval, the Marine Management Organisation must, before deciding to do so, notify the person whose application has been approved, and give that person a means of making representations within a time frame specified in the notification.

- (3) The Marine Management Organisation must—
- (a) decide whether to vary, suspend or revoke the approval after considering any representations made in response to a notification under paragraph (2); and
 - (b) notify the person of the decision made under sub-paragraph (a).

Notice of recovery of payment

13.—(1) The Marine Management Organisation may by notice given to any person to whom a grant has been paid under these Regulations require the repayment of any part of the grant paid, if it is 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 has not been or will not be complied with.

(2) 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.

(3) On the expiry of the period of 28 days referred to in paragraph (2), the Marine Management Organisation may, without prejudice to any other right or remedy available to it, charge interest on the amount of any outstanding sum required to be repaid by a notice under paragraph (1), at the rate of 1% a year above the base lending rate of the Bank of England, accruing daily from the expiry of the period of 28 days.

(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 Marine Management Organisation may recover such amount as remains outstanding summarily as a civil debt.

Enforcement and penalties

14.—(1) Section 238 (enforcement of the fisheries legislation) of the Marine and Coastal Access Act 2009⁽¹⁾ (“the 2009 Act”) and, for that purpose, section 235 of that Act (which defines “marine enforcement officer”) apply in relation to the enforcement of these Regulations as they apply in relation to the enforcement of the fisheries legislation (within the meaning given by section 238(2) of the 2009 Act).

(2) Section 292 of the 2009 Act (offences in relation to enforcement officers), other than subsection (6), applies in relation to a marine enforcement officer (as defined by section 235 of the 2009 Act) for the purposes of the enforcement of these Regulations as it applies in relation to an enforcement officer for the purposes of Part 8 of the 2009 Act.

(3) A person guilty of an offence under regulation 6(4) or 11(2) is liable—

- (a) on summary conviction to a fine, and
- (b) on indictment, to a fine.

(4) Where a body corporate is guilty of an offence under regulation 6(4) or 11(2), 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, any director, manager or secretary of that body, or any person who was purporting to act in any such capacity, that person is guilty of the offence as well as the body corporate.

(5) 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.

(1) 2009 c.23.