
WELSH STATUTORY INSTRUMENTS

2012 No. 3172

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

PART 2

Grant for Satellite-Tracking Devices

Interpretation of Part 2

3. In this Part—

“approved supplier” (*“cyflenwr cymeradwy.”*) means the provider and installer of satellite-tracking devices selected by the Welsh Ministers and published in the invitation for applications for grant pursuant to paragraph 4(1) of this Scheme; and

“satellite-tracking device” (*“dyfais olrhain drwy loeren”*) has the same meaning as in Article 2(9) of the Implementing Regulation.

Invitation to apply for grant

4.—(1) The Welsh Ministers may from time to time publish an invitation for applications for a grant for a satellite-tracking device.

(2) An invitation must contain—

- (a) details of the satellite tracking device and approved suppliers;
- (b) details of conditions of eligibility for a grant;
- (c) requirements as to the form and manner of making an application;
- (d) any requirements for providing documents, information and undertakings in support of the application;
- (e) the closing date for making an application; and
- (f) any other information the Welsh Ministers consider relevant to an application.

Eligibility to make an application

5.—(1) A person may apply to the Welsh Ministers for a grant for a satellite-tracking device, in accordance with the provisions of this Scheme, if the person—

- (a) is the master, owner or charterer of an eligible Welsh fishing boat; and
- (b) has purchased from an approved supplier, or has commissioned an approved supplier to supply, a satellite-tracking device for use on that boat.

Applications

6.—(1) An application for a grant must be made in writing to the Welsh Ministers in accordance with the requirements of the invitation made under paragraph 4(1).

(2) Save as provided in sub-paragraph (3), an application must be received by the Welsh Ministers on or before the closing date.

(3) The Welsh Ministers may accept an application after the closing date if satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to be made by the closing date; and
- (b) the date by which the application is made is as early as can reasonably be expected.

(4) The Welsh Ministers may, before determining any application, require the applicant to provide any additional information.

Determination of applications

7.—(1) As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 6(4), the Welsh Ministers must—

- (a) identify and approve, subject to such conditions as they consider appropriate, those applications made in pursuance of an invitation made under paragraph 4(1) which satisfy the provisions of this Scheme; and
- (b) reject any other applications.

(2) The Welsh Ministers must reject an application if they are of the opinion that the port of administration of the fishing boat has been changed to a port in Wales for the primary purpose of ensuring that the fishing boat is an eligible Welsh fishing boat for the purposes of this Scheme.

(3) Where the Welsh Ministers approve an application under sub-paragraph (1)(a), they must notify the applicant in writing of that approval and any conditions to which it is subject.

(4) Where the Welsh Ministers reject an application under sub-paragraphs (1)(b) or (2), or approve an application subject to any condition under sub-paragraph (1)(a), they must notify the applicant in writing of—

- (a) the reasons for that rejection or approval subject to condition(s); and
- (b) the right to apply for a review under paragraph 18.

Payment of grant

8.—(1) The Welsh Ministers may make payment of a grant, or of any part of it, after the application has been approved under paragraph 7(1) and the Welsh Ministers are satisfied that—

- (a) the approved supplier has supplied the applicant with a satellite tracking device which has been installed in the eligible Welsh fishing boat;
- (b) the applicant has successfully used the satellite tracking device to transmit position data at regular intervals in accordance with the requirements of the Control Regulation; and
- (c) any condition for payment of the grant, or any part of it, has been complied with.

(2) The Welsh Ministers may—

- (a) make payment of the grant to the applicant or direct to the approved supplier on behalf of the applicant; and
- (b) make payment of the grant at such time, or by such instalments at such intervals or times, as the Welsh Ministers may determine.

Amount of Grant

9. The amount of the grant—

- (a) must not exceed the cost of purchase or supply of the satellite-tracking device; and

(b) may be such lesser amount as determined by the Welsh Ministers.