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WELSH STATUTORY INSTRUMENTS

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**2012 No. 3172**

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

**PART 3**

**Grant for Approved Software**

**Interpretation of Part 3**

**10.** In this Part—

“approved supplier” (“*cyflenwr cymeradwy*”) means a supplier specified in a list published by the Welsh Ministers under paragraph 11(1) in respect of the approved software;

“approved software” (“*meddalwedd gymeradwy*”) means software specified in a list published by the Welsh Ministers under paragraph 11(1); and

“fishing activities data” (“*data gweithgareddau pysgota*”) means the logbook data, transshipment declaration data and landing declaration data required under the Control Regulation to be recorded and transmitted by electronic means.

**Approved software suppliers**

**11.**—(1) The Welsh Ministers must publish a list specifying—

(a) software that is capable of—

(i) electronically recording fishing activities data; and

(ii) electronically transmitting fishing activities data in the required format; and

(b) the suppliers of that software.

(2) In this paragraph, “required format” (“*y ffurf ofynnol*”) means a format determined and published by the Welsh Ministers for the purposes of the Control Regulation.

**Invitation to apply for grant**

**12.**—(1) The Welsh Ministers may from time to time publish an invitation for applications for a grant for approved software.

(2) An invitation must contain—

(a) details of approved software 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 for grant**

**13.** A person may apply to the Welsh Ministers for a grant for approved software, 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, approved software for use on that boat.

### **Applications**

**14.—(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 12(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 they are 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 additional information.

### **Determination of applications**

**15.—(1)** As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 14(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 12(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 conditions; and
- (b) the right to apply for a review under paragraph 18.

### **Payment of grant**

**16.—(1)** The Welsh Ministers may make payment of a grant, or of any part of it, after the application has been approved under paragraph 15(1) and the Welsh Ministers are satisfied that—

- (a) the approved supplier has supplied the applicant with the approved software and the software has been installed in the eligible Welsh fishing boat;
  - (b) the applicant has successfully used the approved software to electronically record and transmit fishing activities data 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**

17. The amount of the grant—
- (a) must not exceed the cost of purchase or supply of the approved software; and
  - (b) may be such lesser amount as determined by the Welsh Ministers.