Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Grants for Fishing and Aquaculture Industries Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 1711

SEA FISHERIES

SEA FISH INDUSTRY

The Grants for Fishing and Aquaculture Industries Regulations 2015

Made - - - -	*21st September 2015*
Laid before Parliament	*25th September 2015*
Coming into force - -	*31st October 2015*

The Secretary of State is a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] ("the 1972 Act") in relation to the common agricultural policy of the European Union [F3].

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 [F4] to, the 1972 Act.

The Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act, and it appears to the Secretary of State that it is expedient for the references to the following Regulations to be construed as references to those Regulations as amended from time to time—

(a) Regulation (EU) No.508/2014 of the European Parliament and of the Council of 15th May 2014 on the European Maritime Fisheries Fund [F5];

(b) Regulation (EU) No.1303/2013 of the European Parliament and of the Council of 17th December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Regional Development and the European Maritime Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime Fisheries Fund [F6].

F1 S.I. 1972/1711. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

F2 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). The power of the Secretary of State to make regulations that extend to Scotland and Northern Ireland and apply in Wales remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c. 46), **article 3(2)** of the European Communities (Designation) (No. 3) Order 2000 (S.I.

2000/2812) and article 6(1) of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690), respectively.

F3 The designation in relation to the common agricultural policy extends to the common fisheries policy under Article 38(1) of the Treaty on the Functioning of the European Union (OJ No. C 326, 26.10.2012, p.62).

F4 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

F5 OJ No. L149, 20.5.2014, p.1.

F6 OJ No. L347, 20.12.2013, p.320.

PART 1

General

Title, commencement and application

1.—(1) These Regulations may be cited as the Grants for Fishing and Aquaculture Industries Regulations 2015 and come into force on 31st October 2015.

(2) Regulations 4 to 15 apply in relation to England only.

Interpretation

2. In these Regulations—

(a) any reference to the following Regulations is a reference to that Regulation as amended from time to time—

(i) Regulation (EU) No.508/2014 of the European Parliament and of the Council of 15th May 2014 on the European Maritime and Fisheries Fund ("the EMFF Regulation"); and

(ii) Regulation (EU) No.1303/2013 of the European Parliament and of the Council of 17th December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Regional Development and the European Maritime Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime Fisheries Fund ("the Funds Framework Regulation"); and

(b) "notify" means notify in writing, and any reference to a "notice" or "notification" is to a notice or notification given in writing.

PART 2

Designation of Authorities

Designation of authorities

3.—(1) For the purposes of Article 123 of the Funds Framework Regulation and in respect of the EMFF Operational Programme—

(a) the managing authority for the United Kingdom is the Secretary of State;

(b) the certifying authority is the Secretary of State, the Scottish Ministers, the Welsh Ministers and (for Northern Ireland) the Department of Agriculture and Rural Development, acting jointly;

(c) the intermediate bodies are—

(i) for Scotland, the Scottish Ministers;

(ii) for Wales, the Welsh Ministers; and

(iii) for Northern Ireland, the Department of Agriculture and Rural Development; and

(d) the audit body for the United Kingdom is the Secretary of State.

(2) The bodies designated by paragraph (1) in the respective capacities specified in that paragraph have the functions of acting in those respective capacities.

(3) In this regulation "the EMFF Operational Programme" means the United Kingdom's operational programme drawn up for the purposes of Article 17 of the EMFF Regulation.

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—