STATUTORY RULES OF NORTHERN IRELAND

2008 No. 394

FISHERIES

The European Fisheries Fund (Grants) Regulations (Northern Ireland) 2008

Made - - - -	*23rd September 2008*
Coming into operation	*20th October 2008*

The Department of Agriculture and Rural Development, is a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community.

These regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for the references to Council Regulation (EC) 1198/2006 on the European Fisheries Fund(**3**) to be construed as references to that Regulation as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred upon it by section 2(2) of the European Communities Act 1972, and paragraph 1A of Schedule 2 to that Act(**4**).

Citation and commencement

1. These Regulations may be cited as the European Fisheries Fund (Grants) Regulations (Northern Ireland) 2008 and shall come into operation on 20th October 2008.

Interpretation

2.—(1) In these regulations—

"application" means an application for payment for financial assistance under regulation 6(1);

"approval" means an approval granted under regulation 7 and includes the terms and conditions subject to which such approval has been given;

"the Commission" means the Commission of the European Communities;

(**1**) S. I. 2000/2812.
(**2**) 1972 c. 68.
(**3**) O. J. No, L223, 15.8.2006, p1.
(**4**) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

"Commission Regulation 498/2007" means Commission Regulation (EC) No 498/2007 of 26th March 2007(**5**) laying down detailed rules for the implementation of Council Regulation (EC) No 1198/2006 on the European Fisheries Fund;

"Community aid" means aid towards eligible expenditure available from the European Fisheries Fund payable in accordance with Council Regulation 1198/2006 and Commission Regulation 498/2007;

"Council Regulation 1198/2006" means Council Regulation (EC) No 1198/2006 of 27th July 2006(**6**) on the European Fisheries Fund;

"the Department" means the Department of Agriculture and Rural Development;

"grant" means a grant towards eligible expenditure payable under these regulations in addition to Community aid;

"LIBOR", in relation to any particular day of the month, means the rate of interest per centum notified to the Department by the Bank of England on the first working day of that month, rounded if necessary to two decimal places;

"relevant operation" means an investment, project or action which is eligible for Community aid.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) except section 20(2) and (3), shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

References to Council Regulation (EC) 1198/2006

3. 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 Department

4.—(1) The Department may pay grants for any of the purposes specified in Title IV of Council Regulation (EC) 1198/2006.

(2) The Department shall have regard to the requirements of Council Regulation 1198/2006 and Commission Regulation 498/2007 and in particular, the limits on total State financial participation (national, regional, and other) as set out in Annex II to Council Regulation 1198/2006.

Advertisement of grants

5.—(1) The Department must advertise the grants available, and provide application forms and guidance notes for completing applications.

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

Application for a grant

6.—(1) An application for a grant must be made on a form provided by the Department, 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 Department may reject incomplete or late applications.

(**5**) O.J.No. L120,10.5.2007 p1-80
(**6**) O.J. No.L223, 15.8.2006
(**7**) 1954 c.33(NI)

(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

7.—(1) The Department may approve an application with or without conditions, or may reject it.

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

Notification of decisions

8.—(1) The Department 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 Department must notify the applicant, and give the applicant a means of making representation within a given time frame.

(3) The Department must consider the representations and notify the result to the applicant.

Evidence of expenditure or action

9.—(1) The Department 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.

(2) Satisfactory evidence that the amount of expenditure for which grant is claimed has been incurred must be supplied to the Department.

Method of payment

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

Information

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

Records

12.—(1) 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.

(2) The Department may extend the period beyond six years, notifying the recipient in writing, before the expiry of the initial six year period.

Recovery of payment

13. The Department 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;

(c) any condition is not complied with; or

(d) the recipient or an employee has intentionally obstructed any officer of the Department in the exercise of his powers under regulation 14,