STATUTORY RULES OF NORTHERN IRELAND

2004 No. 109

FISHERIES

Fisheries and Aquaculture Structures (Grants) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*12th March 2004*
Coming into operation	*12th March 2004*

The Department of Agriculture and Rural Development, being 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, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fisheries and Aquaculture Structures (Grants) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 12th March 2004.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations –

"instrument" means any judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954(**4**).

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) Section 1(f) was amended by S.I. 1999/663

Amendment of the Fisheries and Aquaculture Structures (Grants) Regulations (Northern Ireland) 2002

3. Subject to regulation 8, the Fisheries and Aquaculture Structures (Grants) Regulations (Northern Ireland) 2002(**5**) shall be amended as provided in regulations 4 to 7.

4. In regulation 2(1) –

(a) in the definition of "Community aid" the words "towards eligible expenditure" shall be omitted;

(b) in the definition of "the Community legislation" –

(i) in paragraph (f), after the words "by the Structural Funds" there shall be added the words "as amended by Commission Regulation (EC) No. 1145/2003(**6**)"; and

(ii) in paragraph (i), after the words "Structural Funds accounts" there shall be added the words "as amended by Commission Regulation (EC) No. 2355/2002(**7**)";

(c) in the definition of "Council Regulation (EC) No. 1260/1999", after the words "on the Structural Funds" there shall be added the words "as amended by Council Regulation (EC) No. 1447/2001(**8**)";

(d) in the definition of "Council Regulation (EC) No. 2792/1999", after the words "in the fisheries sector" there shall be added the words "as amended by Council Regulation (EC) No. 1451/2001(**9**), Council Regulation (EC) No. 179/2002(**10**) and Council Regulation (EC) No. 2369/2002(**11**) and corrected by a corrigendum(**12**);

(e) for the definition of "the Department" there shall be substituted the following definition –

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

(f) the definition of "eligible expenditure" shall be omitted; and

(g) in the definition of "grant" the words "towards eligible expenditure" shall be omitted.

5. In regulation 3 for paragraph (1) there shall be substituted the following paragraph –

"(1) Subject to the provisions of the Community legislation and these Regulations, the Department may pay Community aid and, if it so determines, a grant to any person –

(a) who has applied, in accordance with regulation 4, for the purpose of obtaining such financial assistance, for approval under regulation 5 –

(i) of a relevant operation; or

(ii) of expenditure incurred or to be incurred in connection with a relevant operation; and

(b) whose application it has so approved.".

6. In regulation 10 for paragraph (1) there shall be substituted the following paragraph –

"(1) A beneficiary shall –

(a) keep such records relating to an approved operation as the Department may require; and

(**5**) S.R. 2002 No. 6
(**6**) O.J. No. L160, 28.6.2003, p. 48
(**7**) O.J. No. L351, 28.12.2002, p. 42
(**8**) O.J. No. L198, 21.7.2001, p. 1
(**9**) O.J. No. L198, 21.7.2001, p. 9
(**10**) O.J. No. L31, 1.2.2002, p. 25
(**11**) O.J. No. L358, 31.12.2000, p. 49
(**12**) O.J. No. L2, 5.1.2001, p. 41