

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(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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(c) 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(d).

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(e) 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” –

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) Section 1(f) was amended by S.I. 1999/663
(e) S.R. 2002 No. 6

- (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(a)”; 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(b)”;
- (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(c)”;
- (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(d), Council Regulation (EC) No. 179/2002(e) and Council Regulation (EC) No. 2369/2002(f) and corrected by a corrigendum(g);
- (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
- (b) during the carrying out of the approved operation, on completion of the approved operation and thereafter for the duration of the control period retain such records together with any relevant documents, except to the extent that an authorised officer has removed and retained any of the same under regulation 13(5).”.

7. In regulation 15(1)(e) the words “in respect of which the expenditure was incurred” shall be omitted.

Transitional provisions

8.—(1) In the construction and for the purposes of any statutory provision or instrument passed, made or issued before the coming into operation of these Regulations, any reference to, or which is to be construed as a reference to, the Department of Culture, Arts and Leisure shall, so far as may be necessary for the purpose of regulation 4(e), be construed as a reference to the Department of Agriculture and Rural Development.

(2) Regulation 4(e) shall not affect the validity of any instrument made or issued or any other act done by, or in relation to, the Department of Culture, Arts and Leisure before the

(a) O.J. No. L160, 28.6.2003, p. 48
 (b) O.J. No. L351, 28.12.2002, p. 42
 (c) O.J. No. L198, 21.7.2001, p. 1
 (d) O.J. No. L198, 21.7.2001, p. 9
 (e) O.J. No. L31, 1.2.2002, p. 25
 (f) O.J. No. L358, 31.12.2000, p. 49
 (g) O.J. No. L2, 5.1.2001, p. 41

coming into operation of these Regulations; and any such instrument or act shall, if in force immediately before the coming into operation of these Regulations, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Department of Agriculture and Rural Development.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the Department of Culture, Arts and Leisure immediately before the coming into operation of these Regulations may, so far as it relates to any function under the Fisheries and Aquaculture Structures (Grants) Regulations (Northern Ireland) 2002, be continued by or in relation to the Department of Agriculture and Rural Development.

Transfer of assets and liabilities

9. All property, rights and liabilities to which the Department of Culture, Arts and Leisure is entitled or subject immediately before the coming into operation of these Regulations in connection with its functions under the Fisheries and Aquaculture Structures (Grants) Regulations (Northern Ireland) 2002 shall, on the coming into operation of these Regulations, be transferred to, and by virtue of these Regulations vest in, the Department of Agriculture and Rural Development.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 12th March 2004.

(L.S.)

Noel Cornick

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Fisheries and Aquaculture Structures (Grants) Regulations (Northern Ireland) 2002 (“the 2002 Regulations”) which supplement Community legislation providing for assistance to be paid from the Financial Instrument for Fisheries Guidance in respect of certain categories of investments, projects and actions in the fisheries and aquaculture sector and in the industry sector which processes and markets its products.

The Regulations amend the 2002 Regulations by –

- (a) transferring the functions of the Department of Culture, Arts and Leisure under the 2002 Regulations to the Department of Agriculture and Rural Development (regulations 4(e), 8 and 9) ; and
- (b) updating references to Community legislation in the 2002 Regulations to take account of recent amendments (regulation 4(b) to (d)).

The Regulations also add to the types of expenditure which may be eligible for assistance under the 2002 Regulations (regulation 5) and contain consequential amendments (regulations 4(a), (f) and (g), 6 and 7).

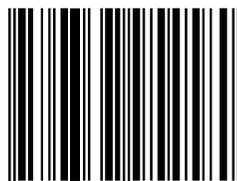
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Dd. N1410. C2. 3/04. Gp. 130. 14567.

£3.00

ISBN 0-337-95458-5



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