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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 87**

**The Fishing Vessels (Decommissioning)  
(Scotland) Scheme 2003**

**Consideration of applications**

5.—(1) As soon as reasonably practicable after the appropriate closing date the Scottish Ministers shall—

- (a) identify those applications made in pursuance of the notice published under paragraph 4(4) which satisfy the foregoing provisions of this Scheme;
- (b) reject any application contrary to Article 7 of Council Regulation 2792/99 as read with Council Regulation 2370/02;
- (c) reject any application they consider to be unreasonable, unnecessary or unwarranted;
- (d) reject any application to which sub-paragraph (6) applies; and
- (e) subject to sub-paragraph (7), place all other applications in rank.

(2) The Scottish Ministers may additionally consider any application made in respect of a vessel which is less than 10 years old at the date of application but the amount of the bid shall be no more than that provided for a 10 year old vessel under Article 7 of Council Regulation 2792/99 as read with Council Regulation 2370/02, increased by 1.5% per year under 10 years.

(3) The Scottish Ministers may—

- (a) select an application for approval according to the rank in which it has been placed under sub-paragraph (1), as read with sub-paragraph (2), provided that approval of that application, together with any application higher in rank, will not result in the total of the bids relating to those applications exceeding the relevant amount; and
- (b) where selection of an application would have that result, place the application on a reserve list in the same rank.

(4) In exercising their powers under sub-paragraphs (1)(e), (2) or (3) the Scottish Ministers shall have regard to—

- (a) the benefit likely to be derived from, and value for money represented by, the bid;
- (b) the extent to which approval of the application would contribute towards fulfilment of the obligations of the United Kingdom deriving from Annex XVII of Council Regulation (EC) 2341/2002<sup>(1)</sup>; and
- (c) such other matters as they have intimated in the notice inviting applications published pursuant to paragraph 4(4).

(5) The Scottish Ministers shall select for approval the highest ranked application on the reserve list established in accordance with sub-paragraph (3)(b) where—

- (a) any amount remaining available after deduction from the relevant amount of the total of the bids for which approval has been granted; and

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(1) O.J. No. L 356, 31.12.02, p.12.

(b) any amount of grant unclaimed by the appropriate decommissioning date or thereafter withheld or recovered under this Scheme in relation to any approval, together, are sufficient for the approval of that application without exceeding the relevant amount.

(6) This paragraph applies to any application which the Commission decide is incompatible with the common market having regard to Article 87 of the EC Treaty.

(7) The Scottish Ministers may reject an application where they have reasonable grounds for suspecting that there has been any fixing or adjustment of the amount of a bid by, under or in accordance with any agreement (whether legally binding or not) or arrangement with another person.