
WELSH STATUTORY INSTRUMENTS

2016 No. 665

**The European Maritime and Fisheries
Fund (Grants) (Wales) Regulations 2016**

Powers of recovery etc.

11.—(1) The Welsh Ministers may exercise the powers specified in paragraph (2) where they are satisfied, as regards an approved operation, that—

- (a) any condition referred to in regulation 3 or 4 has not been complied with in whole or in part;
- (b) the application so approved under regulation 4 (or any part of it) was not an application (or part) which the beneficiary was eligible to make;
- (c) the beneficiary or an employee, servant or agent of the beneficiary has—
 - (i) failed to comply with any requirement under regulation 6, 9(1)(b), 9(1)(d) or 9(2); or
 - (ii) given information on any matter relevant to the giving of the approval which is false or misleading in a material respect;
- (d) the approved operation was commenced before the date on which the Welsh Ministers gave written permission to do so;
- (e) any undertakings given by the beneficiary under regulation 16 have not been complied with;
- (f) the beneficiary has failed to comply with regulation 10;
- (g) there is a material change in the nature, scale, costs or timing of the approved operation;
- (h) the approved operation has not been or is not being properly carried out;
- (i) the approved operation has been or is being unreasonably delayed or is unlikely to be completed;
- (j) the financial assistance duplicates or would duplicate assistance provided or to be provided out of monies made available by—
 - (i) the European Union,
 - (ii) the Welsh Ministers, or
 - (iii) a body exercising public functions within the United Kingdom;
- (k) the beneficiary is in breach of any requirement to which they are subject under these Regulations or under the EU legislation; or
- (l) the approved operation is subject to penalties applicable under the EU legislation.

(2) The powers conferred by paragraph (1) are to—

- (a) revoke the approval of the operation in whole or in part;
- (b) reduce or withhold any financial assistance in respect of the approved operation;
- (c) recover on demand the whole or any part of any financial assistance already paid to the beneficiary.

(3) Where the Commission has decided to reduce or suspend assistance, the Welsh Ministers may exercise the powers referred to in paragraph (2).

(4) For the purposes of paragraph (1)(j), a sum duplicates financial assistance if it is, or would be, paid for any of the same purposes.