
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 359

**The European Maritime and Fisheries
Fund (Grants) (Scotland) Regulations 2015**

Reduction, withholding and recovery of a grant

14.—(1) Subject to the provisions of this regulation, if, at any time after the Scottish Ministers have approved an application, it appears to them that—

- (a) any relevant condition has not been complied with in whole or in part;
- (b) the application so approved or any part of it was not an application which the beneficiary was eligible to make;
- (c) the beneficiary or an employee, servant or agent of a beneficiary—
 - (i) has failed to comply with regulation 9, 10, 11 or 12(6);
 - (ii) has intentionally obstructed any authorised officer, or any person accompanying and acting under the instructions of such an officer in accordance with regulation 12(5), acting in exercise of a power under regulation 12; or
 - (iii) has given information on any matter relevant to the giving of the approval or the making of a payment relevant to the approval which is false or misleading in a material respect;
- (d) the approved operation was commenced before the date on which the Scottish Ministers gave written permission to do so;
- (e) the approved operation for which the expenditure was incurred has not been carried out or has not been carried out properly or in accordance with the approval;
- (f) the approved operation has been or is being unreasonably delayed beyond the time limit set out in the notification of approval or is unlikely to be completed;
- (g) any undertaking given by the beneficiary under regulation 8 has not been complied with; or
- (h) the Commission has decided pursuant to Article 101 of the EMFF Regulation to suspend EU aid,

the Scottish Ministers may revoke the approval in whole or in part or reduce or withhold any grant in respect of the approved operation and, where any such grant has been paid, may recover on demand as a debt an amount equal to the grant which has been so paid or such part of it as they determine.

(2) Before revoking an approval in whole or in part or reducing or withholding any grant or making a demand under paragraph (1), the Scottish Ministers must—

- (a) give the beneficiary a written explanation of the reasons for the step proposed to be taken;
- (b) afford the beneficiary the opportunity of making written representations within a reasonable time; and
- (c) consider any representations.

Changes to legislation: There are currently no known outstanding effects for the The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015, Section 14. (See end of Document for details)

Commencement Information

II [Reg. 14](#) in force at 30.11.2015, see [reg. 1\(1\)](#)

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There are currently no known outstanding effects for the The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015, Section 14.