
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 366

**The Fishing Vessel (Decommissioning)
Scheme (Northern Ireland) 2003**

Consideration of applications

5.—(1) As soon as reasonably practicable after the date specified as the closing date for applications in a notice published under Article 4(1) the Department shall subject to the following provisions –

- (a) identify those applications which satisfy the foregoing provisions of the Scheme;
- (b) reject any application which is contrary to Article 7 of Council Regulation 2792/99 as read with Council Regulation 2370/02;
- (c) divide the bid indicated in each application by the number of VCUs of the vessel concerned;
- (d) in the case of an application in respect of a vessel which has spent more time fishing in both 2001 and 2002 with a demersal trawl, seine or similar towed net with a minimum mesh size of 100 millimetres in the codend and extension piece if fitted, reduce the calculation referred to in sub-paragraph (c) above by 20%; and
- (e) place each application in rank beginning with the lowest and moving to the highest according to the result of the calculation referred to in sub-paragraph (c) and as necessary adjusted by sub-paragraph (d).

(2) The Department may reject an application if it considers the amount of the bid in the application to be unreasonable, having regard to the relevant amount.

(3) The Department shall reject an application if it has 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.

(4) Subject to paragraphs (2) and (3), the Department shall approve applications by proceeding through the rank referred to in sub-paragraph 1(e) from the application incorporating the lowest amount bid per VCU towards the application incorporating the highest amount bid per VCU until the relevant amount is reached.

(5) Where as a result of the procedure referred to in paragraph (4) there are two or more identical bids per VCU which are higher than the amount of any other bid which has been approved, and the relevant amount is insufficient to fund grants in respect of all of them, in deciding which application or applications to approve the Department may take into account the amount of cod caught by each of the vessels concerned during the calendar years 2001 and 2002 with a view to giving preference to vessels that caught more in these years.

(6) For the purposes of this Article –

“codend” means the rearmost part of a net being made up of one or more panels (pieces of netting) of the same mesh size attached to one another along their sides in the long axis of the net;

“extension piece” means an extension piece located immediately in front of the codend and excludes the tapered part of the net.