
EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme provides for the making of grants by the Scottish Ministers, in respect of the decommissioning of fishing vessels.

This Scheme is made by virtue of Article 7 of Council Regulation (EC) No. 2792/99 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products (O.J. No. L 337, 30.12.99, p.10), as corrected by Corrigenda, O.J. No. L 83, 04.04.00, p.35 and O.J. No. L 2, 05.01.01, p.41 and as read with Annex XVII of Council Regulation (EC) No 2341/2002 (O.J. No. L 356, 31.12.02, p.12). Council Regulation 2792/99 is to be read with Council Regulation 2370/02 (O.J. No. L 358, 31.12.02, p.57).

Applications for grant will be considered in respect of vessels meeting the requirements set out in paragraph 3 of the Scheme. These include a requirement that to be eligible a vessel must be at least 10 metres in length and licensed with a Category A licence, other than a Category A (Pelagic Pursuer), a Category A (Pelagic Freezer) or a Category A (Pelagic Trawler) licence. The vessel must be a “Scottish based vessel” as defined in paragraph 3(4).

Paragraphs 4 to 6 of the Scheme lay down a procedure for the making, consideration and approval of applications. Applications must be in respect of one vessel only and include a bid by the applicant for the amount of grant for which the applicant offers to decommission and de-register the vessel and surrender all licences and claims to licences in respect of the vessel. Bids will be selected for approval in accordance with paragraph 5. The Scottish Ministers can determine conditions to which an approval is subject (paragraph 6(2) and (3)).

The Scottish Ministers are empowered from time to time to determine a date (“the appropriate decommissioning date”) by which a claim for grant in respect of an approved application must be lodged. In order for grant to be payable the Scottish Ministers must be satisfied that decommissioning (by a method having the prior approval of the Scottish Ministers) has taken place, that the vessel has been deregistered and licences and claims to licences have been surrendered (paragraphs 7, 8 and 9). In the event of substantial damage or destruction of the vessel the applicant is required to provide the Scottish Ministers with certain information (paragraph 10).

The amount of grant in respect of an approved application is the amount of the bid subject to any modification in the amount required by Council Regulation 2792/99 (paragraph 11) and provision is made concerning the method of payment of grant (paragraph 12). Applicants are required, on request, to give assistance to authorised officers of the Scottish Ministers, who are given powers of entry and inspection for specified purposes (paragraphs 13 to 14), and provision is made for the reduction, withholding and recovery of grant in certain circumstances and for the payment of interest on grant recovered (paragraphs 15 and 16).

Section 17 of the Fisheries Act 1981 creates offences in respect of the production of false statements or documents in purported compliance with any requirement imposed by the Scheme and wilful refusal to supply information, make returns or produce documents when required to do so by or under the Scheme.

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Vessels (Decommissioning) (Scotland) Scheme 2003.