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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2369**

**The Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010**

**PART 3**

Applications for grant

**Invitation to apply for grant**

7.—(1) The Welsh Ministers may from time to time publish an invitation for applications for grant.

(2) An invitation must contain—

- (a) details of approved software and approved suppliers;
- (b) details of the conditions of eligibility for a grant;
- (c) requirements as to the form and manner of making an application;
- (d) any requirements for providing documents, information and undertakings in support of the application; and
- (e) the closing date for making an application.

**Applications**

8.—(1) An application for a grant must be made in writing to the Welsh Ministers in accordance with the requirements of the invitation made under paragraph 7(1).

(2) Save as provided in sub-paragraph (3), an application must be received by the Welsh Ministers on or before the closing date.

(3) The Welsh Ministers may accept an application after the closing date if satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to be made by the closing date; and
- (b) the date by which the application is made is as early as can reasonably be expected.

(4) The Welsh Ministers may, before determining any application, require the applicant to provide additional information.

**Determination of application**

9.—(1) As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 8(4), the Welsh Ministers must—

- (a) identify and approve, subject to such conditions as they consider appropriate, those applications made in pursuance of an invitation made under paragraph 7(1) which satisfy the provisions of this Scheme; and
- (b) reject any other applications.

(2) The Welsh Ministers must reject an application if they are of the opinion that the port of administration of the fishing boat has been changed to a port in Wales for the primary purpose of ensuring that the fishing boat is an eligible Welsh fishing boat for the purposes of this Scheme.

(3) Where the Welsh Ministers approve an application under sub-paragraph (1)(a), they must notify the applicant in writing of that approval and any conditions to which it is subject.

(4) Where the Welsh Ministers reject an application under sub-paragraphs (1)(b) or (2), or approve an application subject to any condition under sub-paragraph (1)(a), they must notify the applicant in writing of—

- (a) the reasons for that rejection or the imposition of the condition; and
- (b) the right to apply for a review under paragraph 10.

### **Review of determination**

**10.**—(1) Where the Welsh Ministers reject an application under paragraphs 9(1)(b) or 9(2), or approve an application subject to any condition under sub-paragraph 9(1)(a), the person who applied for grant may apply to the Welsh Ministers, in accordance with the provisions of this paragraph, for a review of that determination.

(2) An application for a review under this paragraph must be received by the Welsh Ministers on a date no later than 6 months from the date of the relevant determination under paragraphs 9(1) or 9(2).

(3) An application for review under this paragraph must be in writing and specify—

- (a) the name and address of the person applying for the review and, where that person is not the person named in the determination, the name and address of the person named in the determination and the basis upon which the person is seeking review;
- (b) the determination of the Welsh Ministers which is to be reviewed and its date;
- (c) details of the grounds upon which review is sought; and
- (d) the change sought to the determination.

(4) An application made under this paragraph may be made by post or by fax or other means of electronic communication which is capable of reproduction.

(5) Where an application is made under this paragraph, the Welsh Ministers must review the determination which is specified in it, reach a final decision and notify in writing the person applying for the review of that decision and the reasons for it.

(6) In reviewing a determination the Welsh Ministers may—

- (a) consider any document or other evidence produced by the applicant (whether or not that document or evidence was available at the time of the determination);
- (b) invite the applicant to provide such further information relevant to the review as they consider appropriate; and
- (c) give the applicant an opportunity to give evidence and to make representations in person or through a representative.