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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 4**

Revocation, withholding and recovery of grant

**Revocation, withholding and recovery of grant**

**11.**—(1) If at any time after the Welsh Ministers have approved an application under paragraph 9(1)(a), it appears to them—

- (a) that any condition imposed under that paragraph has been breached or has not been complied with; or
- (b) the applicant has committed or may have committed an offence under section 17 of the Fisheries Act 1981<sup>(1)</sup>,

they may revoke the approval of such application or withhold the grant, or any part of the grant, in respect of the application and, where any payment of grant has been made, may recover from the applicant on demand an amount equal to the whole or any part of the payment which has been so made, irrespective of whether payment of grant was made to the applicant direct or to the approved supplier on the applicant's behalf by virtue of paragraph 5(2)(a).

(2) Before revoking an approval or withholding any grant or making a demand by virtue of sub-paragraph (1), the Welsh Ministers must—

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

**Interest**

**12.**—(1) Where the Welsh Ministers decide to recover on demand an amount in accordance with paragraph 11(1), they may, in addition, recover interest on that amount at a rate of 1% above LIBOR calculated on a daily basis for the period beginning with the day following that on which the amount was paid and ending on the day on which the amount is recovered.

(2) In this paragraph “LIBOR” (“LIBOR”), in relation to any day, means the sterling three-month London inter-bank offered rate in force for that day rounded if necessary to two decimal places.

(3) In any proceedings for recovery under this Scheme, a certificate issued by the Welsh Ministers stating the LIBOR applicable for any day is conclusive evidence of the LIBOR in question if the certificate also states that the Bank of England notified the Welsh Ministers of the LIBOR in question.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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