EXECUTIVE NOTE

THE EUROPEAN FISHERIES FUND (GRANTS) (SCOTLAND) AMENDMENT REGULATIONS 2010

(SSI 2010/323)

These regulations are made by the Scottish Ministers in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972. They make amendments to the European Fisheries Fund (Grants) (Scotland) Regulations 2007 ("the principal regulations")

Policy Objectives

The aim of the instrument is to amend the principal regulations to ensure that the principal regulations allow Scottish Ministers to award grants to European Fisheries Fund (EFF) applications, whether or not the amount of such aid is calculated by reference to eligible expenditure incurred by the beneficiary.

Certain applications for the next round of EFF awards would require a grant to be paid without the beneficiary of that grant first incurring expenditure. Until now no applications for such awards have been received so officials were unaware of the problem. However, on closer examination of the current legislation it has become clear that under the current regulations Ministers would not be authorised to make payments to beneficiaries until they have incurred expenditure which can be receipted, despite provision for such awards being made in the EFF rules.

Therefore, in order to allow Ministers the fullest discretion in order to make awards in accordance with their policy priorities and to ensure that all projects and considered equally it is necessary to amend the existing legislation.

In addition the opportunity has been taken to update references to the European Union in the regulations following the coming into force of the Lisbon Treaty and to make some minor improvements to the drafting of the original regulations.

Consultation

The Scottish Government has consulted widely on the establishment of the EFF and its principles. The scheme enjoys wide support across the Scottish fishing industry.

Financial Effects

The measures which this instrument puts in place will allow for the spending of already allocated budgets.

No Regulatory Impact Assessment has been completed in relation to this Order.

Marine Scotland
September 2010