STATUTORY RULES OF NORTHERN IRELAND

2014 No. 96

FINANCIAL ASSISTANCE

The Sea Fishing (Financial Assistance to Fishing Boats) Scheme Regulations (Northern Ireland) 2014

Made - - - -	*21st March 2014*
Coming into operation -	*26th March 2014*

The First Minister and deputy First Minister, acting jointly made on 14th March 2014 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009 (**a**) ("the Act") and, acting jointly, they have designated the Department of Agriculture and Rural Development as the relevant Department under section 1(3)(a) of that Act.

Accordingly the Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of that Act.

The Office of the First Minister and deputy First Minister approves the Regulations in accordance with section 1(4) of the Act.

Citation and commencement

1. These Regulations may be cited as the Sea Fishing (Financial Assistance to Fishing Boats) Scheme Regulations (Northern Ireland) 2014 and shall come into operation on 26th March 2014.

Scheme

2. The Department of Agriculture and Rural Development makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st March 2014

L.S.

John Speers
A senior officer of the
Department of Agriculture and Rural Development

The Office of the First Minister and deputy First Minister approves these Regulations.

(**a**) 2009 c.2 (N.I.)

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister 21st March 2014



Neill Jackson
A senior officer of the
Office of the First Minister and deputy First Minister

SCHEDULE

Regulation 2

The Sea Fishing (Financial Assistance to Fishing Boats) Scheme 2014

Citation

1. This Scheme may be cited as the Sea Fishing (Financial Assistance to Fishing Boats) Scheme 2014.

Interpretation

2.—(1) In this Scheme—

"application" means an application for financial assistance made under Article 5(3);

"days at sea" means days present in a geographical area subject to a fishing effort regime;

"the Department" means the Department of Agriculture and Rural Development;

"determination" means the determination of the First Minister and deputy First Minister; acting jointly and made on 14th March 2014 that exceptional circumstances exist, namely the operational difficulties experienced by the Northern Ireland fishing fleet as a consequence of severe and prolonged adverse weather conditions and the consequent hardship experienced by owners of fishing vessels, their crews and families, that it is desirable to provide financial assistance to prevent, control or mitigate the effect of these circumstances and that such assistance ought to be provided in accordance with a Scheme made under section 1 of the Financial Assistance Act (Northern Ireland) 2009;

"eligible person" shall be construed in accordance with Article 3(1);

"eligible Northern Ireland fishing boat" means a Northern Ireland fishing boat within the meaning of article 2(2) of the Sea Fisheries (Northern Ireland) Order 2002 (**a**) which—

has its port of administration in Northern Ireland;

is under 27 metres length overall; and

has spent 50 days at sea or more during the period 1st February 2013 to 31st January 2014 (both dates inclusive);

"financial assistance" means financial assistance under this Scheme;

"length overall" in relation to a fishing boat means the length of the boat measured in accordance with Article 2(1) of Council Regulation (EEC) No 2930/86 defining characteristics for fishing vessels (**b**); and

"port of administration", in relation to a fishing boat, means the port from which the licence granted in respect of the fishing boat under section 4 of the Sea Fish (Conservation) Act 1967(**c**) is issued.

(2) For the purposes of the definition of "days at sea", "days present in a geographical area" has the same meaning as in Article 26(6) of Council Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(**d**).

(**a**) S.I. 2002/790.
(**b**) O.J. No L 274, 25.09.1986, p.1.
(**c**) 1967 c.84. Section 4 was substituted by the Fishery Limits Act 1976 (c.86), section 3, and relevant amendments have been made by the Fisheries Act 1981 (c.29), section 20, the Sea Fish (Conservation) Act 1992 (c.60), section 1, and S.I. 1999/1820, article 4.
(**d**) O.J. No L 343, 22.12.2009, p.1.

Provision of financial assistance

3.—(1) The Department may, for the purposes referred to in Article 4, provide financial assistance to any person who for the time being is the owner or charterer of an eligible Northern Ireland fishing boat ("an eligible person").

(2) That financial assistance –

(a) shall not exceed £500,000 in total;

(b) shall not be payable in any case or to any extent except in compliance with the requirements of Commission Regulation (EC) No. 875/2007 (**a**) on the application of Articles 87 and 88 of the EC Treaty to de-minimis aid in the fisheries sector; and;

(c) shall be in the form of grants.

Purpose of financial assistance

4. Those purposes are the prevention, control and mitigation of the effect of the exceptional circumstances referred to in the determination.

Applications

5.—(1) The Department shall publish a notice inviting applications in such manner as will ensure that it is reasonably likely to be seen by eligible persons.

(2) A notice published under paragraph (1) shall specify –

(a) the closing date for making an application;

(b) the information which an applicant is required to provide in support of the application; and

(c) the form of any application.

(3) An eligible person may make an application in accordance with the requirements of the notice published under paragraph (1).

(4) The Department may, however accept an application received after the closing date specified under paragraph (2)(a) if it is satisfied that—

(a) the particular circumstances of the applicant render it unreasonable to expect the application to have been made by the closing date; and

(b) the date on which the application was received is as early as can reasonably be expected in those circumstances.

(5) The Department shall reject an application in respect of a fishing boat if it is satisfied that the port of administration of the fishing boat has been changed to a port in Northern Ireland for the primary purpose of ensuring that the fishing boat is an eligible Northern Ireland fishing boat for the purposes of this Scheme.

(6) The Department shall notify the applicant of its decision in relation to any application as soon as reasonably practicable after making it.

Payment of financial assistance

6.—(1) Financial assistance payable to an eligible person shall be of such amount as the Department may determine in writing.

(2) Financial assistance paid to an eligible person shall be on terms which require that person to make payments from the amount –

(a) of such sum or sums as may be specified in writing by the Department;

(b) to eligible beneficiaries.

(**a**) O.J. No L193, 25.7.2007, p.6. Articles 87 and 88 of the EC Treaty are now Articles 107 and 108 of the Treaty on the Functioning of the European Union.

(3) Payments of financial assistance to an eligible person shall also be on such other terms and conditions as the Department may determine including terms and conditions requiring repayment in specified circumstances.

(4) The terms and conditions referred to in paragraph (3) may in particular include provision-

(a) as to the terms and conditions on which sums are to be paid to the eligible beneficiaries; and

(b) for securing that any payments are duly made to such persons and for requiring the eligible person to repay to the Department any amounts that are not so paid.

(5) In this Article "eligible beneficiary" in relation to any financial assistance received by an eligible person means any person who-

(a) in the period from 1st October 2013 to 28th February 2014 (both dates inclusive) engaged in work on or in connection with the fishing activities of the fishing vessel to which financial assistance relates; and

(b) has suffered the hardship referred to in the determination.

Reviews

7.—(1) Where the Department makes a decision in relation to an application, a person aggrieved by that decision may request the Department to review it in accordance with this Article.

(2) A request for a review shall be made to the Department no later than one month from the date of the notification under Article 5(6) of the decision to be reviewed.

(3) A request for a review shall be in writing and shall—

(a) specify the decision of the Department in respect of which the request is made; and

(b) give full particulars of the grounds upon which the review of the decision is sought.

(4) Upon receipt of a request under paragraph (2), the Department shall review the decision which is specified in it.

(5) Following a review of a decision under paragraph (4) the Department may—

(a) confirm the decision; or

(b) substitute a new decision.

(6) As soon as reasonably practicable after reviewing a decision under paragraph (5), the Department shall notify the result of the review in writing to the person making the request for it and shall give the reasons for the result.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The First Minister and deputy First Minister acting jointly have made a determination that exceptional circumstances exist, namely operational difficulties experienced by the Northern Ireland fishing fleet and the consequent hardship experienced by owners of fishing vessels, their crews and families.

These Regulations are made to prevent, control and mitigate the effect of these exceptional circumstances. They provide for financial assistance to be payable to the owners or charterers of eligible Northern Ireland fishing boats and for such persons in turn to make payments to those persons who have been engaged in work on or in connection with the fishing activities of those fishing vessels. The Scheme also provides for the administration of payments and the terms and conditions under which any payments shall be made.

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