



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

The Fisheries and Aquaculture Structures (Grants) (Wales) Regulations 2002

These regulations contain provision for the payment of Community aid and grants in respect of fisheries and aquaculture operations.

Standing Order 11.5

In regulation 15(4) the provision relating to interest payments refers to interest “calculated as aforesaid”. But there is no “aforesaid” provision to indicate how interest is to be calculated. It is understood that the intention was to apply the interest rate in regulation 16. Additionally, however, there is no express disapplication of the provision in regulation 16(1) whereby interest is payable from the day on which the financial assistance was paid.

Thus the provision for the payment of interest in regulation 15(4) fails to indicate the rate at which interest is to be calculated and is not expressed as an exception to the provision under which interest is calculated from the day on which the financial assistance was paid. To this end it is suggested that this provision would be more appropriately located in regulation 16.

It is considered that this is a matter which is capable of correction by means of a Memorandum of Corrections and it is understood that this is what is now intended. Thus subject to an appropriate correction being tabled there will be no matters to which the Committee needs to invite the Assembly to pay special attention. If this were to remain uncorrected, however, the Assembly would need to pay special attention to it as the drafting appears to be defective.

General Observations

Typographical and similar matters

The following points have also been identified by the Committee and are, in consequence, included in the intended memorandum of corrections.

- Headings – “FISH FARMING, WALES” is a main heading and thus needs to appear in larger print.
- Explanatory note - the paragraph which is indicated as relating to regulation 15 should refer to regulations 15 and 16. The subsequent paragraph should refer to regulations 17 and 18 and not regulation 16. Additionally, in this latter paragraph the regulation reference is duplicated at the beginning and end.
- Title, page 7 – “and” has been omitted from the title.
- Index – “extent” is used for regulation 1 whereas “application” is used in the regulation heading.
- Regulation 2(1) - in paragraph (b) of the definition of “authorised officer” the word “by” should be inserted before “the Authority”.
- Regulation 15(3)(d) - square brackets require deletion from the Welsh text.
- Regulation 16(1) – a capital letter is needed for “Cenedlaethol” in the first reference in the Welsh text.

Regulation 4(2)

The intention is understood to be to specify periods within the year during which applications may be made in relation to specified categories of relevant operation. This might have been clearer if paragraph (2) had been expressed as an amplification of the provision in paragraph (1) under which the Assembly can make requirements as to the time of making applications,

Mick Bates AM
Chair, Legislation Committee

26 February 2002