

**EXPLANATORY MEMORANDUM TO
THE FISHERIES AND AQUACULTURE STRUCTURES (GRANTS) (ENGLAND)
(AMENDMENT) REGULATIONS 2008**

2008 No. 1322

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 This instrument amends the Fisheries and Aquaculture Structures (Grants) (England) Regulations 2001 (S.I. 2001/1117) (“the 2001 Regulations”) to correct a drafting error.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 Regulation 17(1) of the 2001 Regulations was reported to Parliament by the Joint Committee on Statutory Instruments on the grounds of defective drafting (see the Committee’s Second Report of Session 2001-02). This instrument corrects the error reported by amending regulation 17(1) to replace the reference to “the statutory maximum” with a reference to “level 5 on the standard scale”.

4. **Legislative Background**

4.1 This instrument is being made to give effect to an undertaking given by the Ministry of Agriculture, Fisheries and Food to the Joint Committee on Statutory Instruments (see paragraph 2 of Appendix 2 to the Committee’s Second Report of Session 2001-02).

5. **Territorial Extent and Application**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 The 2001 Regulations provide for, and regulate the payment of, grants and Community aid for investment and activities approved by the Minister of Agriculture, Fisheries and Food which are eligible for Community financial support (the scheme is now operated by the Marine and Fisheries Agency). Regulation 17(1) makes it an offence

knowingly or recklessly to furnish under the Regulations information which is materially false or misleading or to produce under the 2001 Regulations a document which is materially false or misleading. As originally drafted, regulation 17(1) provided that a person guilty of such an offence was liable on summary conviction to a fine not exceeding “the statutory maximum”. That reference should have been to “level 5 on the standard scale”.

7.2 Although the vast majority of grants under the 2001 Regulations have now been either paid or agreed, regulation 17(1) is still operative for enforcement purposes, and the amendment made by this instrument is therefore needed to correct the drafting error.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Roger Mason at the Department for Environment, Food and Rural Affairs (Tel: 020 7238 4442 or e-mail: Roger.Mason@defra.gsi.gov.uk) can answer any queries regarding the instrument.