



18 December 2018

Dear ,

### Request for Information – ATISN 12808

I wrote to you on 4 December regarding your request for information on grants and loans to Excalibur Steel Ltd.

You asked for:

1. How much of the £3/4 million was loan and how much was grant?
2. What funds, whether grant or loan, have been repaid?
3. How has the Welsh Government satisfied itself that any money not repaid has been used correctly in the absence of accounts showing the company's activities?
4. What action is the Welsh Government taking to recover any unpaid elements of the grants/loans from the directors involved in Excalibur Steel Ltd?

I confirm we hold information caught by your request. The information you have requested under your first question is already publically available on the National Assembly for Wales [website](#). As such, it is exempt from disclosure under Section 21 of the Freedom of Information Act 2000, information otherwise available.

In relation to your second question, the grant funding does not need to be repaid. In terms of the loan, no funds have been repaid. The information we hold in relation to your third question is given at Appendix A.

In relation to your final question, the Freedom of Information Act (FOIA) provides a right to ask for recorded information held at the time a request is made and does not require an authority such as the Welsh Government to provide information where that information is not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:



BUDDSODDWR | INVESTORS  
MEWN POBL | IN PEOPLE

E&T FOI Team  
Welsh Government  
Treforest - QED Centre  
Main Avenue  
Treforest Industrial Estate  
Ponty pridd  
CF37 5YR

[FOI.EconomyandTransport@gov.wales](mailto:FOI.EconomyandTransport@gov.wales).

*“The Act does not cover information that is in someone’s head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it.”*

On this basis, the FoIA does not oblige us to provide you with information except insofar as such information is held in recorded form at the time the request was made. I can confirm that the Welsh Government does not hold on record information in relation to your final question. That said, I can advise that Excalibur was a Limited Company and consequently its Directors are not personally liable for paying the company's debts.

If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ  
or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales). Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## APPENDIX A

“..... the Welsh Government funding was a combination of grant and commercial loan which in aggregate totalled £525k. Excalibur were awarded two separate grants, the first of £150k being designed to enable the management team to prepare an initial proposal, including a costed business plan, for submission to Tata. This grant achieved its objective as the company were able to submit an offer to Tata within the very tight timetable that had been set.

The second grant was given in accordance with a specific provision of state aid regulations that allows for grant funding to SME's to meet part of the external consultancy costs. Consequently this grant was only released against the evidence of invoices from external consultants, who had been identified in advance, that costs had been incurred in connection with the efforts by Excalibur to secure private capital and to put forward evidence to Tata that their bid was both fully funded and that they would be able to run a viable business.

Whilst the Company were able to evidence some private funding, the Welsh Government loan enabled the balance of the third party costs to be met. It is notable that the team drew no salary from Excalibur and office accommodation was provided by the private sector. Consequently, all Welsh Government monies, both grant and loan, were only released against clear evidence of third party supplier costs”.