1973. No. 500

FISH INDUSTRY

Assistance to Fish Farming Scheme (Northern Ireland) 1973

Made . . . . . 14*th December* 1973

Coming into operation . . . 1*st March* 1974

To be laid before the Parliament of the United Kingdom under paragraph 4(5)(*b*) *of the Schedule to the Northern Ireland* (*Temporary Provisions*) *Act* 1972.

The Ministry of Agriculture (hereinafter called "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by section 1 of the Fish Industry Act (Northern Ireland) 1972(**a**) and of every other power enabling it in that behalf and with the approval of the Ministry of Finance hereby makes the following Scheme:—

1. This Scheme may be cited as the Assistance of Fish Farming Scheme (Northern Ireland) 1973 and shall come into operation on 1st March 1974.

2. In this Scheme—

"approved expenditure" in relation to any grant or loan means expenditure approved by the Ministry for the purposes of the grant or, as the case may be, the loan;

"fish farming" means an undertaking involving the hatching, breeding, rearing, harvesting or marketing of fish for the purposes of human consumption for which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966(**b**);

"length" in relation to a boat means its length as calculated for the purpose of registration under the Merchant Shipping Acts 1894 to 1970.

3(*a*) Subject to the provisions of this Scheme the Ministry may make a grant or loan to a person carrying on or proposing to carry on the business of fish farming in Northern Ireland in respect of approved expenditure incurred by that person for the purpose of—

(i) carrying out any excavations, demolitions, scrub clearance, drainage, flood protection or weir construction; or

(ii) providing any buildings, roads, water supply, cool or cold storage facilities or other fixed equipment or facilities; or

(iii) providing any feeders, hatchery trays, oyster rafts or trays or other equipment or facilities; or

(iv) preparing or laying shellfish beds; or

(v) providing fencing or predator prevention equipment; or

(vi) providing boats under 80′ in length and equipment for use with such boats for use in connection with that business.

(**a**) 1972. c. 4 (N.I.). (**b**) 1966. c. 17 (N.I.).

(*b*) Subject to the provisions of this Scheme the Ministry may make a loan to a person carrying on or proposing to carry on the business of fish farming in Northern Ireland in respect of approved expenditure incurred by that person for the purpose of acquiring second-hand boats, fish food, or stock fish or the eggs of fish.

(*c*) Applications for grants or loans under this Scheme shall be made in writing in such form and subject to such conditions as the Ministry may from time to time require.

4. Applications for grants or loans under this Scheme may be made only by persons resident in Northern Ireland or companies incorporated under the laws of Northern Ireland.

5. Applicants for grants or loans under this Scheme shall be required to satisfy the Ministry that they have the ability to manage and sufficient financial resources for the purposes of the business of fish farming.

6. The amount which may be paid under this Scheme by way of grant by the Ministry shall be 30 per cent of approved expenditure.

7. Applications for grants or loans under this Scheme shall be based on actual costs and shall be accompanied by the appropriate plans and specifications and the completed tender or tenders relating to the expenditure to be incurred and the form of contract or contracts to be entered into between the applicant and the builder, supplier or other contractor and no contract shall be placed without the prior approval of the Ministry.

8. The Ministry may require any applicant for a grant or loan to provide more than one tender.

9. Any person authorised by the Ministry shall have the right to inspect any building, premises, boat, equipment or facility in respect of which a grant or loan has been or is to be made—

(*a*) in respect of a grant, at all reasonable times within the control period;

(*b*) in respect of a loan, at all reasonable times during the currency of the loan.

10. If any person makes a false statement or furnishes false information in respect of any of the matters required to be disclosed in connection with an application for a grant or loan or if any of the conditions relating to the payment of grants or loans are not complied with by an applicant, any payment of or on account of a grant or loan to the applicant may at any time be refused and any such payment already made in relation to that application may be recovered by the Ministry.

11. Any person whose application for a grant under this Scheme is approved by the Ministry may be required to give such undertakings as the Ministry may consider appropriate and in particular shall be required—

(*a*) where the grant exceeds £300, to insure any premises, building, boat, equipment or facility in respect of which a grant has been made and keep them insured against such risks and in such sums as required by the Ministry during the control period;

(*b*) to keep and make available for inspection by the Ministry at all reasonable times during the control period any books, records or other documents necessary to enable the Ministry to satisfy itself that the conditions of the grant have been complied with;

(*c*) if there occurs within the control period—

(i) the total or partial loss or destruction of any premises, building, boat, equipment or facility arising out of any insured risks, to repay to the Ministry the whole or such proportion of the grant as the Ministry may require;

(ii) a breach of any undertaking or condition subject to which the grant was made, or a disposition by way of mortgage or sale of any premises, building, boat, equipment or facility or any part thereof or of any equipment or apparatus used on or in connection therewith, to repay to the Ministry such proportion of the grant as the Ministry may require;

(*d*) to repay to the Ministry the whole or such proportion of the grant as the Ministry may require if the Ministry is of the opinion that the business to which the grant relates is not being operated diligently for the purpose of fish farming.

12. For the purposes of this Scheme the control period in relation to any grant shall mean a period commencing with the date on which the first payment of grant was made and terminating five years after the date on which the final payment of grant was made.

13. No grants shall be made towards expenditure—

(*a*) which is incurred without the prior approval of the Ministry;

(*b*) on second-hand boats or equipment.

14(*a*) The Ministry may make loans in accordance with the conditions prescribed in the Schedule.

(*b*) The legal costs of the Ministry and any other outlay incurred in connection with the security for a loan shall be paid by the borrower.

15. No payment shall be made under this Scheme to a person who is entitled under any other statutory provision to a payment for a purpose similar to any purpose mentioned in this Scheme.

16.—(1) A grant exceeding £1,000 shall not be made without the approval of the Ministry of Finance.

(2) A loan exceeding £1,000 shall not be made without the approval of the Ministry of Finance.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 14th day of December 1973.

(L.S.) *Thomas P. Gibson,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby approves the foregoing Scheme.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 14th day of December 1973.

(L.S.) *S. H. Jamieson,*
Assistant Secretary.

SCHEDULE

Amount of loan	*Security*	*Terms of reypament*
Where the purchase is grant-aided a loan not exceeding 45% of approved expenditure	(*a*) A Deed of Covenant for repayment of the loan and the operation of the undertaking in accordance with the conditions provided in the Deed; and (*b*) A first mortgage on any lands, buildings, roads, fixed equipment or other facilities in connection with which any loan is made under this Scheme, or (*c*) On such security and subject to such conditions as the Ministry with the approval of the Ministry of Finance may determine to be appropriate to the circumstances of each particular case.	Half yearly on 1st March and 1st September over a period not exceeding 15 years
Where purchase is not grant-aided, a loan not exceeding 75% of approved expenditure.	(*a*) A first mortgage on any land, buildings, roads, fixed equipment or other facilities in connection with which any loan is made under this Scheme (*b*) On such security and subject to such conditions as the Ministry with the approval of the Ministry of Finance may determine to be appropriate in the circumstances of each particular case	Half yearly on 1st March and 1st September over a period not exceeding 15 years

EXPLANATORY NOTE

(This note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme provides that the Ministry of Agriculture may give grant or loan assistance to fish farming enterprises in Northern Ireland.

It describes the purposes for which approved expenditure eligible for such assistance may be incurred, lists the required qualifications for applicants and lays down conditions for the payment of grant and loan. The Scheme provides that the rate of grant payable shall be 30% and that total assistance, whether loan only or both grant and loan, shall be subject to a maximum of 75% of approved expenditure. Provision is also made for the repayment of grant in certain circumstances.