CHAPTER 7

An Act to increase the maximum amount of the grants which may be made out of moneys provided by Parliament to the Herring Industry Board for the promotion of the sale of herring and other purposes; to confer on the Minister of Agriculture and Fisheries and the Secretary of State powers to make grants and loans for the execution, for the benefit of the fishing industry, of harbour and other works and to determine certain existing powers in that behalf; to empower the Secretary of State to operate dredgers; and for purposes connected with the matters aforesaid.

[29th March, 1955]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of certain grants to Herring Industry Board.

1.—(1) The limit of three million pounds imposed by subsection (1) of section five of the White Fish and Herring Industries Act, 1948, upon the aggregate amount of the grants which may be made out of moneys provided by Parliament under that subsection in respect of expenses incurred by the Herring Industry Board for promoting the sale of herring and other purposes specified therein— 11 & 12 Geo. 6. c. 51.

(*a*) is hereby raised to three million five hundred thousand pounds; and

(*b*) may, by an order made by the Ministers with the approval of the Treasury, be further raised by an amount not exceeding two hundred and fifty thousand pounds.

(2) The power conferred by paragraph (*b*) of the foregoing subsection shall be exercisable by statutory instrument which shall be of no effect until approved by a resolution of the Commons House of Parliament.

(3) In this section the expression " the Ministers " means the Ministers for the purposes of the said section five.

Financial assistance for construction, improvement and repair of fishing facilities.

2.—(1) The appropriate Minister may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a public authority or an association of persons or company not trading for profit assistance by way of grant or by way of loan, or partly in the one way and partly in the other, in respect of expenses incurred by them for the purposes of the execution of works for the construction, improvement or repair of a harbour, pier, quay, jetty, boatslip or slipway in Great Britain, the landward approaches thereto or any buildings, structures or apparatus thereat which appear to the appropriate Minister to be requisite for the efficient functioning thereof, if the appropriate Minister is satisfied that the giving of the assistance will promote the maintenance or development of the fishing industry.

(2) Assistance given under the foregoing subsection in respect of the execution of any works may include a sum in respect of costs incurred in or in connection with the preparation of plans and specifications of the works, reports with respect thereto and estimates of the expenses to be incurred for the purposes of the execution thereof and a sum in respect of the remuneration of any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the works; and where an application under the foregoing subsection to the appropriate Minister for assistance is refused, he may, notwithstanding the refusal, if he is satisfied that, in all the circumstances, it is proper so to do, make a payment in respect of costs incurred in or in connection with the preparation of plans and specifications of the works to which the application related, reports with respect thereto and estimates of the expenses to be incurred for the purposes of the execution of those works.

(3) Where assistance in respect of expenses incurred for the purposes of the execution of any works has been given under subsection (1) of this section by the appropriate Minister by way of loan, he may, with the consent of the Treasury, remit (wholly or in part) the payment of interest on, or the repayment of the principal of, the loan, or both, if he is satisfied that payment of the interest or repayment of the principal, or both, as the case may be, cannot be made in full or cannot be made in full without undue hardship.

(4) In this section the expression "the appropriate Minister" means—

(*a*) as regards works executed or proposed to be executed in England or Wales, the Minister of Agriculture and Fisheries;

(*b*) as regards works executed or proposed to be executed in Scotland, the Secretary of State.

Cesser of powers under 9 Edw. 7. c. 47 as to harbours, and consequential provisions.

3.—(1) No further advances shall be made under Part I of the Development and Road Improvement Funds Act, 1909, for the construction or improvement of harbours.

(2) All rights and liabilities of the Treasury under any agreement made before the commencement of this Act for the making by them of an advance under the said Part I for the construction or improvement of a harbour in England or Wales shall, by virtue of this subsection, vest in the Minister of Agriculture and Fisheries, and all rights and liabilities of the Treasury under any agreement so made for the making by them of an advance under the said Part I for the construction or improvement of a harbour in Scotland shall, by virtue of this subsection, vest in the Secretary of State.

(3) Subsection (3) of the last foregoing section shall apply to any loan in respect of which rights and liabilities of the Treasury vest in the Minister of Agriculture and Fisheries or the Secretary of State by virtue of the last foregoing subsection as it applies to a loan made under that section by that Minister or the Secretary of State, as the case may be.

Repeal of 5 Geo. 4. c. 64, and disposal of unexpended balances thereunder.

4. The Fisheries Act, 1824 (which provides for the application of sums not exceeding three thousand pounds in any one year for the encouragement of the Scottish fisheries) shall cease to have effect, and the Queen's and Lord Treasurer's Remembrancer shall pay into the Exchequer any moneys in his hands which represent any part of sums heretofore provided by Parliament for the purposes of that Act.

Powers of Secretary of State with respect to dredging.

5. The Secretary of State may operate vessels equipped for the dredging of harbours and may enter into agreements with other persons whereby they are enabled to avail themselves, on such terms and subject to such conditions as may be approved by the Treasury, of the services which can be rendered by vessels so equipped which are operated by him.

Expenses and receipts.

6.—(1) There shall be defrayed out of moneys provided by Parliament—

(*a*) any increase attributable to this Act in the sums which, under subsection (1) of section five of the White Fish and Herring Industries Act, 1948, are defrayed out of moneys so provided; and

(*b*) any expenses incurred under or by virtue of this Act by the Minister of Agriculture and Fisheries or the Secretary of State.

(2) Any sums received under or by virtue of this Act by the Minister of Agriculture and Fisheries or the Secretary of State shall be paid into the Exchequer.

Short title, interpretation, commencement and repeals.

7.—(1) This Act may be cited as the Fisheries Act, 1955.

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.

(3) This Act shall come into operation on the first day of April, nineteen hundred and fifty-five.

(4) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

Section 7.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
5 Geo. 4. c. 64	The Fisheries Act, 1824	The whole Act.
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act, 1854.	In Schedule (B) the words "The Commissioners of White Herring Fishery Board, &c., and for repair of piers, quays, and boats" and the words "5 Geo. 4. c. 64".
57 & 58 Vict. c. 14.	The Fishery Board (Scotland) Extension of Powers Act, 1894.	The whole Act.
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895.	Section twenty-seven.
59 & 60 Vict. c. 42.	The Public Works Loans Act, 1896.	Section three.
9 Edw. 7. c. 47	The Development and Road Improvement Funds Act, 1909.	In section one, in subsection (1), paragraph (*e*).
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	In section seventeen, in subsection (1), the words from "except as respects" to "referred to them".

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