STATUTORY INSTRUMENTS

1983 No. 1883

SEA FISHERIES

SEA FISH INDUSTRY

The Fishing Vessels (Financial Assistance) Scheme 1983

Approved by both Houses of Parliament

Made - - - -	19*th December* 1983
Laid before Parliament	20*th December* 1983
Coming into Operation	21*st December* 1983

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The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Wales, Scotland and Northern Ireland, in exercise of the powers conferred on them by sections 15(1) and (2) and 18(1) of the Fisheries Act 1981 (**a**) and of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with the said section 15(1), hereby make the following scheme:—

(**a**) 1981 c.29.

PART I

PRELIMINARY

Title and commencement

1. This scheme may be cited as the Fishing Vessels (Financial Assistance) Scheme 1983 and shall come into operation on 21st December 1983.

Interpretation

2.—(1) In this scheme—

"the appropriate Minister" means—

(a) in relation to laying up grants and decommissioning grants—

(i) in the application of this scheme to England and Northern Ireland, the Minister of Agriculture, Fisheries and Food,

(ii) in its application to Wales, the Secretary of State for Wales, and

(iii) in its application to Scotland, the Secretary of State for Scotland; and

(b) in relation to exploratory voyage grants and joint venture grants, the Minister of Agriculture, Fisheries and Food;

"the Commission" means the Commission of the European Communities;

"Community waters" means any waters which are under the sovereignty or jurisdiction of a member state;

"the Council Directive" means Council Directive No 83/515/EEC concerning certain measures to adjust capacity in the fisheries sector (**a**);

"the Council Regulation" means Council Regulation (EEC) No 2909/83 on measures to encourage exploratory fishing and co-operation through joint ventures in the fishing sector (**b**);

"exploratory fishing voyage" has the meaning assigned to it by article 2(1) of the Council Regulation;

"the fishing boat register" means the register of fishing boats kept under Part IV of the Merchant Shipping Act 1894 (**c**);

"joint fishing venture" has the meaning assigned to it by article 2(1) of the Council Regulation;

"laying up year" means any one of the calendar years 1984, 1985 and 1986;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"producers' organisation" has the meaning assigned to it by article 5 of Council Regulation (EEC) No 3796/81 on the common organisation of the market in fishery products (**d**);

"the reference years", in relation to an application for a laying up grant, means—

(a) if the applicant has not previously made a successful application for a laying up grant in respect of the vessel to which the present application relates or a superseded vessel, the three calendar years preceding the calendar year in which the present application is made, and

(**a**) OJ No L290, 22.10.83, p.15. (**b**) OJ No L290, 22.10.83, p.9.
(**c**) 1894 c.60.
(**d**) OJ No L379, 31.12.81, p.1, to which there is an amendment not relevant to this scheme.

(b) in any other case, the three calendar years preceding the calendar year in which the applicant's first successful application for a laying up grant in respect of the vessel to which the present application relates or a superseded vessel was made,

and references to the first, second and third reference years shall be construed accordingly;

"registered fishing vessel" means any fishing vessel registered in the United Kingdom under Part IV of the Merchant Shipping Act 1894;

"registered length", in relation to a registered fishing vessel, means the register length of the vessel ascertained in accordance with the rules specified in Schedule 4 to the Merchant Shipping (Fishing Boats Registry) Order 1981 (**a**);

"superseded vessel" means a vessel which was previously owned by an applicant for a laying up grant and which was replaced by the vessel to which the application relates;

"third country" means any country other than a member state and does not include the Isle of Man or any of the Channel Islands.

(2) An application for a laying up grant in respect of a fishing vessel is successful for the purposes of this scheme if the application is approved by the appropriate Minister.

(3) Any reference in this scheme to a numbered paragraph shall be construed as a reference to the appropriate paragraph of this scheme.

(4) For the purposes of any calculation under this scheme of days spent at sea on fishing voyages, a day of departure and a day of arrival shall each be reckoned as one day unless they are the same day.

(5) Where any document is required by any provision of this scheme to be submitted to a Minister, the document shall be taken to be submitted to that Minister on the date on which it is received at an office of that Minister.

Purpose of scheme

3. This scheme provides for the making of the following grants for the purpose of re-organising and developing the sea fish catching industry—

(a) laying up grants;

(b) decommissioning grants;

(c) exploratory voyage grants; and

(d) joint venture grants.

PART II

LAYING UP GRANTS

Basis of payment

4. A laying up grant shall be payable, subject to and in accordance with the following provisions of this Part and Part VI of this scheme, to the owner of a registered fishing vessel if the number of days on which the vessel was laid up in the ownership of the applicant during a laying up year exceeds the average number of days per year on which the vessel was laid up in the ownership of the applicant during the reference years.

(a) S.I. 1981/740.

Length of vessel

5. The vessel to which an application for a laying up grant relates must have a registered length of 10 metres or more at the date of application.

Extent of recent fishing

6.—(1) An applicant for a laying up grant must have been carrying on the business of operating the vessel to which the application relates, or a superseded vessel, for the purpose of catching sea fish throughout the period beginning on 1st January in the first reference year and ending on the date on which the application is made.

(2) The vessel to which an application for a laying up grant relates must have spent at least 120 days at sea on fishing voyages in the ownership of the applicant in the third reference year.

(3) For the purpose of sub-paragraph (2) of this paragraph, days spent at sea on fishing voyages in the ownership of the applicant by a superseded vessel are to be regarded as days spent at sea on fishing voyages in the ownership of the applicant by the vessel to which the application relates.

Disability and unfitness of vessel

7. On the first day of the period specified for a vessel in an application in pursuance of paragraph 9(1)*(a)*, or on the earliest of the dates specified for a vessel in a plan in pursuance of paragraph 10(3)*(b)*, as is appropriate, the vessel—

(a) must not be disabled by law from going to sea, and

(b) must not in the opinion of the appropriate Minister be unfit for undertaking sea fishing without undergoing repairs.

Applications

8.—(1) An application for a laying up grant shall specify the name of the vessel, its port letters and registration number and its type.

(2) An application for a laying up grant shall relate to a single vessel.

(3) The application shall be submitted to the appropriate Minister either by the applicant or by a producers' organisation of which the applicant is a member.

Applications submitted by the applicant

9.—(1) Where an applicant for a laying up grant submits the application himself, the application shall specify (in addition to the particulars specified in pursuance of paragraph 8(1))—

(a) an unbroken period of not less than 45 days for which the vessel is intended to be laid up, and

(b) the port or other place at which the vessel is intended to be laid up,

and the application shall include an undertaking signed by or on behalf of the applicant that the vessel will be laid up for the specified period and at the specified place unless the particulars specified in the application are amended in accordance with paragraph 12.

(2) The period specified in an application in pursuance of sub-paragraph (1)*(a)* of this paragraph shall fall within a single laying up year.

Applications submitted by a producers' organisation

10.—(1) Subject to paragraph 12(2), applications for laying up grants submitted by a producers' organisation shall be submitted in a group of at least 5 applications.

(2) Each group of applications shall be accompanied by a plan relating to all the vessels in respect of which applications for a laying up grant are included in that group of applications.

(3) The plan shall specify—

(a) the name of every vessel to which the plan relates,

(b) the dates on which every such vessel is intended to be laid up, and

(c) the port or other place at which every such vessel is intended to be laid up.

(4) The dates specified in a plan in pursuance of sub-paragraph (3)*(b)* of this paragraph shall fall within a single laying up year and shall include at least 45 days for every vessel to which the plan relates.

(5) Every application submitted by a producers' organisation shall include an undertaking signed by or on behalf of the applicant that the vessel to which the application relates will be laid up on the dates and at the place respectively specified for that vessel in the plan relating to that vessel unless the particulars specified in the application or the plan are amended in accordance with paragraph 12.

Submission of applications

11.—(1) An application for a laying up grant shall be submitted to the appropriate Minister before the start of the period specified in the application in pursuance of paragraph 9(1)*(a)*, or before the earliest of the dates specified for the vessel to which the application relates in the plan relating to the vessel in pursuance of paragraph 10(3)*(b)*, as the case may be.

(2) More than one application may be submitted in respect of a vessel for a single laying up year, provided that each application complies with—

(a) paragraph 8,

(b) either paragraph 9 or paragraph 10, and

(c) sub-paragraph (1) of this paragraph.

(3) No application for a laying up grant shall be submitted after 30th September 1986.

Amendment of applications and plans

12.—(1) An amendment may be made to the particulars specified in pursuance of paragraph 8(1), 9(1) or 10(3) in an application for a laying up grant or in a plan relating to vessels in respect of which applications for laying up grants are made, provided that the amendment is submitted to the appropriate Minister before it is put into effect.

(2) Where an amendment to a plan consists of the addition of a vessel to the plan, the amendment shall be submitted to the appropriate Minister with the application in respect of that vessel, which need not, in those circumstances, be submitted in a group of applications.

Approval of applications and amendments

13.—(1) If the appropriate Minister is satisfied that an application for a laying up grant meets the foregoing requirements of this Part, and, in the case of an application submitted by a producers' organisation, that the plan accompanying the application meets those requirements, he may approve the application.

(2) If the appropriate Minister is satisfied that an amendment to an application or plan meets the foregoing requirements of this Part, and that the application or plan as amended by the amendment meets those requirements, he may approve the amendment.

(3) An approval by the appropriate Minister under sub-paragraph (1) or (2) of this paragraph may be made subject to such conditions as the appropriate Minister sees fit.

Declaration of laying up

14.—(1) If a registered fishing vessel in respect of which an application for a laying up grant has been approved by the appropriate Minister is laid up in accordance with the application or plan relating to the vessel, the applicant shall, after the end of the laying up year to which the application relates, submit to the appropriate Minister a declaration to that effect.

(2) No such declaration shall be submitted after 31st March 1987.

Payment

15.—(1) Subject to sub-paragraph (2) of this paragraph, on receipt of a declaration submitted in pursuance of paragraph 14, the appropriate Minister may, if he is satisfied—

(a) that the vessel to which the declaration relates was laid up in accordance with the application or plan relating to the vessel,

(b) that the conditions (if any) subject to which his approval was given have been observed, and

(c) that the foregoing requirements of this Part have been met in respect of the vessel,

pay a laying up grant to the applicant.

(2) The appropriate Minister shall not pay a laying up grant in respect of a vessel if in his opinion substantial alterations or improvements were made to the vessel, or to a replacement vessel within the meaning of paragraph 17(4), while it was laid up in accordance with the application or plan relating to the vessel.

Amount of grant

16.—(1) The amount of a laying up grant in respect of a fishing vessel shall be £$\frac{X}{250}$ multiplied by Y.

(2) For the purpose of this paragraph, X is 12% of such of the following amounts as the applicant may select when he makes his application for the grant, namely—

(a) the most recent purchase price for the vessel, and

(b) the insured value of the vessel on the date on which the application is made,

except that, if in the opinion of the appropriate Minister the most recent purchase price for the vessel was not a reasonable price for the vessel, the appropriate Minister may determine that X shall be 12% of the value mentioned in paragraph *(b)* of this sub-paragraph.

(3) For the purpose of sub-paragraph (1) of this paragraph, Y is the lower of—

(a) the number by which the number of days on which the vessel was laid up in the ownership of the applicant during the laying up year to which the application for the grant relates exceeds the average number of days per year on which the vessel was laid up in the ownership of the applicant during the reference years, and

(b) the number of days on which the vessel was laid up in the ownership of the applicant in accordance with the application or plan relating to the vessel.

Interpretation of Part II

17.—(1) A day is to be regarded as a day on which a vessel was laid up only if the vessel was laid up for the whole of that day.

(2) References in this Part to the laying up of a vessel in accordance with an application or plan shall, where the application or plan has been amended in accordance with paragraph 12, be construed as references to the laying up of the vessel in accordance with the application or plan as so amended.

(3) Subject to sub-paragraph (5) of this paragraph, days on which a superseded vessel was laid up in the ownership of the applicant are to be regarded as days on which the vessel to which the application relates was laid up in the ownership of the applicant.

(4) Subject to sub-paragraph (5) of this paragraph, where the vessel to which an application for a laying up grant relates is replaced by another vessel (in this paragraph and in paragraph 15(2) called a "replacement vessel") during the laying up year to which the application relates, days on which the replacement vessel was laid up in the ownership of the applicant are to be regarded as days on which the vessel to which the application relates was laid up in the ownership of the applicant.

(5) Where there is a period of overlap between the acquisition of the vessel to which an application for a laying up grant relates and the disposal of a superseded vessel, or between the acquisition of a replacement vessel and the disposal of the vessel to which the application relates, a day falling within the period of overlap shall be regarded as a day on which the vessel to which the application relates was laid up in the ownership of the applicant only if both vessels were laid up in the ownership of the applicant on that day.

(6) Where there is no evidence satisfactory to the appropriate Minister of the number of days on which the vessel to which an application for a laying up grant relates was laid up in the ownership of the applicant in the first and second reference years, the vessel shall be deemed to have been laid up in the ownership of the applicant in each of those years on the same number of days as in the third reference year.

(7) Where there is no evidence satisfactory to the appropriate Minister of the number of days on which the vessel to which an application for a laying up grant relates was laid up in the ownership of the applicant in either the first reference year or the second reference year, the vessel shall be deemed to

have been laid up in the ownership of the applicant in that year on such number of days as is the average number of days per year on which the vessel was laid up in the ownership of the applicant in the other two reference years.

PART III

DECOMMISSIONING GRANTS

Basis of payment

18. A decommissioning grant shall be payable, subject to and in accordance with the following provisions of this Part and Part VI of this scheme, to the owner of a registered fishing vessel if the vessel is permanently withdrawn from operation within the sea fish catching industries of the member states by means of—

(a) scrapping,

(b) permanent transfer to a third country otherwise than in pursuance of a joint fishing venture, or

(c) assignment to a purpose other than fishing for profit in Community waters,

and references in this Part to the decommissioning of a vessel are references to the permanent withdrawal of the vessel from operation within the sea fish catching industries of the member states by any of those means.

Length of vessel

19. The vessel to which an application for a decommissioning grant relates must have a registered length of 10 metres or more at the date of application.

Extent of recent fishing

20. The vessel to which an application for a decommissioning grant relates must have spent at least 100 days at sea on fishing voyages in the ownership of the applicant in the calendar year preceding the calendar year in which the application is made.

Unfitness of vessel

21. On the date of application the vessel to which an application for a decommissioning grant relates must not in the opinion of the appropriate Minister be unfit for undertaking sea fishing without undergoing major alterations or repairs.

Applications

22.—(1) An application for a decommissioning grant shall specify the means by which the vessel to which the application relates is to be withdrawn permanently from the sea fish catching industries of the member states.

(2) No application for a decommissioning grant shall be submitted after 30th September 1986.

Approval of applications

23.—(1) If the appropriate Minister is satisfied that an application for a decommissioning grant meets the foregoing requirements of this Part, he may approve the application.

(2) An approval by the appropriate Minister under sub-paragraph (1) of this paragraph may be made subject to such conditions as the appropriate Minister sees fit.

Decommissioning not to take place before approval

24.—(1) A decommissioning grant shall not be paid in respect of the decommissioning of a vessel if the relevant date occurs before the application for the grant has been approved by the appropriate Minister.

(2) For the purpose of sub-paragraph (1) of this paragraph—

(a) where the decommissioning of a vessel involves a sale of the vessel, the relevant date is the date on which the contract of sale is made, and

(b) in any other circumstances, the relevant date is the date on which the vessel is removed from the fishing boat register.

Declaration of decommissioning

25.—(1) After the decommissioning of a vessel in respect of which an application for a decommissioning grant has been approved by the appropriate Minister, the applicant shall submit to the appropriate Minister a declaration that the vessel has been decommissioned.

(2) No such declaration shall be submitted after 31st December 1986.

Payment

26. On receipt of a declaration submitted in pursuance of paragraph 25, the appropriate Minister may, if he is satisfied—

(a) that the vessel to which the declaration relates has been removed from the fishing boat register,

(b) that the conditions (if any) subject to which his approval was given have been observed, and

(c) that the foregoing requirements of this Part have been met in respect of the vessel,

pay a decommissioning grant to the applicant.

Amount of grant

27. The amount of a decommissioning grant in respect of a fishing vessel shall be £400 multiplied—

(a) in the case of a vessel whose gross tonnage has been ascertained in accordance with regulations made under section 1 of the Merchant Shipping Act 1965 (**a**) (or in accordance with Schedule 2 to the Merchant Shipping Act 1894), by the gross number of tons recorded in the tonnage certificate or certificate of survey relating to the vessel, and

(b) in any other case, by the number of tons ascertained in respect of the vessel in accordance with the rules specified in Schedule 4 to the Merchant Shipping (Fishing Boats Registry) Order 1981.

(**a**) 1965 c.47.

PART IV

EXPLORATORY VOYAGE GRANTS

Basis of payment

28. An exploratory voyage grant shall be payable, subject to and in accordance with the following provisions of this Part, Part VI of this scheme and the Council Regulation, to the owner of a registered fishing vessel in respect of an exploratory fishing voyage.

Applications

29.—(1) An application for an exploratory voyage grant shall include—

(a) a detailed description of the proposed exploratory fishing voyage in respect of which the application is made, specifying in particular its expected duration and the area and vessel concerned, and

(b) an estimate of the cost of the voyage.

(2) No application for an exploratory voyage grant shall be submitted after 31st March 1986.

Approval of applications

30.—(1) If the Minister is satisfied that the proposed voyage to which an application for an exploratory voyage grant relates meets the requirements of the Council Regulation relating to exploratory fishing voyages, he may approve the application and forward to the Commission a plan in respect of the proposed voyage in accordance with article 3 of the Council Regulation.

(2) An approval by the Minister under sub-paragraph (1) of this paragraph may be made subject to such conditions as the Minister sees fit.

Voyage not to begin before approval

31. An exploratory voyage grant shall not be paid in respect of an exploratory fishing voyage that is begun before the application relating to that voyage has been approved by the Minister and by the Commission.

Declaration of completion of voyage

32.—(1) After the completion of an exploratory fishing voyage in respect of which an application for an exploratory voyage grant has been approved by the Minister and by the Commission, the applicant shall submit to the Minister a declaration that the voyage has been completed.

(2) No such declaration shall be submitted after 31st December 1986.

Payment

33. On receipt of a declaration submitted in pursuance of paragraph 32, the Minister may, if he is satisfied—

(a) that the voyage to which the declaration relates was completed substantially in accordance with the application relating to the voyage,

(b) that the conditions (if any) subject to which his approval or that of the Commission was given have been observed, and

(c) that the foregoing requirements of this Part and the requirements of the Council Regulation have been met in respect of the voyage,

pay an exploratory voyage grant to the applicant.

Amount of grant

34. The amount of an exploratory voyage grant shall be calculated in accordance with article 4(2) of the Council Regulation.

PART V

JOINT VENTURE GRANTS

Basis of payment

35. A joint venture grant shall be payable, subject to and in accordance with the following provisions of this Part and Part VI of this scheme and the Council Regulation, to the owner of a registered fishing vessel in respect of his participation in a joint fishing venture.

Applications

36.—(1) An application for a joint venture grant—

(a) shall include a description of the proposed joint fishing venture in respect of which the application is made, specifying in particular its expected duration and the area and vessel concerned, and

(b) shall be accompanied by the draft understanding and the undertaking required by article 10(1) and article 10(2) respectively of the Council Regulation.

(2) No application for a joint venture grant shall be submitted after 31st March 1986.

Approval of applications

37.—(1) If the Minister is satisfied that the proposed joint fishing venture to which an application for a joint venture grant relates meets the requirements of the Council Regulation relating to joint fishing ventures, he may approve the application and forward to the Commission a plan in respect of the proposed venture in accordance with article 3 of the Council Regulation.

(2) An approval by the Minister under sub-paragraph (1) of this paragraph may be made subject to such conditions as the Minister sees fit.

Venture not to begin before approval

38. A joint venture grant shall not be paid in respect of a joint fishing venture that is begun before the application relating to that venture has been approved by the Minister and by the Commission.

Declaration of completion of joint venture

39.—(1) After the completion of a joint fishing venture in respect of which an application for a joint venture grant has been approved by the Minister and by the Commission (in this paragraph called an "approved venture"), the applicant shall submit to the Minister a declaration that the venture has been completed.

(2) No such declaration shall be submitted after 31st December 1986.

(3) For the purposes of this paragraph and paragraph 40—

(a) a joint fishing venture that involves the temporary transfer of a vessel to third country waters is completed at the end of the period of transfer, and

(b) a joint fishing venture that involves the permanent transfer of a vessel to third country waters is completed when the transfer has taken place and the vessel has been removed from the fishing boat register.

(4) Without prejudice to sub-paragraph (1) of this paragraph, where an approved venture that involves the temporary transfer of a vessel to third country waters lasts for more than 3 months, the applicant may, after the expiry of any period of at least 3 months within the duration of the approved venture, submit to the Minister a declaration that throughout that period the venture was taking place.

Payment

40. On receipt of a declaration submitted in pursuance of paragraph 39(1) or in accordance with paragraph 39(4), the Minister may, if he is satisfied—

(a) that the venture to which the declaration relates was completed or was taking place, as the case may be, substantially in accordance with the application relating to the venture and the draft understanding submitted in pursuance of article 10(1) of the Council Regulation,

(b) that the conditions (if any) subject to which his approval or that of the Commission was given have been observed, and

(c) that the foregoing requirements of this Part and the requirements of the Council Regulation have been met in respect of the venture,

pay a joint venture grant to the applicant.

Amount of grant

41. The amount of a joint venture grant shall be calculated in accordance with article 9 of the Council Regulation.

PART VI

GENERAL

Application to appropriate Minister

42. Any application for a grant under this scheme shall be submitted to the appropriate Minister.

Form and manner of applications, etc.

43. Any application, plan, amendment or declaration submitted in pursuance of or in accordance with any provision of this scheme shall be made in such form and manner as the appropriate Minister may determine.

Furnishing of information

44. Any applicant for a grant under this scheme shall provide all such information and documentation relating to his application, including any information or documentation relating to a plan, amendment or declaration submitted in pursuance of or in accordance with any provision of this scheme, as the appropriate Minister may require.

Registration of vessel

45. No grant shall be made under this scheme in respect of a fishing vessel unless either—

(a) the vessel or a superseded vessel was a registered fishing vessel on 4th October 1983, or

(b) an application for registration of the vessel or a superseded vessel under Part IV of the Merchant Shipping Act 1894 had been made by 4th October 1983 and the vessel was a registered fishing vessel on the date of application for the grant.

Vessel must be qualifying British fishing boat

46.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, no grant shall be made under this scheme in respect of a fishing vessel unless—

(a) on every day on which the vessel or any superseded vessel was at sea on a fishing voyage in the ownership of the applicant during the period of 2 years ending on the date of application for the grant, and

(b) where the application is for a laying up grant on every day on which the vessel was at sea on a fishing voyage during the laying up year to which the application relates,

the vessel or the superseded vessel, as the case may be, was a British fishing boat within the meaning of the British Fishing Boats Act 1983 (**a**) which was qualified in accordance with an order for the time being in force under section 1(1) of that Act for use in carrying out the operations mentioned in section 1(2) of that Act.

(2) The appropriate Minister may determine in relation to any application for a grant under this scheme that the requirement in sub-paragraph (1) of this paragraph need not be met on any day on which the vessel to which the application relates or a superseded vessel was engaged with the approval of the Minister and the Commission in an exploratory fishing voyage or a joint fishing venture.

(3) Where the vessel to which an application for a laying up grant relates is replaced by another vessel (in this sub-paragraph called a "replacement vessel") during the laying up year to which the application relates, the requirement in sub-paragraph (1) of this paragraph is to be regarded as satisfied in respect of the days mentioned in paragraph *(b)* of that sub-paragraph if, and only if, the vessel to which the application relates met the requirement on every such day up to the date of disposal of that vessel and the replacement vessel met the requirement on every such day from that date.

Records

47. Any person who has received any payment under this scheme shall preserve until the end of the third calendar year following the calendar year in

(**a**) 1983 c.8.

which the payment was made all books, documents or other records which relate to any application made by him for payment under the scheme and shall supply to the appropriate Minister such copies of such of those books, documents or other records as the appropriate Minister may require.

Recovery where false statement made

48. If any person makes a false statement or furnishes false information in connection with an application for a grant under this scheme, the appropriate Minister may require any grant already made in relation to that application to be repaid.

Recovery where vessel used again for fishing in Community waters under the flag of a member state

49. If a fishing vessel—

(a) in respect of which a decommissioning grant has been paid and which appears in the list referred to in the second sentence of article 5(5) of the Council Directive (which provides for the publication in the Official Journal of a list of vessels in respect of which a decommissioning grant has been paid), or

(b) in respect of which a joint venture grant has been paid and which appears in the list referred to in the second sentence of article 10(4) of the Council Regulation (which provides for the publication in the Official Journal of a list of vessels in respect of which a joint venture grant has been paid),

is used for fishing in Community waters under the flag of a member state after a decommissioning grant or a joint venture grant, as the case may be, has been paid in respect of it, the appropriate Minister may require the person who received the grant, or, if that person is no longer the owner of the vessel, the person who is the owner of the vessel for the time being, to repay an amount not exceeding an amount equivalent to the decommissioning grant or joint venture grant paid in respect of that vessel.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th December 1983.

L.S.

Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

Nicholas Edwards,
Secretary of State for Wales.

16th December 1983.

George Younger,
Secretary of State for Scotland.

16th December 1983.

James Prior,
Secretary of State for Northern Ireland.

16th December 1983.

T. Garel-Jones,
Donald Thompson,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Approved on 16th December 1983.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This scheme provides for the making of grants by Fisheries Ministers for the purpose of re-organising and developing the sea fish catching industry of the United Kingdom. There are four types of grant, namely laying up grants, decommissioning grants, exploratory voyage grants and joint venture grants. Provision for laying up grants and decommissioning grants is made in implementation of Council Directive No 83/515/EEC concerning certain measures to adjust capacity in the fisheries sector (OJ No L290, 22.10.83, p.15) ("the Council Directive"). Provision for exploratory voyage grants and joint venture grants is made in pursuance of Council Regulation (EEC) No 2909/83 (OJ No L290, 22.10.83, p.9) ("the Council Regulation").

A laying up grant is payable when a registered fishing vessel fishes on fewer days than in previous years (paragraph 4) if certain requirements (paragraphs 5 to 12) are met. The amount of a laying up grant varies according to the value of the vessel and the number of days on which the vessel is laid up in comparison with previous years (paragraph 16).

A decommissioning grant is payable when a registered fishing vessel is permanently withdrawn from operation within the sea fish catching industries of the member states by scrapping, transfer to a third country or assignment to a purpose other than fishing (paragraph 18) if certain requirements (paragraphs 19 to 22) are met. The amount of a decommissioning grant varies according to the size of the vessel (paragraph 27).

An exploratory voyage grant is payable when a registered fishing vessel engages in a fishing expedition with the object of catching fish species previously under-fished or of prospecting new fishing grounds (paragraph 28 of the scheme and article 2 of the Council Regulation) if certain requirements (paragraph 29 of the scheme and article 6 of the Council Regulation) are met. The amount of an exploratory voyage grant is the financial loss incurred on the voyage up to a maximum of the estimated loss approved in advance (article 4(2) of the Council Regulation).

A joint venture grant is payable when a registered fishing vessel participates in a joint venture with nationals of certain third countries for the purpose of exploiting the fishery resources of those countries (paragraph 35 of the scheme and article 2 of the Council Regulation) if certain requirements (paragraph 36 of the scheme and article 10 of the Council Regulation) are met. The amount of a joint venture grant varies according to the size of the vessel and the duration of the joint venture (article 9 of the Council Regulation).

The requirements that have to be met for each type of grant relate to such matters as the length and condition of the vessel, the extent of recent fishing and the method of application. In addition Part VI of the scheme contains general requirements applicable to all the types of grant. These require vessels to have been registered fishing vessels on 4th October 1983 (the date on which the Council Directive and the Council Regulation were adopted) (paragraph 45) and to have been qualifying British fishing boats under the British Fishing Boats Act 1983 during a 2-year past period (paragraph 46).

Persons receiving grants are required to keep records (paragraph 47) and provision is made for recovery of grants paid where false information is supplied (paragraph 48) or the object of the grant is abused (paragraph 49).

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