STATUTORY INSTRUMENTS

1987 No. 1136

SEA FISHERIES

SEA FISH INDUSTRY

The Fishing Vessels (Financial Assistance) Scheme 1987

Approved by both Houses of Parliament

Made - - - -	*1st July 1987*
Laid before Parliament	*3rd July 1987*
Coming into force -	*4th July 1987*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales 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:

PART I

PRELIMINARY

Title and commencement

1. This Scheme may be cited as the Fishing Vessels (Financial Assistance) Scheme 1987 and shall come into force on 4th July 1987.

Interpretation

2.—(1) In this Scheme unless the context otherwise requires–

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

"the Council Regulation" means Council Regulation (EEC) No. 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector**(b)**;

"exploratory fishing voyage" has the meaning assigned to it by Article 13 of the Council Regulation;

(a) 1981 c.29.
(b) OJ No L376, 31.12.86, p.7.

"joint venture" has the meaning assigned to it by Article 18 of the Council Regulation;

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

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

"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) Any reference in this Scheme to a numbered paragraph shall be construed as a reference to the appropriate paragraph of this Scheme.

(3) Where any document is required by a provision of this Scheme to be submitted to the Minister, the document shall be taken to be submitted to the Minister on date on which it is received at an office of the 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) exploratory voyage grants; and

(b) joint venture grants.

PART II

EXPLORATORY VOYAGE GRANTS

Basis of payment

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

Closing date for applications

5. No application for an exploratory voyage grant shall be submitted after 31st July 1991.

Approval of applications

6.—(1) If the Minister is satisfied that the proposed voyage to which an application for an exploratory voyage grant relates meets the requirements of Title V of the Council Regulation, he may approve the application and submit it to the Commission in accordance with Article 16 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

7. 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.

Report on completion of voyage

8.—(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 and to the Commission a report in accordance with Article 17 of the Council Regulation.

(b) 1894 c.60.

(2) No such report shall be submitted after 31st May 1992.

Payment

9. On receipt of a report submitted in pursuance of paragraph 8, the Minister may, if he is satisfied–

(a) that the voyage to which the report 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

10. The amount of grant shall be 10 per cent. of the eligible cost of the voyage calculated in accordance with Article 15 of the Council Regulation.

PART III

JOINT VENTURE GRANTS

Basis of payment

11. A joint venture grant shall be payable, subject to and in acccordance with the following provisions of this Part and Part IV of this Scheme and the Council Regulation, to the owner of a registered fishing vessel in respect of his participation in a joint venture.

Applications

12.—(1) An application for a joint venture grant shall include a description of the proposed joint venture in respect of which the application is made, specifying in particular its expected duration and the area and vessel concerned.

(2) No application for a joint venture grant shall be submitted after 31st July 1991.

Approval of applications

13.—(1) If the Minister is satisfied that the proposed joint venture project to which an application for a joint venture grant relates meets the requirements of Title VI of the Council Regulation, he may approve the application and submit it to the Commission in accordance with Article 21 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

14. 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.

Report of completion of joint venture

15.—(1) After the completion of a joint venture in respect of which an application for a joint venture grant has been approved by the Minister and by the Commission, the applicant shall submit to the Minister and to the Commission a report that the venture has been completed.

(2) No such report shall be submitted after 31st May 1992.

(3) For the purposes of this paragraph and paragraph 16, a joint venture which involves the temporary transfer of a vessel to third country waters is completed at the end of the period of transfer.

Payment

16. On receipt of a report submitted in pursuance of paragraph 15(1), the Minister may, if he is satisfied–

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

(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

17. The amount of a joint venture grant shall be equal to the amount of the co-operation premium calculated in accordance with Articles 20 and 48 of the Council Regulation.

PART IV

GENERAL

Application to Minister

18. Any application for a grant under this Scheme shall be submitted to the Minister.

Form and manner of applications, etc.

19. Any application, amendment or report submitted in pursuance of or in accordance with any provision of this Scheme shall be made in such form and manner as the Minister may determine.

Furnishing of information

20. Any applicant for a grant under this Scheme shall provide all such information and documentation relating to his application, including any information or documentation or report submitted in pursuance of or in accordance with any provision of this Scheme, as the Minister may require.

Records

21. 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 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 Minister such copies of such of those books, documents or other records as the Minister may require.

Recovery where false statement made

22. If any person makes a false statement or furnishes false information in connection with an application for grant under this Scheme, the Minister may recover as a civil debt a sum equivalent to the amount of any grant already made in relation to that application.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1987.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

24th June 1987

Sanderson of Bowden
Minister of State, Scottish Office

18th June 1987

Peter Walker
Secretary of State for Wales

24th June 1987

Tom King
Secretary of State for Northern Ireland

We approve,

Tony Durant
Mark Lennox-Boyd

1st July 1987

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme provides for the making of grants by the Minister of Agriculture, Fisheries and Food for the purpose of re-organising and developing the sea fish catching industry of the United Kingdom. There are two types of grant, namely exploratory voyage grants and joint venture grants.

Provision for these grants is made in pursuance of Council Regulation (EEC) No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector.

An exploratory voyage grant is payable when a registered fishing vessel engages in a fishing operation carried out for commercial purposes in a given area with a view to assessing the profitability of regular, long-term exploitation of the fishery resources in that area (paragraph 4 of the Scheme and Article 13 of the Council Regulation) if certain requirements are met (paragraph 6 of the Scheme and Article 14 of the Council Regulation). The amount of an exploratory voyage grant is 10 per cent. of the eligible cost of the voyage, calculated in accordance with Article 15 of the Council Regulation (paragraph 10).

A joint venture grant is payable when the owner of a registered fishing vessel participates in a contractual association set up for a limited time with natural or legal persons of third countries with which the Community maintains relations on fishing matters for the purpose of the joint exploitation and use of the fishery resources of those countries (paragraph 11 of the Scheme and Article 18 of the Council Regulation) if certain requirements are met (paragraph 13 of the Scheme and Articles 19 and 21 of the Council Regulation). The amount of a joint venture grant varies according to the size of

the vessel and the duration of the joint venture (paragraph 17 of the Scheme and Article 20 of the Council Regulation).

Part IV of the Scheme contains general requirements applicable to both types of grant.

Persons receiving grants are required to keep records (paragraph 21) and provision is made for the recovery of grant paid where false information is supplied (paragraph 22).

Offences and penalties in connection with this Scheme are provided by section 17 of the Fisheries Act 1981.