SEA FISHERIES

BOATS AND METHODS OF FISHING

1955 No. 1190

The Herring Industry (Grants for Fishing Vessels and Engines) Scheme, 1955

Made - - - -	*22nd June*, 1955
Coming into Operation	*8th August*, 1955

The Secretary of State for Scotland and the Minister of Agriculture, Fisheries and Food, with the approval of the Treasury, in exercise of the powers conferred upon them by section 6 of the White Fish and Herring Industries Act, 1953(a), and of all other powers enabling them in that behalf, after consultation with the Herring Industry Board, hereby make the following scheme:—

Citation, Extent and Commencement

1.—(1) This scheme, which may be cited as the Herring Industry (Grants for Fishing Vessels and Engines) Scheme, 1955, shall apply to Great Britain and shall come into operation fourteen days after it has been approved by both Houses of Parliament.

(2) The Herring Industry (Grants for Fishing Vessels and Engines) Scheme, 1953(b) is hereby revoked but without prejudice to any right acquired or any liability incurred before the date of the said revocation, and so that the said revocation shall not affect the payment of grant in pursuance of an application approved under the said Scheme before the coming into operation of this Scheme.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the White Fish and Herring Industries Act, 1953;

"the Board" means the Herring Industry Board;

"length," in relation to a vessel, means its length as calculated for the purposes of registration under the Merchant Shipping Act, 1894(c);

"working owner" means a person who, being the owner or one of the owners of a vessel, regularly goes to sea in it when it is used for the purpose of fishing.

(2) The Interpretation Act, 1889(d), shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

(a) 1 & 2 Eliz. 2. c. 17.
(b) S.I. 1953/1187 (1953 I, p. 785).
(c) 57 & 58 Vict. c. 60.
(d) 52 & 53 Vict. c. 63.

Applications for Grants

3.—(1) Subject to the provisions of this scheme, a person engaged or proposing to become engaged in the herring industry in Great Britain by carrying on the business of operating one or more vessels registered in Great Britain (of whatever size and in whatever way propelled) for the catching or landing of herring may apply to the Board for a grant in respect of expenditure incurred—

(*a*) in the acquisition of a new fishing vessel not exceeding 140 feet in length, including equipment required for the sailing of the vessel which is sold with the vessel;

(*b*) (if the applicant satisfies the Board that he is or is to be a working owner of the vessel) in the acquisition of a new engine for a fishing vessel not exceeding 140 feet in length, including the installation of the engine in the vessel.

(2) Applications for grants as aforesaid shall be made in writing in such form as the Board may from time to time require, and shall be delivered to the Board at such address as they may at any time or in any particular case direct, not later than the 31st day of January, 1963, or such later date (not being later than the 31st day of March, 1963) as the Board may, in special circumstances, allow.

4. Applications for grants as aforesaid may be made only by British subjects resident in Great Britain or corporations incorporated by or under the law of Great Britain.

5. Applicants for grants as aforesaid shall be required to satisfy the Board with regard to the prospect of their being able to operate a fishing vessel successfully.

6. The Board may require applicants to make a full statement of their financial position, including their assets, debts and obligations and to make available for inspection by the Board, or their duly authorised agents, such books of account and other records and documents as the Board may reasonably require.

7. Where expenditure is shared by two or more persons, applications may be made in respect of either the full expenditure or part of the expenditure incurred in the acquisition of a vessel or engine and may be made by individual applicants or by two or more applicants jointly.

Discretion of the Board

8. In the payment of grants in pursuance of this scheme, the Board shall have regard to the needs and interests of the herring industry or that section thereof to which the applicant belongs; but subject as aforesaid, and subject to the provisions of the Act and of this scheme, the Board may at their entire discretion approve or reject (in whole or in part) any application for a grant under this scheme.

Amount of Grants

9.—(1) The amount which may be paid by the Board by way of grant in respect of expenditure incurred in the acquisition of any one vessel shall not exceed £12,000.

(2) Subject as aforesaid, the amount of any grant which may be made in pursuance of this scheme in respect of expenditure incurred in the acquisition of a vessel shall, where the said expenditure does not exceed £20,000 and the grant is made to an individual who satisfies the Board that

he is or is to be a working owner of the vessel, be at the rate of three-tenths of the said expenditure or £5,000, whichever is the less; and in any other case, one-quarter of the said expenditure.

(3) The amount of any grant which may be made in pursuance of this scheme in respect of expenditure incurred in the acquisition of an engine shall be at the rate of three-tenths of that expenditure or £1,250, whichever is the less.

Conditions for Payment of Grants

10.—(1) Applications shall be entertained only in respect of vessels or engines built or to be built in the United Kingdom.

(2) The plans and specifications of the vessel or engine, the tender for the expenditure incurred or to be incurred and the form of contract entered into or to be entered into by the applicant with the builder, seller or contractor shall be subject to the approval of the Board.

(3) Vessels and engines shall be constructed and equipped to the satisfaction of the Board, in accordance with the approved plans and specifications, and vessels shall conform to any standards laid down by the Minister of Transport and Civil Aviation under the Merchant Shipping Acts, 1894 to 1952, and shall be constructed so as to make such provision for the accommodation of officers and crew as the Board may require, which shall be such as in the opinion of the Board conforms to the best modern practice appropriate to the class of vessel concerned, for sleeping and messing accommodation, sanitary accommodation, medical or first-aid facilities, store rooms, catering facilities and other accommodation.

(4) Any person authorised in writing by the Board shall have the right to inspect a vessel or engine in respect of which a grant has been or is to be made under this scheme at any time during construction, on completion, and after completion at all reasonable times within a period of ten years from the date of payment by the Board of the grant or of the final instalment on account of the grant as the case may be.

11. No payment of or on account of a grant shall be made until the sum to be found by the applicant has been paid towards the cost of the vessel or engine, as the case may be. Thereafter payment of or on account of the grant may be made by the Board direct to the applicant, or on the applicant's behalf to the builder, seller or contractor in one sum or by such instalments and at such times as may be required in conformity with the contract, on the receipt of certificates or such further or other evidence that payment is due as may be required by the Board.

12. Without prejudice to the discretion of the Board in the payment of grants in pursuance of this scheme, 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 payment of a grant under this scheme or if any of the conditions relating to the payment of grants under this scheme are not complied with by an applicant, any payment of or on account of a grant to that applicant may at any time be refused.

13. Any person whose application for a grant under this scheme is approved by the Board may be required to give such undertakings as the Board may consider appropriate to the case, and in particular (but without prejudice to the generality of the foregoing) shall be required in any case—

(*a*) to prosecute herring fishing diligently and vigorously to the satisfaction of the Board and during periods when herring fishing cannot be prosecuted to advantage to prosecute other fishings;

(*b*) to insure the vessel or engine and keep it insured at a valuation agreed with the Board against all marine risks and war risks during a period of ten years from the date of payment by the Board of the grant or of the final instalment on account of the grant as the case may be;

(*c*) to make available for inspection by the Board at all reasonable times during the period of ten years from the last-mentioned date any books, records or other documents necessary to enable the Board to satisfy themselves that any conditions of the grant have been complied with;

(*d*) if there occurs within the period of ten years from the last-mentioned date a breach of any undertaking or condition subject to which the grant was made or the total loss of the vessel or engine arising out of an insured risk, to repay to the Board—

(i) the whole of the grant, in the event of any such breach or loss occurring as aforesaid not later than three years from the said date; or

(ii) in the event of any such breach or loss occurring as aforesaid more than three years from such date but within the said period of ten years, a proportion of the grant to be calculated by multiplying the total amount of the grant by the fraction which represents the relationship which the unexpired part of the said period of ten years bears to the full period of ten years;

(*e*) if there occurs within the period of ten years from the last-mentioned date a mortgage, transfer of registration, charter, sale or disposal in any other manner of the vessel or (where applicable) the engine, to repay to the Board the whole of the grant or such portion, if any, thereof as the Board may determine:

Provided that in the event of any such mortgage, transfer of registration, charter, sale or disposal, occurring as aforesaid more than three years from such date but within the said period of ten years, the amount required to be repaid shall not exceed a proportion of the grant to be calculated as mentioned in head (ii) of sub-paragraph (*d*) of this article.

Given under the Seal of the Secretary of State for Scotland this 20th day of June, nineteen hundred and fifty-five.

(L.S.)

James Stuart,
Secretary of State for Scotland.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 21st day of June, nineteen hundred and fifty-five.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

We approve

Gerald Wills,
R. H. M. Thompson,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd June, 1955.

EXPLANATORY NOTE

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

The White Fish and Herring Industries Act, 1953, provides that a scheme may be made for the payment by the Herring Industry Board of grants to persons engaged or proposing to become engaged in the herring industry in respect of expenditure incurred in the acquisition of new fishing vessels and engines. In order to qualify, the fishing vessel must not exceed 140 feet in registered length, the contract for the vessel or engine must have been made after 31st July, 1952, and the application approved not later than 19th May, 1963.

This scheme revokes the Herring Industry (Grants for Fishing Vessels and Engines) Scheme, 1953. It relates to Great Britain and provides for the payment of a grant of 25 per cent. of the cost of new vessels, or in the case of working fishermen for boats costing £20,000 or less, 30 per cent., with a maximum of £5,000; working fishermen can also obtain 30 per cent. grants, with a maximum of £1,250, for new engines for existing vessels. The scheme also lays down an overall maximum of £12,000 as the highest grant which may be paid in respect of any one vessel, and contains provisions about the manner in which applications may be made and the conditions under which the grants will be paid.

It differs from the previous Scheme in that it requires the Herring Industry Board in considering applications to have regard to the needs and interests of the herring industry or the section thereof to which the applicant belongs; and also gives the Board discretion to vary the amount of grant repayable on the mortgage, transfer, charter, sale or disposal of a grant aided vessel or engine. The conditions under which grants may be paid are in other respects the same as under the previous Scheme.

As required by section 11 of the Act, this scheme was approved by a resolution of the House of Commons on 25th July, 1955, and a resolution of the House of Lords on 21st July, 1955.

1955 No. 233 (S. 20)

The Sea Fisheries (Scotland) Byelaw (No. 50), 1955

Made - - - -	*3rd January,* 1955
Coming into Operation	*16th February,* 1955

In exercise of the powers conferred on me by section 4 of the Sea Fisheries (Scotland) Amendment Act, 1885(**a**) and of all other powers enabling me in that behalf I hereby make the following Byelaw:—

1.—(1) This Byelaw may be cited as the Sea Fisheries (Scotland) Byelaw (No. 50), 1955.

(2) This Byelaw shall come into force on 16th February, 1955 and shall remain in force for a period of five years unless it is sooner revoked or altered.

2. Notwithstanding Byelaw No. 17 made by the Fishery Board for Scotland on 21st October, 1898, and confirmed by the Secretary for Scotland on 7th December, 1898(**b**), it shall be lawful to use a seine net, or a flounder net

(a) 48 & 49 Vict. c. 70. (b) S.R. & O. 1898/1061 (Rev. VII, p. 1032: 1898, p. 371).