# 1962 No. 1616

# SEA FISHERIES

## BOATS AND METHODS OF FISHING

# The Herring Industry (Grants for Fishing Vessels and Engines) Scheme 1962

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| *Made* - - - - | *4th July* 1962 |
| *Coming into Operation* | *7th August* 1962 |

The Secretary of State for Scotland and the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on them by section 6 of the White Fish and Herring Industries Act 1953(a), as amended by sections 1 and 5 of the White Fish and Herring Industries Act 1957(b), section 3 of the Sea Fish Industry Act 1959(c) and section 3 of the Sea Fish Industry Act 1962(d) and of all other powers enabling them in that behalf, with the approval of the Treasury and after consultation with the Herring Industry Board, hereby make the following scheme :—

*Citation, Extent and Commencement*

**1.** This scheme may be cited as the Herring Industry (Grants for Fishing Vessels and Engines) Scheme 1962, shall apply to Great Britain and shall come into operation fourteen days after it has been approved by both Houses of Parliament.

*Revocation*

**2.** The White Fish and Herring Industries (Grants for Fishing Vessels, Engines and Conversions) Schemes 1955 to 1961(e) are 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 reduce or prevent the payment of grant in pursuance of an application approved under the said schemes before the coming into operation of this scheme.

*Interpretation*

**3.**—(1) In this scheme, unless the context otherwise requires,

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

"the Board" means the Herring Industry Board;

"the control period" has the meaning assigned to it by sub-paragraph (2) of paragraph 14 of this scheme;

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

(a) 1 & 2 Eliz. 2. c. 17. (b) 5 & 6 Eliz. 2. c. 22. (c) 8 & 9 Eliz. 2. c. 7. (d) 10 & 11 Eliz. 2. c. 31. (e) S.I. 1955/1190, 1956/1169, 1957/1175, 1959/1274, 1961/2244 (1955 II, p. 2394; 1956 II, p. 2200; 1957 II, p. 2262; 1959 II, p. 2475; 1961 III, p. 3958). (f) 57 & 58 Vict. c. 60.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament, and as if this scheme and the schemes hereby revoked were Acts of Parliament.

*Application for Grants*

**4.**—(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 vessel, registered or intended to be registered in Great Britain, to be engaged in the catching of herring, including equipment required for the sailing of the vessel which is sold with the vessel;

(*b*) in the acquisition and installation of a new engine for a fishing vessel under 80 feet in length registered or intended to be registered in Great Britain, engaged or to be engaged in the catching of herring;

in either case in pursuance of a contract made after 1st November 1961.

(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 1st September 1972 or such later date (not being later than the 1st November 1972) as the Board may, in special circumstances, allow.

**5.** 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.

**6.** 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.

**7.** 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.

**8.** 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*

**9.** 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.

(a) 52 & 53 Vict. c. 63.

*Amount of Grants*

**10.**—(1) The amount which may be paid in pursuance of this scheme by way of grant in respect of any expenditure where the vessel in question is less than 80 feet in length shall be at the rate of three tenths of the expenditure approved by the Board or, in the case of:—

(i) a vessel, the sum of £13,000

or (ii) an engine, the sum of £2,500

whichever may be the less.

(2) The amount which may be paid in pursuance of this scheme by way of grant in respect of any expenditure where the vessel in question is not less than 80 feet in length shall be at the rate of one quarter of the expenditure approved by the Board or the sum of £50,000, whichever may be the less.

(3) In calculating any grant to be paid in pursuance of this scheme the Board may disregard any proportion or item of the expenditure which in their opinion is unnecessary or unwarranted, having regard to the size or character of the vessel in respect of which the application is made or in which the engine in respect of which the application is made is to be installed or to the nature of the fishing in which such vessel is intended to be, or is likely to be, employed.

*Conditions for Payment of Grants*

**11.**—(1) The plans and specifications of the vessel or engine, the tender for 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.

(2) 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 under the Merchant Shipping Acts 1894 to 1954 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.

(3) 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 during the control period.

**12.** 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.

**13.** 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, and any such payment already made in relation to that application may be recovered by the Board.

**14.**—(1) 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 during the control period 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 against all marine risks and war risks during the control period in a sum agreed with the Board, which shall be at least sufficient to ensure that in the event of total loss of the vessel or engine there will be made available sufficient moneys to meet the repayment of the grant or any part thereof which might be repayable at the date of loss;

(*c*) to keep and make available for inspection by the Board at all reasonable times during the control period 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 control period—

(i) the total loss of the vessel or engine arising out of an insured risk, to repay to the Board the whole of the grant, or, if the loss occurs more than three years from the commencement of the control period, 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 control period bears to the full control period.

(ii) a breach of any undertaking or condition subject to which the grant was made, or a disposition by way of mortgage, transfer of registration, charter, sale or otherwise of the vessel or engine, to repay to the Board, if in their discretion they shall so require, the whole of the grant, or such lesser sum as they may deem appropriate; provided that repayment shall not be required in excess of the amount which would have been repayable at the same date had the provisions of sub-paragraph (*d*) (i) of this paragraph been applicable to the case.

(2) Fof the purposes of sub-paragraph (3) of paragraph 11 and sub-paragraph (1) of this paragraph "the control period" means, in the case of a grant paid in respect of a vessel, a period of ten years commencing with the date on which the vessel was first registered in Great Britain and, in the case of a grant paid in respect of an engine, a period of five years

commencing with the date on which the installation is completed to the satisfaction of the Board.

Given under the Seal of the Secretary of State for Scotland this 4th July 1962.

*John S. Maclay,*
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 4th July 1962.

*Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

We approve.

*John Hill,*
*Francis F. Pearson,*
Two of the Lords Commissioners of Her Majesty's Treasury.

4th July 1962.

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## 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, as amended, 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.

This scheme revokes the Herring Industry (Grants for Fishing Vessels and Engines) Scheme 1955 and amending schemes. It provides for grant to be paid at the rate of 30 per cent. of the cost of new vessels of under 80 feet, subject to a maximum of £13,000, and 30 per cent. of the cost of new engines, for existing vessels of this class, subject to a maximum of £2,500. For new vessels of 80 feet and over the rate of grant will be 25 per cent. of the cost, subject to a maximum of £50,000.

The scheme contains provisions about the manner in which applications may be made and the conditions under which grants are paid. It also specifies the circumstances in which grants may become repayable.

The requirement of the earlier schemes that the vessel or engine should be constructed in the U.K. no longer applies.

As required by section 5 (4) of the White Fish and Herring Industries Act, 1957, this scheme was approved by a resolution of the House of Lords on 24th July 1962 and a resolution of the House of Commons on 16th July 1962.