STATUTORY INSTRUMENTS

1961 No. 1443

SEA FISHERIES

HERRING INDUSTRY

The Herring Subsidy (United Kingdom) Scheme, 1961

Made - - - - 29*th June*, 1961
Coming into Operation 1*st September*, 1961

The Secretary of State for Scotland and the Minister of Agriculture, Fisheries and Food, in exercise of the power conferred upon them by section 3 of the White Fish and Herring Industries Act, 1957(a), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:

Citation, Extent, Commencement and Interpretation

1.—(1) This scheme, which may be cited as the Herring Subsidy (United Kingdom) Scheme, 1961, shall apply to the United Kingdom, and shall come into operation on 1st September, 1961.

(2) 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, 1957;

"the appropriate Minister" means, in relation to vessels landing herring in England or Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food; and in relation to vessels landing herring in Scotland, the Secretary of State for Scotland;

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

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

Conditions of Grant

2. Grant may be paid in accordance with the following provisions of this scheme to the registered owner (or his agent) or, where there is a charter-party to the charterer (or his agent) of a fishing vessel not exceeding 140 feet in length and registered in the United Kingdom in respect of herring landed from the vessel in the United Kingdom during the period beginning on 1st September, 1961, and ending on 31st August, 1962 (both dates inclusive) or in respect of voyages made by the vessel during such period for the purpose of catching herring and landing them in the United Kingdom:

Provided that no grant shall be payable—

(*a*) in respect of a voyage beyond the inshore, near and middle waters as defined by subsection (5) of section 5 of the White Fish and Herring Industries Act, 1953(d); or

(*b*) in respect of herring taken (whether within those waters or not) in the course of such a voyage; or

(*c*) in any case where the herring are landed in the Isle of Man or Channel Islands.

(a) 5 & 6 Eliz. 2. c. 22. (b) 57 & 58 Vict. c. 60. (c) 52 & 53 Vict. c. 63.
(d) 1 & 2 Eliz. 2. c. 17.

3. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall supply such information and make such returns concerning fishing operations, costs and trading results as may be required by the appropriate Minister and shall make any relevant books and records open to examination by any person authorised by the appropriate Minister.

4. Application for payment of a grant under this scheme shall be made by the owner or charterer or his duly authorised agent in writing in such form as the appropriate Minister may from time to time require and shall be completed and certified in all respects as so required and shall be delivered to the appropriate Minister at such address as he may at any time specify for the purpose.

5. Application for payment of a grant under this scheme shall be made not later than one month after landing, or such longer period as the appropriate Minister may, in special circumstances, allow.

6. Notice that a person is authorised to make claims and receive payment of grants under this scheme on behalf of an owner or charterer shall be given in writing signed by the owner or charterer in such form as the appropriate Minister may from time to time require and shall be sent to the address specified by the appropriate Minister for the purpose of Article 4 of this scheme. Not more than one agent for the said purpose at any one port shall be appointed at any one time in respect of any one vessel.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under Article 2 of this scheme, if any owner or charterer or any person acting on his behalf makes any 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 grant under this scheme or if any of the conditions relating to the payment of grants under this scheme are not complied with by any owner or charterer or any person acting on his behalf, the payment of grants to that owner or charterer at any time may be refused.

8.—(1) Subject to the provisions of Articles 2 and 11 of this scheme, a grant may be paid in accordance with the rates set out in paragraph (2) of this Article in respect of herring landed from or in respect of each voyage made by a fishing vessel, as the case may be, falling within one of the categories specified in that paragraph, and in accordance with the conditions set out in Articles 9 to 11 of this scheme.

(2) The rates of grant and the categories of fishing vessels referred to in paragraph (1) of this Article are as follows, that is to say—

Category A	Vessels of less than 40 feet in length	3½d. per stone of herring landed
Category B	Vessels, other than steam vessels, of 40 feet or over but under 60 feet in length	£6 10s. per day at sea
Category C	Vessels, other than steam vessels, of 60 feet or over but under 80 feet in length	£8 10s. per day at sea
Category D	Vessels, other than steam vessels, of 80 feet or over but not exceeding 140 feet in length	£14 per day at sea
Category E	Steam Vessels not exceeding 140 feet in length ...	£14 per day at sea

9.—(1) Subject to paragraph (2) of this Article, for the purposes of Article 8 of this scheme, in computing the length of a voyage, the day of departure and the day of arrival of the vessel may each be reckoned as one day at sea.

Provided that—

(*a*) if the day of arrival of the vessel is also the day of departure of the vessel upon a subsequent voyage whether made for the catching and landing in the United Kingdom of herring or of white fish, then the day of arrival shall be reckoned with the voyage first concluded on that day and not with any subsequent voyage;

(*b*) days spent during a voyage in any port shall be excluded in calculating the number of days at sea in that voyage.

(2) The calculation made by the appropriate Minister for the purposes of this scheme of the number of days at sea in any voyage and the length of such voyage, shall be final.

(3) For the purpose of computing the amount of grant payable in respect of herring landed from vessels in Category A, the weight of the fish shall be the weight determined at the time of the first-hand sale.

10. Notwithstanding the provisions of Article 8 of this scheme, if any structural alteration is made to any vessel which will increase its length, grant may be paid at the rate appropriate to the length of the vessel before the alteration was carried out, unless the appropriate Minister has previously agreed in writing to pay at the rate appropriate to the length of the vessel after the alteration was carried out.

11.—(1) No grant shall be payable in terms of this scheme in respect of a voyage made by a vessel of 40 feet or over but not exceeding 140 feet in length—

(*a*) in a case where a claim for white fish subsidy arising out of the voyage is made under any scheme made pursuant to the White Fish and Herring Industries Act, 1953; or

(*b*) if the proceeds from the sale of herring taken on the voyage amount to less than half the gross proceeds of the voyage.

(2) For the purpose of determining the grant (if any) which may be paid under this scheme in the case of two or more vessels jointly operating the same gear, the weight of herring landed from the combined voyage, the proceeds from the sale of such herring, and the gross proceeds of such voyage shall be deemed to be divided equally between the vessels concerned whether they are of the same length or different lengths, and the grant (if any) shall be calculated separately for each vessel in accordance with the rates set out in paragraph (2) of Article 8 of this scheme.

Given under the Seal of the Secretary of State for Scotland this 29th day of June, nineteen hundred and sixty-one.

(L.S.)

John S. Maclay,
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto fixed this 29th day of June, nineteen hundred and sixty-one.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

We approve.

David Gibson-Watt,
W. S. I. Whitelaw,
Two of the Lords Commissioners of Her Majesty's Treasury.

29th June, 1961.

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, 1957, provides that a scheme may be made for the payment of grants to the owners or charterers of fishing vessels not exceeding 140 feet in length engaged in catching herring.

This Scheme relates to the United Kingdom and provides for the payment of grants as follows :—

Category A	Vessels of less than 40 feet in length	3½d. per stone of herring landed
Category B	Vessels, other than steam vessels, of 40 feet or over but under 60 feet in length	£6 10s. per day at sea
Category C	Vessels, other than steam vessels, of 60 feet or over but under 80 feet in length	£8 10s. per day at sea
Category D	Vessels, other than steam vessels, of 80 feet or over but not exceeding 140 feet in length	£14 per day at sea
Category E	Steam Vessels not exceeding 140 feet in length ...	£14 per day at sea

As required by section 5 (4) of the Act this scheme was approved by a resolution of the House of Lords on 24th July, 1961, and a resolution of the House of Commons on 14th July, 1961.