STATUTORY INSTRUMENTS

1963 No. 1277

SEA FISHERIES

HERRING INDUSTRY

The Herring Subsidy (United Kingdom) Scheme 1963

Made - - - - 1*st July* 1963
Coming into Operation 1*st September* 1963

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 section 1 of the Sea Fish Industry Act 1962(b), 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 1963, shall apply to the United Kingdom, and shall come into operation on 1st September 1963.

(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;

" approved " means approved by the appropriate Minister for the purposes 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(c);

" month " means a calendar month.

(3) The Interpretation Act 1889(d), 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 registered in the United Kingdom in respect of—

(*a*) herring landed from the vessel in the United Kingdom during the period beginning on 1st September 1963 and ending on 31st August 1964 (both dates inclusive); or

(a) 5 & 6 Eliz. 2. c. 22. (b) 10 & 11 Eliz. 2. c. 31.
(c) 57 & 58 Vict. c. 60. (d) 52 & 53 Vict. c. 63.

(*b*) voyages made by the vessel during such period for the purpose of catching herring and landing them in the United Kingdom; and

whether or not grant is payable by virtue of either heads (*a*) or (*b*) of this Article grant may be paid as aforesaid in respect of—

(*c*) the sale, for conversion into oil, meal or other approved product, of herring landed from the vessel in the United Kingdom during such period:

Provided that no grant shall be payable—

(i) in any case where the herring are landed in the Isle of Man or Channel Islands;

(ii) by virtue of head (*c*) of this Article, in respect of herring landed at any port not specified in Part I of the Schedule to this scheme;

(iii) by virtue of head (*c*) of this Article, in respect of more than 20 per centum of the total landings of herring in any month at any port specified as aforesaid or, where such port is comprised in any group of ports specified in Part II of the said Schedule, at any such group of ports, as the case may be.

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 12 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 10 to 12 of this Scheme.

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

Category A ...	Vessels of less than 40 feet in length	6d. 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	£7 per day at sea
Category D ...	Vessels, other than steam vessels, of 80 feet or over in length	£13 per day at sea
Category E ...	Steam vessels	£13 per day at sea

9.—(1) Subject to the provisions of Article 2 of this scheme a grant may be paid in accordance with the rate specified in paragraph (2) of this Article in respect of the sale, for conversion into oil, meal or other approved product, of herring landed from the vessel.

(2) The rate of grant referred to in paragraph (1) of this Article shall be 25s. per cran of herring sold as aforesaid.

10.—(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.

11. Notwithstanding the provisions of Article 8 of this scheme, if any structural alteration is made to any vessel which will increase or decrease its length, any grant payable by virtue of either heads (*a*) or (*b*) of Article 2 of this scheme 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.

12.—(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 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(a); 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 by virtue of either heads (*a*) or (*b*) of Article 2 of 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 of 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 28th June 1963.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto fixed 28th June 1963.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

We approve,

Francis F. Pearson,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

1st July 1963.

SCHEDULE

Article 2

PART I

Ports

Aberdeen
Ardglass
Ayr
Buckie
Fraserburgh
Gairloch
Inverness
Kilkeel
Leith
Lerwick
Lowestoft
Mallaig
Milford Haven
Newhaven
North Shields
Oban
Peterhead
Portavogie
Portpatrick
Scarborough
Seahouses
Stornoway
Tarbert (Harris)
Tarbert (Loch Fyne)
Ullapool
Whitby
Yarmouth

(a) 1 & 2 Eliz. 2. c. 17.

PART II

Groups of Ports

Ardglass	Leith	North Shields
Kilkeel	Newhaven	Seahouses
Portavogie		Scarborough
	Lowestoft	Whitby
Ayr	Yarmouth	
Tarbert (Loch Fyne)		Stornoway
	Mallaig	Gairloch
Aberdeen	Oban	Ullapool
Fraserburgh		
Peterhead		

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 and the Sea Fish Industry Act 1962 provide that a scheme may be made for the payment of grants to the owners or charterers of fishing vessels 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	6d. 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	£7 per day at sea
Category D ...	Vessels, other than steam vessels, of 80 feet or over in length	£13 per day at sea
Category E ...	Steam vessels	£13 per day at sea

The scheme also provides for the payment of grant at the rate of 25s. per cran in respect of herring landed by vessels and sold for conversion into oil, meal or other approved product.

As required by section 5(4) of the Act this scheme was approved by a resolution of the House of Lords on 19th July 1963 and a resolution of the House of Commons on 16th July 1963.