STATUTORY INSTRUMENTS

1964 No. 1228

SEA FISHERIES

HERRING INDUSTRY

The Herring Subsidy (United Kingdom) Scheme 1964

Made - - - - *2nd July* 1964
Coming into Operation *1st September* 1964

The Secretary of State for Scotland (being the Secretary of State concerned with the sea fishing industry in Scotland) and the Minister of Agriculture, Fisheries and Food, in exercise of the powers 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 1964, shall apply to the United Kingdom, and shall come into operation on 1st September 1964.

(2) In this scheme, unless the context otherwise requires—

" the appropriate Minister " means, in relation to herring landed from vessels in Scotland and voyages made by vessels for the purpose of catching herring and landing them in Scotland, the Secretary of State for Scotland ; and in relation to herring landed from vessels in England, Wales or Northern Ireland and voyages made by vessels for the purpose of catching herring and landing them in England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food ;

" 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 ;

" vessel " means a fishing vessel registered in the United Kingdom.

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

General Conditions of Grant

2.—(1) A 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 vessel, in respect of—

(*a*) herring landed from the vessel in the United Kingdom during the period beginning with 1st September 1964 and ending with 31st August 1965 ; 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:

Provided that no grant shall be payable by virtue of this sub-paragraph in any case where the herring are landed in the Isle of Man or Channel Islands.

(2) Whether or not a grant is payable by virtue of sub-paragraph (1) of this paragraph, a grant may be paid as aforesaid in respect of herring landed from the vessel in the United Kingdom during the said period and sold for conversion into oil, meal or other approved product, if the appropriate Minister is satisfied that the said herring could not have been sold for purposes other than such conversion :

Provided that no grant shall be payable by virtue of this sub-paragraph in respect of—

(i) herring landed at any port not specified in Part I of Schedule 1 to this Scheme ;

(ii) 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, including detailed accounts, for such period and in such form as the appropriate Minister may require, of the financial results of the operation of all such vessels of which he is the owner or charterer, 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 the landing of the herring or the completion of the voyage, as the case may be, or such longer period as the appropriate Minister may, in special circumstances, allow.

6. Notice that a person is authorised to make application for 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 paragraph 4 of this scheme:

Provided that not more than one agent shall be authorised as aforesaid at any one time at any one port for any one vessel in respect of grants under any one of the following provisions, that is to say, sub-paragraphs (1) or (2) of paragraph 2 of this scheme.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under paragraph 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) No grant shall be payable in terms of this scheme in respect of a voyage made by a vessel of 40 feet in length or over where a claim for white fish subsidy in respect of the voyage is made under any scheme made pursuant to the White Fish and Herring Industries Act 1953(a).

(2) For the purpose of determining the grant, if any, which may be paid by virtue of paragraph 2(1) 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 specified in paragraph 9 of this scheme.

(3) Notwithstanding the provisions of paragraph 9 of this scheme, if at any time after 1st September 1963 any structural alteration shall have been made to any vessel which has increased or decreased its length, any grant payable by virtue of paragraph 2(1) of this scheme shall be paid at the rate appropriate to the length of the vessel before such alteration unless the appropriate Minister is satisfied that the alteration is likely to be conducive to the increased fishing efficiency of the vessel.

Conditions relating to payments for herring landed and for voyages

9. Subject to the provisions of this scheme—

(*a*) a grant may be paid at the rate set out in Part I of Schedule 2 to this scheme in respect of herring landed from a vessel falling within the category specified in the said Part I;

(*b*) a grant may be paid at the appropriate rate set out in Part II of the said Schedule in respect of each voyage made by a vessel falling within one of the categories specified in the said Part II.

10.—(1) Subject to sub-paragraph (2) of this paragraph, for the purposes of Part II of the said Schedule 2, 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*) each period of 24 hours which is spent during a voyage in any port shall be excluded in calculating the number of days at sea in that voyage.

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

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

11. For the purpose of computing the amount of grant payable in respect of herring landed from vessels falling within the category specified in Part I of the said Schedule 2 the weight of the herring shall be the weight determined at the time of the first-hand sale.

12. No grant shall be payable in terms of this scheme in respect of a voyage made by a vessel of 40 feet in length or over if the proceeds from the sale of herring taken on that voyage amount to less than half the gross proceeds of that voyage.

Conditions relating to payments for herring landed and sold for conversion into oil etc.

13. Subject to the provisions of this scheme, a grant may be paid at the rate set out in Part III of the said Schedule 2 in respect of herring landed from the vessel and sold for conversion into oil, meal or other approved product.

Given under the Seal of the Secretary of State for Scotland on 1st July 1964.

Michael Noble,
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st July 1964.

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Approved on 2nd July 1964.

M. A. Hamilton,
Ian MacArthur,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1

Paragraph 2(2)

PART I

PORTS

Aberdeen
Anstruther
Arbroath
Ardglass
Ardrossan
Ayr
Bridlington
Buckie
Eyemouth
Fraserburgh
Gairloch
Girvan
Gourock
Greenock
Grimsby
Hartlepool
Holyhead
Inverness
Kilkeel
Kyle of Lochalsh
Leith
Lerwick
Lowestoft
Mallaig
Milford Haven
Newhaven
North Shields
Oban
Peterhead
Portavogie
Portpatrick
Scalloway
Scarborough
Seahouses
Stornoway
Tarbert (Harris)
Tarbert (Loch Fyne)
Ullapool
Whitby
Whitehaven
Yarmouth

PART II

GROUPS OF PORTS

Aberdeen
Fraserburgh
Peterhead

Anstruther
Arbroath
Eyemouth
Leith
Newhaven

Ardglass
Kilkeel
Portavogie

Ardrossan
Ayr
Girvan
Gourock
Greenock
Tarbert (Loch Fyne)

Bridlington
Scarborough
Whitby

Gairloch
Stornoway
Tarbert (Harris)
Ullapool

Hartlepool
North Shields
Seahouses

Holyhead
Whitehaven

Kyle of Lochalsh
Mallaig
Oban

Lerwick
Scalloway

Lowestoft
Yarmouth

SCHEDULE 2

PART I

Paragraphs 8(2), 9, 11, 12 and 13.

CATEGORY OF VESSELS AND RATE OF GRANT IN RESPECT OF HERRING LANDED

	Category	*Rate of Grant* per stone
Category A	Vessels of less than 40 feet in length	6d.

PART II

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES

	Category	*Rate of Grant* per day at sea
Category B	Vessels of 40 feet in length or over but under 60 feet in length	£6 10s.
Category C	Vessels of 60 feet in length or over but under 80 feet in length	£7
Category D	Vessels of 80 feet in length or over	£13

PART III

RATE OF GRANT IN RESPECT OF HERRING LANDED AND SOLD FOR CONVERSION INTO OIL, MEAL OR OTHER APPROVED PRODUCT

	Rate of Grant per cran
Herring landed from vessels and sold for conversion into oil, meal or other approved product	25s.

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 of 40 feet in length or over but under 60 feet in length	£6 10s. per day at sea
Category C	...	Vessels of 60 feet in length or over but under 80 feet in length	£7 per day at sea
Category D	...	Vessels of 80 feet in length or over	£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.