STATUTORY INSTRUMENTS

1975 No. 1720

SEA FISHERIES

The White Fish and Herring Subsidies (United Kingdom) (No. 2) Scheme 1975

Made - - - -	30*th July* 1975
Laid before Parliament	31*st July* 1975
Coming into Operation	24*th October* 1975

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and Wales (being the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales) in exercise of the powers conferred upon them by section 49 of the Sea Fish Industry Act 1970(a) as amended or extended by section 1(1) of the Sea Fish Industry Act 1973(b) and of all other powers enabling them in that behalf with the approval of the Treasury, hereby make the following scheme:—

Citation, extent and commencement

1. This scheme, which may be cited as the White Fish and Herring Subsidies (United Kingdom) (No. 2) Scheme 1975, shall apply to the United Kingdom and shall come into operation on the day following the day on which it is approved by Parliament.

Interpretation

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

"the appropriate Minister"—

(*a*) in relation to England and Northern Ireland, means the Minister of Agriculture, Fisheries and Food;

(*b*) in relation to Scotland, means the Secretary of State concerned with sea fishing industry in Scotland;

(*c*) in relation to Wales means—

(i) for the purpose of the actual making of any payment under this scheme, the Minister of Agriculture, Fisheries and Food, and

(a) 1970 c. 11. (b) 1973 c. 3.

(ii) for all other purposes of this scheme, the said Minister and the Secretary of State concerned with the sea fishing industry in Wales acting jointly;

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

"paragraph" means a paragraph of this scheme;

"products", in relation to fish, means anything produced by processing the fish and "processing" includes preserving or preparing fish, or producing any substance or article wholly or partly from fish, by any method for human or animal consumption;

"subsidy period" means the period from 1st July 1975 to 30th September 1975 (both days inclusive);

"white fish" means fish of any kind found in the sea, except herring, salmon, migratory trout and shellfish.

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

3. This scheme applies to every vessel registered in the United Kingdom as a fishing vessel of a description specified in the Schedule hereto being a vessel engaged on voyages to which this scheme relates.

4.—(1) The voyages to which this scheme relates are voyages made for the purpose of catching white fish or herring where it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom whether by the vessel which caught them or by another vessel or are to be trans-shipped in a part of the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel.

(2) In sub-paragraph (1) of this paragraph the expression "the exclusive fishery limits" does not include waters within the fishery limits of the British Islands which are adjacent to the Isle of Man or any of the Channel Islands.

5.—(1) Subject to the provisions of this scheme, a grant may be paid by the appropriate Minister to the owner (or his agent) or, where there is a charter party, to the charterer (or his agent), of a vessel to which this scheme applies in respect of voyages to which this scheme relates made by the vessel during the subsidy period.

(2) Where a reference is made in this scheme to voyages made during the subsidy period the reference shall be construed, in the case of a voyage only part of which is made during that period, as a reference to that part.

6. Notwithstanding the provisions of paragraph 5 no grant shall be paid under this scheme where the number of days spent at sea on voyages to which the scheme relates made during the subsidy period is—

(a) 1894 c. 60. (b) 1889 c. 63.

(*a*) in relation to a vessel of a description specified in Part I of the Schedule hereto, less than 30, or

(*b*) in relation to a vessel of a description specified in Part II of the Schedule hereto, less than 43.

Provided that the appropriate Minister may reduce the number of days specified in paragraph 6(*a*) and (*b*) to such number as he may determine where, having regard to circumstances restricting fishing opportunity, he is satisfied that it is reasonable so to do.

7. Where a grant is made under this scheme it shall, in relation to a vessel of a description specified in column 1 of the Schedule hereto, be an amount equal to the rate of grant per day at sea set out in column 2 of the Schedule opposite the description so specified multiplied by such number of days as the appropriate Minister is satisfied is to be taken into account for the purposes of this scheme as days spent at sea on voyages to which the scheme relates made during the subsidy period.

8. Without prejudice to the generality of the provisions of paragraph 7, in computing for the purposes of this scheme the number of days spent at sea then in relation to voyages to which this scheme relates—

(*a*) the day of departure and the day of arrival of the vessel may each be reckoned as one day at sea so however that if the day of arrival is also the day of departure upon a subsequent voyage then the day shall not be reckoned with the subsequent voyage;

(*b*) each period of 24 hours which is spent during the voyage in any port shall be excluded.

9. No grant shall be payable under this scheme in respect of a voyage if the weight of white fish or herring (or both taken together) landed in consequence of the voyage is less than one-half of the total weight of all fish landed as aforesaid.

10. Notwithstanding the provisions of paragraph 5, if at any time after 1st July 1975 any structural alteration shall have been made to any vessel which has increased or decreased its length, then any grant paid under 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.

11. In the event of a dispute as to the purpose of a voyage made by a vessel or as to the number of days spent at sea for the purposes of this scheme the determination of the appropriate Minister shall be conclusive.

12. Application for payment of a grant under this scheme shall be made by the owner or charterer (or his duly authorised agent) 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 specify for the purpose.

13. Application for payment of a grant under this scheme shall be made not later than 31st October 1975 or such later date as the appropriate Minister may allow.

14. The owner or charterer of a vessel (or his duly authorised agent) who applies for payment of a grant under this scheme or any person acting on behalf of such owner or charterer and appointed by him for the purpose shall, within such time and in such form as may be specified by the appropriate Minister supply such information and make such returns concerning fishing operations, costs and earnings as may be required by the appropriate Minister.

15. 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 12.

16. Without prejudice to the discretion of the appropriate Minister in the payment of grant under this scheme—

(*a*) if any owner or charterer or any person acting on his behalf makes a statement or produces a document which is false in a material particular or fails, without reasonable cause, or refuses to supply any information, make any return or produce any document in respect of any of the matters required to be disclosed either in connection with an application for payment of grant under this scheme or in accordance with the provisions of paragraph 14; or

(*b*) if any of the conditions of grant or conditions relating to payment of grant under this scheme are not complied with by any owner or charterer or any person acting on behalf of an owner or charterer,

payment of grants to that owner, charterer or person may be refused.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th July 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

29th July 1975.

William Ross,
Secretary of State for Scotland.

30th July 1975.

John Morris,
Secretary of State for Wales.

Approved on 30th July 1975.

M. Cocks,
Donald R. Coleman,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I

Column 1 Description of Vessel	Column 2 Rate of Grant per day at sea
Vessels of 40′ in length or over but less than 50′ in length ...	£5
Vessels of 50′ in length or over but less than 60′ in length ...	£10
Vessels of 60′ in length or over but less than 80′ in length ...	£20

PART II

Vessels of 80′ in length or over but less than 110′ in length	£45
Vessels of 110′ in length or over but less than 135′ in length	£50
Vessels of 135′ in length or over	£80

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme provides for the payment of grant to the owners or charterers of fishing vessels of 40′ in length or over in respect of voyages made for the purpose of catching white fish or herring during the period 1st July to 30th September 1975 (both dates inclusive) where it is part of the purpose that the fish are to be landed in the United Kingdom.

The amount of grant is calculated by multiplying the daily rate of grant specified in the Order in relation to the description of the vessel by the number of days spent at sea by such vessel on voyages to which the scheme relates.

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