STATUTORY INSTRUMENTS

1967 No. 1132

SEA FISHERIES

The White Fish and Herring Subsidies (United Kingdom) Scheme 1967

Made - - -	11*th July* 1967
Laid before Parliament	14*th July* 1967
Coming into Operation	1*st August* 1967

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland (being the Secretary of State concerned with the sea fishing industry in Scotland) in exercise of the powers conferred upon them by section 5 of the White Fish and Herring Industries Act 1953(**a**) (as amended by section 2 of the White Fish and Herring Industries Act 1957(**b**) and by section 37 of, and paragraph 18 of Schedule 2 to, the Sea Fish Industry Act 1962(**c**)), section 3 of the White Fish and Herring Industries Act 1957 (as amended by section 37 of, and paragraph 22 of Schedule 2 to, the Sea Fish Industry Act 1962) and sections 1 and 2 of the Sea Fish Industry Act 1962, and of all other powers enabling them in that behalf, being satisfied that special rates of grants are needed, as provided by this scheme, by reason of special circumstances relating to the classes of vessels in respect of which they are so provided, 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 White Fish and Herring Subsidies (United Kingdom) Scheme 1967, shall apply to the United Kingdom and shall come into operation on 1st August 1967.

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

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

"approved" means approved by the appropriate Minister for the purposes of this scheme;

"gross proceeds" means the proceeds from the first-hand sale of all fish (including white fish, herring, salmon, migratory trout and shellfish) taken on a voyage less such deductions as may be determined by the appropriate Minister in respect of expenses incurred on services not normally undertaken on a vessel and in respect of the part of such proceeds which forms the perquisite of the crew of the vessel from which the fish were landed;

(**a**) 1953 c. 17. (**b**) 1957 c. 22. (**c**) 1962 c. 31.

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

"month" means a calendar month;

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

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

(3) The Interpretation Act 1889(b) 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 owner (or his agent) or, where there is a charter-party, to the charterer (or his agent), of a vessel, in respect of—

(*a*) white fish landed from the vessel in the United Kingdom during the period beginning with 1st August 1967 and ending with 31st July 1968, (the payment in such a case being hereinafter referred to as a "white fish stonage payment");

(*b*) a voyage made by the vessel during the period last hereinbefore referred to for the purpose of catching white fish and landing them in the United Kingdom, (the payment in such a case being hereinafter referred to as a "white fish voyage payment");

(*c*) herring landed from the vessel in the United Kingdom during the period beginning with 1st August 1967 and ending with 31st July 1968, (the payment in such a case being hereinafter referred to as a "herring stonage payment"); or

(*d*) a voyage made by the vessel during the period last hereinbefore referred to for the purpose of catching herring and landing them in the United Kingdom, (the payment in such a case being hereinafter referred to as a "herring voyage payment"):

Provided that no grant shall be payable by virtue of this sub-paragraph in any case where the white fish or 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 period beginning with 1st August 1967 and ending with 31st July 1968 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 3 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.

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

3. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall, within such time as may be specified by the appropriate Minister, 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 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 white fish or 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 person 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 or any person acting on his behalf at any time may be refused.

8.—(1) For the purpose of determining the grant, if any, which may be paid by virtue of paragraph 2 of this scheme in the case of two or more vessels jointly operating the same gear, the weight of white fish or herring landed from the combined voyage, the proceeds from the sale of such white fish or 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 appropriate rates specified in paragraphs 10, 14 or 15 of this scheme.

(2) Notwithstanding the provisions of paragraphs 10, 14 and 15 of this scheme, any grant under paragraph 2 of this scheme shall be paid, 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, at the rate appropriate to the length of the vessel before such alteration unless in any such case the appropriate Minister is satisfied that the alteration was likely to be conducive to the increased fishing efficiency of the vessel.

9. For the purpose of giving effect to, but subject to the provisions of, any agreement or arrangement for the remuneration of the officers or crew of a vessel—

(*a*) in a case where the vessel does not exceed 80 feet in length any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch;

(*b*) in the case of any other vessel—

(i) if the remuneration of the officers or crew is calculated wholly or partly by reference to the net earnings of the vessel, any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch;

(ii) if the remuneration of the officers or crew is calculated wholly or partly by reference to the gross earnings of the vessel, seven-tenths of any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch.

Conditions relating to payments for voyages

10.—(1) Subject to the provisions of this scheme—

(*a*) a white fish voyage payment may be made at the appropriate rate set out in Part I of Schedule 1 to this scheme in respect of each voyage made by a vessel falling within one of the categories specified in the said Part I;

(*b*) a white fish voyage payment at a basic rate may be made at the appropriate rate set out in Part II of Schedule 1 to this scheme in respect of each voyage made by a vessel falling within the category specified in the said Part II;

(*c*) a grant at a special rate may be paid at the appropriate rate set out in Part III of Schedule 1 to this scheme in respect of each voyage made during the period beginning with 1st August 1967 and ending with 31st January 1968 by a vessel falling within one of the classes specified in the said Part III.

(*d*) a herring voyage payment may be made at the appropriate rate set out in Part IV of Schedule 1 to this scheme in respect of each voyage made by a vessel falling within one of the categories specified in the said Part IV.

(2) A grant at a special rate may be paid in respect of a voyage made by a vessel, notwithstanding the fact that a grant at a basic rate may also be payable in respect of the same voyage by that vessel.

11.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph,

(i) for the purposes of Parts I, II, III and IV of Schedule 1 to 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;

(ii) for the purposes of Parts I, II and III of the said Schedule 1, in computing the length of a voyage, the day on which the first-hand sale of the catch commences (if that is different from the day of arrival of the vessel) and any day intervening between the day of arrival of the vessel and the day on which the said sale commences may, if the appropriate Minister is satisfied that the said sale commenced as soon as was reasonably practicable, each be reckoned as one day at sea:

Provided that—

(*a*) if the day of arrival of the vessel or, in a case where the appropriate Minister is satisfied as in sub-paragraph (1)(ii) of this paragraph, the day on which the first-hand sale of the catch commences or any day intervening between the day of arrival of the vessel and the day on which the first-hand sale of the catch commences 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 white fish or herring, then that day shall not be reckoned with the 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 on that voyage.

(2) Where reference is made in this scheme to a voyage made during a specified 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.

(3) 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.

(4) Where in connection with an application for payment of a grant at a special rate any question arises as to whether a vessel is ordinarily engaged in fishing from a specified port the determination of the appropriate Minister shall be conclusive.

12.—(1) In a case where, in respect of a voyage, both a white fish voyage payment and a herring voyage payment might otherwise have been made only one such payment shall be made, being, in a case where the gross proceeds from the sale of the white fish exceed the gross proceeds from the sale of the herring, a white fish voyage payment and, in a case where the gross proceeds from the sale of the herring exceed the gross proceeds from the sale of the white fish, a herring voyage payment.

(2) No white fish voyage payment or herring voyage payment shall be made if the proceeds from the sale of white fish and herring landed in consequence of the voyage, taken together, amount to less than half the gross proceeds of the voyage.

(3) Where by virtue of the last preceding sub-paragraph neither a white fish voyage payment nor a herring voyage payment may be made a claim may be made for a white fish stonage payment or for a herring stonage payment or for both in respect of fish landed in consequence of the voyage, notwithstanding that the vessel falls within one of the categories specified in Part I or Part IV of Schedule 1 to this scheme: Provided that a payment made in pursuance of this sub-paragraph shall in no case exceed the payment which would have been made but for the operation of the last preceding sub-paragraph.

13. No white fish voyage payment shall be made in respect of a voyage made for the purpose of catching and landing fish of a kind not normally sold for human consumption.

Conditions relating to payments for white fish and herring landed

14.—(1) Subject to the provisions of this scheme a white fish stonage payment may be made in the case of a vessel under 60 feet in length, not being a vessel falling within category 'A' of Part I of Schedule 1 to this scheme, in respect of white fish of legal size landed and sold at first-hand otherwise than by retail, at the appropriate rate set out in Part I of Schedule 2 to this scheme.

(2) No white fish stonage payment shall be made (*a*) in respect of fish landed without heads or tails or from which any portion of the head or tail has been removed (other than filleted fish, wings of ray and skate, skinned dogfish and monkfish tails), or (*b*) in respect of fish which is determined by the appropriate Minister to form part of the perquisite of the crew of the vessel from which the fish were landed.

15. Subject to the provisions of this scheme—

(*a*) a herring stonage payment may be made, in the case of a vessel under 40 feet in length, not being a vessel falling within category D of Part IV of Schedule 1 to this scheme, in respect of herring landed, at the rate set out in Part II of Schedule 2 to this scheme;

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

16.—(1) For the purpose of computing the amount of a white fish stonage payment or a herring stonage payment which may be made under paragraphs 14(1) and 15(*a*) of this scheme the weight of the white fish or herring, as the case may be, shall be the weight determined at the time of the first-hand sale.

(2) No white fish stonage payment shall be made in consequence of a voyage where a claim for a herring voyage payment is made in respect of the voyage and no herring stonage payment shall be made in consequence of a voyage where a claim for a white fish voyage payment is made in respect of the voyage.

(3) No white fish stonage payment shall be made in respect of white fish landed from a vessel where the voyage on which the fish was caught commences and terminates on one day, that day being also the day of arrival of the vessel from a voyage, or the day of the departure of the vessel upon a voyage, in respect of which a claim for a herring voyage payment is made.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th July 1967.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 10th July 1967.

(L.S.)

William Ross,

Secretary of State for Scotland.

Approved on 11th July 1967.

W. Whitlock,

B. K. O'Malley,

Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1

Paragraph 10

PART I

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES FOR THE CATCHING AND LANDING OF WHITE FISH

Category A

Motor fishing vessels of 35 feet in length or over but under 60 feet in length, provided, in relation to any such vessel registered in the United Kingdom as a fishing vessel before 1st January 1967, that the appropriate Minister is satisfied that the grants payable in respect of:—

(*a*) white fish or herring landed from the vessel (not being grants in respect of herring landed and sold for conversion into oil, meal or other approved product), and/or

(*b*) voyages made by the vessel for the catching and landing of white fish or herring

amounted, or would but for special circumstances beyond the control of the owner or charterer have amounted, in the year 1965 to at least £500 or in the year 1966 to at least £300.

	Rate of grant per day at sea £ s. d.
Vessels of 35 feet in length or over but under 40 feet in length ...	3 10 0
Vessels of 40 feet in length or over but under 45 feet in length ...	3 15 0
Vessels of 45 feet in length or over but under 55 feet in length ...	4 4 0
Vessels of 55 feet in length or over but under 60 feet in length ...	4 9 0

Category B

Motor fishing vessels of 60 feet in length or over but under 80 feet in length.

	Rate of grant per day at sea £ s. d.
Vessels of 60 feet in length or over but under 65 feet in length ...	4 9 0
Vessels of 65 feet in length or over but under 80 feet in length ...	5 5 0

Paragraph 10

PART II

CATEGORY OF VESSELS AND BASIC RATES OF GRANT IN RESPECT OF VOYAGES FOR THE CATCHING AND LANDING OF WHITE FISH

Category C

Fishing vessels of 80 feet in length or over.

	Rate of grant per day at sea £ s. d.
Vessels of 80 feet in length or over but under 110 feet in length ...	5 3 6
Vessels of 110 feet in length or over but under 140 feet in length ...	7 9 6
Vessels of 140 feet in length or over	8 12 6

PART III Paragraph 10

CLASSES OF VESSELS AND RATES OF SPECIAL GRANT IN RESPECT OF VOYAGES MADE DURING THE PERIOD BEGINNING WITH 1ST AUGUST 1967 AND ENDING WITH 31ST JANUARY 1968

Class A. Oil-fired Steam Fishing Vessels

	Rate of grant per day at sea £ s. d.
Vessels of 170 feet in length or over but under 180 feet in length completed on or after 1st January 1950 but before 1st January 1952, ordinarily engaged in fishing from Hull	5 0 0
Vessels of 170 feet in length or over but under 180 feet in length completed on or after 1st January 1956, ordinarily engaged in fishing from Fleetwood	5 0 0
Vessels of 180 feet in length or over but under 190 feet in length completed on or after 1st January 1950 but before 1st January 1951, ordinarily engaged in fishing from Hull or Grimsby	5 0 0
Vessels of 180 feet in length or over but under 190 feet in length completed on or after 1st January 1951 but before 1st January 1952, ordinarily engaged in fishing from Hull or Grimsby	5 0 0

Class B. Motor Fishing Vessels.

	Rate of grant per day at sea £ s. d.
Vessels of 100 feet in length or over but under 110 feet in length ordinarily engaged in fishing from Grimsby, Milford Haven or Fleetwood	4 0 0
Vessels of 110 feet in length or over but under 120 feet in length ordinarily engaged in fishing from Fleetwood	4 10 0
Vessels of 120 feet in length or over but under 130 feet in length ordinarily engaged in fishing from Grimsby or Fleetwood	4 10 0
Vessels of 130 feet in length or over but under 140 feet in length ordinarily engaged in fishing from Grimsby	4 10 0
Vessels of 170 feet in length or over but under 180 feet in length ordinarily engaged in fishing from Hull	5 0 0
Vessels of 180 feet in length or over but under 190 feet in length ordinarily engaged in fishing from Grimsby	5 0 0

Paragraph 10

PART IV

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES FOR THE CATCHING AND LANDING OF HERRING

Category D

Motor fishing vessels of 35 feet in length or over but under 40 feet in length, provided, in relation to any such vessel registered in the United Kingdom as a fishing vessel before 1st January 1967, that the appropriate Minister is satisfied that the grants payable in respect of:—

(*a*) white fish or herring landed from the vessel (not being grants in respect of herring landed and sold for conversion into oil, meal or other approved product), and/or

(*b*) voyages made by the vessel for the catching and landing of white fish

amounted, or would but for special circumstances beyond the control of the owner or charterer have amounted, in the year 1965 to at least £500 or in the year 1966 to at least £300.

	Rate of grant per day at sea £ s. d.
Vessels of 35 feet in length or over but under 40 feet in length ...	3 10 0

Category E

Fishing vessels of 40 feet in length or over.

	Rate of grant per day at sea £ s. d.
Vessels of 40 feet in length or over but under 60 feet in length ...	4 13 0
Vessels of 60 feet in length or over but under 80 feet in length ...	5 5 0
Vessels of 80 feet in length or over	6 10 0

SCHEDULE 2

Paragraph 14

PART I

RATES OF GRANT IN RESPECT OF WHITE FISH LANDED

Kind of Fish	*Rate of grant per stone*
	d.
All whole gutted fish and filleted fish of a kind normally sold for human consumption (including roes and chitlings), wings of ray and skate, skinned dogfish and monkfish tails	11
Ungutted bass, dogfish, eels, mackerel, mullet (red and grey) and pilchards	11
All other whole ungutted fish, if the appropriate Minister is satisfied that such fish has been sold for human consumption	8½
All other whole fish of a kind normally sold for human consumption	2¾

Paragraph 15

PART II

RATE OF GRANT IN RESPECT OF HERRING LANDED

	Rate of grant per stone
	d.
Herring landed	4

Paragraph 15

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
	s. d.
Herring landed from vessels and sold for conversion into oil, meal or other approved product	21 0

SCHEDULE 3

Paragraph 2

PART I

Ports

Aberdeen
Anstruther
Arbroath
Ardglass
Ardrossan
Ayr
Berwick on Tweed
Bridlington
Buckie
Eyemouth
Fort William
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

1.
Aberdeen
Fraserburgh
Peterhead

2.
Anstruther
Arbroath
Eyemouth
Leith
Newhaven

3.
Ardglass
Kilkeel
Portavogie

4.
Ardrossan
Ayr
Girvan
Gourock
Greenock
Tarbert (Loch Fyne)

5.
Berwick on Tweed
Hartlepool
North Shields
Seahouses

6.
Bridlington
Scarborough
Whitby

7.
Gairloch
Stornoway
Tarbert (Harris)
Ullapool

8.
Holyhead
Whitehaven

9.
Kyle of Lochalsh
Mallaig
Oban

10.
Lerwick
Scalloway

11.
Lowestoft
Yarmouth

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

The White Fish and Herring Industries Act 1953 provides that a scheme may be made for the payment of grants to the owners or charterers of fishing vessels engaged in catching white fish. The White Fish and Herring Industries Act 1957 makes a like provision as regards vessels engaged in catching herring.

This scheme provides for the payment of grants in respect of the catching of both white fish and herring, and special grants for certain vessels of 80 feet and over in respect of the catching of white fish, such grants being calculated by reference either to voyages made by vessels or to fish landed from them. The period in respect of which grants are payable is from the 1st August 1967 to the 31st July 1968 except that the special grants are payable from the 1st August 1967 to the 31st January 1968.

This scheme succeeds the White Fish and Herring Subsidies (United Kingdom) Scheme 1966 (S.I. 1966/961) and a scheme amending it (S.I. 1967/613).