STATUTORY INSTRUMENTS

1969 No. 1015

SEA FISHERIES

The White Fish (Inshore Vessels) and Herring Subsidies (United Kingdom) Scheme 1969

Made - - -	3*rd July* 1969
Laid before Parliament	10*th July* 1969
Coming into Operation	1*st August* 1969

The Minister of Agriculture, Fisheries and Food, and the Secretary of State for Scotland and the Secretary of State for Wales (being the Secretaries of State concerned with the sea fishing industry in Scotland and Wales respectively) 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**), by section 37 of, and paragraph 18 of Schedule 2 to, the Sea Fish Industry Act 1962(**c**) and by section 22 of and paragraphs 10 to 13 inclusive of Schedule 1 to, the Sea Fisheries Act 1968(**d**)), 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 section 22 of, and paragraphs 16 to 19 inclusive of Schedule 1 to, the Sea Fisheries Act 1968), section 1 of the Sea Fish Industry Act 1962 and sections 1 and 2 of the Sea Fisheries Act 1968 all as read with the Transfer of Functions (Wales) Order 1969(**e**) 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 White Fish (Inshore Vessels) and Herring Subsidies (United Kingdom) Scheme 1969, shall apply to the United Kingdom and shall come into operation on 1st August 1969.

(2) 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 the sea fishing industry in Scotland ;

(**a**) 1953 c. 17.
(**b**) 1957 c. 22.
(**c**) 1962 c. 31.
(**d**) 1968 c. 77.
(**e**) S.I. 1969/388 (1969 I, p. 1070).

(*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

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

"approved" means approved by the appropriate Minister;

"gross proceeds" means the proceeds from the first hand sale of all fish (including white fish, herring, salmon, migratory trout and shellfish) taken by the vessel on that voyage less such deductions as may be determined by the appropriate Minister in respect of the part of such proceeds which forms the perquisite of the crew of the vessel on that voyage;

"herring stonage payment" means any grant payable in accordance with the provisions of paragraph 2(1)(*c*);

"herring voyage payment" means any grant payable in accordance with the provisions of paragraph 2(1)(*d*);

"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;

"paragraph" means a paragraph of this scheme;

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

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

"white fish stonage payment" means any grant payable in accordance with the provisions of paragraph 2(1)(*a*);

"white fish voyage payment" means any grant payable in accordance with the provisions of paragraph 2(1)(*b*);

(3) For the purpose of this scheme the trans-shipment of white fish or herring in a port in the United Kingdom or within the exclusive fishery limits of the British Islands other than the waters within the fishery limits of the British Islands which are adjacent to the Isle of Man or any of the Channel Islands shall be treated as the landing of white fish or herring in the United Kingdom.

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

(5) In this scheme references to Wales include, and references to England do not include, Monmouthshire.

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 1969 and ending with 31st July 1970;

(*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;

(*c*) herring landed from the vessel in the United Kingdom during the period beginning with 1st August 1969 and ending with 31st July 1970; or,

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

(*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 :

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 1969 and ending with 31st July 1970 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% 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 under this scheme shall, within such time in such form and for such period 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 of the financial results of the operation of all vessels to which this scheme applies 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 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:

Provided that not more than one person shall be authorised as aforesaid at any time at a port in respect of grants payable under either paragraph 2(1) or paragraph 2(2) in relation to a vessel.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under this scheme, 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 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 3 or if any of the conditions relating to the payment of grants under this scheme are not complied with by an owner or charterer or person acting on behalf of an owner or charterer, payment of grant to that owner, charterer or person at any time may be refused.

8.—(1) 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 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 provisions of this scheme.

(2) Notwithstanding the provisions of paragraphs 10, 13 and 14 any grant under 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. Subject to the provisions of this scheme—

(*a*) a white fish voyage payment may be made in respect of each voyage made by a vessel falling within one of the categories specified in Part I of Schedule 2 to this scheme;

(*b*) a herring voyage payment may be made in respect of each voyage made by a vessel falling within one of the categories specified in Part II of Schedule 2 to this scheme

such payment being, in each case, an amount equal to the appropriate rate of grant per day at sea set out in Part I, or as the case may be Part II, of Schedule 2 to this scheme multiplied by such number of days as the appropriate Minister is satisfied are to be taken into account for the purposes of this scheme as days at sea on that voyage.

11.—(1) Subject to sub-paragraph (2) of this paragraph, for the purposes of paragraph 10 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—

(i) if the day of arrival of the vessel is also the day of departure 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 ;

(ii) 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.

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 proceeds from the sale of the white fish exceed the proceeds from the sale of the herring, a white fish voyage payment, and in a case where the proceeds from the sale of the herring exceed the 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 white fish or herring landed in consequence of the voyage, notwithstanding that the vessel falls within one of the categories specified in Part I or Part II of Schedule 2 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.

(4) In this paragraph "proceeds", in relation to the sale of white fish, or, as the case may be herring, means the total proceeds from the first-hand sale thereof.

Conditions relating to payments for white fish and herring landed

13.—(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 2 to this scheme, in respect of white fish landed and sold at first-hand otherwise than by retail, at the appropriate rate set out in Part I of Schedule 3 to this scheme.

(2) No white fish stonage payment shall be made—

(*a*) in respect of fish (other than filleted fish, wings of ray and skate, skinned dogfish and monkfish tails) landed without heads or tails or from which any portion of the head or tail has been removed ; 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, or

(*c*) in respect of white fish which are subject to the prohibitions contained in section 1(1) of the Sea Fish (Conservation) Act 1967(**a**).

14.—(1) Subject to the provisions of this scheme 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 C of Part II of Schedule 2 to this scheme, in respect of herring landed, at the rate set out in Part II of Schedule 3 to this scheme ;

(2) Subject to the provisions of this scheme a grant may be paid at the rate set out in Part III of Schedule 3 to this scheme in respect of herring landed from a vessel and sold for conversion into oil, meal or other approved product.

15.—(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 13(1) and 14(1) 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 same 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 same 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 3rd July 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture,
Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 3rd July 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under my hand on 3rd July 1969.

George Thomas,
Secretary of State for Wales.

Approved on 3rd July 1969.

Joseph Harper,
E. Alan Fitch,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(**a**) 1967 c. 84.

SCHEDULE 1

Paragraph 2

PART I

Ports

Aberdeen
Annalong
Anstruther
Arbroath
Ardglass
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.
Annalong
Ardglass
Kilkeel
Portavogie

4.
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

SCHEDULE 2

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

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, 1969, that the appropriate Minister is satisfied that the total of any 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), 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 1968 to at least £250.

	Rate of grant per day at sea £ s. d.
Vessels of 35 feet in length or over but under 40 feet in length...	3 17 0
Vessels of 40 feet in length or over but under 45 feet in length...	4 3 0
Vessels of 45 feet in length or over but under 55 feet in length...	4 12 0
Vessels of 55 feet in length or over but under 60 feet in length...	4 18 0

Category B

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 18 0
Vessels of 65 feet in length or over but under 80 feet in length...	5 16 0

PART II

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

Category C

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, 1969, that the appropriate Minister is satisfied that the total of any 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), 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 1968 to at least £250.

	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 D

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 3

Paragraph 13

PART I

RATES OF GRANT IN RESPECT OF WHITE FISH LANDED

Kind of Fish	Rate of grant per stone d.
All whole gutted white fish and filleted white 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 white fish, if the appropriate Minister is satisfied that such fish has been sold for human consumption	8½
All other whole white fish	2¾

PART II

Paragraph 14

RATE OF GRANT IN RESPECT OF HERRING LANDED

	Rate of grant per stone d.
Herring landed	4

PART III

Paragraph 14

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	22 0

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

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

This scheme provides for the payment of grants in respect of the catching and landing of white fish by vessels under 80 feet and of catching and landing of herring, 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 1969 to the 31st July 1970.

This scheme succeeds the White Fish and Herring Subsidies (United Kingdom) Scheme 1968 (S.I. 1968/1235) which also provided for grants for the catching and landing of white fish by vessels of 80 feet and over for which provision is now made by the White Fish Subsidy (Deep Sea Vessels) (United Kingdom) Scheme 1969 (S.I. 1969/472).