STATUTORY INSTRUMENTS

1969 No. 472

SEA FISHERIES

The White Fish Subsidy (Deep Sea Vessels) (United Kingdom) Scheme 1969

Made - - -	17*th February* 1969
Laid before Parliament	25*th February* 1969
Coming into Operation	26*th March* 1969

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 on 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**), section 37 of and paragraph 18 of Schedule 2 to the Sea Fish Industry Act 1962(**c**) and section 22 of and paragraphs 10 to 13 inclusive of Schedule 1 to the Sea Fisheries Act 1968(**d**)), section 1 of the Sea Fish Industry Act 1962 and sections 1 and 2 of the Sea Fisheries Act 1968, 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 Subsidy (Deep Sea Vessels) (United Kingdom) Scheme 1969, 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—

"aggregate operating profits" has the meaning assigned to it by paragraph 8 ;

"the appropriate Minister" means, in relation to England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, the Secretary of State for Scotland ;

"approved" means approved by the appropriate Minister ;

"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 ;

"fish" includes shellfish ;

(**a**) 1953 c. 17.
(**b**) 1957 c. 22.
(**c**) 1962 c. 31.
(**d**) 1968 c. 77.

"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);

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland;

"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;

"reference period" has the meaning assigned to it by paragraph 8;

"subsidy period" has the meaning assigned to it by paragraph 4;

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

(2) In this scheme, in relation to a vessel to which this scheme applies which has completed a voyage, being a voyage for such a purpose as is mentioned in paragraph 3(2), terminating during any reference period:—

"gross proceeds" means the gross proceeds from the first hand sale of the fish caught by the vessel on that voyage or the products of such fish together with, in any case where during the voyage the vessel was employed for a purpose other than that mentioned in paragraph 3(2) and a payment has been or will be received as a result of such employment, the whole or such part of such payment to the extent to which the appropriate Minister shall consider appropriate having regard to the loss of fishing time resulting from such employment:

Provided that where the first-hand sale of any of the said fish or products landed as aforesaid takes place at a time other than immediately after they were landed the gross proceeds of such fish or products shall for the purposes of this scheme be taken to be such a sum as shall appear to the appropriate Minister to be that which would have been received had such fish or products been sold immediately after they were landed;

"operating costs" means the total of all approved costs incurred in respect of that voyage including such proportion of the costs of management, of the training of officers and crew and of overhead expenses (or provision for such expenses) as the appropriate Minister may approve as referable to the voyage but excluding the payment of interest on, and the depreciation of, capital;

"operating loss" means any amount by which the gross proceeds of that voyage are less than the operating costs of the voyage;

"operating profit" means any amount by which the gross proceeds of that voyage exceed the operating costs of the voyage.

(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

3.—(1) This scheme applies to every fishing vessel of 80 feet or over in length, registered in the United Kingdom, being a vessel engaged on voyages falling within sub-paragraph (2) of this paragraph, the owner or charterer of which has employed it or another such vessel on such a voyage terminating on or after 1st August 1968.

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

(2) The voyages to which sub-paragraph (1) of this paragraph relates are voyages made for the purpose of catching white fish 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 port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel.

4. A grant may be paid by the appropriate Minister 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 to which this scheme applies in respect of each such period (hereinafter referred to as "the subsidy period") as the Ministers may determine, being a period not exceeding 12 months in duration, which commences—

(*a*) in the case of the first subsidy period, on 1st August 1968;

(*b*) in the case of subsequent subsidy periods, on the termination of the immediately preceding subsidy period

and which, in the case of the last subsidy period, terminates on 31st July 1971.

5.—(1) 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 and within such period 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.

(2) 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 this paragraph.

6. The owner or charterer of a vessel to which this scheme applies (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 as may be required by the appropriate Minister including returns concerning fishing operations, costs and trading results and detailed accounts 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.

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 6 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 person acting on behalf of an owner or charterer, the payment of grants to that owner, charterer or person at any time may be refused.

Total amount of grant

8. The Ministers may in respect of any subsidy period make available for payment of grant a sum (hereinafter referred to as "the total amount of grant") calculated in accordance with the next following paragraph related to the aggregate operating profits of all vessels to which this scheme applies from all voyages which terminated during the relevant reference period.

In this and the succeeding paragraphs of this scheme the "reference period" in relation to any subsidy period means such period, having the same duration as that subsidy period, as the Ministers may determine, and "aggregate operating profits" for a reference period means the sum, if any, by which the total operating profits of all such vessels from the voyages which terminated during that reference period exceed the total operating losses of such vessels from such voyages.

9.—(1) Subject to the following provisions of this paragraph, the total amount of grant made available in respect of a subsidy period, being a subsidy period of 12 months, shall be—

(*a*) if the aggregate operating profits for the relevant reference period do not exceed £4,000,000, the sum representing the total of the sum of £2,000,000 and one half of the amount by which the aggregate operating profits are less than £4,000,000 ;

(*b*) if the aggregate operating profits for the relevant reference period exceed £4,000,000, the sum remaining after deducting from the sum of £2,000,000 one half of the amount by which the aggregate operating profits exceed the sum of £4,000,000 :

Provided that the total amount of grant in respect of such a subsidy period shall not exceed such sum as taken together with the aggregate operating profits for the relevant reference period will exceed the sum of £7,000,000.

(2) Subject to the following provisions of this paragraph, where the duration of a subsidy period is less than 12 months the provisions of the last foregoing sub-paragraph shall have effect as if for the sums of £2,000,000, £4,000,000 and £7,000,000 mentioned therein there were substituted respectively such sums as bear the same proportion to £2,000,000, £4,000,000 and £7,000,000 as the subsidy period bears to a period of 12 months.

(3) Where grants have been paid under the White Fish and Herring Subsidies (United Kingdom) Scheme 1968(**a**) (hereinafter in this paragraph referred to as "1968 Scheme grants") in respect of voyages made by vessels to which this scheme applies which have terminated during a subsidy period, the total amount of grant made available in respect of that subsidy period shall be the sum calculated in accordance with sub-paragraph (1) or, as the case may be, sub-paragraph (2), of this paragraph reduced by such amount in respect of the 1968 Scheme grants as the Ministers may determine :

Provided that the amount deducted under this sub-paragraph in respect of any subsidy period shall not, taken together with deductions made under this sub-paragraph in respect of any previous subsidy period, exceed the total of all sums payable by way of 1968 Scheme grants in respect of that and any previous subsidy period.

Grant payable in respect of each vessel

10. The amount of grant payable in respect of a vessel to which this scheme applies in respect of any subsidy period shall be a sum equal to the relevant

(**a**) S.I. 1968/1235 (1968 II, p. 3336).

fraction of the added value, if any, attributable to the employment of the vessel during the relevant reference period.

In this paragraph—

(*a*) the "relevant fraction" means the fraction which represents the proportion which the total amount of grant made available in respect of the subsidy period bears to the total amount of added value attributable to the employment during the relevant reference period of all vessels to which this scheme applies;

(*b*) the added value attributable to the employment of a vessel during any reference period shall be the sum, if any, by which the total of the gross proceeds from the employment of the vessel on all the voyages which terminated during that reference period exceeds the total of the operating costs of the vessel in respect of such voyages other than—

(i) wages, holiday pay and other remuneration or benefits paid to or on behalf of the officers and crew of the vessel;

(ii) national insurance payments made by the owner or charterer in respect of the officers and crew of the vessel;

(iii) victualling expenses, and

(iv) the approved costs of the training of officers and crew.

11. The appropriate Minister may during the course of any subsidy period make a payment on account of grant in respect of a vessel in relation to such period and if, after the expiration of that period, the payment so made exceeds the amount payable under this scheme in respect of the vessel in respect of the subsidy period the amount of the overpayment shall be repaid to the appropriate Minister by the person to whom it was paid.

12. In the event of a dispute as to the purpose of a voyage undertaken by a vessel to which this scheme applies, as to the day on which such a voyage terminated or as to the ascertainment of the amount of any gross proceeds or operating costs the determination of the appropriate Minister shall be conclusive.

13. If, at the time when they propose to make a calculation for any reference period of the aggregate operating profits for the purposes of paragraph 9 or of the total amount of added value for the purposes of paragraph 10, there shall not be available to the Ministers any return, or a return appearing to the appropriate Minister to be adequate for the purpose, of the gross proceeds or any of the costs of any vessel to which this scheme applies for that reference period the appropriate Minister may estimate the gross proceeds or, as the case may be, costs from such information as is available to him and the amounts so estimated may be treated by the Ministers as the gross proceeds or, as the case may be, costs of that vessel for the purposes of either of the calculations aforesaid.

14. If at any time after 1st August 1968 any structural alteration shall be made or shall have been made to any vessel which increases or has increased its length to 80 feet or over, such vessel shall not be treated as one to which this scheme applies unless the appropriate Minister is satisfied that the alteration was likely to be conducive to the increased fishing efficiency of the vessel.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th February 1969.

(L.S.) *Cledwyn Hughes,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 13th February 1969.

(L.S.) *William Ross,*
Secretary of State for Scotland.

Approved on 17th February 1969.

Walter Harrison,
Joseph Harper,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This scheme is made in exercise of the powers given by the White Fish and Herring Industries Act 1953, as amended, for the payment of grants to the owners and charterers of fishing vessels of 80 feet or over in length registered in the United Kingdom and engaged in catching white fish. It provides for grants for the three years from the 1st August 1968 to 31st July 1971.

The grants payable will be calculated by reference to the results of fishing during specified periods, for which vessel owners will make returns.

The total amount of grant to be paid in respect of a period of one year will be calculated by reference to the aggregate operating profits of all vessels to which the scheme applies. A basic grant of £2m. will be increased by one half of the amount by which those profits, in any one year, fall short of £4m. or reduced by one half of the amount by which the profits exceed £4m. The total amount of grant will in no case exceed £4m. and the scheme provides that the total amount of grant shall be limited to ensure that the grant plus the aggregate operating profits shall not exceed £7m. In respect of a period of less than one year the sums referred to will be reduced proportionately.

The amount payable to individual owners or charterers will be assessed on the basis of the added value contributed by each vessel towards the aggregate added value of all the vessels. The added value will be the total of the operating profits and the costs of officers' and crews' remuneration and training.

Provision is made for the making of returns by the owners and charterers of vessels and the scheme provides which receipts and expenditure are to be taken into account in assessing the gross proceeds and operating costs of a vessel.

Payments under the White Fish and Herring Subsidies (United Kingdom) Scheme 1968 (S.I. 1968 No. 1235), which provides for the payment of grant in respect of voyages made for the purpose of catching white fish during the year beginning on the 1st August 1968, will be taken into account when the total amount of grant is calculated under the present scheme.

This scheme was approved by resolutions of the House of Lords on the 13th March 1969 and of the House of Commons on the 25th March 1969 and came into operation on the 26th March 1969.