1954 No. 1024

The White Fish Subsidy (United Kingdom) Scheme, 1954

Made - - - - 13*th July*, 1954
Coming into Operation 1*st August*, 1954

The Minister of Agriculture and Fisheries and the Secretary of State for Scotland, in exercise of the powers conferred upon them by section 5 of the White Fish and Herring Industries Act, 1953(a), 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 Subsidy (United Kingdom) Scheme, 1954, shall apply to the United Kingdom, and shall come into operation on the 1st day of August, 1954.

(2) The White Fish Subsidy (United Kingdom) Scheme, 1953(b) is hereby revoked, but without prejudice to any right acquired or any liability incurred before the date of the said revocation.

(3) In this scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

"Faroe fishing grounds" means fishing grounds within the following limits, namely: 4 degrees west longitude, 11 degrees west longitude, 60 degrees 20 minutes north latitude and 63 degrees north latitude, together with the Outer Bailey or Lousy Bank;

"Gross proceeds" means the proceeds from the first-hand sale of all fish (including 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 fishing 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;

"inshore, near and middle waters", means waters within the following limits, namely: 63 degrees north latitude, 17 degrees west longitude and 43 degrees north latitude;

"length", in relation to a vessel, except when expressed as length overall, means its length as calculated for the purposes of registration under the Merchant Shipping Act, 1894(c);

(a) 1 & 2 Eliz. 2. c. 17. (b) S.I. 1953/1139 (1953 I, p. 807). (c) 57 & 58 Vict. c. 60.

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

(4) In England and Wales and Scotland the Interpretation Act, 1889(a), and in Northern Ireland that Act as applied by the Interpretation Act, 1921(b) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Period of Operation

2. For the purposes of subsection (2) of section 5 of the White Fish and Herring Industries Act, 1953, (under which provision may be made for the payment of grants in respect of white fish landed in the United Kingdom during a prescribed period, or in respect of voyages made during such a period for the purpose of catching such fish and landing them in the United Kingdom, or in respect of white fish so landed and of voyages so made), the prescribed period for the purposes of this scheme shall be the period beginning on the 1st day of August, 1954, and ending on the 31st day of July 1955 (both days inclusive).

General Conditions of Grant

3. Subject to the provisions of paragraph 2 of this scheme, grants 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 fishing vessel not exceeding 140 feet in length and registered in the United Kingdom, in respect of white fish landed in the United Kingdom from the vessel, or in respect of voyages made by the vessel for the catching and landing in the United Kingdom of white fish, or in respect of white fish so landed and of voyages so made:

Provided that no grant shall be payable—

(*a*) in respect of a voyage beyond the inshore, near and middle waters; or

(*b*) in respect of fish taken (whether within those waters or not) in the course of such a voyage: or

(*c*) in any case where the fish is landed in the Isle of Man or Channel Islands.

4. The owner or charterer of every such vessel as aforesaid fishing in the inshore, near and middle waters (except a vessel not exceeding 70 feet in length overall which does not normally make voyages lasting more than three days at sea including the day of departure and day of arrival) shall, if he intends to make application for payment to him of a grant under this scheme, furnish the appropriate Minister with detailed accounts of the financial results of the operation of all such vessels of which he is the owner or charterer for such period and in such form as the appropriate Minister may from time to time require.

5. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall supply such other information and make such other returns concerning fishing operations, costs and trading results as may be required by the appropriate Minister and shall make any relevant books and records open to examination by any person authorised by the appropriate Minister.

(a) 52 & 53 Vict. c. 63. (b) 12 Geo. 5. c. 4. (N.I.).

6. Any grants paid under this scheme shall be deemed to be part of the gross proceeds of the catch for the purpose of giving effect to any agreement or arrangement for the remuneration of the officers or crew of the vessel.

7. 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.

8. Application for payment of a grant under this scheme shall be made not later than one month after landing, or such longer period as the appropriate Minister may, in special circumstances, allow.

9. Notice that a person is authorised to make claims 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 7 of this scheme. Not more than one agent for the said purpose at any one port shall be appointed at any one time in respect of any one vessel.

10. Without prejudice to the discretion of the appropriate Minister in the payment of grants under paragraph 3 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 a 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.

Special Conditions applying to vessels exceeding 70 feet in length overall

11. Subject to the provisions of paragraph 2 of this scheme, grants may be paid in the case of vessels exceeding 70 feet in length overall—

(*a*) in respect of each voyage in accordance with the scales set out in the second and third column of Part I of the Schedule to this scheme opposite the appropriate description of the vessel and the voyage in the first column of the said Part I, and the conditions set out in paragraphs 12 to 14 hereof ; and

(*b*) on landings of white fish in accordance with the scales set out in Part II of the Schedule to this scheme and the conditions set out in paragraphs 15 and 16 hereof.

A. Voyage Payments

12.—(1) For the purpose of the calculation by the appropriate Minister of the number of days at sea the day of departure and day of arrival may each be reckoned as one day at sea ; provided that where the day of arrival is also the day of departure of any subsequent voyage, the day of arrival shall be reckoned with the voyage first concluded on that day whether or not a grant is claimed in respect of that voyage, and shall not

be reckoned in respect of any subsequent voyage. Days spent in port during a voyage shall be excluded in calculating the number of days at sea in that voyage.

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

13.—(1) In the calculation of gross proceeds for the purposes of the third column of Part I of the Schedule to this scheme, fractions of £1 less than 10s. 0d. shall be ignored, and fractions amounting to 10s. 0d. or more shall be rounded up to the next £1.

(2) The gross proceeds of any voyage and of any subsequent voyage begun and finished on the day of arrival of the first-mentioned voyage shall be added together and treated as the gross proceeds of a single voyage.

(3) No grant shall be payable in respect of a voyage if the proceeds from the sale of white fish taken on that voyage amount to less than half the gross proceeds of that voyage.

(4) Where two vessels are engaged in " pareja " (pair) fishing both working the same trawl, the gross proceeds of the combined voyage shall for the purpose of determining the amount of grant payable be divided equally between the two vessels, whether they are of the same length or of different lengths, and the amount of grant (if any) shall be calculated separately for each vessel in accordance with the scales set out in the Schedule to this scheme.

14. Notwithstanding the provisions of paragraph 11 of this scheme, if any structural alteration is made to any vessel which will increase its length, grants may be paid at the rate appropriate to the length of the vessel before the alteration was carried out, unless the appropriate Minister has previously agreed in writing to pay at the rate appropriate to the length of the vessel after the alteration was carried out.

B. Landings Payments

15. No grant shall be payable (*a*) in respect of fish (other than 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.

16. For the purpose of computing the amount of grant payable, the weight of the fish shall be the weight determined at the time of the first-hand sale.

Special Conditions applying to vessels not exceeding 70 feet in length overall

17. Subject to the provisions of paragraph 2 of this scheme, grants may be paid in accordance with the conditions set out in paragraphs 15 and 16 of this scheme in the case of vessels not exceeding 70 feet in length overall at the following rates in respect of white fish of legal size landed and sold first-hand (otherwise than by retail) for human consumption:—

(*a*) 10*d.* per stone in respect of all whole gutted fish (including roes and [illegible]itlings), wings of ray and skate and monkfish tails; and ungutted [illegible], bream, dogfish, eels, gurnards, mackerel, horse mackerel, mullet (red and grey), pilchards, redfish, smelts, sprats, and whitebait;

(*b*) 8*d.* per stone in respect of all other whole ungutted fish.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 13th day of July, nineteen hundred and fifty-four.

Tom Dugdale,
Minister of Agriculture and Fisheries.

Given under the Seal of the Secretary of State for Scotland this 13th day of July, nineteen hundred and fifty-four.

James Stuart,
Secretary of State for Scotland.

Approved,
13th July, 1954.

Edward Heath,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

SCALES OF PAYMENTS REFERRED TO IN PARAGRAPH 11 OF THIS SCHEME FOR VESSELS EXCEEDING 70 FEET IN LENGTH OVERALL

Part I—Voyage Payments

(1) Class of vessel and voyage	(2) Maximum Payment		(3) Gross Proceeds (inclusive of grant) not to exceed	
	per day at sea	for any one voyage	per day at sea	for any one voyage
	£	£	£	£
MOTOR FISHING VESSELS USING SEINE NETS				
Over 70 ft. in length overall but not exceeding 140 ft.				
All voyages	10	100	45	450
OTHER MOTOR FISHING VESSELS				
Over 70 ft. in length overall but under 80 ft.				
Voyages to Faroe fishing grounds	10	150	45	810
Other voyages	10	100	45	450
80 ft. in length or over but under 90 ft.				
Voyages to Faroe fishing grounds	10	150	60	1,080
Other voyages	10	100	60	660
90 ft. in length or over but under 100 ft.				
Voyages to Faroe fishing grounds	12	180	70	1,260
Other voyages	12	120	70	770

(1) Class of vessel and voyage	(2) Maximum Payment		(3) Gross Proceeds (inclusive of grant) not to exceed	
	per day at sea	for any one voyage	per day at sea	for any one voyage
	£	£	£	£
100 ft. in length or over but under 120 ft.				
Voyages to Faroe fishing grounds	13	195	78	1,404
Other voyages	13	156	78	936
120 ft. in length or over but not exceeding 140 ft.				
All voyages	13	195	95	1,710
STEAM FISHING VESSELS				
Over 70 ft. in length overall but under under 90 ft.				
Voyages to Faroe fishing grounds	12	180	56	1,008
Other voyages	12	120	56	616
90 ft. in length or over but under 100 ft.				
Voyages to Faroe fishing grounds	12	180	61	1,098
Other voyages	12	120	61	671
100 ft. in length or over but under 110 ft.				
Voyages to Faroe fishing grounds	13	195	66	1,188
Other voyages	13	156	66	792
110 ft. in length or over but under 120 ft.				
Voyages to Faroe fishing grounds	13	195	78	1,404
Other voyages	13	156	78	1,170
120 ft. in length or over but under 130 ft.				
All voyages	14	210	90	1,620
130 ft. in length or over but not exceeding 140 ft.				
All voyages	14	210	100	1,800

Part II—Landings Payments

Grants under head (*b*) of paragraph 11 of this scheme may be paid at the following rates in respect of white fish of legal size landed and sold at first-hand (otherwise than by retail) for human consumption:—

(*a*) 4d. per stone in respect of all whole gutted fish (including roes and chitlings), wings of ray and skate and monkfish tails; and ungutted bass, bream, dogfish, eels, gurnards, mackerel, horse mackerel, mullet (red and grey), pilchards, redfish, smelts, sprats and whitebait;

(*b*) 3d. per stone in respect of all other whole ungutted fish.

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, 1953, provides that with a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish, a scheme may be made for the payment of grants to the owners or charterers of fishing vessels not exceeding 140 feet in registered length engaged in catching such fish. This scheme revokes the White Fish Subsidy (United Kingdom) Scheme, 1953, and provides for the payment of grants in respect of voyages made and fish landed by vessels fishing the near and middle water grounds, and for grants in respect of landings of fish by inshore vessels, during the period beginning on 1st August, 1954, and ending 31st July, 1955. The conditions under which the grants may be paid remain the same as those under the previous Scheme, save for a provision that when a structural alteration is made to any vessel which increases its length grant may be paid at the rate appropriate to the original length of the vessel, unless, previous to the alteration, the appropriate Minister has otherwise agreed.

As required by section 11 of the Act, this scheme was approved by a resolution of the House of Commons on 26th July, 1954, and a resolution of the House of Lords on 29th July, 1954.

SESSION, COURT OF, SCOTLAND

1954 No. 791 (S. 88)

Act of Sederunt (Admission of Solicitors) 1954

Made - - - -	1*st June*, 1954
Coming into Operation	1*st June*, 1954

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act, 1933(**a**) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Rules of the Court of Session(**b**) shall be amended as follows:—

(i) In Rule 4 reference to "the Council of the Law Society of Scotland" shall be substituted for references to the "the General Council of Solicitors in Scotland" and "the General Council."

(ii) In Rule 4 (*c*) (i) "£5 5s." shall be substituted for "£3 13s. 6d."

(iii) In Rule 4 (*c*) (ii) "£3 13s. 6d." shall be substituted for "£2 2s. 0d."

(iv) In Rule 5 (i) "£2 2s." shall be substituted for "£1 1s. 0d."

(v) In Rule 5 there shall be inserted an additional sub-paragraph as follows:—

"(ii) for granting a certificate authorising the intimation of an indenture outwith the six months period prescribed by section 9 of the Solicitors (Scotland) Act 1933(**c**), £1 1s. 0d."

and the existing sub-paragraph (ii) shall be renumbered (iii).

(**a**) 23 & 24 Geo. 5. c. 41. (**b**) S.I. 1948/1691 (1948 I, p. 3778).
(**c**) 23 & 24 Geo. 5. c. 21.