EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order confirms Regulations made by the White Fish Authority revoking Regulations previously made for the registration of wholesale merchants other than wholesale merchants selling only at first-hand, engaged in the white fish industry.

1959 No. 1266

The White Fish Subsidy (United Kingdom) Scheme, 1959

Made - - - - 24*th June*, 1959
Coming into Operation 1*st August*, 1959

The Minister of Agriculture, Fisheries and Food 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**), (as amended by section 2 of the White Fish and Herring Industries Act, 1957(**b**)) and section 5 of the White Fish and Herring Industries Act, 1957, 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, 1959, shall apply to the United Kingdom, and shall come into operation on the 1st day of August, 1959.

(2) The White Fish Subsidy (United Kingdom) Scheme, 1958(**c**), 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, Fisheries and Food; and in relation to vessels landing fish in Scotland, the Secretary of State for Scotland;

"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(**d**);

(a) 1 & 2 Eliz. 2. c. 17.
(b) 5 & 6 Eliz. 2. c. 22.
(c) S.I. 1958/1212 (1958 II, p. 2138).
(d) 57 & 58 Vict. c. 60.

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

(4) The Interpretation Act, 1889(a), shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Period of Operation

2. Grants may be made under this scheme in respect of white fish landed in the United Kingdom during the period beginning on the 1st day of August, 1959, and ending on the 31st day of July, 1960 (both days inclusive) or in respect of voyages made during such period for the purpose of catching white fish and landing them in the United Kingdom.

General Conditions of Grant

3. Subject to the provisions of Article 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 voyages made by the vessel for the catching and landing in the United Kingdom of white fish, or in respect of white fish landed in the United Kingdom from the vessel:

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 are 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 reckoning as one day at sea each of the days of departure and 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.

6. For the purpose of giving effect to any agreement or arrangement for the remuneration of the officers or crew of the vessel—

(*a*) in a case where the vessel does not exceed 70 ft. in length overall or is a motor vessel falling within category A specified in the Schedule to this scheme, any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch;

(a) 52 & 53 Vict. c. 63.

(*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 their remuneration is calculated wholly or partly by reference to the gross earnings of the vessel, such portion of any grant paid under this scheme in respect of vessels in categories B, C and D specified in the Schedule to this scheme as is equal in amount to the sum specified for the purpose in the said Schedule opposite the amount of the grant (such sum being the estimated amount of the average grant that would have been payable if it had been computed by reference to the scales of payment specified in the White Fish Subsidy (United Kingdom) No. 2 Scheme, 1955(a)) shall be deemed to be part of the gross proceeds of the catch.

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 Article 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.—(1) No grant shall be payable in terms of this scheme in respect of a voyage made or of white fish landed in consequence of a voyage by a vessel of 40 feet in length or over where a claim for herring subsidy in respect of the voyage is made under any scheme made pursuant to the White Fish and Herring Industries Act, 1957.

(2) 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 landed from the combined voyage, the proceeds from the sale of such fish 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 different lengths, and the grant (if any) shall be calculated separately, for each vessel in accordance with the rates set out in Article 16 of, and the Schedule to this scheme.

11. Without prejudice to the discretion of the appropriate Minister in the payment of grants under Article 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 grant under this scheme or if any of the conditions relating to the payment of grants under this

(a) S.I. 1955/1937 (1955 II, p. 2408).

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.

Conditions relating to payments for voyages

12. Subject to the provisions of Articles 2 and 3 of this scheme, a grant may be paid at the appropriate rate set out in the Schedule to this scheme in respect of each voyage made by a fishing vessel falling within one of the categories specified in that Schedule and in accordance with the conditions set out in Articles 13 to 15 of this scheme.

13.—(1) Subject to the subsequent paragraphs of this Article, for the purposes of the Schedule to this scheme, in computing the length of a voyage, the day of departure and the day of arrival of the vessel and 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, if the appropriate Minister is satisfied that the said sale commenced as soon as was reasonably practicable any day intervening between the day of arrival of the vessel and the day on which the said sale commences may each be reckoned as one day at sea.

Provided that:—

(*a*) if the day of arrival of the vessel or the day on which the first-hand sale of the catch commences is also the day of departure of any subsequent voyage, then the day of arrival or the day on which the said sale commences, as the case may be, shall be reckoned with the voyage first concluded on that day and not with any subsequent voyage;

(*b*) days spent during a voyage in any port other than the port in which the catch is landed shall be excluded in calculating the number of days at sea in that voyage.

(2) Where reference is made in the Schedule to this scheme to a voyage that takes place within a specified period the reference shall be construed, in the case of a voyage only part of which falls within that period, as a reference to that part.

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

14. 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.

15. Notwithstanding the provisions of Article 12 or of the Schedule to this scheme, if any structural alteration is made to any vessel which will increase or decrease 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.

Conditions relating to payments for fish landed

16. Subject to the provisions of Articles 2 and 3 of this scheme, grants may be paid in accordance with the conditions set out in Articles 17 and 18 of this scheme in the case of fishing vessels not exceeding 70 feet in length overall not being vessels falling within any of the categories specified in the Schedule to this scheme, 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*) 8d. 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*) 6d. per stone in respect of all other whole ungutted fish.

17. 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.

18. 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-fourth day of June, nineteen hundred and fifty-nine.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this twenty-fourth day of June, nineteen hundred and fifty-nine.

(L.S.)

John S. Maclay,
Secretary of State for Scotland.

Michael Hughes-Young,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

Approved
24th June, 1959.

SCHEDULE

Categories of Fishing Vessels and Scale of Payments for Voyages

Category A. Motor fishing vessels as respects which the appropriate Minister is satisfied that, during the period from 1st May, 1958 to 30th April, 1959 (both days inclusive) or such other period as he may, in special circumstances, determine, more than half the number of days spent by the vessel at sea in fishing for white fish was spent in voyages lasting eight days or more and more than half the number of days spent by the vessel at sea in fishing for white fish was spent on voyages undertaken for the purpose of fishing with seine nets, the day of departure and the day of arrival each being reckoned as one day at sea.

Rates of Grant	*Payment per day at sea* £ s. d.
(i) Vessels not exceeding 70 feet in length overall—	
Voyages between 1st November, 1959 and 30th April, 1960 (both inclusive)	7 10 0
Other voyages	Nil
(ii) Vessels exceeding 70 feet in length overall and not exceeding 140 feet in length—	
Voyages between 1st November, 1959 and 30th April, 1960 (both inclusive)	10 0 0
Other voyages	Nil

Category B. Steam fishing vessels of 130 feet in length or over but not exceeding 140 feet in length where the contract for the building of the vessel was made after the 31st day of July, 1952.

Rate of Grant	*Payment per day at sea* £ s. d.	*Sum referred to in Article 6 (b) (ii)* £ s. d.
All voyages	5 10 0	5 10 0

Category C. Steam fishing vessels over 70 feet in length overall where the contract for the building of the vessel was made before the 1st day of August, 1952.

Rates of Grant	*Payment per day at sea* £ s. d.	*Sum referred to in Article 6 (b) (ii)* £ s. d.
Vessels over 70 feet in length overall but under 90 feet in length	6 10 0	4 14 0
Vessels 90 feet in length or over but under 100 feet in length	5 0 0	4 8 0
Vessels 100 feet in length or over but under 110 feet in length	11 0 0	7 18 0
Vessels 110 feet in length or over but under 120 feet in length	13 10 0	10 14 0
Vessels 120 feet in length or over but under 130 feet in length	15 5 0	10 0 0
Vessels 130 feet in length or over but not exceeding 140 feet in length	17 5 0	9 4 0

Category D. Vessels exceeding 70 feet in length overall not being vessels falling in categories A, B or C aforesaid.

Rates of Grant	*Payment per day at sea* £ s. d.	*Sum referred to in Article 6 (b) (ii)* £ s. d.
Vessels over 70 feet in length overall but under 80 feet in length	5 0 0	4 4 0
Vessels 80 feet in length or over but under 90 feet in length	6 0 0	4 10 0
Vessels 90 feet in length or over but under 100 feet in length	10 0 0	8 2 0
Vessels 100 feet in length or over but under 110 feet in length	8 10 0	4 10 0
Vessels 110 feet in length or over but under 120 feet in length	5 0 0	2 16 0
Vessels 120 feet in length or over but under 130 feet in length	2 0 0	2 0 0
Vessels 130 feet in length or over but not exceeding 140 feet in length	Nil	Nil

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, 1958, which provided for payment of grants on voyages made or fish landed up to the 31st July, 1959, and provides for the payment of similar grants in respect of voyages made by vessels fishing near and middle water grounds, and in respect of landings of fish by inshore vessels, during the period beginning 1st August, 1959, and ending 31st July, 1960. The conditions relating to grants in respect of voyages made and fish landed remain the same as those under the previous scheme.

As required by section 5 of the White Fish and Herring Industries Act, 1957, this scheme was approved by a resolution of the House of Lords on 22nd July, 1959, and a resolution of the House of Commons on 14th July, 1959.

SEAL FISHERIES

1959 No. 2078 (S. 115)

The Grey Seals Protection (Scotland) (Suspension of Close Season) Order, 1959

Made - - - - *4th December*, 1959
Coming into Operation *4th December*, 1959

The Secretary of State, in exercise of the power conferred on him by the proviso to subsection (1), and by subsection (2), of section 1 of the Grey Seals Protection Act, 1932(a), and of all other powers enabling him in that behalf, hereby makes the following Order, a draft whereof has been laid before Parliament in accordance with subsection (4) of the said section 1 as read with subsection (2) of section 6 of the Statutory Instruments Act, 1946(b):—

Citation

1. This Order may be cited as the Grey Seals Protection (Scotland) (Suspension of Close Season) Order, 1959.

Interpretation

2.—(1) In this Order—

" grey seal " means a seal of the species known as *Halichoerus grypus*;

(a) 22 & 23 Geo. 5. c. 23. (b) 9 & 10 Geo. 6. c. 36.