STATUTORY INSTRUMENTS

1963 No. 1274

SEA FISHERIES

WHITE FISH INDUSTRY

The White Fish Subsidy (United Kingdom) Scheme 1963

Made - - - - *4th July* 1963
Coming into Operation *1st August* 1963

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 1 of the White Fish and Herring Industries Act 1961(c)) section 5 of the White Fish and Herring Industries Act 1957 and sections 1 and 2 of the Sea Fish Industry Act 1962(d), 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 Subsidy (United Kingdom) Scheme 1963, shall apply to the United Kingdom, and shall come into operation on the 1st August 1963.

(2) 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;

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

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

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

(a) 1 & 2 Eliz. 2. c. 17. (b) 5 & 6 Eliz. 2. c. 22. (c) 9 & 10 Eliz. 2. c. 18.
(d) 10 & 11 Eliz. 2. c. 31. (e) 57 & 58 Vict. c. 60. (f) 52 & 53 Vict. c. 63.

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 August 1963 and ending on the 31st July 1964 (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 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 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 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 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 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.

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.—(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) No grant shall be payable in terms of this scheme in respect of white fish landed by a vessel of 40 feet in length or over 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 herring subsidy is made under any scheme referred to in sub-paragraph (1) of this paragraph.

(3) 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 paragraph 15 of, and the schedule to, this scheme.

(4) Notwithstanding the provisions of paragraphs 12 and 15 and of the schedule to this scheme, if at any time after the 1st August 1963 any structural alteration shall have been made to any vessel which has increased or decreased its length, any grant payable under this scheme shall be paid at the rate appropriate to the length of the vessel before such alteration unless the appropriate Minister is satisfied that the alteration is likely to be conducive to the increased fishing efficiency of the vessel.

11. 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 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.

Conditions relating to payments for voyages

12.—(1) Subject to the provisions of paragraphs 2 and 3 of this scheme and in accordance with the conditions set out in paragraphs 10(4), 13 and 14 of this scheme—

(*a*) a grant may be paid at the appropriate rate set out in part I of the schedule to this scheme in respect of each voyage made by a fishing vessel falling within one of the categories specified in the said part I;

(*b*) a grant at a basic rate may be paid at the appropriate rate set out in part II of the schedule to this scheme in respect of each voyage made by a fishing 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 the schedule to this scheme in respect of each voyage made during the period beginning on 1st August 1963 and ending on 31st January 1964 (both days inclusive) by a fishing vessel falling within one of the classes specified in the said part III.

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

(3) No grant shall be payable in respect of a voyage if the appropriate Minister is not satisfied that in the course of such voyage fishing has been diligently and vigorously prosecuted.

13.—(1) Subject to the subsequent sub-paragraphs of this paragraph, 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, or any day intervening between them in respect of which the appropriate Minister is satisfied as aforesaid, 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 of herring, then that day shall not be reckoned with the 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 this scheme to a voyage made 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 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 fishing vessel is ordinarily engaged in fishing from a specified port the determination of the appropriate Minister shall be conclusive.

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.

Conditions relating to payments for fish landed

15. Subject to the provisions of paragraphs 2 and 3 of this scheme, and to the conditions set out in paragraphs 16 and 17 of this scheme grants may be paid in the case of fishing vessels under 60 feet in length not being vessels falling within any of the categories specified in the schedule to this scheme, in respect of white fish of legal size landed and sold at first-hand otherwise than by retail, at the following rates:—

(*a*) 1s. 3d. per stone in respect of

(i) all whole gutted fish (including roes and chitlings), skinned dogfish, wings of ray and skate and monkfish tails;

(ii) ungutted bass, dogfish, eels, mackerel, mullet (red and grey) and pilchards;

(*b*) 1s. 0d. per stone in respect of all other whole ungutted fish if the appropriate Minister is satisfied that such fish has been sold for human consumption;

(*c*) 6d. per stone in respect of all other whole fish.

16. No grants 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.

17. 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 on 2nd July 1963.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 3rd July 1963.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Approved on 4th July 1963.

G. T. C. Campbell,
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I

CATEGORIES OF FISHING VESSELS AND SCALE OF PAYMENTS OF GRANTS

Category A. Motor fishing vessels under 60 feet in length as respects which the appropriate Minister is satisfied that, during the period from 1st May 1962 to 30th April 1963 (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 on voyages lasting 8 days or more and more than half the number of days spent by the vessel at sea fishing for white fish was spent on voyages made 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.

Rate of Grant	*Payment per day at sea* £ s. d.
All vessels	6 0 0

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

Rates of Grant	*Payment per day at sea* £ s. d.
Vessels of 60 feet in length or over but under 65 feet in length...	6 0 0
Vessels of 65 feet in length or over but under 80 feet in length...	7 10 0

PART II

CATEGORY OF FISHING VESSELS AND SCALE OF PAYMENTS OF BASIC RATES OF GRANT

Category C. Fishing vessels of 80 feet in length or over, not being coal-fired steam vessels.

Rates of Grant	*Payment per day at sea* £ s. d.
Vessels of 80 feet in length or over but under 110 feet in length...	8 6 6
Vessels of 110 feet in length or over but under 140 feet in length	12 0 6
Vessels of 140 feet in length or over	13 17 6

PART III

CLASSES OF FISHING VESSELS AND SCALE OF PAYMENTS OF SPECIAL RATES OF GRANT IN OPERATION BETWEEN 1ST AUGUST 1963 AND 31ST JANUARY 1964

Class A

Oil-fired steam fishing vessels of 80 feet in length or over.

Rates of Grant	*Payment per day at sea* £ s. d.
Vessels of 80 feet in length or over but under 140 feet in length	5 1 0
Vessels of 140 feet in length or over ordinarily engaged in fishing—	
(*a*) from Aberdeen	8 8 0
(*b*) from Hull and—	
(i) completed before 1st January 1940...	5 12 0
(ii) completed on or after 1st January 1940 but before 1st January 1948	3 6 0
(iii) completed on or after 1st January 1948	1 1 0

	£ s. d.
(*c*) from Grimsby and—	
(i) completed before 1st January 1940	1 4 0
(ii) completed on or after 1st January 1940 but before 1st January 1948	2 5 0
(*d*) from Fleetwood and—	
(i) completed before 1st January 1940	2 5 0
(ii) completed on or after 1st January 1940 but before 1st January 1948	5 1 0
(iii) completed on or after 1st January 1948	7 14 0

Class B

Motor fishing vessels of 80 feet in length or over but under 140 feet in length.

Rates of Grant	*Payment per day at sea* £ s. d.
Vessels of 80 feet in length or over but under 90 feet in length ordinarily engaged in fishing—	
(*a*) from Aberdeen	2 8 0
(*b*) from Peterhead	1 1 0
(*c*) from Lowestoft	14 0
(*d*) from Fleetwood	2 12 0
Vessels of 90 feet in length or over but under 100 feet in length ordinarily engaged in fishing—	
(*a*) from Aberdeen	2 4 0
(*b*) from Brixham and Newlyn	2 0 0
(*c*) from Milford Haven	2 5 0
(*d*) from Fleetwood	2 12 0
Vessels of 100 feet in length or over but under 110 feet in length ordinarily engaged in fishing—	
(*a*) from Aberdeen or Granton	2 12 0
(*b*) from Grimsby	14 0
(*c*) from Lowestoft	1 4 0
(*d*) from Milford Haven	1 11 0
(*e*) from Fleetwood	2 9 0
Vessels of 110 feet in length or over but under 120 feet in length ordinarily engaged in fishing—	
(*a*) from Aberdeen or Granton	3 8 0
(*b*) from North Shields	8 8 0
(*c*) from Grimsby	14 0
(*d*) from Fleetwood	2 12 0
Vessels of 120 feet in length or over but under 130 feet in length ordinarily engaged in fishing—	
(*a*) from Aberdeen	1 12 0
(*b*) from North Shields	5 5 0
(*c*) from Grimsby	4 0 0
(*d*) from Lowestoft	2 5 0
(*e*) from Milford Haven	7 0 0
(*f*) from Fleetwood	4 14 0

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 engaged in catching such fish. The Sea Fish Industry Act 1962 provides that in the case of vessels of 80 feet in length or over grants may be paid at basic rates and/or at special rates, the latter being payable only if the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland are satisfied that they are needed by reason of special circumstances.

This scheme succeeds the White Fish Subsidy (United Kingdom) Scheme 1962 (S.I. 1962/1587) and a scheme amending it (S.I. 1963/770). It provides for payment of grants during the period 1st August 1963 to 31st July 1964. These grants are payable on landings of fish by vessels under 60 feet in length and for voyages by fishing vessels of 60 feet in length and over. Both basic and special rates of grant are provided for certain vessels of 80 feet in length and over. The special rates apply for the period 1st August 1963 to 31st January 1964.

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 the 19th July 1963 and a resolution of the House of Commons on the 16th July 1963.