STATUTORY INSTRUMENTS

1964 No. 1175

SEA FISHERIES

WHITE FISH INDUSTRY

The White Fish Subsidy (United Kingdom) Scheme 1964

Made - - - - -	*2nd July* 1964
Laid before Parliament	*8th July* 1964
Coming into Operation	*1st August* 1964

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 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 grant 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 1964, shall apply to the United Kingdom, and shall come into operation on the 1st August 1964.

(2) In this scheme, unless the context otherwise requires—

"the appropriate Minister" means, in relation to white fish landed from vessels in England, Wales or Northern Ireland and voyages made by vessels for the purpose of catching white fish and landing them in England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food; and in relation to white fish landed from vessels in Scotland and voyages made by vessels for the purpose of catching white fish and landing them 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 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;

(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.

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

" month " means a calendar month;

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

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

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

General Conditions of Grant

2. A grant 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 vessel, in respect of—

(*a*) white fish landed from the vessel in the United Kingdom during the period beginning with 1st August 1964 and ending with 31st July 1965 or

(*b*) voyages made by the vessel during such period for the purpose of catching white fish and landing them in the United Kingdom.

Provided that no grant shall be payable in any case where the fish are landed in the Isle of Man or Channel Islands.

3. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall 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, for such period and in such form as the appropriate Minister may require, 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.

4. 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.

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 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 of this scheme:

(a) 57 & 58 Vict. c. 60. (b) 52 & 53 Vict. c. 63.

Provided that 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.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under paragraph 2 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.

8.—(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 by virtue of paragraph 2 of 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 of different lengths, and the grant, if any, shall be calculated separately for each vessel in accordance with the rates specified in paragraphs 10 and 14 of this scheme.

(3) Notwithstanding the provisions of paragraphs 10 and 14 of this scheme, if at any time after 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.

9. 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.

Conditions relating to payments for voyages

10.—(1) Subject to the provisions of this scheme—

(*a*) a grant may be paid at the appropriate rate set out in Part I of Schedule 1 to this scheme in respect of each voyage made by a 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 Schedule 1 to this scheme in respect of each voyage made by a 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 Schedule 1 to this scheme in respect of each voyage made during the period beginning with 1st August 1964 and ending with 31st January 1965 by a 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 vessel, notwithstanding the fact that a grant at a basic rate may also be payable in respect of the same voyage by that vessel.

11.—(1) Subject to sub-paragraphs (2) (3) and (4) of this paragraph, for the purposes of Schedule 1 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*) 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 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 vessel is ordinarily engaged in fishing from a specified port the determination of the appropriate Minister shall be conclusive.

12. No grant shall be payable in terms of this scheme 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.

13. No grant shall be payable in terms of this scheme in respect of a voyage made for the purpose of catching and landing fish of a kind not normally sold for human consumption.

Conditions relating to payments for fish landed

14.—(1) Subject to the provisions of this scheme, a grant may be paid in the case of a vessel under 60 feet in length, not being a vessel falling within any of the categories specified in Part I of Schedule 1 to this scheme, in respect of white fish of legal size landed and sold at first-hand otherwise than by retail, at the appropriate rate set out in Schedule 2 to this scheme.

(2) No grant shall be payable under this paragraph (*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.

(3) No grant shall be payable under this paragraph 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 8(1) of this scheme.

(4) For the purpose of computing the amount of grant payable under this paragraph the weight of the white 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 1st July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 1st July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Approved on 2nd July 1964.

M. A. Hamilton,
Martin McLaren,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1

Paragraph 10

PART I

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES

Category A. Motor fishing vessels under 60 feet in length as respects which the appropriate Minister is satisfied that, during the period beginning with 1st May 1963 and ending with 30th April 1964 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 VESSELS AND BASIC RATES OF GRANT IN RESPECT OF VOYAGES

Category C. 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 110 feet in length	7 13 0
Vessels of 110 feet in length or over but under 140 feet in length	11 1 0
Vessels of 140 feet in length or over	12 15 0

PART III

CLASSES OF VESSELS AND RATES OF SPECIAL GRANT IN RESPECT OF VOYAGES MADE DURING THE PERIOD BEGINNING WITH 1ST AUGUST 1964 AND ENDING WITH 31ST JANUARY 1965

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

Rates of Grant	*Payment per day at sea* £ s. d.
Vessels of 160 feet in length or over but under 170 feet in length ordinarily engaged in fishing from Hull and completed after 31st December 1939 but before 1st January 1948	7 0 0
Vessels of 160 feet in length or over but under 180 feet in length ordinarily engaged in fishing from Grimsby and completed after 31st December 1945 but before 1st January 1952	7 0 0

Class B. Motor 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 100 feet in length ordinarily engaged in fishing—	
(*a*) from Brixham	2 0 0
(*b*) from Fleetwood	2 10 0
Vessels of 100 feet in length or over but under 110 feet in length ordinarily engaged in fishing—	
(*a*) from North Shields or Hartlepool	3 10 0
(*b*) from Milford Haven	8 0 0
(*c*) from Fleetwood	2 0 0
Vessels of 120 feet in length or over but under 130 feet in length ordinarily engaged in fishing from Milford Haven	8 0 0

SCHEDULE 2

Paragraph 14

RATES OF GRANT IN RESPECT OF WHITE FISH LANDED

Kind of Fish	*Rate of Grant per stone* s. d.
All whole gutted fish (including roes and chitlings), skinned dogfish, wings of ray and skate and monkfish tails ...	1 3
Ungutted bass, dogfish, eels, mackerel, mullet (red and grey) and pilchards	1 3
All other whole ungutted fish, if the appropriate Minister is satisfied that such fish has been sold for human consumption	1 0
All other whole fish of a kind normally sold for human consumption	6

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 1963 (S.I. 1963/1274) and a scheme amending it (S.I. 1964/77). It provides for payment of grants during the period 1st August 1964 to 31st July 1965. 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 1964 to 31st January 1965.