STATUTORY INSTRUMENTS

1964 No. 1173

SEA FISHERIES

BOATS AND METHODS OF FISHING

The White Fish Industry (Grants for Improvement of Fishing Vessels) Scheme 1964

Made - - - -	*6th July* 1964
Laid before Parliament	*8th July* 1964
Coming into Operation	*6th 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 on them by section 1 of the White Fish and Herring Industries Act 1953(a), as amended by section 1 of the White Fish and Herring Industries Act 1957(b), section 3 of the Sea Fish Industry Act 1959(c) and sections 3 and 37 of the Sea Fish Industry Act 1962(d) and of all other powers enabling them in that behalf, with the approval of the Treasury and after consultation with the White Fish Authority, hereby make the following scheme:—

Citation, Extent and Commencement

1. This scheme, which may be cited as the White Fish Industry (Grants for Improvement of Fishing Vessels) Scheme 1964, shall apply to Great Britain and shall come into operation 14 days after it has been approved by both Houses of Parliament.

Interpretation

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

"the Act" means the White Fish and Herring Industries Act 1953;

"the Authority" means the White Fish Authority;

"the control period" has the meaning assigned to it by paragraph 13(2) of this scheme;

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

"relevant equipment" means equipment or apparatus of any description constructed or adapted for the purposes of the catching or processing of white fish;

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

(2) 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) 8 & 9 Eliz. 2. c. 7.
(d) 10 & 11 Eliz. 2. c. 31. (e) 57 & 58 Vict. c. 60. (f) 52 & 53 Vict. c. 63.

Application for Grants

3.—(1) Subject to the provisions of this scheme a person engaged or proposing to become engaged in the white fish industry in Great Britain by carrying on the business of operating one or more vessels registered in Great Britain (of whatever size and in whatever way propelled) for the catching or processing of white fish may apply to the Authority for a grant in respect of expenditure incurred in pursuance of a contract made after the coming into operation of this scheme in the acquisition, installation, modification, renewal or replacement of any part of a vessel registered or intended to be registered in Great Britain engaged or to be engaged in the catching or processing of white fish or of an engine or of any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel (such acquisition, installation, modification, renewal or replacement being hereinafter in this scheme referred to as " the improvement "); provided that no grant shall be so made in respect of expenditure incurred in the acquisition of any second-hand engine, part, equipment or apparatus.

(2) Applications for grants as aforesaid shall be made in writing in such form as the Authority may from time to time require, and shall be delivered to the Authority at such address as they may at any time or in any particular case direct, not later than 1st September 1972 or such later date (not being later than 1st November 1972) as the Authority may, in special circumstances, allow.

4. Applications for grants as aforesaid may be made only by British subjects resident in Great Britain or corporations incorporated by or under the law of Great Britain.

5. The Authority may require applicants to make a full statement of their financial position, including their assets, debts and obligations and to make available for inspection by the Authority, or their duly authorised agents, such books of account and other records and documents as the Authority may reasonably require.

Amount of Grants

6.—(1) The amount which may be paid in pursuance of this scheme by way of grant in respect of any expenditure where the vessel in question is less than 80 feet in length shall be at the rate of three-tenths of the expenditure and in any other case one-quarter of the expenditure.

(2) In calculating any grant to be paid in pursuance of this scheme the Authority may disregard any proportion or item of the expenditure which in their opinion is unnecessary or unwarranted having regard to the size or character of the vessel in respect of which the application is made or to the kind and to the extent of the fishing in which such vessel is intended to be or is likely to be employed and to the benefit likely to be derived from the expenditure in respect of which the application is made.

Conditions for Payment of Grants

7. No grant shall be payable in pursuance of this scheme unless the Authority are satisfied that the expenditure in relation to which it will be payable is likely to result in an increase in the efficiency or economy of the operation of the vessel in connection with which the application is made as regards one or more of the following matters, that is to say,

(*a*) the catching of fish;

(*b*) the handling, processing or storage of fish;

(*c*) the working conditions of the officers or crew; and

(*d*) the condition of fish at the time of landing;

regard being had to the technical and economic standards prevailing in the fishing industry at the time of the consideration of the application by the Authority and to the results of any experiments and research which have relation to the subject of the particular expenditure.

8. No grant shall be payable in pursuance of this scheme unless the vessel in respect of which the application is made conforms to any standards laid down by the Minister of Transport under the Merchant Shipping Acts 1894 to 1954 and is constructed so as to make such provision for the accommodation of officers and crew as in the opinion of the Authority conforms to the best modern practice, after making due allowance for the age and kind of the vessel concerned, for sleeping and messing accommodation, sanitary accommodation, medical or first-aid facilities, store rooms, catering facilities and other accommodation.

9.—(1) The plans and specifications of the improvement, the tender for expenditure to be incurred and the form of contract to be entered into between the applicant and the builder, supplier or other contractor shall respectively be approved by the Authority before the contract is entered into.

(2) The improvement shall be carried out to the satisfaction of the Authority.

(3) Any person authorised in writing by the Authority shall have the right to inspect a vessel or engine in respect of which a grant has been or is to be made under this scheme at any time during the carrying out of the improvement and thereafter at all reasonable times within the control period.

10. No payment of or on account of a grant shall be made until the sum to be found by the applicant has been paid towards the expenditure in respect of which the application is made. Thereafter payment of or on account of the grant may be made by the Authority direct to the applicant, or on the applicant's behalf to the builder, seller or contractor in one sum or by such instalments and at such times as may be required in conformity with the contract, on the receipt of certificates or such further or other evidence that payment is due as may be required by the Authority.

11. In considering whether or not to approve an application for the payment of a grant in pursuance of this scheme the Authority shall have regard to the needs and interests of the white fish industry or that section of it to which the applicant belongs.

12. If any person makes a 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 an applicant, any payment of or on account of a grant to that applicant may at any time be refused, and any such payment already made in relation to that application may be recovered by the Authority.

13.—(1) Any person whose application for a grant under this scheme is approved by the Authority may be required to give such undertakings as the Authority may consider appropriate to the case, and in particular (but without prejudice to the generality of the foregoing) shall be required in any case—

(*a*) to prosecute white fish catching diligently and vigorously during the control period to the satisfaction of the Authority;

(*b*) to insure the vessel in connection with which the application is made and keep it insured against all marine risks and war risks during the control period in a sum, agreed with the Authority, which shall be at least sufficient to ensure that in the event of the total loss of the vessel there will be made available sufficient moneys to meet the repayment of the grant or any part thereof which might be repayable at the date of the loss;

(*c*) to keep and make available for inspection by the Authority at all reasonable times during the control period any books, records or other documents necessary to enable the Authority to satisfy themselves that any conditions of the grant have been complied with;

(*d*) if there occurs within the control period—

(i) the total loss of the vessel arising out of any insured risk, to repay to the Authority the whole of the grant or, if the loss occurs more than three years from the commencement of the control period, a proportion of the grant to be calculated by multiplying the total amount of the grant by the fraction which represents the relationship which the unexpired part of the control period bears to the full control period;

(ii) a breach of any undertaking or condition subject to which the grant was made, or a disposition by way of mortgage, transfer of registration, charter, sale or otherwise of the vessel or of any part, equipment or apparatus which is the subject of the improvement in respect of which the grant or any part of it was made, to repay to the Authority, if in their discretion they shall so require, the whole of the grant, or such lesser sum as they shall deem appropriate; provided that repayment shall not be required in excess of the amount which would have been repayable at the same date had the provisions of paragraph 13(1)(*d*)(i) of this scheme been applicable to the case.

(2) For the purposes of paragraphs 9(3) and 13(1) of this scheme "the control period" means, in the case of a grant paid in respect of a vessel of less than 80 feet in length, a period of 5 years and, in the case of a grant paid in respect of any other vessel, a period of 10 years, commencing in each case with the date on which the improvement was completed to the satisfaction of the Authority.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd July 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 3rd July 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

Approved on 6th July 1964.

John Hill,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

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

This scheme, made under the White Fish and Herring Industries Act 1953 as extended by the Sea Fish Industry Act 1962, provides for the payment of grants by the White Fish Authority towards the expenditure on improvements to, and equipment for, vessels registered in Great Britain which are engaged in catching or processing white fish.

Grants are only payable where it appears that improvements are likely to result in increased efficiency or economy of operation of the vessel and the scheme sets out the various conditions subject to which grants are payable.

In the case of a vessel of less than 80 feet in length the grant will be three-tenths of the expenditure and, in the case of larger vessels, one-quarter of the expenditure. Persons receiving grant will be required to undertake certain obligations as regards fishing, insurance of the vessel and production of records. In the event of a breach of such obligations or the loss or disposal of the vessel within a defined control period the grant, or an appropriate proportion of it, will be repayable.