

1976 No. 149

FISHING VESSELS

Fishing Vessels (Grants) Scheme (Northern Ireland) 1976

Made 13th May 1976

Coming into operation on 1st July 1976

To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974.

The Department(a) of Agriculture in exercise of the powers conferred on it by section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967(b) and of every other power enabling it in that behalf and with the approval of the Department of Finance hereby makes the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Fishing Vessels (Grants) Scheme (Northern Ireland) 1976 and shall come into operation on 1st July 1976.

Interpretation

2. In this Scheme—

“approved expenditure” means expenditure incurred with the prior approval of the Department;

“Department” means the Department of Agriculture;

“fishing industry” does not include the use of fishing vessels for angling or other recreational purposes or the sale or hire of fishing vessels for such purposes;

“improvement” has the meaning assigned to it by Article 3(c);

“Overall length” in relation to a freshwater fishing vessel means the length measured from the foremost part of the stem to the aftermost part of the stern;

“registered length” in relation to a sea fishing vessel means the length of the sea fishing vessel as calculated for the purpose of registration under the Merchant Shipping Acts 1894 to 1970(c);

“relevant equipment” in relation to a sea fishing vessel means equipment or apparatus of any description constructed or adapted for the purpose of catching or processing fish and installed on the vessel;

“the control period” has the meaning assigned to it by Article 11.

Eligible expenditure

3.—(1) Subject to paragraph (2) and to the provisions of this scheme, the Department may make a grant to a person carrying on or proposing to carry on a business in the fishing industry in Northern Ireland in respect of expenditure incurred in—

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1967 c. 8 (N.I.)

(c) 1894 c. 60, 1964 c. 47, 1970 c. 36

- (a) providing a sea fishing vessel registered or intended to be registered in Northern Ireland including equipment (except fishing gear) required for the operation of the vessel which is sold with the vessel;
 - (b) providing an engine for a sea fishing vessel registered or intended to be registered in Northern Ireland;
 - (c) the acquisition, installation, modification, renewal or replacement of any part of a sea fishing vessel registered or intended to be registered in Northern Ireland (other than an engine) or of any relevant equipment required for, or installed or used on such a vessel (such acquisition, installation, modification, renewal or replacement being in this Scheme referred to as an "improvement");
 - (d) providing a freshwater fishing vessel including equipment (except fishing gear) required for the operation of the vessel;
 - (e) providing an engine for a freshwater fishing vessel.
- (2) No grant shall be made in respect of—
- (a) expenditure incurred in the acquisition of any vessel, engine, part, equipment or apparatus which appears to the Department to be second-hand; or
 - (b) expenditure incurred in relation to an improvement in so far as the Department considers such expenditure can be regarded as incurred in the routine repair, maintenance or replacement in respect of the vessel or of its engine or of any relevant equipment required for the vessel or installed or used thereon.

Applications for grant

4.—(1) An applicant under this Scheme for a grant in respect of the acquisition of a vessel shall satisfy the Department with regard to the prospect of his being able to operate the vessel successfully and that he has the ability to manage and sufficient financial resources for the purposes of the business in which the vessel will be employed.

(2) The Department may require an applicant to make a full statement of his financial position, including assets, debts and obligations and to make available for inspection such books of accounts and other records and documents as the Department may reasonably require.

(3) Where expenditure is shared by two or more persons an application for a grant may be made in respect of either the full expenditure or part of the expenditure incurred and may be made by an individual applicant or by two or more applicants jointly.

(4) An application for a grant shall be made in writing and shall be in such form as the Department may require.

(5) An application shall be accompanied by the appropriate plans and specifications, the completed tender or tenders relating to the expenditure to be incurred, and the form of contract to be entered into between the applicant and the builder, supplier or other contractor and no contract shall be placed without the prior approval of the Department.

Approval for grant

5.—(1) In considering whether or not to approve an application for a grant the Department—

- (a) shall have regard to the needs and interests of the fishing industry or to that section thereof to which the application relates;

- (b) shall not approve an application in so far as it relates to any proportion or item of the proposed expenditure which in its opinion is unnecessary or unwarranted having regard to the benefit likely to be derived from the expenditure in respect of which the application is made;
- (c) shall not approve an application in respect of an improvement unless the Department is satisfied that the expenditure in relation to which it would be payable is likely to result in an increase in the efficiency or economy of the operation of the vessel in respect of or in connection with which the application is made as regards one or more of the following matters:—
- (i) the catching of fish;
 - (ii) the handling, processing or storage of fish;
 - (iii) the working conditions of the crew;
 - (iv) the condition of fish or the products of fish at the time of landing; and
 - (v) the safety and seaworthiness of the vessel, regard having been had to the technical and economic standards prevailing in the appropriate section of the fishing industry at the time of consideration of the application by the Department and to the results of any experiments and research which have relation to the subject of the particular expenditure.

(2) The Department shall not pay a grant under this scheme to any person who is not a British subject resident in Northern Ireland, nor to any company which is not incorporated under the laws of Northern Ireland.

Rates of grant

6. The amount of grant payable under this Scheme shall be—
- (a) where the registered length of a sea fishing vessel is under 40 feet, or the overall length of a freshwater fishing vessel is not more than 26 feet, 30 per cent of approved expenditure incurred in the provision of the vessel, or the engine, or in the improvement of the sea fishing vessel as the case may be.
 - (b) where the registered length of a sea fishing vessel is 40 feet or more but less than 80 feet—
 - (i) 45 per cent of the approved expenditure incurred in the construction of such a vessel in Northern Ireland;
 - (ii) 35 per cent of the approved expenditure incurred in the construction of such a vessel outside Northern Ireland;
 - (iii) 35 per cent of the approved expenditure incurred in providing a new engine for an existing such vessel;
 - (iv) 30 per cent of the approved expenditure incurred in relation to an improvement to such vessel.
 - (c) where the registered length of a sea fishing vessel is 80 feet or more, 25 per cent of approved expenditure.

Eligibility for grant

7.—(1) For the purpose of this Article any expenditure which is incurred in the acquisition of an engine or part of an engine or any equipment, incorporated into a vessel at the time of its construction elsewhere than in the United Kingdom shall be deemed to be expenditure incurred in the acquisition of such vessel.

- (2) A grant shall not be paid in respect of
- (a) expenditure incurred in the acquisition of a vessel, or part of a vessel, constructed elsewhere than in the United Kingdom unless the Department is satisfied that the expenditure was incurred at a cost which compares favourably with the cost at which the construction of the vessel and the part thereof could have been carried out in the United Kingdom;
 - (b) expenditure incurred in providing for a freshwater fishing vessel an engine the capacity of which exceeds 2000 c.c.
 - (c) expenditure incurred in the construction of a freshwater fishing vessel with an overall length of more than 26 feet.

Conditions for payment of grant

8.—(1) The vessel in respect of the acquisition of which an application for a grant is approved shall be constructed and equipped, and the engine in respect of which an application for a grant is approved shall be supplied and installed, and the improvement in respect of which an application for a grant is approved shall be carried out to the satisfaction of the Department and in accordance with the plans and specifications approved by the Department.

(2) Any person authorised by the Department shall have the right to inspect the vessel in respect of which a grant has been or is to be made, at all reasonable times within the control period.

(3) 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 and thereafter payment of or on account of the grant may be made by the Department direct to the applicant, or on the applicant's behalf to the builder, supplier or other 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 Department.

Penalty for furnishing false information

9.—(1) 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 a grant or if any of the conditions relating to the payment of grants 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 Department.

(2) A person making a false statement or furnishing false information in connection with such application shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £100.

Undertaking

10.—(1) Any person whose application for a grant under this scheme is approved by the Department may be required to give such undertakings as the Department may consider appropriate, and in particular shall be required in any case—

- (a) during the control period, and as may be appropriate to the case, either to employ the vessel in respect of or in connection with which the application was made or to take all reasonable steps to secure its employment in the diligent and vigorous prosecution of the catching of fish to the satisfaction of the Department;

- (b) during the control period to ensure that except with the consent in writing of the Department the persons employed as skipper and members of the crew shall be persons ordinarily resident in Northern Ireland;
- (c) where the grant exceeds £600, to insure the vessel and keep it insured against such risks and in such sums as may be required by the Department during the control period;
- (d) to keep and make available for inspection by the Department at all reasonable times during the control period any books, records or other documents necessary to enable the Department to satisfy itself that the conditions of the grant have been complied with;
- (e) if there occurs within the control period—
 - (i) the total loss of the vessel arising out of any insured risk, to repay to the Department the whole of the grant, or, if the loss occurs more than three years from the commencement of the control period, such proportion of the grant as the Department may require;
 - (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 for any purpose not approved by the Department, sale of the vessel or any part thereof or of its engine or any part thereof or of any equipment or apparatus used on or in connection therewith, or of any part of the vessel, engine, part of an engine or relevant equipment which is the subject of the improvement in respect of which the grant or any part of it was made, to repay to the Department such proportion of the grant as the Department may require.

(2) Sub-paragraph (e)(ii) shall not have effect in relation to a disposition by way of mortgage created for the raising of money applied towards the cost of construction or improvement of the vessel being a mortgage in favour of the Department or one approved by it before it was made.

Control period

11. For the purpose of Article 8(2) and Article 10 the control period shall mean—

- (a) in the case of a grant paid in providing a sea fishing vessel, a period of 10 years commencing with the date on which the vessel was first registered in Northern Ireland;
- (b) in all other cases, a period of five years commencing with the date on which the final payment was made in respect of the grant.

Department of Finance approval

12. A grant exceeding such sum as the Department of Finance may determine shall not be made without the approval of the Department of Finance.

Revocations

13. The following Schemes are hereby revoked:

- (1) Fishing Vessels (Grants) Scheme (Northern Ireland) 1968(d).
- (2) Fishing Vessels (Grants) (Amendment) Scheme (Northern Ireland) 1971(e).

(d) S.R. & O. (N.I.) 1968 No. 272 (p. 1115)

(e) S.R. & O. (N.I.) 1971 No. 357 (p. 1622)

(3) Fishing Vessels (Grants) (Amendment) Scheme (Northern Ireland) 1972(f).

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 13th May 1976.

(L.S.)

E. G. Sherrard

Assistant Secretary

The Department of Finance hereby approves the foregoing Scheme.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 13th May 1976.

(L.S.)

A. J. Green

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the scheme but is intended to indicate its general purport.)

This scheme is an exercise of the power conferred on the Department of Agriculture by Section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967 to make a scheme providing for grants towards the cost of commercial fishing vessels and engines for such vessels and towards improving sea fishing vessels.

Applicants under this scheme should be British Subjects resident in Northern Ireland or companies incorporated under the laws of Northern Ireland. Applications must be accompanied by appropriate plans and specifications, tenders and forms of contract, and no contract on which a grant is sought may be placed without the prior approval of the Department. The scheme requires that successful applicants for grant should normally employ only Northern Ireland residents in the boat concerned during the control period.

The scheme provides for grants of 30 per cent for sea fishing boats where the registered length is under 40 feet or freshwater fishing boats where the overall length is not more than 26 feet. Boats with a registered length of 40 feet and over but under 80 feet attract grant of 45 per cent on new boats built in Northern Ireland, 35 per cent on new boats built outside Northern Ireland and on the provision of new engines for existing boats and 30 per cent on improvements to boats. The rate of grant which applies to boats where the registered length is 80 feet or over is 25 per cent. No grant may be made on second-hand vessels, engines, parts, equipment or apparatus, and improvement grants do not extend to any work which the Department considers to be routine repair, maintenance, or replacement. No grant is made for freshwater fishing boats of a length of more than 26 feet or for an engine for such boat exceeding 2000 c.c. or for equipment for a freshwater fishing boat.

The grant, or a proportion thereof, made under this scheme, is repayable in certain circumstances including the sale or loss of the vessel, engine or equipment within the control period, or the failure of the grantee to observe any undertaking or condition subject to which the grant was made.

This scheme revokes all previous Schemes made under the Fishing Vessels (Grants) Act (Northern Ireland) 1967.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.