

1982 No. 364

FISHERIES

Freshwater Fishing Vessels (Grants) Scheme (Northern Ireland) 1982

Made 5th November 1982

Coming into operation 15th December 1982

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, with the approval of the Department of Finance and Personnel(c) hereby makes the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Freshwater Fishing Vessels (Grants) Scheme (Northern Ireland) 1982 and shall come into operation on 15th December 1982.

Interpretation

2. In this Scheme—

- “approved expenditure” means expenditure incurred with the prior approval of the Department;
- “the control period” means a period of 3 years commencing with the date on which the final payment was made in respect of the grant;
- “the Department” means the Department of Agriculture;
- “engine” means an engine the cubic capacity of which does not exceed 2,000 cubic centimetres;
- “fishing vessel” means a vessel the overall length of which does not exceed 7.924 metres (26 feet) constructed for the purpose of fishing;
- “freshwater 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;
- “overall length” means the length measured from the foremost part of the stem to the aftermost part of the stern;
- “providing” in relation to a fishing vessel includes the installing in any such vessel of any equipment required for the purpose of operating that vessel other than fishing gear;
- “the 1976 Scheme” means the Fishing Vessels (Grants) Scheme (Northern Ireland) 1976(d).

(a) Formerly Ministry: see Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)

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

(c) Formerly Ministry of Finance: see Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1982/338 (N.I. 6) Art. 3

(d) S.R. 1976 No. 149

Purposes for which grants may be made

3. Subject to this Scheme, the Department may make to a person carrying on or proposing to carry on a business in the freshwater fishing industry in Northern Ireland a grant in respect of expenditure incurred in—

- (a) providing a fishing vessel; or
- (b) providing a new engine for a fishing vessel.

Applications for grant

4.—(1) An applicant for a grant in respect of expenditure incurred in providing a fishing vessel shall satisfy the Department that he is 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) Where expenditure is to be shared by two or more persons an application for a grant may be made in respect of the full expenditure or part of the expenditure to be incurred and may be made by an individual applicant or by two or more applicants jointly.

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

(4) An application for a grant shall be accompanied by appropriate plans and specifications, a completed tender and the form of any contract to be entered into between the applicant and any builder, supplier or other person in relation to the expenditure to be incurred.

Approval for grant

5.—(1) In considering whether or not to approve an application for a grant the Department shall have regard to the needs and interests of the freshwater fishing industry or to that section of the freshwater fishing industry to which the application relates.

(2) The Department shall not approve an application insofar as it relates to any proportion or item of proposed expenditure which in the opinion of the Department is unnecessary or unwarranted having regard to the benefits likely to be derived from such expenditure.

Rate of grant

6. The amount of a grant payable under this Scheme shall be 25% of approved expenditure incurred in providing a fishing vessel or in providing a new engine for a fishing vessel.

Restrictions on payment of grant

7. The Department shall not pay a grant under this Scheme—

- (a) to any person who is not resident in Northern Ireland, or in the case of a company, to a company incorporated other than under the laws of Northern Ireland;
- (b) in respect of expenditure incurred in providing a fishing vessel constructed other than in the United Kingdom unless the Department is satisfied that the cost of construction of that vessel is reasonably comparable with the cost of constructing a similar vessel in the United Kingdom.
- (c) in respect of any expenditure incurred before the application for grant in respect of such expenditure has been approved by the Department;
- (d) in respect of expenditure incurred pursuant to any contract entered into without the prior approval of the Department.

Conditions for payment of grant

8.—(1) A fishing vessel in respect of which an application for a grant has been approved shall be constructed and equipped, and an engine in respect of which an application for a grant has been approved shall be supplied and installed, to the satisfaction of the Department and in accordance with plans and specifications approved by the Department.

(2) Any officer of the Department may inspect a vessel in respect of which a grant has been or is to be made at all reasonable times during the control period.

(3) No payment of or on account of a grant shall be made until the proportion of the cost to be borne by the applicant in providing the fishing vessel or engine as the case may be has been met 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 any person with whom the applicant has entered into a contract in relation to the provision of the fishing vessel or engine, in one sum or by instalments, subject to the production to the Department of such receipts, certificates, 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 a grant are not complied with by an applicant, the grant may be withheld and any grant 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 £200.

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, to employ the fishing vessel in respect of which the application was made or take all reasonable steps to secure its employment in diligent and vigorous prosecution of the catching of fish to the satisfaction of the Department;
- (b) 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.

(2) If a fishing vessel in respect of which a grant has been paid becomes a total loss during the control period the whole amount of the grant made in respect of the provision of that fishing vessel or such proportion of the grant as the Department may require shall be repaid to the Department.

(3) The Department may require such proportion of the grant made in respect of a fishing vessel to be repaid as it considers appropriate if during the control period—

- (a) there is a breach of any undertaking or condition subject to which grant was made;
- (b) the fishing vessel or its engine or any equipment used on or in connection with the fishing vessel, is sold; or
- (c) the fishing vessel is mortgaged, chartered for a purpose not approved by the Department or has its registration transferred.

Revocations

11. Subject to Article 12 the following Schemes are hereby revoked:

- (a) the 1976 Scheme;
- (b) the Fishing Vessels (Grants) (Amendment) Scheme (Northern Ireland) 1979(a).

Savings

12.—(1) Notwithstanding the revocation of the 1976 Scheme the Department may make a grant under the 1976 Scheme in respect of an application under the 1976 Scheme which was approved by the Department before the coming into operation of this Scheme.

(2) The 1976 Scheme shall continue to apply as regards the rights of the Department in relation to, and the liabilities of, any person to whom a grant has been made under the 1976 Scheme subject to the modifications set out in paragraph (3).

(3) The modifications referred to in paragraph (2) are as follows:—

- (a) in Article 11(a) for “10 years” there shall be substituted “5 years”; and
- (b) in Article 11(b) for “five years” there shall be substituted “3 years”.

Sealed with the Official Seal of the Department of Agriculture on 5th November 1982.

(L.S.)

N. E. Morrison

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Scheme.

Sealed with the Official Seal of the Department of Finance and Personnel on 5th November 1982.

(L.S.)

J. M. Dowdall

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Scheme.)

This Scheme provides for grants of 25% for freshwater fishing vessels whose overall length does not exceed 7.924 metres (26 ft) and for new engines for such vessels.

The Scheme revokes the Fishing Vessels (Grants) Scheme (Northern Ireland) 1976 and the Fishing Vessels (Grants) (Amendment) Scheme (Northern Ireland) 1979 but provides that a grant may be paid under the 1976 Scheme in cases where applications were approved before the coming into operation of the Scheme.

Grants for the provision and the improvements of sea-fishing vessels which were available under the 1976 Scheme are not covered by this Scheme but are available under the Fishing Vessels (Acquisition and Improvement) (Grants) Scheme 1981 (S.I. 1981/1765)—a United Kingdom Scheme operated by the Sea Fish Industry Authority.

The Scheme also standardises the control periods which apply to all grant-aided fishing vessels by reducing the control periods under the 1976 Scheme to those provided for under the Fishing Vessels (Acquisition and Improvement) (Grants) Scheme 1981. The revised control periods are:—

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