



# Sea Fish Industry Act 1970

## 1970 CHAPTER 11

### PART I

#### WHITE FISH INDUSTRY

##### *Finance*

#### **16 White Fish Industry Fund**

There shall continue to be a fund called the White Fish Industry Fund under the control and management of the Authority, and (except as provided by this Act) all receipts and expenditure of the Authority shall be paid into and out of that fund.

#### **17 Authority's power to impose levies on white fish industry**

- (1) The Authority shall have power for the purpose of financing the discharge of their functions.—
  - (a) to impose a general levy on persons engaged in the white fish industry—
    - (i) in respect of white fish landed in Great Britain, at a prescribed rate not exceeding 2d. for each stone of white fish so landed ; and
    - (ii) in respect of white fish products so landed, at a prescribed rate in respect of each stone of the products;
  - (b) to raise by means of special levies imposed on such persons for the purposes of schemes such additional sums as the schemes authorise.
- (2) The rate prescribed in relation to any white fish product for the purposes of subsection (1)(a)(ii) above shall not exceed an amount which in the opinion of the Authority would be yielded by a levy of 2d. on each stone of white fish required on average (whether alone or together with any other substance or article) to produce a stone of that product.
- (3) The Authority may prescribe different rates of general levy for fish of different descriptions and products of different descriptions.

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- (4) The Ministers may by order provide that for references to 2d. in subsections (1) and (2) above there shall be substituted references to such larger sum as may be specified in the order.
- (5) No order shall be made under subsection (4) above unless a draft thereof has been laid before, and been approved by, both Houses of Parliament.
- (6) Any levy imposed by the Authority under this section shall be payable by such persons engaged in the white fish industry, in such proportions and at such times as may be prescribed or, in the case of a special levy, as may be provided by a scheme ; and the amount payable by any person on account of any levy so imposed shall be a debt from him to the Authority and recoverable accordingly.
- (7) For the purposes of subsections (1) and (6) above parts of white fish shall be treated as products of white fish and not as white fish, notwithstanding anything in the definition of white fish in section 59 of this Act.
- (8) References in subsections (1) and (6) above to persons engaged in the white fish industry shall be construed as including references to persons carrying on in Great Britain the business of buying the products of white fish by wholesale or of importing white fish or their products.

## **18 Borrowing power of Authority**

- (1) The Authority shall have power, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, for the purpose of financing the discharge of their functions, to borrow up to such amount as the Treasury may approve, so long as the amount outstanding at any time of the sums borrowed under this section and section 15 of the Sea Fish Industry Act 1951 does not exceed £30 million or such greater amount as may be specified by an order for the time being in force under subsection (2) below.
- (2) The limit on the amount outstanding at any time of the sums borrowed by the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.
- (3) An order under subsection (2) above shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

## **19 Authority's power to charge fees and accept voluntary payments**

The Authority shall have power for the purpose of financing the discharge of their functions:—

- (a) to charge fees for services rendered and such other matters as may be authorised by schemes; and
- (b) to accept payments voluntarily made to them by any person for the purpose of promoting all or any of the objects of the Authority.

## **20 Expenses of the Advisory Council**

The Authority may make such payments in respect of the expenses of the Advisory Council as the Ministers and the Treasury may approve.

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## **21 Authority's accounts and reports**

- (1) The Authority shall keep proper accounts with respect to the White Fish Industry Fund, and shall prepare in respect of each financial year a statement of accounts in such form and giving such information as may be directed by the Ministers with the approval of the Treasury.
- (2) The accounts shall be audited and the statement certified by persons to be appointed in respect of each financial year by the Ministers, and the auditors shall be furnished by the Authority with copies of the said statement and shall report to the Ministers on the accounts and the said statement.
- (3) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—
  - The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland ;
  - The Association of Certified and Corporate Accountants;
  - The Institute of Chartered Accountants in Ireland.
- (4) As soon as the accounts have been audited, the auditors shall send the Ministers copies of the statement of accounts and their certificate on it, and of their report.
- (5) As soon as possible after the end of any financial year, the Authority shall also prepare and submit to the Ministers a report of their proceedings in that year.
- (6) The Ministers shall lay before Parliament copies of the Authority's report for any financial year, together with copies of the statement of accounts and auditors' certificate and of the auditors' report for that year.
- (7) So long as the Secretary of State concerned with the sea fishing industry in Wales continues to exercise functions under section 22(6) of this Act, the references in this section to the Ministers shall be construed as including a reference to that Secretary of State.

## **22 Exchequer loans to Authority**

- (1) The Ministers may advance to the Authority, on such terms as the Treasury may approve, any sums required to be borrowed by the Authority for a purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced under this section and section 17 of the Sea Fish Industry Act 1951 does not exceed £30 million, or such greater sum as may be specified by an order for the time being in force under subsection (3) below; but no such advance—
  - (a) if it is for the purpose of enabling the Authority to give financial assistance by way of loan, shall be made unless the application for that assistance is approved by the Authority before the end of the year 1972, or
  - (b) in any other case, shall be made after the end of the year 1972.
- (2) Subsection (1) above shall not be construed as extending the powers of the Authority to borrow money under section 18 of this Act.
- (3) The limit on the amount outstanding at any time of the sums advanced to the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.

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- (4) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.
- (5) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall, subject to section 24(2) of this Act, be paid into the Consolidated Fund.
- (6) Where the exercise by the Authority of any of their powers involves the expenditure of money advanced to them by the Ministers under subsection (1) above, the powers shall not be exercised except in accordance with arrangements approved by the Ministers and the Treasury, and, if the arrangements relate to Wales, by the Ministers, the Secretary of State concerned with the sea fishing industry in Wales and the Treasury, and the Authority's statement of accounts for any financial year shall deal specially with the application during that year of any money so advanced.

### **23 Exchequer grants to Authority**

- (1) The Ministers shall have power with the approval of the Treasury given before the end of the year 1972 to make grants to the Authority in respect of any expenditure of the Authority on research or experiment or any expenditure incurred by the Authority in the exercise of the powers conferred on them by section 5(1)(f) of this Act to provide or acquire, equip or operate plants for processing white fish or making ice.
- (2) The aggregate amount of any grants made under subsection (1) above and any grants made under section 17 of the Sea Fish Industry Act 1951 shall not exceed £2 million, but this limit may be raised from time to time by an amount not exceeding £1 million at any one time by an order made by the Ministers with the approval of the Treasury.
- (3) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

### **24 White Fish Marketing Fund**

- (1) There shall continue to be a fund called the White Fish Marketing Fund under the control and management of the Ministers, and so much of any sums to be advanced to the Authority under section 22 of this Act as is required for the undertaking of operations involving the outlay of working capital shall be paid into that fund.
- (2) Notwithstanding section 22(5) of this Act, any sums received by the Ministers by way of repayment of principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund shall, if received before the end of the year 1972 be paid into that fund ; but the Ministers may at any time repay out of the White Fish Marketing Fund into the Consolidated Fund any sums so paid into the White Fish Marketing Fund.
- (3) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund or part of such an advance cannot be repaid, the Treasury may direct that the liability of the Authority to the Ministers shall be reduced to the extent of that sum.
- (4) The Minister of Agriculture, Fisheries and Food shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the White Fish Marketing Fund in each financial year.

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- (5) On or before 30th September in each year, the said account and, in a case where the Treasury have directed under subsection (3) above that the liability of the Authority to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before both Houses of Parliament.
- (6) As soon as may be after the end of the year 1972 the White Fish Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof shall be paid into the Consolidated Fund.

## **25 Financial provision for Authority, etc.**

There shall be paid out of moneys provided by Parliament—

- (a) such remuneration (whether by way of salaries or by way of fees) and such allowances to the members of the Authority or of the Scottish Committee, and such allowances to the members of the Advisory Council, as the Ministers, with the approval of the Minister for the Civil Service, may determine;
- (b) such sums as may from time to time be required by the Ministers for making advances or grants under this Part of this Act to the Authority ;
- (c) such expenses as may be incurred under this Part of this Act by the Ministers in relation to any inquiry held thereunder by their direction, and such other administrative expenses as may be so incurred by them.