



Sea Fish Industry Act 1970

1970 CHAPTER 11

PART III

GRANTS AND SUBSIDIES

White fish and herring subsidies

49 General provisions as to white fish and herring subsidies

- (1) With a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish and herring and white fish products and herring products, the appropriate Minister may, in accordance with a scheme made by the Ministers with the approval of the Treasury, make to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching white fish or herring, or in processing or transporting white fish or herring caught by vessels registered in the United Kingdom or the products of any such white fish or herring, grants of such amounts, and subject to such conditions, as may be determined by or under the scheme.
- (2) The trans-shipment of white fish and herring and their respective products in a port in the United Kingdom or within the exclusive fishery limits shall be treated for the purposes of subsection (1) above as the landing of white fish and herring and their respective products in the United Kingdom.
- (3) Subject to the provisions of this section, a scheme made thereunder may provide for the payment of grants in the case of any vessel in respect of one or of a combination of all or any of the following:—
 - (a) white fish or herring or white fish products or herring products landed from the vessel in the United Kingdom, or trans-shipped from the vessel in a port in the United Kingdom or within the exclusive fishery limits, or
 - (b) voyages made by the vessel for any one or more of the following purposes, that is to say—
 - (i) catching white fish or herring;
 - (ii) processing white fish or herring, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United

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- Kingdom, or by the vessel in question and by other vessels so registered;
- (iii) transporting such fish as are mentioned in sub-paragraph (ii) above, or the products of such fish,
- where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or are to be transhipped in a port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel, or
- (c) any such other matter as may be specified in the scheme.
- (4) No grant shall be made in pursuance of a scheme under this section unless an application therefor is received by the appropriate Minister before 1st January 1974.
- (5) Any expenses incurred by the appropriate Minister in the making of grants under this section shall be defrayed out of moneys provided by Parliament.
- (6) In this section " the appropriate Minister "—
- (a) in relation to England and Northern Ireland, means the Minister of Agriculture, Fisheries and Food ;
 - (b) in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland ;
 - (c) in relation to Wales, means—
 - (i) for the purpose of the actual making of any payment under this section, the Minister of Agriculture, Fisheries and Food, and
 - (ii) for all the other purposes of this section, the said Minister and the Secretary of State concerned with the sea fishing industry in Wales acting jointly.
- (7) References in this section to white fish do not include shellfish and references to the exclusive fishery limits do not include waters within the fishery limits of the British Islands which are adjacent to -the Isle of Man or any of the Channel Islands.

50 Offences in connection with subsidies

Any person who—

- (a) in furnishing any information in purported compliance with a requirement imposed by a scheme under section 49 of this Act or under section 5 of the White Fish and Herring Industries Act 1953 (white fish subsidy) or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
 - (b) for the purpose of obtaining for himself or any other person any sum payable under such a scheme makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
 - (c) in purported compliance with a requirement imposed by such a scheme produces a document which he knows to be false in a material particular or recklessly produces a document which is false in a material particular; or
 - (d) wilfully refuses to supply any information, make any return or produce any document when required to do so by or under any such scheme,
- shall be liable, on summary conviction, to a fine not exceeding £400.

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51 Reimbursement of Isle of Man herring subsidies

- (1) This section applies to any grant made (whether before or after the commencement of this Act) by the Government of the Isle of Man to the owners or charterers of vessels registered in the United Kingdom, in respect of herring or herring products landed in the Isle of Man or trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man, or in respect of voyages made by the vessel in question for any one or more of the following purposes, that is to say—
- (a) catching herring;
 - (b) processing herring caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered ;
 - (c) transporting such herring as are mentioned in paragraph (b) above or the products of such herring,
- where (in any such case) it was part of the purpose that the herring or the products of the herring were to be landed in the Isle of Man, whether by the vessel which caught them or by another vessel, or were to be trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man by the vessel which caught them or by another vessel.
- (2) Subject to subsection (3) below, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland or either of them may repay to the Government of the Isle of Man out of moneys provided by Parliament the amount of any grant to which this section applies.
- (3) Where any such grant (in this subsection referred to as "the Isle of Man grant") has been made in respect of any herring or herring products landed in the Isle of Man, or in respect of any voyage made for a purpose specified in subsection (1) above.—
- (a) no repayment shall be made under this section unless a grant to the owners or charterers of the vessel could have been made in pursuance of a scheme under section 49 of this Act or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy), in force at the time of the Isle of Man grant, if the herring or herring products in question had been landed in the United Kingdom, or, as the case may be, the voyage had been made for the corresponding purpose specified in section 49(3) of this Act or section 3(2) of that Act as the case may be, and
 - (b) the amount of the repayment shall not exceed the amount of the grant which could in those circumstances have been made in pursuance of that scheme.
- (4) In this section any reference to the Government of the Isle of Man includes a reference to any department or agency of that Government.
- (5) In this section " exclusive fishery limits of the Isle of Man " means waters within the exclusive fishery limits of the British Islands which are adjacent to the Isle of Man.