
STATUTORY INSTRUMENTS

1979 No. 421

SEA FISHERIES

**The White Fish Subsidy (Deep Sea Vessels)
(Specified Ports) Scheme 1979**

<i>Made - - - -</i>	<i>7th March 1979</i>
<i>Laid before Parliament</i>	<i>15th March 1979</i>
<i>Coming into Operation</i>	<i>4th April 1979</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and Wales (being the Secretaries of State respectively concerned with the Sea Fishing Industry in Scotland and Wales) in exercise of the powers conferred on them by section 49 of the Sea Fish Industry Act 1970(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

Citation and commencement

1. This scheme may be cited as the White Fish Subsidy (Deep Sea Vessels) (Specified Ports) Scheme 1979 and shall come into operation on the day following the day on which it is approved by Parliament.

Interpretation

2. In this scheme unless the context otherwise requires—

“length” in relation to a vessel, means the length in relation to which its tonnage is calculated for the purposes of registration under the Merchant Shipping Act 1894(b);

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“paragraph” means a paragraph of this scheme;

“products” in relation to fish means anything produced by processing the fish and “processing” includes preserving or preparing fish or producing any substance or article wholly or partly from fish by any method for human or animal consumption;

“specified port” means the port of Fleetwood, the port of Grimsby or the port of Hull, as the case may be;

“subsidy period” means the period from 1st January 1978 to 31st December 1978 (both days inclusive);

(a) 1970 c. 11; Section 49 was amended by the Sea Fish Industry Act 1973 (c. 3), section 1(1) and by the Fishery Limits Act 1976 (c. 86), section 9(1) and paragraphs 18(1) and (2) of Schedule 2.

(b) 1894 c. 60.

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

3.—(1) This scheme applies to every vessel registered in the United Kingdom as a fishing vessel of 80 feet in length or over being on the coming into operation of the scheme a vessel engaged on voyages to which this scheme relates and normally operating from a specified port and which during the whole of the subsidy period was so engaged and normally operating from one or more of the specified ports.

(2) The voyages to which this scheme relates are voyages made for the purpose of catching white fish where it is a part of the purpose that the fish or 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 coastal waters by the vessel which caught them or by another vessel.

(3) In paragraph 3(2) the expression “coastal waters” means the waters adjacent to any part of the United Kingdom to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured.

4.—(1) Subject to the provisions of this scheme a grant may be made by the Minister to the owner (or his agent) or, where there is a charter party, to the charterer (or his agent), of a vessel to which this scheme applies in respect of dock dues paid or incurred by the owner or charterer in respect of voyages to which this scheme relates made by the vessel during the subsidy period.

(2) Where a grant is made under this scheme it shall be an amount equal to such proportion of the dock dues paid or incurred by the owner or charterer of a vessel to which this scheme applies in respect of voyages to which this scheme relates made by the vessel during the subsidy period as the Minister may with the consent of the Treasury determine.

(3) In this paragraph—

“dock dues” means vessel and merchandise dues levied at a specified port by or on behalf of a specified undertaking in respect of services and facilities provided by the specified undertaking to vessels entering or leaving the specified port and for the landing of fish and the products of fish from the vessel, and “specified undertaking” means in relation to the ports of Fleetwood and Grimsby, the British Transport Docks Board and, in relation to the port of Hull, the Hull Fishing Vessel Owners’ Association.

5. In the event of a dispute as to whether a vessel is normally operating from a specified port or was normally so operating during the subsidy period or as to the purpose of a voyage made by a vessel the determination of the Minister shall be conclusive.

6. Application for payment of a grant under this scheme shall be made by the owner or charterer (or his duly authorised agent) in such form as the Minister may require and shall be completed and certified in all respects as so required and shall be delivered to the Minister at such address as he may specify for the purpose.

7. Application for payment of a grant under the scheme shall be made not later than 21 days from the coming into operation of the scheme or such later date as the Minister may allow.

8. The owner or charterer of a vessel (or his duly authorised agent) who applies for payment of a grant under this scheme (or any person acting on behalf of such owner or charterer and appointed by him for the purpose) shall, within such time and in such form as may be specified by the Minister, supply such information and make such returns as may be required by the Minister for the purposes of this scheme.

9. Notice that a person is authorised to make application for and receive payment of grant under this scheme on behalf of an owner or charterer shall be given in writing signed by the owner or charterer in such form as the Minister may from time to time require and shall be sent to the address specified by the Minister for the purpose of paragraph 6.

10. Without prejudice to the discretion of the Minister in the payment of a grant under this scheme—

(a) if any owner or charterer or any person acting on his behalf makes a statement or produces a document which is false in a material particular or fails without reasonable cause or refuses to supply the information make any return or produce any document in respect of any of the matters required to be disclosed either in connection with an application for payment of grant under this scheme or in accordance with the provisions of paragraph 8; or

(b) if any of the conditions of grant or the conditions relating to payment of grant under this scheme are not complied with by any owner or charterer or any person acting on behalf of an owner or charterer, payment of grants to that owner, charterer or person may be refused.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th February 1979.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

28th February 1979.

John Morris,
Secretary of State for Wales.

1st March 1979.

T. E. Graham,
Alf Bates,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Approved on 7th March 1979.

EXPLANATORY NOTE

(This Note is not part of the Scheme)

The Scheme provides for the payment of grant to the owners or charterers of fishing vessels to which the Scheme applies in respect of dock dues levied at certain ports specified in the Scheme (Fleetwood, Grimsby and Hull) in relation to voyages made during the year 1978 (the subsidy period) for the purpose of catching white fish. The Scheme applies to registered vessels of 80' in length or over which on the date the Scheme comes into operation are engaged on voyages for the purpose of catching white fish and are operating from a specified port and which were so engaged during the subsidy period and were normally operating from one or more of the specified ports during that period.

The amount of grant will be such proportion of the dock dues paid or incurred by the owner or charterer of a vessel in respect of voyages made during the subsidy period as the Minister of Agriculture, Fisheries and Food, with the consent of the Treasury, may determine.