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STATUTORY INSTRUMENTS

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**1982 No. 1686**

**SEA FISHERIES**

**SEA FISH INDUSTRY**

**The Fishing Vessels (Temporary  
Financial Assistance) Scheme 1982**

*Approved by both Houses of Parliament*

<i>Made</i>	- - - -	<i>25th November 1982</i>
<i>Laid before Parliament</i>		<i>1st December 1982</i>
<i>Coming into Operation</i>		<i>2nd December 1982</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Wales, Scotland and Northern Ireland, in exercise of the powers conferred by sections 15(1) and (2) and 18 of the Fisheries Act 1981 and of all their other enabling powers, with the approval of the Treasury in accordance with the said section 15(1), hereby make the following Scheme—

**Title, commencement and extent**

1.—(1) This Scheme may be cited as the Fishing Vessels (Temporary Financial Assistance) Scheme 1982 and shall come into operation on 2nd December 1982.

(2) This Scheme extends to the United Kingdom.

**Interpretation**

2.—(1) In this Scheme—

“appropriate Minister” means

- (a) in relation to any vessel based at a port in England or Northern Ireland, the Minister of Agriculture, Fisheries and Food,
- (b) in relation to a vessel based at a port in Wales, the Secretary of State for Wales,
- (c) in relation to a vessel based at a port in Scotland the Secretary of State for Scotland;

“relevant qualifying period” in relation to any application for payment under this Scheme in respect of a fishing vessel means the period between 1st March 1982 and 27th October 1982 (inclusive) during which the applicant or applicants was or were the owner or owners of the vessel.

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(2) For the purposes of this Scheme the registered length of a vessel on a given day is the length appearing in the register kept under the Merchant Shipping Act 1894 in relation to that vessel on that day.

### **Purpose of financial assistance**

3. Grant under this Scheme shall be made for the purpose of contributing to the expenses of persons carrying on the business of operating vessels for catching sea fish, being vessels registered in the United Kingdom.

### **Persons by and to whom grant may be paid**

4.—(1) A grant under this Scheme may be paid by the appropriate Minister to any person or persons who makes or make an application to that Minister in respect of a fishing vessel—

- (a) if the vessel was owned by him or them on 27th October 1982, or
- (b) if the vessel had been owned by him or them at any time during the period from 1st March 1982 to 26th October 1982, provided that he or they had on or before 27th October 1982 entered into an enforceable contract to buy a replacement vessel (whether new or second hand).

(2) Applications for grant under this Scheme shall be made in such form and manner and within such time as the appropriate Minister shall determine and the applicant shall furnish all such information and documentation relating to the application within such time as the appropriate Minister shall require.

### **Amount of grant**

5. The amount of grant in respect of any vessel shall be such sum as is specified in the Schedule hereto opposite the category of registered length of the vessel on the last day of the relevant qualifying period.

### **Vessels must have been genuine commercial fishing vessels during relevant qualifying period**

6.—(1) No grant shall be paid in respect of a vessel unless the appropriate Minister is satisfied, having regard to all relevant factors, including—

- (a) time spent by the vessel awaiting or undergoing repair or improvement; and
- (b) the extent to which the vessel took advantage of the fishing opportunities open to her,

that she was a genuine commercial fishing vessel throughout the relevant qualifying period.

(2) A vessel shall be deemed for the purposes of subparagraph (1) of this paragraph to have been a genuine commercial fishing vessel throughout the relevant qualifying period

- (a) in the case of a vessel whose registered length on the last day of the relevant qualifying period was 40 feet or more, if the number of days spent at sea by the vessel on fishing voyages (a day of departure and a day of arrival each being reckoned as one day unless they are the same day) during the relevant qualifying period was equal to or greater than 20% of the days in the relevant qualifying period;
- (b) in the case of a vessel whose registered length on the last day of the relevant qualifying period was under 40 feet, if the gross proceeds of first hand sale of fish caught by that vessel during any continuous period of 60 days within the relevant qualifying period amounted to not less than £1100 or, where the relevant qualifying period was less than 60 days, to not less than the amount which bears the same proportion to £1100 as the number of days in the relevant qualifying period bears to 60.

(3) A vessel which was laid up for the whole of the relevant qualifying period shall be deemed for the purposes of subparagraph (1) of this paragraph not to have been a genuine commercial fishing vessel throughout that period unless for over 50% of that period she was laid up for the purpose of repair or improvement with a view to a return to fishing immediately after completion of the repair or improvement.

#### **Vessels must have been available for fishing on last day of relevant qualifying period**

7.—(1) No grant shall be made in respect of a vessel unless the vessel was available for fishing on the last day of the relevant qualifying period.

(2) For the purposes of this paragraph “available for fishing” means —

- (a) being at sea fishing,
- (b) being in port turning around,
- (c) awaiting or undergoing repair or improvement with a view to a return to fishing immediately after completion of the repair or improvement,
- (d) laid up temporarily for commercial reasons, but remaining in such a state that she may return to fishing immediately commercial considerations warrant a return to fishing.

#### **75% of crew must be ordinarily resident in the United Kingdom**

8. No grant shall be made under this Scheme in respect of a vessel unless in the opinion of the appropriate Minister at least 75% of the vessel's crew on the last day of the relevant qualifying period were ordinarily resident in the United Kingdom on that day.

#### **Records**

9. Any person who has received any payment under this Scheme shall preserve until 31 December 1985 all books, documents or other records which relate to any application made by him for payment under the Scheme and shall supply to the appropriate Minister copies of such of these books, documents or other records as the appropriate Minister shall require.

#### **False application and recovery where conditions not satisfied**

10. If any person makes a false statement or furnishes false information in respect of any matter required to be disclosed in connection with an application or if any of the conditions relating to the making of a grant are in the opinion of the appropriate Minister not satisfied, any payment of grant already made in relation to that application may be recovered.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th November 1982.

L.S.

*Peter Walker*  
Minister of Agriculture, Fisheries and Food

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23rd November 1982

*Nicholas Edwards*  
Secretary of State for Wales

24th November 1982

*George Younger*  
Secretary of State for Scotland

24th November 1982

*James Prior*  
Secretary of State for Northern Ireland

Approved on 25th November 1982

*P.L. Brooke*  
*J.A. Cope*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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SCHEDULE

Paragraph 5

<i>Category of registered length on last day of relevant qualifying period</i>	<i>Amount of grant</i>
	£
Under 25'	230
25' and over but less than 35'	360
35' and over but less than 40'	650
40' and over but less than 45'	1,560
45' and over but less than 50'	1,890
50' and over but less than 55'	3,120
55' and over but less than 60'	4,360
60' and over but less than 65'	6,360
65' and over but less than 70'	8,640
70' and over but less than 75'	10,380
75' and over but less than 80'	12,120
80' and over but less than 90'	13,260
90' and over but less than 100'	13,860
100' and over but less than 110'	15,600
110' and over but less than 120'	16,740
120' and over but less than 130'	19,080
130' and over but less than 140'	21,900
140' and over but less than 190'	28,800
Over 190'	32,280

**EXPLANATORY NOTE**

This Scheme provides for the making of grants by Fisheries Ministers for the purpose of contributing to the expenses of those engaged in the United Kingdom sea fish catching industry.

Grant may be paid in respect of a fishing vessel—

- (a) if the vessel was owned by the applicant on 27th October 1982;
- (b) if the vessel had been owned by the applicant at any time during the period 1st March 1982 to 26th October 1982 provided that the applicant had on or before 27th October 1982 entered into a contract to buy a replacement vessel (paragraph 4).

The amount of grant depends on the registered length of the vessel to which the application relates (paragraph 5 and the Schedule).

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Grant under the Scheme shall not be paid in relation to a vessel unless—

- (a) the vessel was a genuine commercial fishing vessel throughout the period between 1st March 1982 and 27th October 1982 during which the applicant was the owner (paragraph 6);
- (b) the vessel was available for fishing on the last day of the relevant qualifying period (paragraph 7);
- (c) 75% of the crew were ordinarily resident in the United Kingdom on the last day of the relevant qualifying period (paragraph 8);

Persons who receive grant are required to preserve records until 31st December 1985 and to supply copies of records to the appropriate Fisheries Minister if required to do so (paragraph 9). The Scheme contains provisions relating to false applications and recovery of grant in specified circumstances (paragraph 10).