

## STATUTORY INSTRUMENTS

1984 No. 341

FISHERIES

## The Fish Farming (Financial Assistance) Scheme 1984

<i>Made</i>	- - - -	12th March 1984
<i>Laid before Parliament</i>		14th March 1984
<i>Coming into Operation</i>		1st April 1984

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with fisheries in Scotland and Wales, in exercise of the powers conferred on them by section 31(1), (3) and (4) of the Fisheries Act 1981<sup>(a)</sup> and of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with the said section 31(1), hereby make the following scheme:—

*Citation, extent and commencement*

1. This scheme, which may be cited as the Fish Farming (Financial Assistance) Scheme 1984, shall apply to Great Britain, and shall come into operation on 1st April 1984.

*Interpretation*

2. In this scheme, unless the context otherwise requires—

“applicant”, in relation to the approval of expenditure for the purposes of a grant, means the person who is making or has made the application for that approval;

“the appropriate Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food,
- (b) in relation to Scotland, the Secretary of State for Scotland,
- (c) in relation to Wales, the Secretary of State for Wales;

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<sup>(a)</sup> 1981 c. 29.

“approved” means approved for the purposes of a grant under this scheme by the appropriate Minister in writing, and “approve” and “approval” shall be construed accordingly;

“the Commission” means the Commission of the European Communities;

“Community aid” means aid from the European Agricultural Guidance and Guarantee Fund;

“the Council” means the Council of the European Communities;

“the interim Council Regulation” means Council Regulation (EEC) No. 31/83 on an interim common measure for restructuring the inshore fishing industry and aquaculture**(a)**;

“the new Council Regulation” means Council Regulation (EEC) No. 2908/83 on a common measure for restructuring, modernising and developing the fishing industry and for developing aquaculture**(b)**.

*Grants for fish farming projects*

3.—(1) The appropriate Minister may make to any person a grant towards expenditure incurred, or to be incurred, in connection with a project for fish farming, if such grant appears to him—

(a) to be desirable for the purpose of the reorganisation, development or promotion of fish farming in England, Scotland or Wales, as the case may be, and

(b) to be requisite for the purpose of enabling the person to benefit from the interim Council Regulation or the new Council Regulation.

(2) The appropriate Minister shall not make such a grant unless—

(a) he has approved the expenditure, and

(b) a decision that the project shall receive Community aid has been taken, and notified to the United Kingdom, under article 9 of the interim Council Regulation or article 12 of the new Council Regulation, as the case may be.

(3) The appropriate Minister may approve the expenditure in whole or in part for the purposes of a grant under this scheme and any such approval may be given subject to such conditions as the appropriate Minister thinks fit.

(4) Any approval of expenditure for the purposes of a grant under this scheme may be varied or withdrawn by the appropriate Minister with the applicant's written consent.

(5) Any payment by way of a grant under this scheme may be made at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine.

(6) Any application for approval of expenditure for the purposes of a grant under this scheme shall be made in such form and manner and at such time as the appropriate Minister may from time to time determine; and the applicant shall furnish all such information relating to the application as the appropriate Minister shall require.

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**(a)** O.J. No. L5, 7.1.83, p. 1.

**(b)** O.J. No. L290, 22.10.83, p. 1.

*Amount of grant*

4.—(1) The amount of grant which may be paid under this scheme shall not exceed 5 per cent of such expenditure incurred, or to be incurred, for the purposes of the project as is approved by the Commission or the Council in deciding the amount of Community aid under the interim Council Regulation or the new Council Regulation, as the case may be, which the project shall receive.

(2) Where the expenditure referred to in sub-paragraph (1) of this paragraph has been approved for the purposes of any grant out of United Kingdom public funds other than a grant under this scheme, and that other grant is insufficient to enable the project to receive the amount of Community aid decided by the Commission or the Council, the amount of grant which may be paid under this scheme shall not exceed such amount as is sufficient, when added to that other grant, to enable the project to receive that amount of Community aid.

(3) A grant is a grant out of United Kingdom public funds for the purposes of sub-paragraph (2) of this paragraph if, and only if, it constitutes a financial contribution of the United Kingdom to the total investment for the purposes of article 6(2)(b) of the interim Council Regulation or article 15(4) of the new Council Regulation, as the case may be.

*Revocation of approval and recovery of grant*

5. If after the appropriate Minister has approved any expenditure for the purposes of a grant under this scheme it appears to that Minister—

- (a) that any condition subject to which the approval was given has not been complied with, or
- (b) that any work in respect of expenditure for which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that the person by whom the application for that approval or for the making of any payment was made gave information on any matter relevant to the giving of the approval or the making of the payment which was false or misleading in a material respect, or
- (d) that the Commission or the Council has decided, under article 10(2) of the interim Council Regulation or article 18(2) of the new Council Regulation, as the case may be, to suspend, reduce or discontinue Community aid and to recover any sums paid,

the appropriate Minister may revoke the approval in respect of the whole or part of the expenditure and, where any payment has been made by way of grant, may, unless a period exceeding six years has elapsed since the payment, on demand recover an amount equal to the payment which has been so made or such part thereof as the appropriate Minister may specify; but before revoking an approval in whole or in part under subparagraph (a), (b) or (c) of this paragraph the appropriate Minister—

- (i) shall give to the person to whom any payment by way of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister,
- (ii) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and
- (iii) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in subparagraph (i) above.

*Revocation of the Marine Fish Farming (Financial Assistance) Scheme 1981*

6.—(1) The Marine Fish Farming (Financial Assistance) Scheme 1981(a) is hereby revoked.

(2) Anything done under or for the purposes of that scheme which could have been done under or for the purposes of this scheme if—

- (a) the preceding provisions of this scheme had then been in operation, and
- (b) references in those provisions to the interim Council Regulation had been references to the Council Regulation referred to in that scheme

shall be treated as having been done under or for the purposes of this scheme; and this scheme shall be construed and have effect accordingly.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st March 1984.



*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

5th March 1984.

*Nicholas Edwards,*  
Secretary of State for Wales.

7th March 1984.

We approve. 12th March 1984.

*Alastair Goodlad,*  
*T. Garel-Jones,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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(a) S.I. 1981/1653.

## EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This scheme, which applies to Great Britain, provides for the making of grants for fish farming projects, if such grants appear to Ministers—

- (a) to be desirable for the purpose of the reorganisation, development or promotion of fish farming in Great Britain, and
- (b) to be requisite for the purpose of enabling a person to qualify for aid from the European Agricultural Guidance and Guarantee Fund under Council Regulation (EEC) No. 31/83, which relates to projects for fish farming in salt or brackish water, or Council Regulation (EEC) No. 2908/83, which relates both to such projects and to projects for fish farming in fresh water.

Both Council Regulations provide for grants of up to 25% of the investment.

Fish farming is defined in section 31 of the Fisheries Act 1981, under which the scheme is made, as the breeding, rearing or cultivating of fish (including shellfish) for the purpose of producing food for human consumption.

The maximum amount of grant under this scheme is 5% of the investment. If the expenditure has been approved for the purpose of any other grant out of United Kingdom public funds, the maximum amount of grant is reduced proportionately (paragraph 4).

In specified circumstances approval of expenditure may be revoked and grant may be recovered (paragraph 5).

The Marine Fish Farming (Financial Assistance) Scheme 1981 is revoked (paragraph 6).

Section 31 of the Fisheries Act 1981 creates certain offences in respect of fraudulent applications for grant, for which there is a maximum penalty of £1,000.

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