

Scheme made by the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland, laid before Parliament under section 15(3) of the Fisheries Act 1981, for approval by resolution of each House of Parliament within forty days beginning with the day on which the Scheme was made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

1990 No. 685

SEA FISHERIES

SEA FISH INDUSTRY

**The Fishing Vessels (Acquisition and Improvement)
(Grants) (Amendment) Scheme 1990**

<i>Made - - - -</i>	<i>20th March 1990</i>
<i>Laid before Parliament</i>	<i>30th March 1990</i>
<i>Coming into force</i>	<i>2nd April 1990</i>

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland, in exercise of the powers conferred on them by sections 15(1) and (2) and 18(1) of the Fisheries Act 1981^(a) 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 and commencement

1. This Scheme may be cited as the Fishing Vessels (Acquisition and Improvement) (Grants) (Amendment) Scheme 1990 and shall come into force on 2nd April 1990.

Saving

2. This Scheme shall not apply in relation to any application for a grant received by the Ministers before 2nd April 1990; and this Scheme shall not affect the operation of the Fishing Vessels (Acquisition and Improvement) (Grants) Scheme 1987^(b) (hereinafter called "the principal Scheme") in relation to any such application.

Amendment of the principal Scheme

3. The principal Scheme shall be amended in accordance with paragraphs 4 to 11 below.

4. In paragraph 2(1) thereof (interpretation)–

(a) there shall be substituted for the definition of "the control period" the following definition–

“ “the control period” means–

(a) in the case of a grant under paragraph 3(1)(a)(i) of this Scheme, a period of 10 years commencing with the date on which the vessel was first registered in the United Kingdom;

(a) 1981 c.29.

(b) S.I. 1987/1135.

- (b) in the case of a grant under paragraph 3(1)(a)(ii) of this Scheme, a period of 5 years commencing with the date on which the improvement was completed to the satisfaction of the Ministers;
- (c) in the case of a grant under paragraph 3(1)(b) of this Scheme, a period of 3 years commencing with the date on which the improvement was completed to the satisfaction of the Ministers;”;
- (b) there shall be inserted after that definition the following definition–
 - “ “the Council Regulation” means Council Regulation (EEC) No. 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector(a) ;”;
- (c) there shall be substituted for the definition of “improvement” the following definition–
 - “ “improvement”, in relation to a vessel, means the acquisition, installation, modification, renewal or replacement of any part of the vessel, or of an engine or any part of an engine of or for the vessel, or of any relevant equipment required for, or installed or used on, the vessel;”.

5. For paragraph 3 thereof (application for grant) there shall be substituted the following paragraph–

- “3.—(1) Any person engaged or proposing to be engaged in the sea fish industry by carrying on the business of owning and operating one or more vessels registered in the United Kingdom for the purpose of catching or processing sea fish may apply to the Ministers for a grant in respect of–
- (a) expenditure incurred or to be incurred, subject to sub-paragraph (2) below–
 - (i) in the acquisition or construction of a new vessel, registered or intended to be registered in the United Kingdom, to be engaged in the catching or processing of sea fish, including equipment required for the operation of the vessel which is sold with the vessel; or
 - (ii) in making an improvement to a vessel registered in the United Kingdom, engaged in the catching or processing of sea fish; or
 - (b) expenditure incurred, subject to sub-paragraph (3) below, in making an improvement to a vessel registered in the United Kingdom, engaged in the catching or processing of sea fish, where the improvement relates only to equipment required for, or installed or used on, such a vessel to comply with the provisions of the Fishing Vessels (Safety Provisions) Rules 1975(b).
- (2) The Ministers may not pay a grant under sub-paragraph (1)(a) above unless–
- (a) such grant appears to them to be requisite for the purpose of enabling the applicant to benefit from Community aid for a project covered by Title II or III of the Council Regulation (restructuring, renewal and modernisation of the fishing fleet); and
 - (b) a decision that the project shall receive Community aid has been taken, and notified to the United Kingdom, under Article 35 of the Council Regulation.
- (3) No grant shall be payable under sub-paragraph (1)(b) above in respect of expenditure incurred–
- (a) in the acquisition or installation of any second-hand equipment; or
 - (b) in relation to an improvement in so far as, in the opinion of the Ministers, such expenditure can be regarded as laid out on the routine repair or maintenance of equipment required for the vessel or installed or used thereon.
- (4) Applications for grant under this Scheme shall be made in writing in such form as the Ministers may from time to time require, and shall be delivered to them at such address as they may at any time or in any particular case direct.”.

(a) OJ No. L376, 31.12.86, p.7.

(b) S.I. 1975/330, amended by S.I. 1975/471, 1976/432, 1977/313, 498, 1978/1598, 1873, 1981/567 and by the Fisheries Act 1981, Schedule 3, paragraph 8(3).

6. In paragraph 4 thereof (application for grant) there shall be inserted after the word "acquisition" the words "or construction".

7. In paragraph 7(1) thereof (application for grant) paragraph (c) and the word "; and" immediately preceding it shall be omitted.

8. For paragraph 8 thereof (rates of grant) there shall be substituted the following paragraph—

"8.—(1) Subject to paragraph 9(1) of this Scheme, the rate of grant payable under paragraph 3(1)(a) of this Scheme shall be 10 per cent of such expenditure incurred, or to be incurred, for the purposes of a project covered by Title II or III of the Council Regulation as is approved by the Commission in deciding the amount of Community aid under that Regulation which the project shall receive.

(2) Subject to paragraph 9(3) of this Scheme, the rates of grant payable under paragraph 3(1)(b) of this Scheme shall be—

(a) subject to sub-paragraph (3) below, in respect of a vessel not exceeding 33 metres in length, 30 per cent of the expenditure approved by the Ministers;

(b) in respect of a vessel over 33 metres in length, 10 per cent of the expenditure approved by the Ministers.

(3) The rate of grant payable under paragraph 3(1)(b) of this Scheme in respect of a vessel between 24 metres and 33 metres in length inclusive shall be 20 per cent of the expenditure approved by the Ministers where the applicant has received Community aid in respect of that vessel under Title II or III of the Council Regulation at the rate specified in Annex II to that Regulation in respect of Northern Ireland or the West of Scotland."

9. For paragraph 9 thereof (maximum amount of grant) there shall be substituted the following paragraph—

"9.—(1) Where the expenditure referred to in paragraph 8(1) of this Scheme 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, the amount of grant which may be paid under paragraph 3(1)(a) of 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.

(2) A grant is a grant out of United Kingdom public funds for the purposes of sub-paragraph (1) above if, and only if, it constitutes a financial contribution of the United Kingdom to the total investment for the purposes of Article 7(1) or 10(1) of, and Annex II to, the Council Regulation.

(3) The maximum amount of grant payable under paragraph 3(1)(b) of this Scheme as respects any one vessel in any one ownership shall not exceed £250,000."

10. In paragraph 10 thereof (conditions for payment of grant)—

(a) in sub-paragraphs (1), (2) and (3) there shall be inserted after the word "grant" (wherever it occurs) the words "under paragraph 3(1)(b) of this Scheme";

(b) there shall be substituted for sub-paragraph (4) the following sub-paragraph—

"(4) No grant under paragraph 3(1)(b) of this Scheme shall be paid in respect of expenditure incurred in the improvement of a vessel carried out elsewhere than in a Member State."

11. In paragraph 15 thereof (recovery of grant)—

(a) in sub-paragraph (1) there shall be inserted after the words "civil debt" the words ", or in Scotland as a debt,";

(b) there shall be inserted after sub-paragraph (1) the following sub-paragraph—

"(1A) The Ministers may recover as a civil debt, or in Scotland as a debt, from any person who receives grant under paragraph 3(1)(a) of this Scheme a sum equivalent to the whole or any part of the grant paid to that person if the

- Commission has decided under Article 44 of the Council Regulation to suspend, reduce or discontinue Community aid or to recover any sums paid.”;
- (c) in sub-paragraph (2)(a) there shall be inserted after the word “acquisition” the words “or construction”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th March 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

12th March 1990

Sanderson of Bowden
Minister of State, Scottish Office

16th March 1990

Peter Walker
Secretary of State for Wales

20th March 1990

Peter Brooke
Secretary of State for Northern Ireland

We approve,

John Taylor
Thomas Sackville
13th March 1990. Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Fishing Vessels (Acquisition and Improvement) (Grants) Scheme 1987 which enabled grants to be made by the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland, being grants towards expenditure incurred in the acquisition or improvement of vessels engaged in catching or processing sea fish.

In relation to applications for grant received on or after 2nd April 1990 this Scheme restricts grants—

- (a) to those requisite for the purpose of enabling the applicant to benefit from Community aid for a project covered by Title II or III of Council Regulation (EEC) No. 4028/86 (relating to restructuring, renewal and modernisation of the fishing fleet); and
- (b) to those in respect of expenditure incurred in making essential safety improvements to vessels (paragraphs 2 and 5).

Rates of grant are specified (paragraph 8), subject to maximum amounts of grant (paragraph 9). Provision is made for the recovery of the grant referred to in paragraph (a) above in certain circumstances (paragraph 11(b)).

The Scheme also makes some consequential amendments (paragraphs 4, 6, 7, 10 and 11(c)).

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