
STATUTORY INSTRUMENTS

1993 No. 1325

SEA FISHERIES

SEA FISH INDUSTRY

**The Fishing Vessels (Safety
Improvements) (Grants) Scheme 1993**

Approved by both Houses of Parliament

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| <i>Made</i> | - - - - | <i>20th May 1993</i> |
| <i>Laid before Parliament</i> | | <i>21st May 1993</i> |
| <i>Coming into force</i> | - - | <i>22nd May 1993</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(1) 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 (Safety Improvements) (Grants) Scheme 1993 and shall come into force on 22nd May 1993.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

“the control period”, in relation to a grant under this Scheme, means a period of 3 years commencing with the date on which the improvement was completed to the satisfaction of the Ministers;

“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;

“length”, in relation to a vessel, means length between perpendiculars measured in accordance with Article 2(2) of Council Regulation (EEC) No. 2930/86 defining characteristics for fishing vessels(2);

(1) 1981 c. 29.

(2) OJ No. L274, 25.9.86, p.1.

“the Ministers” means 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;

“relevant equipment” means equipment or apparatus of any description constructed or adapted for the purpose of catching sea fish.

(2) Any reference in this Scheme to a numbered paragraph shall, unless the context otherwise requires, be construed as a reference to the paragraph bearing that number in this Scheme.

(3) Any payment of grant made under this Scheme by the Ministers may be made by any of them and any reference in the Scheme to such payment shall be construed accordingly.

Application for grant

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 sea fish may apply to the Ministers for a grant in respect of expenditure incurred or to be incurred, subject to sub-paragraph (2) below, in making an improvement to a vessel registered or intended to be registered in the United Kingdom and engaged or to be engaged in the catching of sea fish, where the improvement relates only to equipment required for, or installed or used on, such a vessel to enable its owner to obtain a fishing vessel certificate under the provisions of the Fishing Vessels (Safety Provisions) Rules 1975(3).

(2) No grant shall be payable under this Scheme in respect of—

- (a) expenditure incurred or to be incurred in the acquisition or installation of any second-hand equipment;
- (b) expenditure incurred or to be incurred 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; or
- (c) expenditure incurred before 1st January 1992 or, in the case of an application made on or after 30th June 1993, expenditure incurred before making the application.

(3) 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.

4. The Ministers may require applicants, in relation to the application made, to make a full statement of their financial position, including their assets, debts and obligations, and to make available for inspection by the Ministers, or their duly authorised agents, such books of account and other records and documents within their possession or control as the Ministers may require.

5. Where expenditure is shared by two or more persons, applications for grant under this Scheme may be made in respect of either the full expenditure or part of the expenditure incurred or to be incurred and may be made by individual applicants or by two or more applicants jointly.

6.—(1) In considering whether or not to approve an application for the payment of a grant under this Scheme, the Ministers—

- (a) shall have regard to the needs and interests of the sea fish industry or to that section thereof to which the application relates, but
- (b) shall not approve the application so far as it relates to any proportion, or item, of expenditure which in their opinion is unnecessary or unwarranted having regard to the benefit likely to be derived from the expenditure in respect of which the application is made.

(3) S.I.1975/330, amended by S.I. 1975/471, 1976/432, 1977/313, 498, 1978/1598, 1873, 1981/567, 1991/1342 and by the Fisheries Act 1981, Schedule 3, paragraph 8(3)

- (2) No grant shall be paid under this Scheme unless—
- (a) the application for the payment of the grant has been approved by the Ministers before 1st January 1997; and
 - (b) the conditions set out in paragraph 8 have been complied with.

Rates of grant

7. The rates of grant payable under this Scheme shall be—
- (a) in respect of a vessel over 33 metres in length, 10 per cent of the expenditure approved by the Ministers;
 - (b) in respect of a vessel not exceeding 33 metres in length, 30 per cent of the expenditure approved by the Ministers.

Conditions for payment of grant

8.—(1) Subject to sub-paragraph (3) below, in a case where the applicant intends to enter into a contract with another person for the carrying out of the whole or any part of the work to which his application for a grant under this Scheme relates, the Ministers shall, before the contract is made, approve—

- (a) the plans and specifications of the vessel to which the application for grant relates;
- (b) the tender for expenditure to be incurred; and
- (c) the form of contract to be entered into between the applicant and the builder, supplier or other contractor.

(2) Subject to sub-paragraph (3) below, in a case where the applicant himself intends to undertake the whole or any part of the work to which his application for a grant under this Scheme relates, the Ministers shall, before such work is begun, give their approval to the undertaking both as regards the manner in which it is to be carried out and the kind, quantity and cost of the materials to be supplied in the course thereof.

(3) Sub-paragraphs (1) and (2) above shall not apply where the application is in respect of expenditure incurred before making the application.

(4) The vessel in respect of or in connection with which an application for a grant under this Scheme is made shall conform to any standards laid down under the Merchant Shipping Act 1988(4) and shall be constructed or adapted so as to make such provision for the accommodation of officers and crew as, in the opinion of the Ministers, conforms to the best modern practice after making due allowance for the age and kind of vessel concerned, for sleeping and messing accommodation, sanitary accommodation, medical or first-aid facilities, store rooms, catering facilities and other accommodation.

(5) No grant under this Scheme shall be paid in respect of expenditure incurred in the improvement of a vessel carried out elsewhere than in a member State.

Right to inspect vessel

9. Any person authorised in writing by the Ministers on producing, if required to do so, some duly authenticated document to show his authority shall have the right to inspect the vessel in respect of or in connection with which a grant has been or is to be made under this Scheme at any reasonable time during the carrying out of the improvement and on the completion of the improvement and thereafter at all reasonable times within the control period.

(4) 1988 c. 12.

Timing of payment of grant

10. No payment of, or on account of, a grant shall be made until the sum to be found by the applicant has been paid towards the expenditure in respect of which the application is made and thereafter payment of, or on account of, the grant may be made by the Ministers direct to the applicant, or on the applicant's behalf to the builder, supplier or other contractor in one sum or by such instalments and at such times as may be required in conformity with the contract, on the receipt of certificates or such further or other evidence that payment is due as may be required by the Ministers.

False statements

11. If any person makes a false statement or furnishes false information in respect of any of the matters required to be disclosed in connection with an application for payment of a grant under this Scheme, any payment of, or on account of, a grant to that applicant may at any time be refused, and any such payment already made in relation to that application may be recovered by the Ministers as a civil debt, or in Scotland as a debt.

Undertakings

12. Any person whose application for a grant under this Scheme is approved by the Ministers may be required to give such undertaking as they may consider appropriate to the case, and in particular (but without prejudice to the generality of the foregoing) shall be required in any case—

- (a) during the control period, and as may be appropriate to the case—
 - (i) to employ the vessel in respect of or in connection with which the application was made (hereinafter in this paragraph referred to as “the vessel”); or
 - (ii) to take all reasonable steps to ensure its employment;
in the diligent and vigorous prosecution of the catching of sea fish to the satisfaction of the Ministers;
- (b) to insure the vessel and keep it insured against all marine risks and war risks during the control period in a sum approved by the Ministers, which shall be at least sufficient to ensure that in the event of total loss of the vessel there will be made available sufficient monies to meet the repayment of the grant or any part thereof which might be repayable at the date of the loss; and
- (c) to keep and make available for inspection by the Ministers at all reasonable times during the control period any books, records or other documents within the applicant's possession or control necessary to enable the Ministers to satisfy themselves that any conditions of the grant have been complied with.

Recovery of grant

13.—(1) Subject to sub-paragraph (2) below, the Ministers may recover as a civil debt, or in Scotland as a debt, from any person who receives grant under this Scheme a sum equivalent to the whole or any part of the grant paid to that person if there occurs within the control period—

- (a) the total loss of the vessel;
- (b) a breach of any undertaking or condition subject to which the grant or any part of it was made;
- (c) a mortgage of the vessel (other than a mortgage created for the raising of money applied towards the cost of construction or improvement of the vessel, being a mortgage approved by the Ministers before it was created), a transfer of registration of the vessel, or a charter, for any purpose other than the employment of the vessel in the catching of sea fish based on a port in the United Kingdom;

(d) a disposal, whether by sale or otherwise, of the vessel or of any part thereof or of its engine or of any part thereof or of any equipment or apparatus used on or in connection therewith, or of any part of a vessel, engine, part of an engine or relevant equipment which is the subject of the improvement in respect of which the grant or any part of it was made.

(2) If the event in sub-paragraph (1)(a) to (d) above which gives rise to the recovery of the grant under that sub-paragraph occurs more than 2 years from the commencement of the control period, there shall be repaid to the Ministers a sum equivalent to a proportion of the grant to be calculated by multiplying the total amount of the grant by the fraction which represents the relationship which the unexpired part of the control period bears to the full control period.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th May 1993.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

18th May 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

17th May 1993

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

20th May 1993

Patrick Mayhew
Secretary of State for Northern Ireland

We approve,

18th May 1993

Irvine Patnick
Tim Kirkhope
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme enables 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 making essential safety improvements to vessels engaged or to be engaged in catching sea fish and registered in the United Kingdom (paragraph 3).

No grant may be paid under this Scheme unless the relevant application is approved by Ministers before 1st January 1997 and the conditions set out in paragraph 8 of the Scheme have been complied with (paragraph 6). Ministers may require undertakings to be given by a person whose application is approved (paragraph 12).

Rates of grant are specified (paragraph 7). Provision is made for the recovery of grant paid in certain circumstances (paragraphs 11 and 13).

Offences and penalties in connection with this Scheme are provided by section 17 of the Fisheries Act 1981.