

2007 No. 312

SEA FISHERIES, ENGLAND

SEA FISH INDUSTRY

The Decommissioning of Fishing Vessels Scheme 2007

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>6th February 2007</i>
<i>Laid before Parliament</i>		<i>8th February 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Secretary of State, with the approval of the Treasury, in exercise of the powers conferred by section 15(1) and (2) of the Fisheries Act 1981(a) and now vested in him(b), makes the following Scheme:

Title, application and commencement

1. This Scheme may be cited as the Decommissioning of Fishing Vessels Scheme 2007; it applies in England and comes into force on 6th April 2007.

Eligibility for decommissioning grants

2.—(1) The Secretary of State may award a decommissioning grant to the owner of a fishing vessel that meets the following criteria.

(2) The vessel must be at least 10 metres in length.

(3) It must be at least 10 years old.

(4) It must be registered as a fishing vessel in the United Kingdom in the register maintained under section 8 of the Merchant Shipping Act 1995(c).

(5) It must be currently licensed under section 4(5) of the Sea Fish (Conservation) Act 1967(d) and the Sea Fish Licensing Order 1992(e) and the licence must show that it is administered at an English port.

(6) It must have fished for at least 75 days in each of the two periods of 12 months immediately preceding the date of application.

(a) 1981 c. 29. See section 18(1) for a definition of “the Ministers”. Sections 15(2) and 18(1) were amended by S. I. 1999/1820, Schedule 2, paragraph 68 (1), (2) and (3).

(b) S. I. 2002/794, article 2(1).

(c) 1995 c. 21.

(d) 1967 c. 84.

(e) S. I. 1992/2633.

(7) It must have been allocated days under the days at sea scheme under Annex IIC of Council Regulation (EC) No 51/2006(a).

Application for a grant

3.—(1)The Secretary of State must establish a scheme for the allocation of grant under paragraph 2.

(2) He must send an application form for a grant under the scheme giving details of the scheme, the system that he will use to rank vessels under paragraph 4(5) if this should be necessary, and the closing date to all owners of vessels that are eligible in accordance with paragraph 2.

(3) An applicant for a grant under the scheme must submit the application form fully completed by the closing date, and must specify how much he is applying for (“the bid figure”).

(4) The bid figure for the vessel must not exceed £3,500 per tonne, where the tonnage is the gross tonnage of the vessel as registered under section 8 of the Merchant Shipping Act 1995.

Awarding a grant

4.—(1)The Secretary of State must, as soon as is reasonably practicable after the closing date, consider all the applications.

(2) He must reject an application where the vessel is not eligible in accordance with paragraph 2.

(3) He must reject an application if he has reasonable grounds for suspecting that there has been any fixing or adjustment of the bid figure by, under or in accordance with any agreement with another person.

(4) He must pay to all the remaining applicants the full bid figure if the total amount of money in the scheme enables him to do so.

(5) Otherwise he must rank the vessels taking into account—

(a) the bid figure;

(b) the tonnage of the vessel; and

(c) the catch of sole in tonnes by that vessel and the fishing effort (the number of days at sea multiplied by the engine power of the vessel) in ICES Area VIIe (as defined in Annex III to Council Regulation (EEC) No. 3880/91 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic(b)) in the continuous period of twelve months that gives the most advantageous result for the vessel in the two years immediately preceding the closing date for applications.

(6) He must allocate the grant to the vessels that rank highest, giving each grant in full until there is not enough money left in the scheme to pay any more bids in full.

Action following the decision to award a grant

5. A successful applicant for a grant must surrender the licence referred to in paragraph 2(5) relating to the vessel and destroy the vessel to the satisfaction of the Secretary of State, and the grant must not be paid until this is done.

Ben Bradshaw
Minister of State

25th January 2007

Department for Environment, Food and Rural Affairs

We approve

(a) OJ No. L16, 20.1.2006, p. 1.

(b) ICES areas, OJ No. L365, 31.12.1991, p. 1.

Frank Roy
Dave Watts

6th February 2007

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme provides for grants to be made for decommissioning fishing vessels eligible in accordance with paragraph 2.

The Secretary of State will send out application forms to the owners of those eligible vessels, giving details of the scheme and the closing date (paragraph 3). Under that paragraph an applicant must complete the form and specify the amount of grant for which he is bidding.

Under paragraph 4, the Secretary of State must consider the applications, and, if there is enough money in the scheme, must pay the full amount to all applicants who have made valid applications. If there is not enough money in the scheme to do this he must rank the vessels in order of priority, and pay the full amount to the highest ranking vessels until the money in the scheme is exhausted.

The grants are not payable until the fishing licences have been surrendered and the vessels have been destroyed (paragraph 5).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at <http://defraweb/fish/sea/fleet/index.htm>.

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