



Sea Fish Industry Act 1970

1970 CHAPTER 11

PART III

GRANTS AND SUBSIDIES

Grants towards new vessels, engines, etc.

44 Grants by the White Fish Authority

(1) The Authority may, in accordance with a scheme made by the Ministers with the approval of the Treasury after consultation with the Authority, make to persons engaged or proposing to become engaged in the white fish industry in Great Britain grants in respect of expenditure incurred—

- (a) in the acquisition of any vessel to which this section applies;
- (b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel,

of such amounts and subject to such conditions as may be determined by or under the scheme; but no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, or in the acquisition or installation of any secondhand engine, part, equipment or apparatus.

(2) For the purposes of this section a person shall be deemed to be engaged in the white fish industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain in carrying on any of the activities specified in subsection (3) below.

(3) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in catching or processing white fish or transporting white fish or the products of white fish.

(4) In relation to a vessel to which this section applies "relevant equipment" means equipment or apparatus of any description constructed or adapted for the purposes

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of the particular activities by virtue of which the vessel is one to which this section applies; and equipment constructed or adapted for the purpose of transferring white fish from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

45 Grants by the Herring Industry Board

(1) The Board may, in accordance with a scheme made by the Ministers with the approval of the Treasury after consultation with the Board, make to persons engaged or proposing to become engaged in the herring industry in Great Britain grants in respect of expenditure incurred—

- (a) in the acquisition of any vessel to which this section applies;
- (b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel,

of such amounts and subject to such conditions as may be determined by or under the scheme; but no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, or in the acquisition or installation of any secondhand engine, part, equipment or apparatus.

(2) For the purposes of this section a person shall be deemed to be engaged in the herring industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain in carrying on any of the activities specified in subsection (3) below.

(3) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in catching or processing herring or transporting herring or the products of herring.

(4) In relation to a vessel to which this section applies "relevant equipment" means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities by virtue of which the vessel is one to which this section applies; and equipment constructed or adapted for the purpose of transferring herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

46 Grants where expenditure shared

Where any expenditure in respect of which a grant may be made in pursuance of a scheme under section 44 or 45 of this Act is shared by two or more persons, the amount of the grant which may be so made to any one of those persons shall not exceed such fraction of the grant which could be made to him if he had incurred the whole of that expenditure as is proportionate to his actual share of that expenditure.

47 Financial provision

Any sums required by the Authority or the Board for the payment of grants under this Part of this Act shall be paid out of moneys provided by Parliament, and any sums received by the Authority or the Board by way of refund of any such grants in accordance with conditions attached thereto shall be paid into the Consolidated Fund.

48 Accounts

- (1) The Authority and the Board shall respectively keep such accounts with respect to grants made by them under section 44 or 45 of this Act as may be directed by the Ministers with the approval of the Treasury, and shall prepare in respect of each financial year a statement of the accounts in such form and giving such information as may be so directed.
- (2) The said accounts for each financial year shall be audited (in accordance with a scheme of audit approved by the Ministers), and the statements certified, by the persons appointed in respect of that year to audit the other accounts of the Authority or the Board, as the case may be ; and the auditors shall be furnished by the Authority and the Board with copies of their respective statements.
- (3) The auditors shall in each case furnish the Ministers with copies of the said statement of accounts together with their report thereon, and the copies and the report shall be sent by the Ministers to the Comptroller and Auditor-General not later than 30th September following the end of the financial year to which the accounts relate.
- (4) The Comptroller and Auditor-General shall examine the said statements of accounts and the reports sent to him under subsection (3) above and may inspect the accounts kept by the Authority or the Board with respect to grants made by them under section 44 or 45 of this Act, and shall certify each statement and lay a copy of it together with his report thereon before Parliament.

White fish and herring subsidies

49 General provisions as to white fish and herring subsidies

- (1) With a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish and herring and white fish products and herring products, the appropriate Minister may, in accordance with a scheme made by the Ministers with the approval of the Treasury, make to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching white fish or herring, or in processing or transporting white fish or herring caught by vessels registered in the United Kingdom or the products of any such white fish or herring, grants of such amounts, and subject to such conditions, as may be determined by or under the scheme.
- (2) The trans-shipment of white fish and herring and their respective products in a port in the United Kingdom or within the exclusive fishery limits shall be treated for the purposes of subsection (1) above as the landing of white fish and herring and their respective products in the United Kingdom.
- (3) Subject to the provisions of this section, a scheme made thereunder may provide for the payment of grants in the case of any vessel in respect of one or of a combination of all or any of the following:—
 - (a) white fish or herring or white fish products or herring products landed from the vessel in the United Kingdom, or trans-shipped from the vessel in a port in the United Kingdom or within the exclusive fishery limits, or
 - (b) voyages made by the vessel for any one or more of the following purposes, that is to say—
 - (i) catching white fish or herring;

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- (ii) processing white fish or herring, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;
 - (iii) transporting such fish as are mentioned in sub-paragraph (ii) above, or the products of such fish,

where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or are to be transhipped in a port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel, or
 - (c) any such other matter as may be specified in the scheme.
- (4) No grant shall be made in pursuance of a scheme under this section unless an application therefor is received by the appropriate Minister before 1st January 1974.
- (5) Any expenses incurred by the appropriate Minister in the making of grants under this section shall be defrayed out of moneys provided by Parliament.
- (6) In this section " the appropriate Minister "—
- (a) in relation to England and Northern Ireland, means the Minister of Agriculture, Fisheries and Food ;
 - (b) in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland ;
 - (c) in relation to Wales, means—
 - (i) for the purpose of the actual making of any payment under this section, the Minister of Agriculture, Fisheries and Food, and
 - (ii) for all the other purposes of this section, the said Minister and the Secretary of State concerned with the sea fishing industry in Wales acting jointly.
- (7) References in this section to white fish do not include shellfish and references to the exclusive fishery limits do not include waters within the fishery limits of the British Islands which are adjacent to -the Isle of Man or any of the Channel Islands.

50 Offences in connection with subsidies

Any person who—

- (a) in furnishing any information in purported compliance with a requirement imposed by a scheme under section 49 of this Act or under section 5 of the White Fish and Herring Industries Act 1953 (white fish subsidy) or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (b) for the purpose of obtaining for himself or any other person any sum payable under such a scheme makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (c) in purported compliance with a requirement imposed by such a scheme produces a document which he knows to be false in a material particular or recklessly produces a document which is false in a material particular; or

(d) wilfully refuses to supply any information, make any return or produce any document when required to do so by or under any such scheme, shall be liable, on summary conviction, to a fine not exceeding £400.

51 Reimbursement of Isle of Man herring subsidies

(1) This section applies to any grant made (whether before or after the commencement of this Act) by the Government of the Isle of Man to the owners or charterers of vessels registered in the United Kingdom, in respect of herring or herring products landed in the Isle of Man or trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man, or in respect of voyages made by the vessel in question for any one or more of the following purposes, that is to say—

- (a) catching herring;
- (b) processing herring caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered ;
- (c) transporting such herring as are mentioned in paragraph (b) above or the products of such herring,

where (in any such case) it was part of the purpose that the herring or the products of the herring were to be landed in the Isle of Man, whether by the vessel which caught them or by another vessel, or were to be trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man by the vessel which caught them or by another vessel.

(2) Subject to subsection (3) below, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland or either of them may repay to the Government of the Isle of Man out of moneys provided by Parliament the amount of any grant to which this section applies.

(3) Where any such grant (in this subsection referred to as "the Isle of Man grant") has been made in respect of any herring or herring products landed in the Isle of Man, or in respect of any voyage made for a purpose specified in subsection (1) above.—

- (a) no repayment shall be made under this section unless a grant to the owners or charterers of the vessel could have been made in pursuance of a scheme under section 49 of this Act or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy), in force at the time of the Isle of Man grant, if the herring or herring products in question had been landed in the United Kingdom, or, as the case may be, the voyage had been made for the corresponding purpose specified in section 49(3) of this Act or section 3(2) of that Act as the case may be, and
- (b) the amount of the repayment shall not exceed the amount of the grant which could in those circumstances have been made in pursuance of that scheme.

(4) In this section any reference to the Government of the Isle of Man includes a reference to any department or agency of that Government.

(5) In this section " exclusive fishery limits of the Isle of Man " means waters within the exclusive fishery limits of the British Islands which are adjacent to the Isle of Man.

Miscellaneous

52 Schemes

- (1) A scheme under this part of this Act shall not be so varied or revoked under section 57 of this Act as to reduce or prevent the payment of a grant in pursuance of an application approved under the scheme before the coming into operation of the subsequent scheme.
- (2) A scheme under this Part of this Act shall be of no effect until it is approved by a resolution of each House of Parliament.

53 Interpretation of Part III

In this Part of this Act—

" the Ministers " includes the Secretary of State concerned with the sea fishing industry in Wales, but does not include the Secretary of State concerned with the sea fishing industry in Northern Ireland ; and

" processing " and " products " have the same meanings as in Part I of this Act.

54 Application of Part III to Northern Ireland

Sections 44 to 48 and 51 of this Act do not extend to Northern Ireland.