1976 No. 149

FISHING VESSELS

Fishing Vessels (Grants) Scheme (Northern Ireland) 1976

Made . . . . . 13*th May* 1976

Coming into operation on . . . 1*st July* 1976

To be laid before Parliament under paragraph 3(3) *of Schedule* 1 *to the Northern Ireland Act* 1974.

The Department(a) of Agriculture in exercise of the powers conferred on it by section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967(b) and of every other power enabling it in that behalf and with the approval of the Department of Finance hereby makes the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Fishing Vessels (Grants) Scheme (Northern Ireland) 1976 and shall come into operation on 1st July 1976.

Interpretation

2. In this Scheme—

"approved expenditure" means expenditure incurred with the prior approval of the Department;

"Department" means the Department of Agriculture;

"fishing industry" does not include the use of fishing vessels for angling or other recreational purposes or the sale or hire of fishing vessels for such purposes;

"improvement" has the meaning assigned to it by Article 3(*c*);

"Overall length" in relation to a freshwater fishing vessel means the length measured from the foremost part of the stem to the aftermost part of the stern;

"registered length" in relation to a sea fishing vessel means the length of the sea fishing vessel as calculated for the purpose of registration under the Merchant Shipping Acts 1894 to 1970(c);

"relevant equipment" in relation to a sea fishing vessel means equipment or apparatus of any description constructed or adapted for the purpose of catching or processing fish and installed on the vessel;

"the control period" has the meaning assigned to it by Article 11.

Eligible expenditure

3.—(1) Subject to paragraph (2) and to the provisions of this scheme, the Department may make a grant to a person carrying on or proposing to carry on a business in the fishing industry in Northern Ireland in respect of expenditure incurred in—

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 8 (N.I.)
(c) 1894 c. 60; 1964 c. 47, 1970 c. 36

(*a*) providing a sea fishing vessel registered or intended to be registered in Northern Ireland including equipment (except fishing gear) required for the operation of the vessel which is sold with the vessel;

(*b*) providing an engine for a sea fishing vessel registered or intended to be registered in Northern Ireland;

(*c*) the acquisition, installation, modification, renewal or replacement of any part of a sea fishing vessel registered or intended to be registered in Northern Ireland (other than an engine) or of any relevant equipment required for, or installed or used on such a vessel (such acquisition, installation, modification, renewal or replacement being in this Scheme referred to as an "improvement");

(*d*) providing a freshwater fishing vessel including equipment (except fishing gear) required for the operation of the vessel;

(*e*) providing an engine for a freshwater fishing vessel.

(2) No grant shall be made in respect of—

(*a*) expenditure incurred in the acquisition of any vessel, engine, part, equipment or apparatus which appears to the Department to be second-hand; or

(*b*) expenditure incurred in relation to an improvement in so far as the Department considers such expenditure can be regarded as incurred in the routine repair, maintenance or replacement in respect of the vessel or of its engine or of any relevant equipment required for the vessel or installed or used thereon.

Applicantions for grant

4.—(1) An applicant under this Scheme for a grant in respect of the acquisition of a vessel shall satisfy the Department with regard to the prospect of his being able to operate the vessel successfully and that he has the ability to manage and sufficient financial resources for the purposes of the business in which the vessel will be employed.

(2) The Department may require an applicant to make a full statement of his financial position, including assets, debts and obligations and to make available for inspection such books of accounts and other records and documents as the Department may reasonably require.

(3) Where expenditure is shared by two or more persons an application for a grant may be made in respect of either the full expenditure or part of the expenditure incurred and may be made by an individual applicant or by two or more applicants jointly.

(4) An application for a grant shall be made in writing and shall be in such form as the Department may require.

(5) An application shall be accompanied by the appropriate plans and specifications, the completed tender or tenders relating to the expenditure to be incurred, and the form of contract to be entered into between the applicant and the builder, supplier or other contractor and no contract shall be placed without the prior approval of the Department.

Approval for grant

5.—(1) In considering whether or not to approve an application for a grant the Department—

(*a*) shall have regard to the needs and interests of the fishing industry or to that section thereof to which the application relates;

(*b*) shall not approve an application in so far as it relates to any proportion or item of the proposed expenditure which in its 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;

(*c*) shall not approve an application in respect of an improvement unless the Department is satisfied that the expenditure in relation to which it would be payable is likely to result in an increase in the efficiency or economy of the operation of the vessel in respect of or in connection with which the application is made as regards one or more of the following matters:—

(i) the catching of fish;

(ii) the handling, processing or storage of fish;

(iii) the working conditions of the crew;

(iv) the condition of fish or the products of fish at the time of landing; and

(v) the safety and seaworthiness of the vessel, regard having been had to the technical and economic standards prevailing in the appropriate section of the fishing industry at the time of consideration of the application by the Department and to the results of any experiments and research which have relation to the subject of the particular expenditure.

(2) The Department shall not pay a grant under this scheme to any person who is not a British subject resident in Northern Ireland, nor to any company which is not incorporated under the laws of Northern Ireland.

Rates of grant

6. The amount of grant payable under this Scheme shall be—

(*a*) where the registered length of a sea fishing vessel is under 40 feet, or the overall length of a freshwater fishing vessel is not more than 26 feet, 30 per cent of approved expenditure incurred in the provision of the vessel, or the engine, or in the improvement of the sea fishing vessel as the case may be.

(*b*) where the registered length of a sea fishing vessel is 40 feet or more but less than 80 feet—

(i) 45 per cent of the approved expenditure incurred in the constuction of such a vessel in Northern Ireland;

(ii) 35 per cent of the approved expenditure incurred in the construction of such a vessel outside Northern Ireland;

(iii) 35 per cent of the approved expenditure incurred in providing a new engine for an existing such vessel;

(iv) 30 per cent of the approved expenditure incurred in relation to an improvement to such vessel.

(*c*) where the registered length of a sea fishing vessel is 80 feet or more, 25 per cent of approved expenditure.

Eligibility for grant

7.—(1) For the purpose of this Article any expenditure which is incurred in the acquisition of an engine or part of an engine or any equipment, incorporated into a vessel at the time of its construction elsewhere than in the United Kingdom shall be deemed to be expenditure incurred in the acquisition of such vessel.