
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 332

**The Fishing Vessels (Decommissioning)
(Scotland) Scheme 2001**

Decommissioning grants

3.—(1) Any person who owns a registered vessel—

- (a) which is over 10 metres in length;
- (b) in respect of which there is a licence to which sub-paragraph (2) applies;
- (c) which whilst registered has, during each of the calendar years 1999 and 2000, spent at least the appropriate number of days at sea on fishing trips;
- (d) which is at least 10 years old at the date of the application;
- (e) which, in the case of a vessel over 12 metres in registered length had, on the date of application, either a valid vessel certificate under the provisions of the Fishing Vessels (Safety Provisions) Rules 1975(1) or a letter confirming the completion of a satisfactory survey issued by the Secretary of State for Transport, Local Government and the Regions; and
- (f) which is a Scottish based vessel,

may make an application to the Ministers in respect of that vessel.

(2) This sub-paragraph applies to Category A licences excluding Category A (Pelagic Purser), Category A (Pelagic Freezer) and Category A (Pelagic Trawler) licences.

(3) The Ministers shall publish a notice specifying the appropriate number of days in such manner as they consider appropriate.

(4) Notwithstanding sub-paragraph (1), the Ministers may reject an application in respect of a vessel which in their opinion is not fit for undertaking fishing trips.

(5) For the purposes of this paragraph—

“the appropriate number of days” means such number of days as the Ministers may from time to time determine;

“Category A licence” means a licence granted in respect of a vessel under section 4 of the Sea Fish (Conservation) Act 1967(2) which authorises fishing in all or any part of the Community waters for all or any of the species of sea fish for which the United Kingdom has a share of the Community total allowable catch(3); and

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- (1) S.I.1975/330, amended by S.I. 1975/471, 1976/432, 1977/313, 498, 1978/1598, 1873, 1981/567, 1991/1342 (revoked by 1998/3243), 1998/928, 2647, 1999/2998, 3210 and 2001/9 and by the Fisheries Act 1981, Schedule 3, paragraph 8(3). The 1975 Rules now have effect as if made under section 90, 121 and 122 of and paragraph 7 of Schedule 14 to the Merchant Shipping Act 1995 (c. 21).
- (2) 1967 c. 84; section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3, the Fisheries Act 1981 (c. 29), section 20 and the Sea Fish (Conservation) Act 1992 (c. 60), section 1 and has effect in relation to Scotland as modified by section 22A inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 Schedule 2, paragraph 43(13).
- (3) See Council Regulation (EC) No. 2848/00 (O.J. No. L 334, 15.12.00, p.1) (as corrected by Corrigenda, O.J. No. L 96. 6.4.01, p.30) which for 2001 fixes the total allowable catches (TACs) for certain fish stock and groups of fish stock and specifies the allocation of the share of the TACs available to each Member State.

“port of administration” means the port from which the licence granted in respect of a vessel under section 4 of the Sea Fish (Conservation) Act 1967 is issued; and

“Scottish based vessel” means a vessel the port of administration of which is, throughout the period from 1st January 2001 until the date of the approval relating to the vessel, both dates inclusive, a port in Scotland.