
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 349

**The Fishing Vessels (Decommissioning)
Scheme (Northern Ireland) 2001**

Interpretation

2.—(1) In this Scheme—

“application” means an application for grant;

“authorised officer” means any officer authorised in writing by the Department for the purpose of this Scheme;

“bid” means the amount of grant for which an applicant offers to decommission his vessel and surrender the associated fishing licence;

“breadth” means the breadth calculated and measured in accordance with the rules specified in Article 3 of Council Regulation (EEC) No. 2930/86(1);

“the Community waters” means the sea falling under the sovereignty or within the jurisdiction of the member States;

“Council Regulation 2792/1999” means Council Regulation (EC) No. 2792/1999 of 17th December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector(2);

“day” means all or any part of a period of 24 consecutive hours beginning at midnight;

“decommissioning”, in relation to a vessel, means the permanent withdrawal of that vessel from operation within the sea fish industry of the European Community by means of scrapping and “decommissioned” and “decommissioning grant” shall be construed accordingly;

“the Department” means the Department of Agriculture and Rural Development;

“fishing trips” means time spent by a vessel—

- (a) engaged in fishing for profit;
- (b) steaming between port and fishing ground and between one fishing ground and another, and for this purpose “fishing for profit” means fishing with a view to securing a financial return deriving from sale of the sea fish landed;

“FQA” means the fixed quota allocation attributed to a vessel licence, in line with the mechanism established on 1st January 1999, and maintained on UK VFQA Database and any reference to an allocation of FQAs in relation to a particular vessel means that allocation as determined by that database;

“grant” means decommissioning grant under this Scheme;

“length”, in relation to a vessel means the length calculated and measured in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86;

(1) O.J. No. L274, 25.9.86, p. 1
(2) O.J. No. L337, 30.12.99, p. 1

“licence” means a licence granted in respect of a vessel under section 4 of the Sea Fish (Conservation) Act 1967⁽³⁾;

“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;

“the register” means the register of vessels established under section 8 of the Merchant Shipping Act 1995⁽⁴⁾ and references to “registered” shall be construed accordingly;

“relevant conditions” means any conditions relating to the approval of an application which have been notified to the applicant under Article 6(2)(b);

“sea area” means a statistical division or sub area of the International Council for the Exploration of the sea⁽⁵⁾ specified in the Schedule hereto;

“scrapping”, in relation to a vessel, means permanently breaking up the vessel or otherwise permanently disabling it (but not, in either case, by scuttling) so that it is incapable of use for any seagoing purpose and “scrapped” shall be construed accordingly;

“sea fish” has the same meaning as in Article 17(6) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987;

“strike price” means a price set by the Department under Article 5(1)(d);

“UK VFQA Database” means the database maintained by the Fisheries Departments in the UK comprising details concerning, the registered UK fishing fleet, the licences with associated FQA entitlements attached to currently registered fishing vessels and FQA entitlements not currently attached to registered fishing vessels;

“vessel” means a sea fishing boat as defined in the Fisheries Act (Northern Ireland) 1966⁽⁶⁾;

“VCU” means Vessel Capacity Unit, which is a measure of UK fishing vessel capacity as defined by the formula $(L \times B) + (0.45 \times P)$ where:

L is the length of the vessel measured in metres

B is the breadth of the vessel measured in metres

P is the engine power of the vessel expressed in kilowatts; and

(2) In this Scheme, any reference to a vessel being based in Northern Ireland shall be construed as a reference to a vessel the port of administration for which is a Northern Ireland port.

(3) 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

(4) 1995 c. 21

(5) Cmnd. 2586

(6) 1966 c. 17 (N.I.)