
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1653**FISH FARMING****The Marine Fish Farming (Financial Assistance) Scheme 1981***Made* - - - 19th November 1981*Laid before Parliament* 27th November 1981*Coming into Operation* 30th November 1981

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with fisheries in Scotland and Wales, in exercise of the powers conferred on them by section 31(1), (3) and (4) of the Fisheries Act 1981(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:—

Citation, extent and commencement

1. This scheme, which may be cited as the Marine Fish Farming (Financial Assistance) Scheme 1981, shall apply to Great Britain, and shall come into operation on 30th November 1981.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“applicant”, in relation to the approval of expenditure for the purposes of a grant, means the person who is making or has made the application for that approval;

“the appropriate Minister” means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food;

(b) in relation to Scotland, the Secretary of State for Scotland;

(c) in relation to Wales, the Secretary of State for Wales;

“approved” means approved for the purposes of a grant under this scheme by the appropriate Minister in writing, and “approve” and “approval” shall be construed accordingly;

“the Commission” means the Commission of the European Communities;

“Community aid” means aid from the European Agricultural Guidance and Guarantee Fund;

“the Council” means the Council of the European Communities;

(a) 1981 c. 29.

“the Council Regulation” means Council Regulation (EEC) No 1852/78 on an interim common measure for restructuring the inshore fishing industry^(a), as amended^(b);

“marine fish farming project” means a project for fish farming in salt or brackish water.

Grants for marine fish farming projects

3.—(1) The appropriate Minister may make to any person a grant towards expenditure incurred, or to be incurred, in connection with a marine fish farming project, if such grant appears to him—

- (a) to be desirable for the purpose of the reorganisation, development or promotion of fish farming in England, Scotland or Wales, as the case may be, and
- (b) to be requisite for the purpose of enabling the person to benefit from the Council Regulation.

(2) The appropriate Minister shall not make such a grant unless—

- (a) he has approved the expenditure, and
- (b) a decision that the project shall receive Community aid under the Council Regulation has been taken, and notified to the United Kingdom, under article 9 of the Council Regulation.

(3) The appropriate Minister may, if he thinks fit, either refuse to approve the expenditure or approve it in whole or in part for the purposes of a grant under this scheme and any such approval may be given, or grant made, subject to such conditions as the appropriate Minister thinks fit.

(4) Any approval of expenditure for the purposes of a grant under this scheme may be varied or withdrawn by the appropriate Minister with the applicant's written consent.

(5) Any payment by way of a grant under this scheme may be made at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine.

(6) Any application for approval of expenditure for the purposes of a grant under this scheme shall be made in such form and manner and at such time as the appropriate Minister may from time to time determine and the applicant shall furnish all such information relating to the application as the appropriate Minister may require.

Amount of grant

4.—(1) The amount of grant which may be paid under this scheme shall not exceed 5 per cent. of such expenditure incurred, or to be incurred, for the purposes of the project as is approved by the Commission or the Council in deciding the amount of Community aid under the Council Regulation which the project shall receive.

(a) OJ No L211, 1.8.78, p.30.

(b) The Regulation has been amended by Regulation (EEC) No 592/79 (OJ No L78, 30.3.79, p.5), Regulation (EEC) No 1713/80 (OJ No L167, 1.7.80, p.50) and Regulation (EEC) No 2992/81 (OJ No L299, 20.10.81, p.24).

(2) Where the expenditure referred to in sub-paragraph (1) of this paragraph has been approved for the purposes of any grant out of United Kingdom public funds other than a grant under this scheme, and that other grant—

- (a) is insufficient to enable the project to receive the amount of Community aid decided by the Commission or the Council, the amount of grant which may be paid under this scheme shall not exceed such amount as is sufficient, when added to that other grant, to enable the project to receive that amount of Community aid;
- (b) is sufficient to enable the project to receive the amount of Community aid decided by the Commission or the Council, no grant shall be paid under this scheme.

(3) A grant is a grant out of United Kingdom public funds for the purposes of sub-paragraph (2) of this paragraph if, and only if, it constitutes a financial contribution of the United Kingdom to the total investment for the purposes of Article 6(2)(b) of the Council Regulation.

Revocation of approval and recovery of grant

5. If at any time after the appropriate Minister has approved any expenditure for the purposes of a grant under this scheme it appears to that Minister—

- (a) that any condition subject to which the approval was given or the grant has been made has not been complied with, or
- (b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that the person by whom the application for that approval or for the making of any payment was made gave information on any matter relevant to the giving of the approval or the making of the payment which was false or misleading in a material respect, or
- (d) that the Commission or the Council has decided, under Article 10(2) of the Council Regulation, to suspend, reduce or discontinue Community aid and to recover any sums paid,

the appropriate Minister may revoke the approval in respect of the whole or part of the expenditure and, where any payment has been made by way of grant, may on demand recover an amount equal to the payment which has been so made or such part thereof as the appropriate Minister may specify; but before revoking an approval in whole or in part under sub-paragraph (a), (b) or (c) of this paragraph the appropriate Minister—

- (i) shall give to the person to whom any payment by way of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister,
- (ii) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and
- (iii) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in sub-paragraph (i) above.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th November 1981.

(L.S.)

Peter Walker,
Minister of Agriculture,
Fisheries and Food.

18th November 1981.

George Younger,
Secretary of State for Scotland.

18th November 1981.

Nicholas Edwards,
Secretary of State for Wales.

We approve,
19th November 1981.

John Cope,
Antony Newton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This scheme, which applies to Great Britain, provides for the making of grants for marine fish farming projects, if such grants appear to Ministers—

- (a) to be desirable for the purpose of the reorganisation, development or promotion of fish farming in Great Britain, and
- (b) to be requisite for the purpose of enabling a person to qualify for aid from the European Agricultural Guidance and Guarantee Fund under Council Regulation (EEC) No 1852/78 on an interim common measure for restructuring the inshore fishing industry, which provides for grants of up to 25 per cent. of the total investment (paragraph 3).

Marine fish farming projects are defined in the Scheme as projects for fish farming in salt or brackish water (paragraph 2).

Fish farming is defined in section 31 of the Fisheries Act 1981, under which the Scheme is made, as the breeding, rearing or cultivating of fish (including shellfish) for the purpose of producing food for human consumption.

The maximum amount of grant under this scheme is 5 per cent. of the investment. If the expenditure has been approved for the purpose of any other grant out of United Kingdom public funds, the maximum amount of grant is reduced proportionately (paragraph 4).

In specified circumstances approval of expenditure may be revoked and grant may be recovered (paragraph 5).

Section 31 of the Fisheries Act 1981 creates certain offences in respect of fraudulent applications for grant, for which there is a penalty of £1,000.

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