



# Fish Industry Act (Northern Ireland) 1972

## 1972 CHAPTER 4

An Act to make provision for financial aid towards expenditure for purposes of the fish industry, to enable the investment of public money in the fish industry and for purposes connected therewith. [22nd February 1972]

### 1<sup>F1</sup> Grants in relation to fish farming.

- (1) The Ministry may in accordance with a scheme make, to any person carrying on or proposing to carry on the business of fish farming, a grant<sup>F2</sup> . . . towards the approved expenditure incurred by that person for the purposes of that business and, in particular,
- (a) for the purpose of carrying out any excavations in connection with that business; or
  - (b) for the purpose of—
    - (i) providing any buildings, roads, water supply, cool or cold storage facilities or other fixed equipment or facilities, or
    - <sup>F3</sup>(ii) forming or developing a shell-fish fishery, or]
    - (iii) providing boats and equipment for use with such boats,
- for use in connection with that business.
- (2) For the purposes of this section, the business of fish farming means an undertaking involving the hatching, breeding, rearing, harvesting or marketing of fish for the purposes of sport or human consumption for which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966 .

#### Annotations:

- F1** functions transf. by SR 2003/163  
**F2** 1994 NI 6  
**F3** 1981 NI 7

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*Changes to legislation: There are currently no known outstanding effects for the Fish Industry Act (Northern Ireland) 1972. (See end of Document for details)*

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## 2 Grants for purposes connected with co-operative activities.

- (1) Subject to subsection (3), the Ministry may in accordance with a scheme make, to any body of persons carrying on or proposing to carry on a co-operative enterprise in the fishing industry, a grant towards the approved expenditure incurred by that body for the purposes of that enterprise and, in particular,—
- (a) for the purpose of—
    - (i) providing any buildings, or
    - (ii) providing any vehicle constructed or adapted for the conveyance or haulage of loads in or about private premises,
 for use in connection with that enterprise; or
  - (b) for the purpose of—
    - (i) the administration of the enterprise, including the provision of training for persons in connection with such administration; or
    - (ii) making arrangements for the marketing of fish or fish products on behalf of persons participating in the enterprise.
- (2) For the purposes of this section, a co-operative enterprise in the fish industry means an enterprise for the carrying out of proposals designed to organise, promote, encourage, develop or co-ordinate any form of co-operation in the fishing industry, including co-operation and mutual assistance in production, storage, preparation for market (including processing), marketing, transport, the provision of buildings, equipment and services for fishermen, research and other incidental activities.
- (3) No grants shall be made in pursuance of a scheme under this section to any body in connection with any enterprise if the body is [<sup>F4</sup>not a registered society within the meaning of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969] at the time when the grant would, but for this subsection, become payable.

### Annotations:

- F4** Words in s. 2(3) substituted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), [Sch. 1 para. 16](#); S.R. 2017/217, art. 2(d)

## 3 Grants in relation to fish processing.

The Ministry may in accordance with a scheme make, to any person carrying on or proposing to carry on the business of fish processing, a grant towards the approved expenditure incurred by that person for the purposes of that business and, in particular,

- (a) for the purpose of—
  - (i) providing any buildings, water supply, cool or cold storage facilities or other fixed equipment or facilities, or
  - (ii) providing any vehicle constructed or adapted for the conveyance or haulage of loads in or about private premises,
 for use in connection with that business; or
- (b) for the purpose of making arrangements for the marketing of fish or fish products in connection with that business.

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#### **4 Grants in relation to fish markets.**

The Ministry may in accordance with a scheme make, to any person owning or operating or proposing to own or operate the business of a fish market, a grant towards the approved expenditure incurred by that person for the purposes of that business and, in particular,—

- (a) for the purpose of—
  - (i) providing any building or facilities, or
  - (ii) providing any vehicle constructed or adapted for the conveyance or haulage of loads in or about private premises, for use in connection with that business; or
- (b) for the purpose of making arrangements for the marketing of fish or fish products in connection with that business.

#### **5 Grants in relation to fishing in particular areas and for particular species of fish.**

(1) For the purpose of encouraging fishing in particular areas or for particular species of fish the Ministry may, by order made with the approval of the Ministry of Finance, provide for—

- (a) the payment by the Ministry of grants of such amounts to, or in respect of, such persons under such terms and conditions and in such circumstances as may be specified in the order;
- (b) the repayment and recovery of grants in such circumstances and in such manner as may be so specified;

and an order under this section may contain provisions for the avoidance of double payments where a person is entitled under any other statutory provision to a payment for a purpose similar to the purpose mentioned in this subsection.

(2) Where an order under this section specifies circumstances such as are mentioned in subsection (1)( a) by reference to a particular area any such area may be described by reference to a map, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may otherwise be provided by the order).

(3) An order under this section shall be subject to affirmative resolution.

(4) Before a motion is made for the affirmation of an order under this section, the Ministry shall deposit with the Clerk of the Parliaments a copy of any map prepared under subsection (2).

#### **6<sup>F5</sup> Schemes.**

A scheme<sup>F6</sup> made under this Act—

- (a) shall be made by the Ministry with the approval of the Ministry of Finance;

*Para.(b) rep. by 1979 NI 12*

- (c) shall be subject to affirmative resolution;
- (d) shall specify—
  - (i) the amounts of any grants<sup>F7</sup> . . . to be made under the scheme or the manner in which any such amount is to be computed;
  - (ii) the terms and conditions under which any grant. . . is to be made;

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*Sub.#para. (iii) rep. by 1994 NI 6*

- (e) shall provide for the avoidance of double payments where a person is entitled under any other statutory provision to a payment for a purpose similar to the purpose mentioned in the scheme;
- (f) may provide for the repayment and recovery of grants. . . in such circumstances and in such manner as may be specified in or under the scheme;
- (g) without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954 , may be revoked by an order made by the Ministry subject to negative resolution.

**Annotations:**

- F5** functions transf. by SR 2003/163  
**F6** [Schemes to be statutory rules, 1979 NI 12](#)  
**F7** [1994 NI 6](#)

**7<sup>F8</sup> Conditions.**

- (1) <sup>F9</sup> . . . in making a grant. . . in accordance with a scheme or under an order under this Act the Ministry shall impose such conditions as it thinks fit; and, without prejudice to sections 5(1)( *b*) and 6(*f*), such conditions may include. . . conditions for repayment in specified circumstances.
- (2) The Ministry may by notice require any person who has received a grant. . . in accordance with a scheme or under an order under this Act, and any person acting on his behalf, to furnish to the Ministry such information, or to produce for examination on behalf of the Ministry such books, records or other documents, as may be specified in the notice for the purpose of enabling the Ministry to determine whether any condition subject to which the grant. . . is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part. . . in accordance with any such condition.
- (3) Subject to subsection (4), a notice under subsection (2) may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified.
- (4) The time specified in a notice under subsection (2) for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- (5) Any person duly authorised in that behalf by the Ministry may for the purposes mentioned in subsection (2), on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any equipment or facility in respect of which a grant. . . in accordance with a scheme under this Act has been made is, or in accordance with any condition attached to the grant. . . should be, and require any person appearing to him to have charge of those premises to produce or identify the equipment or facility for inspection.
- (6) Any person who in purported compliance with a notice under subsection (2) knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and shall be liable—

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- (a) on summary conviction to a fine not exceeding [<sup>F10</sup> £500], or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (7) Any person who without reasonable excuse fails to comply with a notice under subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [ £500].
- (8) Any person who wilfully obstructs any person in the exercise of a right of entry under subsection (5), or without reasonable excuse fails to comply with a requirement under that subsection, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [ £500].
- (9) Any person who without reasonable excuse fails to comply with any condition subject to which a grant. . . was made to him in accordance with a scheme or under an order under this Act requiring him to inform the Ministry of any event whereby the grant. . . becomes repayable in whole or in part. . . shall be guilty of an offence and shall be liable—
- (a) on summary conviction to a fine not exceeding £500;
  - (b) on conviction on indictment to [<sup>F11</sup> an unlimited fine] or three times the amount so repayable, whichever is the greater.]

*Subs.(10)(11) rep. by 1980 NI 6*

**Annotations:**

- F8** functions transf. by SR 2003/163
- F9** 1994 NI 6
- F10** 1981 NI 7
- F11** 1984 NI 3

*S.8 amends ss.1, 2 of 1967 c.8 (NI)*

## **9 Acquisition of businesses, etc., in the fish industry.**

- (1) The Ministry, subject to the approval of the Ministry of Finance, may—
- (a) subscribe for, acquire, hold and dispose of shares in any company, or the holding company of any company, or in any [<sup>F12</sup>registered society] , carrying on a business or enterprise in the fish industry;
  - (b) acquire, manage and dispose of, all or any part of, any business in the fish industry.
- (2) The Ministry may exercise in respect of any shares of a company or society held by it under subsection (1)( a) all the rights and powers of a holder of such shares and, where a right or power is exercisable by attorney or nominee, exercise it by its attorney or nominee and in respect of any such shares may do so without prejudice to [<sup>F13</sup>section 323 of the Companies Act 2006] or to the rules of the society.
- (3) For the purpose of compliance with so much of any provision of the Companies Act (Northern Ireland) 1960 or [<sup>F14</sup>the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969] as requires that there shall always be a minimum number of members of a company or society, the Ministry may transfer to one or more than one nominee shares held by it in a company or society under subsection (1)( a).

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- (4) Every such nominee shall hold his share in the company or society upon trust for the Ministry and shall accordingly be bound to pay all dividends and other money and hold all rights which he receives in respect of the share to or for the Ministry for the benefit of the Exchequer and to transfer, as and when required by the Ministry, the share to the Ministry or another nominee of the Ministry.
- (5) In this section—
- “a business or enterprise in the fish industry” means a business or enterprise involving the taking or marketing of fish or a business or enterprise to which section 1, 2, 3 or 4 applies;
- “company” means a company within the meaning of the<sup>F15</sup> Companies (Northern Ireland) Order 1986 and also includes a company to which Part XXIII of that Order applies];
- “holding company” has the same meaning as in the<sup>F15</sup> Companies (Northern Ireland) Order 1986];
- <sup>F16</sup>  
...
- <sup>F17</sup>“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969;]
- “shares” in relation to a company, includes stock;

and any reference to the acquisition of shares includes a reference to the shares being acquired by a company as a nominee of the Ministry.

**Annotations:**

- F12** Words in s. 9(1)(a) substituted (6.4.2018) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), s. 17(2), **Sch. 1 para. 17(2)**; S.R. 2017/217, art. 2(d)
- F13** Words in s. 9(2) substituted (6.4.2008) by Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1), **Sch. 1 para. 43** (with arts. 6, 11, 12)
- F14** Words in s. 9(3) substituted (6.4.2018) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), s. 17(2), **Sch. 1 para. 17(3)**; S.R. 2017/217, art. 2(d)
- F15** 1986 NI 9
- F16** Words in s. 9(5) omitted (6.4.2018) by virtue of Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), s. 17(2), **Sch. 1 para. 17(4)(a)**; S.R. 2017/217, art. 2(d)
- F17** Words in s. 9(5) inserted (6.4.2018) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), s. 17(2), **Sch. 1 para. 17(4)(b)**; S.R. 2017/217, art. 2(d)

*S.10 rep. by SLR 1976*

## 11 Interpretation.

In this Act—

- “approved expenditure”, in relation to any grant<sup>F18</sup>. . . , means expenditure approved by the Ministry for the purposes of the grant. . . in pursuance of a scheme;
- “fish” has the same meaning as in the Fisheries Act (Northern Ireland) 1966 ;
- “the Ministry” means the Ministry of Agriculture;
- “processing”, in relation to fish, includes preserving or preparing fish, or producing any substance or article wholly or partly from fish, by any method for human or animal consumption;
- “products”, in relation to fish, means anything produced by processing the fish;

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“scheme” means a scheme made in accordance with section 6;  
“statutory provision” has the meaning assigned to it by section 1( *f*) of the Interpretation Act (Northern Ireland) 1954 .

**Annotations:**

**F18** [1994 NI 6](#)

**12 Short title.**

This Act may be cited as the Fish Industry Act (Northern Ireland) 1972.

**Changes to legislation:**

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