

## SCHEDULES

### SCHEDULE 6

Section 33

#### FINANCIAL ASSISTANCE: POWERS OF DEVOLVED AUTHORITIES

##### *Power of the Scottish Ministers*

- 1 (1) The Scottish Ministers may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
  - (a) the conservation, enhancement or restoration of the marine and aquatic environment;
  - (b) the promotion or development of commercial fish or aquaculture activities;
  - (c) the reorganisation of businesses involved in commercial fish or aquaculture activities;
  - (d) contributing to the expenses of persons involved in commercial fish or aquaculture activities;
  - (e) maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
  - (f) the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals;
  - (g) the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
  - (h) improving the arrangements for the use of catch quotas or effort quotas;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, sub-paragraph (1) must be given in accordance with a scheme established by regulations made by the Scottish Ministers.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to Scotland or the Scottish zone, or
  - (b) in relation to Scottish fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Scottish Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
  - (a) the recipient of the financial assistance;

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- (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
- (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
- “family member”, in relation to an individual (“P”), means—
  - (a) P’s spouse or civil partner,
  - (b) a child or grandchild of P or of P’s spouse or civil partner, or
  - (c) a parent or grandparent of P or of P’s spouse or civil partner;
  - “financial assistance” means grants or loans.

#### *Power of the Welsh Ministers*

- 2 (1) The Welsh Ministers may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
- (a) the conservation, enhancement or restoration of the marine and aquatic environment;
  - (b) the promotion or development of commercial fish or aquaculture activities;
  - (c) the reorganisation of businesses involved in commercial fish or aquaculture activities;
  - (d) contributing to the expenses of persons involved in commercial fish or aquaculture activities;
  - (e) maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
  - (f) the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals;
  - (g) the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
  - (h) improving the arrangements for the use of catch quotas or effort quotas;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, subparagraph (1) must be given in accordance with a scheme established by regulations made by the Welsh Ministers.
- (3) The scheme may only provide for financial assistance to be given—
- (a) in relation to Wales or the Welsh zone, or
  - (b) in relation to Welsh fishing boats.
- (4) The scheme may—

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- (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Welsh Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
- (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
- “family member”, in relation to an individual (“P”), means—
    - (a) P’s spouse or civil partner,
    - (b) a child or grandchild of P or of P’s spouse or civil partner, or
    - (c) a parent or grandparent of P or of P’s spouse or civil partner;
  - “financial assistance” means grants or loans.

#### *Power of the Northern Ireland department*

- 3 (1) The Northern Ireland department may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
- (a) the conservation, enhancement or restoration of the marine and aquatic environment;
  - (b) the promotion or development of commercial fish or aquaculture activities;
  - (c) the reorganisation of businesses involved in commercial fish or aquaculture activities;
  - (d) contributing to the expenses of persons involved in commercial fish or aquaculture activities;
  - (e) maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
  - (f) the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals;
  - (g) the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
  - (h) improving the arrangements for the use of catch quotas or effort quotas;

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- (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, sub-paragraph (1) must be given in accordance with a scheme established by regulations made by the Northern Ireland department.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to Northern Ireland or the Northern Ireland zone, or
  - (b) in relation to Northern Ireland fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Northern Ireland department, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
  - (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
  - (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
  - “family member”, in relation to an individual (“P”), means—
    - (a) P’s spouse or civil partner,
    - (b) a child or grandchild of P or of P’s spouse or civil partner, or
    - (c) a parent or grandparent of P or of P’s spouse or civil partner;
  - “financial assistance” means grants or loans.

*Financial assistance: consequential amendments*

- 4 (1) In the Fisheries Act 1981—
  - (a) omit Part 2 (financial assistance for sea fish industry);
  - (b) omit section 31 (financial assistance for fish farming).
- (2) In consequence of the repeals made by sub-paragraph (1)—
  - (a) in the Fisheries Act 1981—

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- (i) in section 41, omit “or schemes”, and in the heading omit “and schemes”;
- (ii) in section 42, omit “, II or IV”;
- (iii) in section 43(1), omit paragraph (c);
- (b) in the Government of Wales Act 2006, in Schedule 3A, omit paragraph 2(2)(d);
- (c) in the Scotland Act 1998 (Concurrent Functions) Order 1999 ([S.I. 1999/1592](#)), in Schedule 1, omit the entries for sections 15 and 16 of the Fisheries Act 1981;
- (d) in the Scotland Act 1998 (Consequential Modifications) (No 2) Order 1999 ([S.I. 1999/1820](#)), in Schedule 2, in paragraph 68—
  - (i) in sub-paragraph (1), omit “Part II of”;
  - (ii) omit sub-paragraphs (2) to (4) and (6);
- (e) in the Sea Fisheries (Northern Ireland) Order 2002 ([S.I. 2002/790](#)), in Schedule 2, omit paragraph 2.

#### *Transitional provision*

- 5 (1) The following schemes made under section 15 of the Fisheries Act 1981 have effect as if contained in regulations made under section 33—
- (a) the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012 ([S.I. 2012/1375](#));
  - (b) the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) (Amendment) Scheme 2014 ([S.I. 2014/3363](#)).
- (2) The following schemes made under section 15 of the Fisheries Act 1981 have effect as if contained in regulations made under paragraph 1—
- (a) the Fishing Vessels (Decommissioning) (Scotland) Scheme 2001 ([S.S.I. 2001/332](#));
  - (b) the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 ([S.S.I. 2003/87](#));
  - (c) the Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003 ([S.S.I. 2003/116](#));
  - (d) the Fishing Vessels (Satellite - tracking Devices) (Scotland) Scheme 2004 ([S.S.I. 2004/379](#));
  - (e) the Fishing Boats (EU Electronic Reporting) (Scotland) Scheme 2010 ([S.S.I. 2010/374](#));
  - (f) the Fishing Boats (Satellite-tracking Devices) (Scotland) Scheme 2012 ([S.S.I. 2012/264](#)).
- (3) The Fishing Boats (Satellite - Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012 ([S.I. 2012/3172 \(W.318\)](#)) (made under section 15 of the Fisheries Act 1981) has effect as if contained in regulations made under paragraph 2.
- (4) The schemes mentioned in sub-paragraphs (1) to (3) have effect as if any reference in them to an offence under section 17 of the Fisheries Act 1981 were to conduct that would have constituted an offence under that section had Part 2 of that Act not been repealed.

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- (5) The following schemes were made under Part 2 of the Fisheries Act 1981 or section 31 of that Act, are not saved by virtue of sub-paragraphs (1) to (3), and are therefore revoked by virtue of paragraph 4(1)—
- (a) the Fishing Vessels (Safety Improvements) (Grants) Scheme 1995 ([S.I. 1995/1609](#));
  - (b) the Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 ([S.S.I. 2017/448](#)).