
STATUTORY INSTRUMENTS

1982 No. 498

SEA FISHERIES

BOATS AND METHODS OF FISHING

**The Fish Producers' Organizations (Formation Grants) Scheme
1982**

<i>Made - - - -</i>	<i>1st April 1982</i>
<i>Laid before Parliament</i>	<i>1st April 1982</i>
<i>Coming into Operation</i>	<i>22nd April 1982</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Wales, Scotland and Northern Ireland (being the Secretaries of State respectively concerned with the sea fish industry in Wales, Scotland and Northern Ireland), in exercise of the powers conferred on them by sections 15(1) and (2) and 18(1) of the Fisheries Act 1981 (a) and of all their other enabling powers, with the approval of the Treasury in accordance with the said section 15(1), hereby make the following scheme:—

Title, commencement and extent

1.—(1) This scheme may be cited as the Fish Producers' Organizations (Formation Grants) Scheme 1982 and shall come into operation on 22nd April 1982.

(2) This scheme extends to the United Kingdom.

Interpretation

2. In this scheme—

“the appropriate Minister” means—

- (a) in relation to an organization having its registered office in England or Northern Ireland, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to an organization having its registered office in Wales, the Secretary of State for Wales;
- (c) in relation to an organization having its registered office in Scotland, the Secretary of State for Scotland;

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

“the Court of Auditors” means the Court of Auditors established by Article 15 of the Treaty amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council of the European Communities (b);

“organization” means a fish producers' organization, or an association of such organizations;

(a) 1981 c.29.

(b) OJ No L359, 31.12.77, p.1.

“recognized” means recognized in accordance with Articles 1 and 2 of Regulation 105/76 (which contain criteria for the recognition of producers’ organizations in the fishing industry) and “recognition” shall be construed accordingly;

“Regulation 457/72” means Commission Regulation (EEC) No 457/72 defining the concept of administrative expenses of producers’ organizations in the fishing industry (a);

“Regulation 100/76” means Council Regulation (EEC) No 100/76 on the common organization of the market in fishery products (b);

“Regulation 105/76” means Council Regulation (EEC) No 105/76 on the recognition of producers’ organizations in the fishing industry (c);

“Regulation 106/76” means Council Regulation (EEC) No 106/76 on granting and reimbursing aids granted by Member States to producers’ organizations in the fishing industry (d);

“the specified period” means the period of three years following the date on which an organization was recognized.

Payment of grant

3.—(1) For the purpose of promoting the sea fish industry, the appropriate Minister may pay grants to a recognized organization in respect of its administrative expenses incurred during the specified period.

(2) The amount of grant paid to an organization in respect of any year shall not exceed the percentage—

- (a) of the value of production marketed under the auspices of that organization; or
- (b) of its administrative expenses incurred in that year

specified in relation to that year in Article 6(1) of Regulation 100/76 (which contains criteria for calculating the maximum amount of grant payable to an organization in any year).

(3) The total amount of grant paid to an association of fish producers’ organizations shall not exceed the sum specified in Article 7 of Regulation 106/76 (which sets an upper limit on the amount of aid payable to an association of fish producers’ organizations).

(4) The value of production marketed under the auspices of an organization shall be calculated in accordance with the provisions of Article 6(1) of Regulation 100/76 as read with the provisions of Articles 3, 4 and 5 of Regulation 106/76 (which together contain a prescribed method of calculating the value of products marketed under the auspices of an organization).

(5) The administrative expenses of an organization shall be determined in accordance with the provisions of Article 6 of Regulation 106/76 (which provides that such expenses must be properly accounted for) as read with the provisions of Article 1 of Regulation 457/72 (which defines in detail the concept of administrative expenses).

Application for grant

4. An application for grant under this scheme shall be made in writing to the appropriate Minister in such form and with such information and such

(a) OJ No L54, 3.3.72, p.31.

(b) OJ No L20, 28.1.76, p.1.

(c) OJ No L20, 28.1.76, p.39.

(d) OJ No L20, 28.1.76, p.42.

documents relating to that application as the Ministers may from time to time require and shall be signed by the Secretary of the organization concerned.

Condition of grant

5. Payment to an organization of grant under this scheme is subject to the condition that the organization shall preserve and make available for inspection by persons appointed for that purpose by the appropriate Minister, the Comptroller and Auditor General, the Commission or the Court of Auditors during business hours all books, papers and other records relating to its application for grant under this scheme, until the expiry of a period of three years immediately following the date on which the final sum by way of such grant is paid to that organization.

Recovery of grant

6.—(1) If during the specified period an organization to which any sum by way of grant under this scheme has been paid ceases to be recognized or is dissolved the appropriate Minister may on demand recover an amount equal to that sum or such part thereof as he may specify.

(2) If, at any time after a sum by way of grant under this scheme has been paid to an organization, it appears to the appropriate Minister—

- (a) that any condition subject to which that sum was paid has not been complied with; or
- (b) that the organization, or any person acting on its behalf, when applying for payment of that sum gave information on any matter relevant to the consideration of that application which was false or misleading in a material respect,

he may on demand recover an amount equal to that sum or such part thereof as he may specify.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food was hereunto affixed on 26th March 1982.



Peter Walker,
Minister of Agriculture, Fisheries
and Food.

29th March 1982.

Nicholas Edwards,
Secretary of State for Wales.

30th March 1982.

George Younger,
Secretary of State for Scotland.

28th March 1982.

James Prior,
Secretary of State for
Northern Ireland.

We approve,
1st April 1982.

Robert Boscawen,
J. A. Cope,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This scheme implements in the United Kingdom the provisions of Article 6 of Council Regulation (EEC) No 100/76 on the common organization of the market in fishery products ("the marketing regulation"), as supplemented in detail by other regulations referred to below. These regulations together govern the payment of formation grants to fish producers' organizations. The scheme enables the appropriate fisheries Minister to pay to a producers' organization recognized by him an annual grant in respect of the administrative expenses incurred on its formation and subsequent operation during a period of 3 years following the date on which that organization was recognized.

The scheme confers authority for the payment of grant subject to the limits imposed by Article 6 of the marketing regulation and Article 7 of Council Regulation (EEC) No 106/76 on granting and reimbursing aids granted by Member States to producers' organizations in the fishing industry ("the implementing Council regulation") (paragraph 3(1) to (3)).

The scheme applies the criteria for the determination of the value of production marketed under the auspices of an organization laid down by Article 6(1) of the marketing regulation supplemented by Articles 3, 4 and 5 of the implementing Council regulation (which relate to the average marketed production of the members during the three years preceding their membership of the organization and the average producer prices obtained by those members over that period) (paragraph 3(4)).

The scheme applies the criteria for the determination of the administrative expenses of an organization laid down by Article 6 of the implementing Council regulation as supplemented by Article 1 of Commission Regulation (EEC) No 457/72 defining the concept of administrative expenses of producers' organizations in the fishing industry (paragraph 3(5)).

The scheme contains provisions relating to the method of application for grant (paragraph 4).

The scheme requires an organization, as a condition of the payment of grant, to preserve and make available for inspection by the proper authorities its records relating to an application for grant under the scheme (paragraph 5).

The scheme specifies circumstances in which demand may be made for the recovery of grant (paragraph 6).

Section 17 of the Fisheries Act 1981 creates certain offences in respect of fraudulent applications for grant, for which there is a penalty on summary conviction of a fine not exceeding £1,000.

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