

G.C. 30/90

b

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY
FISHING VESSELS (FINANCIAL ASSISTANCE) SCHEME 1990

Citation, commencement and revocation

1. This Scheme may be cited as the Fishing Vessels (Financial Assistance) Scheme 1990 and shall come into operation on 1st March 1990.
2. The Financial Assistance for the Fishing Industry (No. 2) Order 1973(a) and the Fishing Industry (Purchase of Modern Vessels) Scheme 1985(b) shall not operate in respect of applications for financial assistance made after the commencement of this Scheme.

Interpretation

3. (1) In this Scheme -
"Department" means the Department of Agriculture,
Fisheries and Forestry;
"eligible person" has the meaning given by the Schedule.
(2) The Interpretation Act 1976(c) shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Tynwald.

Financial assistance

4. (1) The Department may, subject to the approval of the Treasury, provide financial assistance to eligible persons in accordance with the provisions of this Scheme.
(2) Financial assistance may be provided in respect of -
 - (a) the purchase of fishing vessels;
 - (b) building fishing vessels;

(a) Approved by Tynwald 11/12/1973. (b) G.C. No. 355/85. (c) 1976 c.20.

(c) the improvement of the structure of fishing vessels; and

(d) the purchase or replacement of gear,

if such purchase, building, replacement or other works has been approved by the Department before being undertaken.

(3) The maximum financial assistance which may be given under this Scheme is -

(a) a grant not exceeding 50% ; and

(b) a loan not exceeding 40% ,

of the costs approved by the Department.

Applications

5. An application for assistance under this Scheme shall be made in writing to the Department in such form as it shall require and the application shall include -

(a) a full description of the fishing vessel concerned;

(b) in a case where assistance is being sought in respect of the building of the vessel, details of the builders, full specifications of the vessel and the expected completion date;

(c) the amount of grant and loan for which application is made;

(d) the source of the balance of the cost and any conditions which may apply in respect of that finance;

(e) details of any mortgages or liens on the vessel; and

- (f) in the case of the purchase of a fishing vessel, a survey report from an independent Chartered Marine Surveyor containing such information as the Department may require;
- (g) such further information as the Department may require.

Factors to be considered by the Department

6. (1) The Department shall take the following factors into account when considering an application under this Scheme -
- (a) the needs and interests of the fishing industry in general or the section of the industry to which the application relates;
 - (b) whether the benefits likely to be derived from the purchase, building, replacement or other works proposed by the applicant are sufficient to warrant expenditure;
 - (c) whether the purchase, building, replacement or other works proposed by the applicant are likely to contribute to increased efficiency and economy of operation in the vessel concerned in one of the following matters -
 - (i) the catching of fish;
 - (ii) the handling, processing or storage of fish;
 - (iii) the working conditions of crew;
 - (iv) the safety and seaworthiness of the vessel;
 - (d) whether the vessel conforms to the constructional standards laid down by the Sea Fish Industry Authority or equivalent;
 - (e) the ability of the applicant to repay any loan;

(f) the ability of the applicant to operate the vessel successfully.

(2) Financial assistance shall not be given by the Department under this Scheme in respect of normal repairs or maintenance.

Terms of Assistance

7. (1) A loan under this Scheme shall -

(a) bear interest at a rate to be determined from time to time by the Treasury after consultation with the Department;

(b) be repayable over a period not exceeding 20 years by way of 6 monthly repayments of principle and interest combined, such payments to commence not later than 12 months from the date on which the loan (or the first part-payment) was paid to the applicant.

(2) The vessel shall be registered in the Isle of Man, and a registered mortgage on the vessel shall be passed in favour of the Treasury in security for the loan together with such other security as the Treasury may, in any particular case, require.

(3) In the event of the applicant selling or otherwise disposing of the vessel within the period of a loan, the outstanding balance shall, except where the Treasury otherwise agrees, be immediately repayable in full.

(4) In the event of the applicant selling or otherwise disposing of the vessel within 5 years of the date of payment, a grant shall, except where the Treasury otherwise agrees, be

immediately repayable in full.

(5) The applicant shall give an undertaking that the vessel which is the subject of financial assistance under this Scheme will, to the satisfaction of the Department -

- (a) be used to the fullest extent in fishing;
- (b) be crewed by persons who are normally resident in the Island; and
- (c) operate from and land to Manx ports whenever feasible.

(6) The vessel will during any period in which monies are or may become due to the Treasury under the terms of financial assistance under this Scheme be kept in proper repair and condition to the satisfaction of the Department.

(7) The applicant will agree to permit any person authorised in writing by the Department for the purpose to inspect the vessel at all reasonable times for the purpose of ensuring compliance with sub-paragraph (6).

(8) If the applicant fails to comply with sub-paragraph (6) the Treasury may require -

- (a) repayment of the outstanding balance of a loan in full; and
- (b) if less than 5 years have elapsed since payment of a grant, repayment of the grant in full.

7. (1) The vessel shall be insured and kept insured to its full value against all risks in the joint names of the applicant and the Treasury with an Insurance Company or Insurance Underwriters approved by the Treasury until such time as the loan has been

repaid in full or, unless the grant has been repaid, until 5 years have elapsed from the date of payment of the grant, whichever is the later. .

(2) The insurance policy shall be deposited with the Treasury and the premium receipts shall be produced to it within 30 days of the due date of payment.

(3) In the event of the applicant failing to comply with the requirements of sub-paragraphs (1) and (2), the Treasury may -

(a) insure the vessel for port risks only and instruct the applicant that the vessel must be detained in port; or

(b) require repayment of the outstanding balance of the loan and, if less than 5 years have elapsed from the date of payment of the grant, repayment of the grant,

or both.

(4) If the vessel is insured by the Treasury pursuant to sub-paragraph 3 (a) the cost thereof shall be recoverable in full from the applicant.

SCHEDULE

ELIGIBLE PERSONS

Individuals

An individual is an eligible person if he -

(a) has been ordinarily resident in the Island for 10 consecutive years immediately preceding the date of application; and

(b) has a minimum of 5 years continuous experience on a

fishing vessel operating from the Island.

Partnerships

An application may be made in the name of more than one individual provided that all satisfy the requirements of paragraph 1 (a) and at least one satisfies the requirements of paragraph 1 (b).

Bodies Corporate

A body corporate is not an eligible person.

This 5th day of February 1990

D. North

Minister for Agriculture,
Fisheries and Forestry

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme provides for financial assistance by way of 50% grant and 40% loan towards the cost of purchasing a new or modern fishing vessel and towards the cost of improvements to existing fishing vessels.