

FISHING INDUSTRY (ASSISTANCE) ACT

CHAPTER 85:03

Act
17 of 1955
Amended by
5 of 1958

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-15	..

Index of Subsidiary Legislation

	<i>Page</i>
Fishing Industry (Assistance) Regulations (GN 55/1956)	7
Payment Rates for Fuel and Lubricating Oil Notification (GN 5/1965)	15

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 85:03

FISHING INDUSTRY (ASSISTANCE) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
 3. Authority for payments.
 4. Funds from which payments to be made.
 5. Regulations.
 6. Offences.
 7. Performance of duties.
 8. Records.
 9. Accounts.
 10. Payments not as of right.
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CHAPTER 85:03

FISHING INDUSTRY (ASSISTANCE) ACT

17 of 1955. **An Act to make provision for the granting of assistance to the Fishing Industry.**

Commencement. [2ND APRIL 1956]
47/1956.

Short title. **1.** This Act may be cited as the Fishing Industry (Assistance) Act.

Interpretation. **2.** In this Act—
[5 of 1958].
“commercial fishing craft” means a boat propelled by mechanical power which is engaged in the fishing industry;
“engine” means an engine used for the purpose of propelling a commercial fishing craft;
“Fisheries Officer” means the person for the time being holding the office of Fishery Officer and includes any officer of the Department of Fisheries authorised by him to act on his behalf;
“registered owner” means a person registered under and in accordance with the Regulations as the owner of an engine.

Authority for payments. **3.** (1) Payments may be made from time to time in accordance with the Regulations in respect of any engine which the Fisheries Officer is satisfied is used for the purpose of propelling a commercial fishing craft owned by a registered owner.
[5 of 1958].

(2) Payment under subsection (1) shall be made to the registered owner of the engine to which the payment relates.

(3) The amount of any payment under subsection (1) shall be determined in accordance with the Regulations.

Funds from which payments to be made. **4.** Payments authorised by section 3 shall be made out of such moneys as may be provided from time to time for the purpose by resolution of Parliament.

Regulations. **5.** (1) The Minister may make Regulations—
[5 of 1958].
(a) providing for the registration and the cancellation of the registration of owners of engines;

- (b) providing for the manner in which, the place at which, and the time limit within which, applications for payments under this Act shall be made;
 - (c) prescribing a formula, or making other provision, for determining the amount of the payment which may be made in respect of any engine;
 - (d) prescribing periods by reference to which payments under this Act shall be calculated;
 - (e) declaring the terms and conditions on which payments under this Act may be made;
 - (f) declaring the time and place at which payments under this Act will be made;
 - (g) prescribing the procedure which shall govern the making of any payment under this Act;
 - (h) prescribing any forms which may be necessary for the purposes of this Act;
 - (i) providing for appeals from any decision of the Fisheries Officer disallowing wholly or in part any application for a payment under this Act, for the procedure in relation thereto, and for the time limit within which any appeal may be brought;
 - (j) providing generally for the better carrying into effect of the purposes of this Act.
- (2) Regulations made under this section may—
- (a) require any person to do any act or thing prescribed therein which is in furtherance of the purposes of this Act;
 - (b) provide for the imposition of a penalty not exceeding four hundred dollars in respect of any breach of, or failure to comply with, any provision thereof.

6. (1) Any person who makes any false statement or gives any false information for the purpose of obtaining any payment, Offences.

or of assisting any person to obtain any payment, under this Act, is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

(2) Any registered owner who is convicted of an offence under subsection (1) or of any other offence relating to improperly obtaining or attempting to obtain any payment under this Act shall, in addition to any penalty otherwise prescribed—

(a) be liable, on first conviction, to be disqualified for obtaining any payment under this Act for such period not exceeding two years as the Court may order;

(b) on any subsequent conviction, be disqualified absolutely for obtaining any payment under this Act.

Performance of duties.
[5 of 1958].

7. Any duties required to be performed for the purposes of administering this Act shall be performed by such officer or officers of the Department of Fisheries as may be required by the Fisheries Officer to perform the same.

Records.
[5 of 1958].

8. The Fisheries Officer shall keep or cause to be kept proper records in the form approved by the Comptroller of Accounts of all charges to expenditure under sections 3 and 4.

Accounts.
[5 of 1958].

9. (1) The Fisheries Officer shall, not later than the fifteenth day of March and the fifteenth day of September in every year, furnish to the Minister for the information of the Cabinet accounts audited by the Auditor General of all payments made under sections 3 and 4.

(2) Such accounts shall relate respectively to the half-years ending on 30th June and 31st December.

(3) All accounts to be furnished under subsection (1) shall be submitted to the Auditor General for audit at least twenty-one days before the date on which they are required to be furnished to the Minister.

Payments not as of right.

10. Nothing in this Act shall confer or be construed as conferring on any person any absolute right to any payment thereunder.

SUBSIDIARY LEGISLATION

FISHING INDUSTRY (ASSISTANCE) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. No payment.
4. Application for registration.
5. Receipt of application.
6. Condition of registration.
7. Altering or defacing number or mark.
8. Refusal of application.
9. After registration.
10. Aggrieved person.
11. Quota card.
12. Recording.
13. Form.
14. Becoming entitled to make claim.
15. Refusal to certify purchase of fuel.
16. Claims for payment.
17. Requirements.
18. Claim for payment disallowed.
19. Destroying, defacing, altering quota card, etc.
20. Use of fuel.
21. Record on fuel purchase form.
22. Notification.
23. Quotas.
24. Payments.
25. Declaration of rates of payment.
26. Quota period.
27. Division of quota period.
28. Number of claims.

ARRANGEMENT OF REGULATIONS— *Continued*

REGULATION

- 29. Penalty.
- 30. Address of communications.
- 31. Commencement.

FISHING INDUSTRY (ASSISTANCE) REGULATIONS

55/1956.

made under section 5

1. These Regulations may be cited as the Fishing Industry (Assistance) Regulations. Citation.

2. In these Regulations, “fuel” means a petroleum product used as a source of power only, and does not include lubricating oil or oil used for purposes other than as a source of power. Interpretation.

3. No payment shall be made under the Act in respect of any engine which is not registered in accordance with these Regulations. No payment.

4. Application for the registration of an engine in respect of which payments may be claimed under the Act shall be made in writing, in duplicate, addressed to the Fisheries Officer and shall state— Application for registration.

- (a) the name and address of the owner of the engine;
- (b) the make and model of the engine;
- (c) the brake horsepower, as stated by the makers of the engine;
- (d) the serial number of the engine, or, in the case of an outboard engine, the serial number of the crankcase.

5. On receipt of the application, the Fisheries Officer, if he is satisfied that payments may properly be made in respect of the engine, shall enter the name and address of the owner, together with particulars of the engine, in a register to be kept for that purpose, and shall issue to the owner a quota card showing the quota of fuel allocated in respect of the engine. Receipt of application.

6. Before the Fisheries Officer approves an application for the registration of an engine, he may, if he thinks fit, require the owner, as a condition of registration, to allow the engine to be stamped or marked with a number or other means of assisting identification; and any stamp or mark so made by the Fisheries Officer shall be registered as part of the particulars relating to that engine. Condition of registration.

10 **Chap. 85:03** *Fishing Industry (Assistance)*

[Subsidiary] *Fishing Industry (Assistance) Regulations*

Altering or defacing number or mark. **7.** No person shall alter or deface any number or other mark appearing on any engine registered under these Regulations.

Refusal of application. **8.** If the Fisheries Officer refuses any application for the registration of an engine, made under regulation 4, he shall give notice thereof in writing to the applicant stating the grounds of the refusal.

After registration. **9.** If at any time after an engine has been registered the Fisheries Officer is of the opinion that payments may not properly be made under the Act, he shall forthwith notify the owner in writing that it is his intention to cancel the registration of the engine, and shall state the grounds of the proposed cancellation; and if within seven days of the notification the owner does not signify his intention to appeal against the decision, the Fisheries Officer shall cancel the registration.

Aggrieved person. **10.** Any person aggrieved by the refusal of the Fisheries Officer to register an engine, or by the decision of the Fisheries Officer to cancel the registration of an engine, may within seven days appeal to the Minister against the refusal or against the decision, and the decision of the Minister shall be final.

Quota card. **11.** The quota card to be issued under regulation 5 shall show the quota of fuel allocated in respect of the engine specified thereon, and provision shall be made thereon for recording the hours run and the fuel consumed by the engine during the quota period.

Recording. **12.** The owner of an engine shall record each day on the quota card supplied by the Fisheries Officer for the purpose the number of hours run by the engine and the amount of fuel consumed.

Form. **13.** The Fisheries Officer shall also issue to the registered owner of an engine a form (in these Regulations referred to as the fuel purchase form) on which to record all purchases of fuel for his registered engine or engines.

Becoming entitled to make claim. **14.** For the purpose of becoming entitled to make a claim to payments under these Regulations, the owner or other person acting

on his behalf making any purchase of fuel on the basis of which a claim is to be made shall at the time of making the purchase produce the fuel purchase form and shall request the vendor or his servant to certify in the appropriate place the amount of fuel purchased, and shall himself countersign the same and shall specify the place at which the purchase was made.

15. In case the vendor or his servant or agent refuses to certify the purchase of any fuel, the owner of the engine or other person acting on his behalf may within seven days notify the Fisheries Officer, with a view to an investigation of the circumstances of the refusal; and in case of failure so to notify the Fishery Officer, no account shall be taken, for purposes of payment being made under these Regulations, of any fuel the purchase of which has not been duly recorded on the fuel purchase form as provided by these Regulations.

Refusal to certify purchase of fuel.

16. All claims for payment shall be signed by the registered owner of the engine, and shall be made upon forms supplied by the Fisheries Officer for that purpose.

Claims for payment.

17. Where any claim for payment is made, the Fisheries Officer shall require the production of the quota card and the fuel purchase form, and may require the owner of the engine to answer such questions or to furnish such other evidence or information as he thinks necessary.

Requirements.

18. If any claim for payment is disallowed by the Fisheries Office, the owner may within seven days of notification of the disallowance appeal to the Minister, whose decision shall be final.

Claim for payment disallowed.

19. No person shall destroy, deface or alter any quota card, form, or other document issued or required to be kept under these Regulations.

Destroying, defacing, altering quota card, etc.

20. No person shall use otherwise than in an engine of which he is the registered owner any fuel of which the purchase is recorded on his fuel purchase form.

Use of fuel.

Record on fuel purchase form.

21. No person shall record or cause to be recorded on any fuel purchase form issued under these Regulations any sale or purchase of fuel which to his knowledge is not intended to be used in an engine or engines of which the person in whose name the purchase form is issued is the registered owner.

Notification.

22. Every registered owner shall notify the Fisheries Officer in writing without delay of the sale or other disposal by him, or of the loss, of any registered engine, or of any material alteration of a registered engine, or of any change with respect to the particulars relating to such engine, as specified in regulation 4; and the Fisheries Officer shall, where necessary, make the appropriate changes in the Register.

Quotas.

23. Quotas of fuel and lubricating oil shall be allocated to engines on the following basis:

(a) Diesel Engines

Less than 10 B.H.P.

— 540 gallons of fuel for the quota period;

10 or more but less than 25 B.H.P.

— 900 gallons of fuel for the quota period;

25 or more but less than 50 B.H.P.

— 1,440 gallons of fuel for the quota period;

50 or more but less than 75 B.H.P.

— 2,700 gallons of fuel for the quota period;

75 or more but less than 100 B.H.P.

— 3,600 gallons of fuel for the quota period;

100 B.H.P. or over

— 4,500 gallons of fuel for the quota period.

Gasolene and T.V.O. Engines

Less than 9 B.H.P.

— 1,080 gallons of fuel for the quota period;

9 or more but less than 25 B.H.P.

— 1,800 gallons of fuel for the quota period;

25 B.H.P. or over

— 2,700 gallons of fuel for the quota period.

- (b) For the purpose of claims for payment under these Regulations, the amount of lubricating oil used in an engine shall be deemed to be proportionate to the amount of fuel recorded on the quota card issued in respect thereof, and shall be calculated as follows:
- (i) in the case of engines in which the lubricating oil is mixed with the fuel in the fuel tank, on the basis of one gallon of oil to eight gallons of fuel;
 - (ii) in the case of engines in which the lubricating oil is not mixed with the fuel in the fuel tank, on the basis of one gallon of oil to thirty gallons of fuel.

24. Payments may be made to the registered owner of an engine— Payments.

- (a) in respect of fuel purchased and used during the period for which the claim is made, up to a maximum of the quota allocated in respect of the engine; and
- (b) in respect of lubricating oil deemed in accordance with regulation 23 to have been used in the engine in conjunction with the amount of fuel as determined under paragraph (a) of this regulation.

25. The rates of payment in respect of fuel and lubricating oil shall be declared from time to time by the Minister by Notification. Declaration of rates of payment.

26. The quota period shall extend from 1st January to 31st December of each year; but it shall be lawful for the owner of an engine to purchase fuel allocated on his quota at any time within the quota period according to his requirements. Quota period.

27. For the purpose of making claims for payments under these Regulations, the quota period shall be divided into four quarters, extending respectively from the 1st January to the 31st March, from the 1st April to the 30th June, from the 1st July to Division of quota period.

14 **Chap. 85:03** *Fishing Industry (Assistance)*

[Subsidiary] *Fishing Industry (Assistance) Regulations*

the 30th September, and from the 1st October to the 31st December; and no claim for payment in respect of fuel used during any such quarter shall be allowed if made more than three months after the end of the quarter during which it was so used.

Number of claims.

28. Nothing in regulation 27 shall prevent a person entitled to make a claim for payment from doing so more often than once in each quarter; but no person shall make a claim more than once in any calendar month.

Penalty.

29. Any person who commits a breach of any of the provisions of these Regulations is liable on summary conviction to a fine of four hundred dollars.

Address of communications.

30. All communications in respect of claims, payments, or other matters arising under the Act or under these Regulations shall be addressed to the Fisheries Officer at his office.

Commencement.

31. These Regulations shall come into operation on 1st May 1956.

PAYMENT RATES FOR FUEL AND LUBRICATING OIL 5/1965.
NOTIFICATION

made under regulation 25

It is hereby declared that the rates of payment in respect of fuel and lubricating oil shall be as follows with effect from the 14th January 1965—

Fuel:

Gasolene	...	...	...	12 cents per imperial gallon
Tractor Vapourising Oil	...	...	...	9 cents per imperial gallon
Diesel Oil	...	...	...	3 cents per imperial gallon
<i>Lubricating Oil</i>	...	...	...	15 cents per imperial gallon