



CORONAVIRUS FISHERIES INDUSTRY SUPPORT SCHEME 2020

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Statutory Document No. 2020/0195



Financial Provisions and Currency Act 2011

CORONAVIRUS FISHERIES INDUSTRY SUPPORT SCHEME 2020¹

Approved by Tynwald: 3 April 2020
Coming into Operation: in accordance with paragraph 2

The Department of Environment, Food and Agriculture, with the concurrence of the Treasury, makes the following Scheme under section 3 of the Financial Provisions and Currency Act 2011.

1 Title

This Scheme is the Coronavirus Fisheries Industry Support Scheme 2020.

2 Commencement

- (1) If approved by Tynwald¹ this Scheme comes into operation on approval.
- (2) The Treasury may, by giving at least 7 days' notice, published on the Isle of Man Government website (www.gov.im) and in such other manner (if any) as it considers appropriate, terminate the operation of this Scheme.

3 Interpretation

In this Scheme —

“**the Act**” means the Financial Provisions and Currency Act 2011;

“**coronavirus disease**” means COVID-19;

“**Coronavirus Proclamation period**” [Revoked]²

“**the Department**” means the Department of Environment, Food and Agriculture;

“**first sale (quayside) purchase**” means the purchase of fish or fishery products being marketed for the first time;³

“**last financial year**” means the most recent year for which accounts have been submitted and accepted by the Isle of Man Government;

¹ As required by section 3(7) of the Financial Provisions and Currency Act 2011

“**seafood broker-trader**” means an Isle of Man based business that engages as a broker or a trader in the buying or selling of fish or fishery products from or to a seafood processing business, but is not —

- (a) a business that sells fish or fishery products directly to consumers;
- (b) a seafood business; or
- (c) the registered owner of a fishing vessel which is registered with the Isle of Man Ship Registry as such;⁴

“**seafood business**” means a business registered as a buyer or seller under the Sea-Fisheries (Registration of Fish Buyers and Sellers) (Isle of Man) Regulations 2012²; and⁵

“**seafood purchases**” means the purchase of fish or fishery products other than first sale (quayside) purchases.⁶

4 Duration of scheme

(1) A qualifying seafood business or a qualifying seafood broker-trader may apply for assistance for any one or more of the following —

- (a) any period of time commencing on 16 March 2020 and concluding on 7 June 2020;
- (b) any period of time commencing on 8 June 2020 and concluding on 31 August 2020;
- (c) any period of time commencing on 1 September 2020 and concluding on 24 November 2020;
- (d) any period of time commencing on 7 January 2021 and concluding on 1 April 2021.⁷

(2) A qualifying fishing vessel owner may apply for assistance for any one or more of the following —

- (a) any period of time commencing on 16 March 2020 and concluding on 7 June 2020;
- (b) any period of time commencing on 8 June 2020 and concluding on 31 August 2020;
- (c) any period of time commencing on 1 September 2020 and concluding on 3 November 2020.
- (d) any period of time commencing on 7 January 2021 and concluding on 1 April 2021.^{8 9}

5 Purpose

The purpose of this Scheme is to provide financial assistance to the fisheries industry affected by loss of trade as a result of the coronavirus disease.

² SD 0142/2012

6 Qualifying seafood businesses

In order to qualify for financial assistance under this Scheme a seafood business must have been registered as a buyer or seller under the Sea-Fisheries (Registration of Fish Buyers and Sellers) (Isle of Man) Regulations 2012 since 28 February 2020 and continuously thereafter and have —

- (a) an annual first sale (quayside) purchase total of over £15,000 in the last financial year; or
- (b) an annual seafood purchase total of over £15,000 in the last financial year and where at least 70% of the business turnover relates to seafood products.¹⁰

6A Qualifying seafood broker- trader

In order to qualify for financial assistance under this Scheme a seafood broker-trader must —

- (a) have been engaged in the buying or selling of fish or fishery products since 28 February 2020 and continuously thereafter;¹¹
- (b) have engaged in seafood purchases, involving seafood processors based on the Isle of Man, to a total value of between £15,000 and £2,000,000 in the last financial year; and
- (c) have at least 70% of its business turnover relate to fish or fishery products.^{12 13}

7 Qualifying fishing vessel owner

- (1) In order to qualify for financial assistance under this Scheme a fishing vessel owner must be the registered owner of a fishing vessel which is registered with the Isle of Man Ship Registry as such and in respect of which the owner holds a valid Isle of Man Sea Fishing Licence for the 2020/21 licensing period.
- (2) Only one application for assistance under this Scheme may be made per fishing vessel for any period of time specified in paragraph 4 regardless of the number of registered owners.¹⁴

8 Amount of grant

- (1) The financial assistance payable under this scheme to a qualifying seafood business or a qualifying seafood broker-trader is —
 - (a) in respect of a period of time referred to in paragraph 4(1)(a) or (b) calculated as —

ab

where —

“a” is 8% of the average weekly first sale (quayside) purchases, or seafood purchases, for the last financial year; and

“b” is the number of weeks for which the financial assistance is granted, up to a maximum of 12 weeks.

- (b) in respect of the period of time referred to in paragraph 4(1)(c) or (d) calculated as —

$$cb$$

where —

“c” is 6.2% of the average weekly first sale (quayside) purchases, or seafood purchases, for the last financial year; and

“b” is the number of weeks for which the financial assistance is granted, up to a maximum of 12 weeks.¹⁵

- (2) The financial assistance payable under this scheme to a qualifying fishing vessel owner is based on UK fishing fleet statistics and —

- (a) in respect of a period of time referred to in paragraph 4(2)(a) or (b) is set at —

(i) £500 per week in respect of a registered fishing vessel with an Overall Length, as stated on the Certificate of Registry issued by the Isle of Man Ship Registry, equal to or greater than 12.0 metres; and

(ii) £150 per week in respect of a registered fishing vessel with an Overall Length, as stated on the Certificate of Registry issued by the Isle of Man Ship Registry, less than 12 metres.

- (b) in respect of the period of time referred to in paragraph 4(2)(c) or (d) is set at—

(i) £380 per week in respect of a registered fishing vessel with an Overall Length, as stated on the Certificate of Registry issued by the Isle of Man Ship Registry, equal to or greater than 12.0 metres; and

(ii) £114 per week in respect of a registered fishing vessel with an Overall Length, as stated on the Certificate of Registry issued by the Isle of Man Ship Registry, less than 12 metres.¹⁶

- (3) Despite subparagraphs (1) and (2), the financial assistance to be paid out under the Scheme to all qualifying seafood businesses, qualifying seafood broker-traders and qualifying fishing vessel owners with respect to the periods of time specified in paragraph 4(1)(c) and 4(2)(c) must not exceed £250,000 (“the specified period Scheme value”).¹⁷

- (3A) Despite subparagraphs (1) and (2), the total financial assistance to be paid out under the Scheme to all qualifying seafood businesses, qualifying seafood broker-traders and qualifying fishing vessel owners with respect to the periods of time specified in paragraph 4(1)(d) and 4(2)(d) must not exceed £285,000 (“the specified period Scheme”).¹⁸

- (4) The Department may on reaching the specified period Scheme value for the applicable time period refuse financial assistance to any qualifying seafood businesses, qualifying seafood broker-traders and qualifying fishing vessel owners.¹⁹
- (5) Financial assistance paid under this Scheme may be paid –
 - (a) monthly in arrears;
 - (b) in a lump sum of the amount payable for the duration of the Scheme for which an application has been approved; or
 - (c) at such other intervals as the Department deems appropriate.²⁰
- (6) An applicant may indicate their preference of the payment methods described in sub-paragraph (5) but the decision rests with the Department.^{21 22}

9 Application process

- (1) An application for financial assistance referred to in paragraph 5 –
 - (a) must be made in writing to the Department;
 - (b) must be accompanied by such documentation as the Department may require; and
 - (c) is subject to such checks as the Department may require.²³
- (2) On receipt of an application, the Department must determine whether financial assistance should be provided to the business in respect of which the application is made, and must notify the applicant of the outcome.

9A Breach of obligations

- (1) If –
 - (a) any information furnished to the Department by the applicant is false, incomplete or misleading;
 - (b) the applicant is in breach of any requirement to which he or she is subject to under this Scheme; or
 - (c) the whole or part of the financial assistance provided –
 - (i) duplicates any other grant paid or to be paid out of public funds; or
 - (ii) duplicates an amount paid in relation to an asset pursuant to a policy of insurance or by way of damages or other compensation,

the Department may exercise the powers in paragraph 9B.

- (2) For the purposes of sub-paragraph (1)(c), the financial assistance duplicates another grant if it is, or would be, for the same purposes as the grant.²⁴

9B Department's powers

- (1) The powers conferred on the Department by paragraph 9A are —
 - (a) the power to withhold the whole or any part of the financial assistance payable to the beneficiary;
 - (b) the power to suspend or terminate the payment of any financial assistance to the beneficiary; and
 - (c) the power to recover on demand the whole or any part of the financial assistance already paid to the beneficiary.
- (2) Before taking any step specified in sub-paragraph (1) the Department must —
 - (a) give the beneficiary a written explanation of the reasons for the step proposed to be taken;
 - (b) afford the beneficiary an opportunity to make written representations within such time as the Department considers reasonable; and
 - (c) consider such representations.
- (4) The Department must notify the beneficiary of its decision to exercise any of its powers under sub-paragraph (1).
- (5) For the purposes of this paragraph, “beneficiary” means the person who has been paid financial assistance as a consequence of this Scheme or whose application for financial assistance has been accepted by the Department.²⁵

10 Review of decision

- (1) Where the Department has rejected an application for financial assistance under this Scheme or exercised any of its powers in paragraph 9B (Department's powers), the applicant or the beneficiary (as the case may be) may request that the Department review its decision.²⁶
- (2) A request for a review must be made in writing within one month of the date of notification of the decision.
- (3) The Department must appoint an officer of the Department (other than an officer involved in the original decision under paragraph 9 or the decision to exercise the powers in paragraph 9B) to review the decision and must notify the applicant or the beneficiary (as the case may be) of the outcome of that review.²⁷

11 Offences

A person who provides false, incomplete, or misleading information in connection with an application under this Scheme commits an offence.

Maximum penalty (summary) - a fine of level 5 on the standard scale.

11A Recovery of financial assistance

In any case where an amount falls to be paid to the Department by virtue of any action taken under this Scheme, it shall be recoverable as a debt due to the Department.²⁸

12 Guidance

- (1) The Department may publish information to serve as guidance with respect to the manner in which powers are to be exercised under this Scheme.
- (2) That guidance may, in particular, cover —
 - (a) the criteria for the payment of assistance;
 - (b) the businesses to which assistance may be provided;
 - (c) the maximum amount of assistance;
 - (d) the terms and conditions of assistance;
 - (e) the application process; and
 - (f) the payment process.

MADE 30 MARCH 2020

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “Coronavirus Proclamation period” revoked by SD2020/0290.

³ Definition of “first sale (quayside) purchase” amended by SD2021/0060.

⁴ Definition of “seafood broker-trader” inserted by SD2020/0290.

⁵ Definition of “seafood business” amended by SD2021/0060.

⁶ Definition of “seafood purchases” amended by SD2021/0060.

⁷ Para (d) inserted by SD2021/0060.

⁸ Para (d) inserted by SD2021/0060.

⁹ Para 4 substituted by SD2020/0433.

¹⁰ Para 6 amended by SD2021/0060.

¹¹ Para (a) amended by SD2021/0060.

¹² Para (c) amended by SD2021/0060.

¹³ Para 6A inserted by SD2020/0290.

¹⁴ Para 7 substituted by SD2020/0290.

¹⁵ Para (b) amended by SD2021/0060.

¹⁶ Para (b) amended by SD2021/0060.

¹⁷ Subpara (3) amended by SD2021/0060.

¹⁸ Subpara (3A) inserted by SD2021/0060.

¹⁹ Subpara (4) amended by SD2021/0060.

²⁰ Subpara (5) substituted by SD2021/0060.

²¹ Subpara (6) inserted by SD2021/0060.

²² Para 8 substituted by SD2020/0433.

²³ Subpara (1) amended by SD2020/0290.

²⁴ Para 9A inserted by SD2020/0290.

²⁵ Para 9B inserted by SD2020/0290.

²⁶ Subpara (1) substituted by SD2020/0290.

²⁷ Subpara (3) substituted by SD2020/0290.

²⁸ Para 11A inserted by SD2020/0290.