



**BERMUDA
1990 : 54**

**COMMERCIAL FISHING (TEMPORARY FUEL SUBSIDY) ACT
1990**

ARRANGEMENT OF SECTIONS

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SCHEDULE

[17 July 1990]

WHEREAS it is expedient to make temporary provision for the grant of a subsidy in respect of the cost of diesel fuel used in the course of commercial fishing:

(words of enactment omitted)

Short title

- 1 This Act may be cited as the Commercial Fishing (Temporary Fuel Subsidy) Act 1990.

Interpretation

- 2 In this Act —

"the Director" means the Director of Agriculture and Fisheries;

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"full-time fisherman" has the meaning assigned to that expression in the Fisheries Regulations 1972 [title 25 item 8(a)];

"the scheduled scheme" means the scheme set out in the Schedule.

Subsidy for fishermen

3 The scheduled scheme has effect for the purpose of providing, for the duration of this Act, a subsidy in respect of the cost of diesel fuel used by full-time fishermen.

Provision of funds

4 Payments to be made under this Act shall be made out of funds provided for the purpose by the Legislature.

Offences

5 (1) A person who, with intent to obtain for himself or anyone else a benefit under this Act, makes, or joins in making, a statement which he knows to be false or does not believe to be true commits an offence against this Act.

(2) A person committing an offence against this Act is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding three years, or to both.

(3) A full-time fisherman convicted of an offence against this Act ceases to be a full-time fisherman for the purposes of this Act on the date of the conviction.

Use of information

6 Any information made, or becoming, available to the Director or the Accountant-General under this Act —

(a) may be used by him; or

(b) may be passed on by him to any other Government authority for use by it,

for such statistical or other purposes (whether or not relating to or connected with the purposes of this Act) as he or it may deem expedient.

Duration of this Act

7 (1) This Act shall remain in force until 31st December 1992, and shall then expire unless continued in force by an order made under subsection (2).

(2) The Minister of Finance may by an order made under this subsection before the said 31st December 1992 provide that this Act shall continue in force for such further period, being a period not exceeding two years beginning on that day, as he specifies in the order.

(3) Any order made under subsection (2) is subject to the affirmative resolution procedure.

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SCHEDULE

(Sections 2, 3)

The Scheduled Scheme

1 This Scheme is a voluntary scheme established for the purpose of assisting any fisherman who sees fit to take the steps necessary for him to take, as set out below, to secure its benefits.

2 In this Schedule —

"certificate" means a certificate referred to in paragraph 6;

"determination" means a determination made under sub-paragraph (1) of paragraph 5;

"fisherman" means a full-time fisherman;

"official claim form" means a form approved and issued by the Director, and designed to show the number of litres in respect of which a subsidy claim is made;

"subsidy" means subsidy provided for in paragraph 7;

"subsidy claim" means a claim by a fisherman to subsidy.

3 (1) Subject to sub-paragraphs (2) and (3), the subsidy rate for the purposes of this Scheme is 11 cents per litre.

(2) The Minister of Finance may by order made under this sub-paragraph vary the subsidy rate by raising it or lowering it or cancelling it, or may by such an order institute a new rate once one has been cancelled, as he thinks fit, at any time.

(3) Section 6 of the Statutory Instruments Act 1977 *[title 1 item 3]* does not apply to an order made under sub-paragraph (2).

4 To obtain subsidy, a fisherman must submit to the Director an official claim form that the fisherman has filled out and signed.

5 (1) Where the Director receives an official claim form, he shall check the number of litres shown on the form by reference to the official information relating to the fisherman in question that is available to the Director under the Fisheries Regulations 1972 *[title 25 item 8(a)]*, and shall determine the number of litres that is to be accepted in respect of the form.

(2) A determination by the Director is final and conclusive as to the number of litres that is to be so accepted.

6 The Director shall make a note of every determination in an official register kept by him for the purpose, and shall send at the end of each month to the Accountant-General a certificate, which may be in composite form relating to a number of fishermen, setting forth the

contents of that note for use by the Accountant-General in calculating and paying subsidy.

7 Upon receipt of a certificate pursuant to paragraph 6, the Accountant-General shall pay to the fisherman in question (or to his order) subsidy in accordance with the following rules —

- (a) subsidy is paid in respect of periods established for each fisherman by the Director;
- (b) subsidy is calculated by applying the subsidy rate to the number of litres shown on the Director's certificate.