

Fishing Industry (Assistance) Regulations.

SAINT LUCIA.

STATUTORY RULES AND ORDERS, 1973, No. 25.

[22nd September, 1973.]

1. **Short Title.** These Regulations may be cited as the Fishing Industry (Assistance) Regulations, 1973.

2. **Interpretation.** In these Regulations —

“ the Act ” means the Fishing Industry (Assistance) Act, No. 33 of 1972 ;

“ 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 ;

“ the register ” means the register kept for the purpose of registering any engine under these regulations.

3. **Entitlement to payments.** No payments shall be made under the act in respect of any engine which is not registered in accordance with these Regulations.

4. **Application for Registration.** (1) 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 Chief Agricultural Officer and shall state :—

(a) the name and address of the registered owner ;

(b) the make and the 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 crank case.

(2) On receipt of the application the Chief Agricultural 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 the register, and shall issue to the owner the quota card showing the quota of fuel allocated in respect of the engine.

(3) Before the Chief Agricultural 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 Chief Agricultural Officer shall be registered as part of the particulars relating to that engine.

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(4) No person shall alter or deface any number or other mark appearing in any engine registered under these Regulations.

5. Refusal or cancellation of registration. (1) If the Chief Agricultural Officer shall refuse any application for the registration of an engine, made under Regulation (4) hereof, he shall give notice thereof in writing to the applicant stating the grounds of refusal.

(2) If at any time after an engine has been registered the Chief Agricultural Officer shall be of 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 such notification the owner does not signify his intention to appeal against such decision, the Chief Agricultural Officer shall cancel such registration.

6. Procedure on sale and refund of costs duty on Schedule items. (1) A registered owner shall present to the dealer a certificate of identity certified by the Fisheries Officer that he is a member of a registered cooperative.

(2) A dealer shall keep a record of —

- (a) the name and address of the registered owner;
- (b) the name of the Co-operative of which the registered owner states in his certificate of identity that he is a member;
- (c) a description of the item with amount or quantity;
- (d) the selling price of the item with duty and without duty.

(3) The dealer shall request the repayment of duty paid on the item by making application addressed to the Chief Agricultural Officer, setting out the foregoing particulars.

(4) The Chief Agricultural Officer shall as soon as possible cause the application to be verified by the Fisheries Officer who shall certify that the items were sold to the registered owner whereupon the Chief Agricultural Officer shall approve the application for repayment of the duty claimed.

7. Right of appeal. Where the Chief Agricultural Officer refuses to register or decides to cancel the registration of an engine any person aggrieved by such refusal or a decision may within seven days appeal to the Minister against such refusal or decision as the case may be, and the decision of the Minister shall be final.

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8. Fuel quota, extended hours and fuel consumption to be recorded on Quota Card. The quota card used under Regulation 5 sub-regulation (2) of these Regulations 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.

9. Owner to record entries daily on Quota Card. The owner of an engine shall record each day on the quota card supplied by the Chief Agricultural Officer for the purpose the number of hours run and the fuel consumed by the engine during the quota period.

10. Fuel Purchase Form to be issued. The Chief Agricultural 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.

11. Owner or Agent to produce fuel form etc. 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 counter sign the same and shall specify the place at which the purchase was made.

12. Vendor or agent refusing to certify purchase of fuel. In case the vendor or his servant or agent shall refuse 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 Chief Agricultural Officer, with a view to an investigation of the circumstances of such refusal ; and in case of failure so to notify the Chief Agricultural Officer. No account shall be taken for the 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.

13. Provision in respect of claims for payment. (1) All claims for payment shall be signed by the registered owner of the engine, and shall be made upon forms supplied by the Chief Agricultural Officer.

(2) Where any claim for payment is made, the Chief Agricultural Officer shall require the production of quota 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 shall think necessary.

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(3) If any claim for payment is disallowed by the Chief Agricultural Officer, the owner may within seven days of notification of such disallowance appeal to the Minister, whose decision shall be final.

14. Offences. No person shall —

- (a) destroy, deface or alter any quota card, form, or other document issued or repaired to be kept under these Regulations.
- (b) Use otherwise than in an engine of which he is the registered owner any fuel of which the purchase is recorded in his fuel card.
- (c) 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.

15. Sale, disposal loss or material alteration to be notified. It shall be the duty of every registered owner to notify the Chief Agricultural Officer in writing without delay of the sale or other disposal by him, or of the loss, of any registered engine, or of any change with respect to the particulars relating to such engine, as specified in regulation 4 of these regulations ; and the Chief Agricultural Officer shall, where necessary, make the appropriate changes in the register.

16. Basis of Quota Allocation. (1) Quotas of fuel and Lubricating oil shall be allocated to engines on the following basis :—

(i) Diesel Engines —

Less than 10 B.H.P.

— 720 gallons of fuel for the quota period ;

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

— 1200 gallons of fuel for the quota period ;

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

— 1800 gallons of fuel for the quota period ;

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

— 3600 gallons of fuel for the quota period ;

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

— 4500 gallons of fuel for the quota period ;

100 B.H.P. or over — 6000 gallons of fuel for the quota period ;

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(ii) Gasolene and T.V.O. Engines

Less than 9 B.H.P.

— 1500 gallons of fuel for the quota period ;

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

— 3000 gallons of fuel for the quota period ;

25 B.H.P. or over — 3600 gallons of fuel for the quota period.

For the purpose of making claims for payments under these Regulations, the amount of lubricating oil used in the 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 :—

- (a) in the case of engines in which lubricating oil is mixed with the fuel in the fuel tank, in the cases of one gallon of oil to eight gallons of fuel ;
- (b) 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.

17. Calculation of payments. Payments may be made to the registered owner of an engine —

- (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 the provisions of regulation 15 of these Regulations to have been used in the engine in conjunction with the amount of fuel as determined under the preceding paragraph.

18. Publication of sales of payment. The rates of payment in respect of fuel and lubricating oil shall be declared from time to time by Cabinet by notification published in the *Gazette*.

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

20. Restriction on claims not made within a specified time of any quarter, for quarter period. For the purpose of making claims for payment under these Regulations, the quota period shall be divided into four quarters,

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extending respectively from the 1st January to 31st March, from 1st April to 30th June, from 1st May to 30th September, and from 1st October to 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 used.

21. Savings in respect of making claims. Nothing in the preceding regulation shall prevent a person entitled to make a claim for payment from doing so more often than once in each quarter ; provided that no person shall make a claim more than once in any calendar month.

22. Penalties. Any person who commits a breach of, or fails to comply with, any of the provisions of these Regulations shall be liable on summary conviction to a fine of one hundred dollars.

23. Address of Communications. All communications in respect of dues, payments, or other matters arising under the Act or under these Regulations shall be addressed to the Chief Agricultural Officer.

24. Commencement. These Regulations shall come into operation on the 1st day of October, 1973.

Made by the Cabinet under section 6 of the Fishing Industry (Assistance) Act 1972, No. 33 of 1972, this 10th day of August, 1973.

G. E. LOUISY,
Secretary to the Cabinet.