



House of Commons

Monday 17 December 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

FISHERIES BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [4 December 2018, as amended 6 December 2018].

Mr Alistair Carmichael

103

Clause 23, page 13, line 28, at end insert—

“(c) where monies raised through a charging scheme are spent.”

Member’s explanatory statement

To bring transparency over use of money raised through a charging scheme, and to allow for it to be argued for a revenue to be ringfenced to be spent on research and investment in the industry.

Mr Alistair Carmichael

104

Clause 23, page 14, line 7, at end insert—

“(8) The Secretary of State must publish a report every year that reviews the charging scheme. This review will include—

- (a) the amount of revenue raised through the scheme, and
- (b) the use of revenue raised through the scheme.”

Member’s explanatory statement

To require the Secretary of State to publish an annual review of the charging scheme.

Fisheries Bill, *continued*

Peter Aldous

94

Clause 24, page 14, line 17, after “Organisation” insert “or an Inshore Fisheries and Conservation Authority”

Peter Aldous

95

Clause 24, page 14, line 23, after “Organisation” insert “or an Inshore Fisheries and Conservation Authority”

Peter Aldous

96

Clause 24, page 14, line 26, after “Organisation” insert “or an Inshore Fisheries and Conservation Authority”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

108

Clause 28, page 16, line 25, at end insert—

“(f) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.”

Member’s explanatory statement

This amendment would enable financial assistance to be provided for scientific data collection.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

111

Clause 28, page 16, line 25, at end insert—

“(1A) The Secretary of State must conduct a consultation on exercising the power to give financial assistance under subsection (1) to promote the development of sustainable public access to recreational fishing opportunities for the fish catching sector and leisure and tourism industries, taking into account socio-economic factors”

Peter Aldous

97

Clause 29, page 17, line 14, leave out subsection (1) and insert—

“(1) The Secretary of State may impose charges (and may by regulations make provision for the Marine Management Organisation and any Inshore Fisheries and Conservation Authority to impose charges) in respect of the exercise by any

Fisheries Bill, *continued*

of the Secretary of State, the Marine Management Organisation and the Inshore Fisheries and Conservation Authorities of a relevant marine function.”

Peter Aldous 98

- Clause 29, page 17, line 21, at end insert—
 “(e) commissioning scientific research to support—
 (i) fish stock management, food security and biodiversity, and
 (ii) the development of low impact fishing techniques.
 (f) any other administrative function relating to fisheries management.”

Peter Aldous 99

- Clause 29, page 17, line 37, after “MMO” “or on the Inshore Fisheries and Conservation Authorities”

Peter Aldous 100

- Clause 29, page 17, line 38, after “MMO” “or on the Inshore Fisheries and Conservation Authorities.”

Peter Aldous 101

- Clause 29, page 17, line 39, after “power of” insert “either”

Peter Aldous 102

- Clause 29, page 17, line 39, after “MMO” insert “or the Inshore Fisheries and Conservation Authorities”

Luke Pollard
 Sue Hayman
 Matthew Pennycook
 Mr Paul Sweeney
 Thangam Debbonaire 70

- Clause 29, page 17, line 42, leave out “negative” and insert “affirmative”
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Luke Pollard
 Sue Hayman
 Matthew Pennycook
 Mr Paul Sweeney
 Thangam Debbonaire 76

- Schedule 5, page 44, line 9, leave out “negative” and insert “affirmative”
-

Fisheries Bill, *continued*

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

109

Clause 31, page 18, line 24, at end insert—

“(d) the gathering of scientific data to inform management of fish stocks.”

Member’s explanatory statement

This amendment would add scientific data collection to the conservation purpose for which Clause 31 enables the Secretary of State to make regulations.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

71

Clause 36, page 22, line 24, leave out “negative” and insert “affirmative”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

77

Schedule 6, page 45, line 43, leave out “negative” and insert “affirmative”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

68

Schedule 7, page 57, line 15, leave out “and” and insert “or”

Member’s explanatory statement

This amendment would amend the Marine and Coastal Access Act 2009 to enable the Marine Management Organisation to make byelaws to protect marine features in circumstances where the need for protection is not necessarily urgent.

Fisheries Bill, continued

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

67

Clause 39, page 23, line 30, at end insert—

“(4A) Before making any regulations under this Act, the Secretary of State, Scottish Ministers, Welsh Ministers or the Northern Ireland department (as the case may be) must consult with affected stakeholders”

Member’s explanatory statement

This amendment would require the Secretary of State Scottish Ministers, Welsh Ministers or the Northern Ireland department to consult with affected stakeholders before making regulations.

George Eustice

112

Clause 42, page 26, line 29, after “Sections” insert “(Fisheries agreement between the UK and the EU), (Amendments that could have been made under existing powers) and”

Member’s explanatory statement

This amendment would ensure that NC22 and NC4 are commenced on the day of Royal Assent.

Jim Shannon

12

Clause 42, page 26, line 29, after “43” insert “and section (Prohibition on future agreements regarding equal access or EU quota)”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

110

Clause 42, page 26, line 29, after “43” insert “and section (Fishing industry skills strategy)”

Member’s explanatory statement

This amendment would require the Secretary of State to publish within 12 months of the Act coming into force a skills strategy for the fishing industry after consultation.

Mr Alistair Carmichael

35

Clause 42, page 26, line 35, after “appoint” insert “, provided such day shall not be later than 31 December 2020.”

Member’s explanatory statement

To ensure that the UK leaves the EU Common Fisheries Policy no later than December 2020.

Fisheries Bill, continued

Mrs Sheryll Murray
David Duguid
Scott Mann

1

Clause 42, page 26, line 35, at end insert—

“(3A) The Secretary of State must make regulations under subsection (3) so that all provisions of this Act come into force no later than 31 December 2020.”

George Eustice

NC4

To move the following Clause—

“Amendments that could have been made under existing powers

- (1) Where—
 - (a) any provision of this Act amends or revokes subordinate legislation, and
 - (b) the amendment or revocation could have been made under a power conferred by an enactment,
 the amendment or revocation is treated, for the purpose of making further provision under that enactment, as having been made under it.
- (2) In this section—
 - “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018;
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

Member’s explanatory statement

This new clause would ensure that the amendments of statutory instruments made by the Bill do not limit what can be done under the powers under which the instruments were made.

George Eustice

NC5

To move the following Clause—

“Legislative competence of the National Assembly for Wales

- (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 108A (legislative competence), after subsection (4) insert—

“(4A) References in subsections (2)(b) and (3) to Wales include, in relation to a relevant provision of an Act of the Assembly, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A provision of an Act of the Assembly is “relevant” if it relates to fishing, fisheries or fish health.”
- (3) In section 157A (devolved Welsh authority), after subsection (8) insert—

“(9) References in this section to Wales include, in relation to a relevant function of a public authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

Fisheries Bill, *continued*

A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.”

- (4) In Schedule 3, in paragraph 9 (Parliamentary and Assembly procedure applying to exercise of legislative function transferred to Assembly under GOWA 2006), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

- (5) In Schedule 7A (reserved matters)—

- (a) in paragraph 9, after sub-paragraph (4) insert—

“(4A) References in this paragraph to Wales include, in relation to a relevant function of a tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a tribunal is “relevant” if it relates to fishing, fisheries or fish health.”

- (b) in paragraph 195, after sub-paragraph (3) insert—

“(3A) References in this paragraph to Wales include, in relation to a relevant function of an authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.”

- (6) In Schedule 11, in paragraph 33 (Parliamentary and Assembly procedure applying to exercise of legislative function transferred to Assembly under GOWA 1998), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.””

Member’s explanatory statement

This new clause would extend the legislative competence of the National Assembly for Wales to include provision about fishing, fisheries or fish health in the offshore part of the Welsh Zone.

George Eustice

NC22

To move the following Clause—

“Fisheries agreement between the UK and the EU

- (1) This section applies if—
- (a) the United Kingdom and the EU enter into a withdrawal agreement, and
 - (b) pursuant to that agreement, the Secretary of State enters into negotiations with the EU, on behalf of the United Kingdom, for an agreement about the management of shared stocks (a “fisheries agreement”).
- (2) The Secretary of State must pursue the following two objectives when negotiating a fisheries agreement.

Fisheries Bill, *continued*

- (3) The first objective is that the agreement should provide for annual negotiations to determine fishing opportunities.
- (4) The second objective is that the agreement should have the effect that Union fishing boats are not granted access to UK waters in any year unless the fishing opportunities for that year that are available for distribution by the United Kingdom are (looked at in the round) greater than those that would have been so available under relative stability.
- (5) The reference in subsection (4) to the fishing opportunities for any year that would have been available for distribution by the United Kingdom “under relative stability” is to the fishing opportunities that would, in the opinion of the Secretary of State, have been so available for that year under the common fisheries policy, were the United Kingdom still a member of the EU.
- (6) In this section—
- “exclusive economic zone” has the meaning given by Part 5 of the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941);
- “fishing opportunities” means—
- (a) the maximum quantities of shared stocks of particular descriptions that may be caught annually in particular areas within UK and Union waters, and
- (b) the maximum number of days that fishing boats may spend at sea annually, in particular areas within UK and Union waters, fishing for particular descriptions of shared stocks;
- “shared stocks” means stocks of sea fish which are found—
- (a) in waters within the exclusive economic zone of the United Kingdom, and
- (b) in waters within the exclusive economic zone of a member State;
- “UK waters” means waters within British fishery limits;
- “Union fishing boat” means a fishing vessel flying the flag of a member State and registered in the EU;
- “Union waters” has the meaning given by Article 4 of the Common Fisheries Policy Regulation;
- “withdrawal agreement” means an agreement setting out the arrangements for the withdrawal of the United Kingdom from the EU in the terms (or essentially in the terms) endorsed by the meeting of the European Council held on 25 November 2018.”

Member’s explanatory statement

This new clause would require the Government, when negotiating an agreement with the EU about fisheries, to pursue the objectives that fishing opportunities should be subject to annual negotiation, and that the UK should receive more fishing opportunities than it does under the common fisheries policy.

Brendan O’Hara
Alan Brown
Deidre Brock

NC1

To move the following Clause—

“Sea Fish Industry Authority: powers in relation to parts of UK etc.

- (1) The Fisheries Act 1981 is amended as follows.

Fisheries Bill, *continued*

- (2) In section 2(1) (duties of the Authority)—
 - (a) after the third “of” insert, “(amongst other things)”,
 - (b) delete the words “as a whole”.
- (3) After section 3 (powers of the Authority), insert—

“3A Exercise of functions in relation to different parts of the UK etc.

The Authority may exercise its functions separately and differently in relation to—

- (a) the sea fish industry in different parts of the United Kingdom,
- (b) sea fish and sea fish products landed in different parts of the United Kingdom,
- (c) sea fish and sea fish products trans-shipped in different parts of the sea within British fishery limits adjacent to different parts of the United Kingdom.

3B Delegation of functions

- (1) The Authority may authorise any other person to exercise on its behalf such of its functions and to such extent as it may determine.
- (2) The Authority may give to any person authorised under this section to exercise any of its functions—
 - (a) financial assistance (by way of loan, grant or guarantee),
 - (b) other assistance including assistance by way of the provision of property, staff or services, for the purposes of those functions.
- (3) The giving of authority under this section to exercise a function does not—
 - (a) affect the Authority’s responsibility for the exercise of the function, or
 - (b) prevent the Authority from exercising the function itself.”.
- (4) In section 11 (accounts and reports), after subsection (7) insert—
 - “(7A) The report must include details of how income received from levies imposed under section 4 has been applied in the financial year in respect of each part of the United Kingdom by the Authority in exercising its functions including in particular details, in respect of each part of the United Kingdom, of how the income has been applied by the Authority in—
 - (a) promoting the efficiency of the sea fish industry in that part,
 - (b) promoting the marketing and consumption of, and the export of, sea fish and sea fish products relating to that part.”.
- (5) In schedule 1 (the Sea Fish Industry Authority), in paragraph 16—
 - (a) before sub-paragraph (1) insert—
 - “(A1) The Authority must appoint a committee for the purpose of assisting the Authority in the exercise of its functions in relation to the sea fish industry in Scotland.
 - (A2) The committee is to consist of or include persons who are not members of the Authority.
 - (A3) The Authority must consult the committee on the exercise of its functions in relation to the sea fish industry in Scotland.”,

Fisheries Bill, continued

- (b) in sub-paragraph (1), before “committees” insert “other”,
- (c) in sub-paragraph (2), for “such committees” substitute “committees appointed under this paragraph.”

Member’s explanatory statement

This new clause would give the Sea Fish Industry Authority greater flexibility to exercise its functions separately and differently in different parts of the UK. It would also require Seafish to report how income received from the levies it imposes has been applied in respect of each part of the United Kingdom.

Brendan O’Hara
Alan Brown
Deidre Brock

NC2

To move the following Clause—

“Fisheries payments to the Scottish Ministers

After exit day, the Secretary of State must make available to the Scottish Ministers each year sums which are at least equivalent to the sums made available to the Scottish Ministers in the year prior to exit day for the purpose of expenditure under the European Maritime and Fisheries Fund (established under Article 4 of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund).”

Brendan O’Hara
Alan Brown
Deidre Brock

NC3

To move the following Clause—

“Sea Fish Industry Levies

- (1) The Fisheries Act 1981 is amended as follows.
- (2) In section 4 (levies)—
 - (a) in subsection (2), for “Ministers” substitute “appropriate Ministerial authority”,
 - (b) in subsection (7), for “Ministers” substitute “appropriate Ministerial authority”,
 - (c) after subsection (8) insert—
 - “(8A) In this section, “appropriate Ministerial authority” means—
 - (a) in relation to sea fish or sea fish products landed in Scotland or trans-shipped within the Scottish zone, the Scottish Ministers,
 - (b) in any other case, the Ministers.”,
 - (d) in subsection (9), after “order” in both places where it occurs insert “of the Ministers”,

Fisheries Bill, continued

- (e) after subsection (9) insert—
- “(9A) Any order of the Scottish Ministers—
- (a) under subsection (2) is subject to the negative procedure,
- (b) under subsection (7) is subject to the affirmative procedure.”.
- (3) In section 11 (accounts and reports), after subsection (2) insert—
- “(2A) The statement of accounts must specify the total amount of income received in the financial year from levies imposed under section 4 in relation to sea fish or sea fish products landed in Scotland or trans-shipped within the Scottish zone.”.
- (4) In section 14 (interpretation of Part 1)—
- (a) in the definition of “the Ministers”, in paragraph (c), after “with” insert “(except in the case of an order under section 4(2) or (7))”,
- (b) after that definition insert—
- ““Scotland” and “the Scottish zone” have the same meanings as in the Scotland Act 1998 (see section 126(1) and (2) of that Act);”.
- (5) In schedule 2 (Sea Fish Industry Levies)—
- (a) for “Ministers” in each place where it occurs substitute “appropriate Ministerial authority”,
- (b) after paragraph 3 insert—
- “4 In this schedule, “appropriate Ministerial authority” has the same meaning as in section 4 of this Act”.

Member’s explanatory statement

This new clause seeks to devolve control of the Scottish aspects of levies imposed by Seafish to the Scottish Ministers to ensure inter alia that levies imposed in relation to fish or fish products landed in Scotland, or trans-shipped in Scottish waters, require confirmation by Scottish Ministers, and that Scottish Ministers may by order increase the rate of such levies.

Jim Shannon

NC6

To move the following Clause—

“Expert advisory committee

- (1) The Secretary of State must by regulations establish an expert advisory committee to be consulted on the making or withdrawal of determinations under section 18.
- (2) The Secretary of State shall appoint as many members of the committee as they see appropriate.
- (3) The members of the committee will be appointed based on being—
- (a) representatives of the fisheries and aquaculture industries,
- (b) experts in marine, fishery, or aquaculture science, or
- (c) representatives of the fisheries policy authorities.
- (4) In addition to being consulted on in accordance with section 19(1)(e), the committee shall have the power to report from time to time on matters related to fisheries policy, and the fisheries policy authorities may consult the committee on any matter related to fisheries policy.

Fisheries Bill, *continued*

- (5) Regulations under this section may make further provision about the constitution of the committee.
- (6) Regulations under this section are subject to the affirmative procedure.”

Jim Shannon

NC7

To move the following Clause—

“Prohibition on future agreements regarding equal access or EU quota

- (1) Her Majesty’s Government shall not enter into any international agreement that requires—
 - (a) EU fishing vessels to be granted equal access to waters within United Kingdom fishery limits, or
 - (b) the maintenance of catch quotas or effort quota in line with the law of the European Union.
- (2) If, at the time of this section coming into force, the United Kingdom is a party to any international agreement that is prohibited under subsection (1), then Her Majesty’s Government must immediately withdraw from the agreement so that the United Kingdom is no longer a party to it.”

Peter Aldous

NC8

To move the following Clause—

“Political representation and accountability for English fisheries management

- (1) The Secretary of State must conduct a consultation on proposals to establish appropriate political representation and accountability arrangements for English fisheries management.”

Member’s explanatory statement

This new clause requires a consultation on proposals to establish the suitable political representation and accountability for English fisheries management.

Fisheries Bill, *continued*

Peter Aldous

NC9

To move the following Clause—

“Ban on electric pulse fishing

A person commits an offence if they use, in order to catch fish, any form of electric pulse fishing technology on towed or otherwise mobile equipment within British fishery limits.”

Peter Aldous

NC10

To move the following Clause—

“Ban on sandeel fishing

A person commits an offence if they fish with the intent of catching any species in the genus *Ammodytes*.”

Mr Alistair Carmichael

NC11

To move the following Clause—

“Managing shared stocks

- (1) Where shared stocks of common interest are also exploited by other coastal states, the Secretary of State must engage with those states with a view to ensuring that—
 - (a) shared stocks are managed in accordance with the UK’s international law obligations and in accordance with the objectives of this Act;
 - (b) fishing mortality is below levels which will restore or maintain those shared stocks above levels capable of producing the maximum sustainable yield; and
 - (c) the impacts of fishing on the marine environment are avoided or, where avoidance is not possible, demonstrably minimised.
- (2) The Secretary of State must endeavour to establish bilateral or multilateral agreements with other coastal states for the joint management of shared stocks of common interest.
- (3) Where no formal agreement is reached, the Secretary of State must make every effort to reach common arrangements with other coastal states for fishing of shared stocks of common interest.
- (4) Where neither a formal agreement nor a common arrangement is reached, the Secretary of State must—
 - (a) take all necessary steps to ensure that fishing of shared stocks of common interest is carried out such that the relevant stocks are maintained above levels capable of producing the maximum sustainable yield; and
 - (b) provide and make publicly available an annual report to the appropriate legislature outlining the steps taken pursuant to subsection (a) above.

Fisheries Bill, *continued*

- (5) In setting total allowable catches in the UK exclusive economic zone for shared stocks of common interest, the Secretary of State may not increase the total allowable catch for any particular shared stock for UK fishing vessels apart from in the circumstances provided for in subsections (6) and (7).
- (6) Where a coastal state with which a shared stock is jointly managed has reduced the total allowable catch available within its territory and—
 - (a) the Secretary of State is confident that this new total allowable catch will be complied with and enforced; and
 - (b) the coastal state consents to the UK increasing its total allowable catch, then the Secretary of State may increase the UK total allowable catch by an amount not exceeding the amount by which the other coastal state has decreased its total allowable catch.
- (7) Where the best available scientific advice on a shared stock confirms that fishing mortality of that stock can be increased without reducing the stock below a level capable of producing the maximum sustainable yield, then the Secretary of State may increase the UK total allowable catch in proportion to the change in recommend fishing mortality and the UK's agreed share of total allowable catch for that stock.”

Member's explanatory statement

The purpose of this amendment is to set clear sustainability criteria in relation to negotiations with other countries to ensure that a clear and robust process can be developed to prevent overfishing.

Mr Alistair Carmichael

NC12

To move the following Clause—

“Duty to ensure adequate monitoring and enforcement

- (1) The fisheries policy authorities must ensure that all fishing vessels fishing within British fishery limits and all UK vessels fishing both within and outside of British fishery limits must have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at least every 20 minutes and sharing such position data with the relevant fisheries policy authorities.
- (2) The fisheries policy authorities must ensure that all fishing vessels over ten metres length overall fishing within British fishery limits and all UK fishing vessels over ten metres length overall fishing within and outside of British fishery limits must have electronic monitoring equipment in order to—
 - (a) provide detailed and accurate documentation of all fishing activities, monitoring of compliance with fisheries and marine management measures and the ability to record levels of discarding, as well as details of catch of species, whether subject to catch quota or otherwise, and
 - (b) enable the estimation of the size and quantity of the marine biological resources taken or transported and to enable the identification, to the extent possible, of—
 - (i) the species of marine biological resources taken or transported;
 - (ii) the types and features of fishing gear used, and
 - (iii) any technical bycatch mitigation measures used.
- (3) The fishery policy authorities must ensure that a comprehensive enforcement framework is developed in accordance with Council Regulation (EC) No 1005/2008, as amended from time to time.

Fisheries Bill, continued

- (4) The fisheries policy authorities must by regulations make provision for any technical requirements necessary to implement this section.”

Member's explanatory statement

The purpose of this amendment is to strengthen the existing mechanisms for monitoring and control to help prevent illegal, unreported and unregulated fishing. This includes requiring transmission of position data at least every 20 minutes and requiring electronic monitoring equipment on the majority of vessels capable of carrying such technology.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC13

To move the following Clause—

“National landing requirement

- (1) The national landing requirement is the percentage of the boat's catch that was caught within British fishery limits in any given quarter which must be landed at a port in—
- (a) the UK
 - (b) the Isle of Man
 - (c) Guernsey, or
 - (d) Jersey.
- (2) The Secretary of State must by regulations define the national landing requirement for each species in each UK fishing zone, and any such requirement must be not less than 50%, except where the Secretary of State determines it would be inappropriate to have a national landing requirement of 50% or more.
- (3) Where the Secretary of State determines that the national landing requirement for any species is to be less than 50%, the Secretary of State must publish the reasons for such a determination.
- (4) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause would require the Secretary of State to set a 'national landing requirement' to be attached to licence conditions for any boat specifying the percentage of the boat's catch which must be landed at a UK port.

Fisheries Bill, *continued*

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC14

To move the following Clause—

“Duty to co-operate

- (1) A fisheries policy authority must co-operate with other fisheries policy authorities in the preparation and application of the JFS and any SSFS, the licensing of fishing boats, enforcement against illegal fishing activity, the determination and distribution of fishing opportunities and the prevention of discards.
- (2) A fisheries policy authority may share information with another fisheries policy authority for the purpose of discharging its duty under subsection (1).”

Member’s explanatory statement

This new clause would place a duty to co-operate on all fisheries policy authorities in carrying out their functions under this Bill; and would provide for the sharing of information between fisheries policy authorities.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC15

To move the following Clause—

“Expert advisory council on fisheries

- (1) The Secretary of State must establish a body called the Expert Advisory Council on Fisheries for the purpose of exercising the functions in subsections (4) to (6).
- (2) The Expert Advisory Council on Fisheries shall consist of as many people as the Secretary of State considers appropriate.
- (3) Before appointing any person to the Expert Advisory Council, the Secretary of State must consult with—
 - (a) the other fisheries policy authorities, and
 - (b) any other such organisations as the Secretary of State considers appropriate.
- (4) The Secretary of State must have regard to the advice of the Expert Advisory Council on Fisheries before—
 - (a) publishing or amending a Secretary of State fisheries statement,
 - (b) making or withdrawing a determination of fishing opportunities under section 18, and
 - (c) making any regulations under this Act, unless those regulations are made under—
 - (i) this section, or
 - (ii) section 42.

Fisheries Bill, continued

- (5) The Secretary of State shall publish the Expert Advisory Council on Fisheries’ assessment, for a calendar year, of the state of UK fisheries, including—
- (a) current stocks and their sustainability,
 - (b) species distribution within the Exclusive Economic Zone,
 - (c) the status of employment and skills in the fishing industry,
 - (d) present total catches and future projected total catches, by both volume and monetary value, and
 - (e) the economic and social value and impact of the fishing industry on coastal communities.
- (6) The first annual assessment under subsection (5) shall be published within 12 months of this section coming into force, and each subsequent assessment must be published within 12 months of the previous such assessment.
- (7) For a calendar year, no determination may be made under section 18 until the annual assessment under subsection (5) has been published for that year.”

Member’s explanatory statement

This new clause would place a duty on the Secretary of State to establish the Expert Advisory Council on Fisheries, and provides for the Council’s membership and functions.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC16

To move the following Clause—

“Plastic waste produced by fishing activities

- (1) The Secretary of State may make regulations to control the creation and disposal of plastic waste during fishing activities.
- (2) Regulations under this section may make provision—
 - (a) to prohibit the disposal of plastic items while at sea;
 - (b) to require plastic items to be disposed of at specified onshore processing facilities;
 - (c) to require the amount of plastic waste produced during fishing activities to be recorded; and
 - (d) to prohibit the use of certain categories of plastic item during fishing activities.
- (3) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

This new clause would enable the Secretary of State to make regulations to control the creation and disposal of plastic waste during fishing activities.

Fisheries Bill, *continued*

Luke Pollard
 Sue Hayman
 Matthew Pennycook
 Mr Paul Sweeney
 Thangam Debbonaire

NC17

To move the following Clause—

“Fishing co-operatives

- (1) The Secretary of State must promote co-operatives within the fishing industry, and such promotion may include—
 - (a) offering financial assistance for the creation or development of fishing co-operatives within the following aspects—
 - (i) landing;
 - (ii) catching; and
 - (iii) processing
 - (b) establishing bodies to provide practical support and guidance for the development of new co-operatives.
 - (c) issue guidance on the practical steps which can be taken pursuant to the establishing a new co-operative.
- (2) Financial assistance under sub section (1) may be given by way of grant, loan or guarantee, or in any other form.
- (3) An organisation shall be recognised as a fishing co-operative if it meets the following conditions—
 - (a) it is—
 - (i) registered with the Financial Conduct Authority as a co-operative; or
 - (ii) constituted under the Co-operative and Community Benefit Societies Act 2014; and
 - (b) it operates in a sector of the fishing industry described in 1(a)(i), (ii) or (iii).”

Member’s explanatory statement

This new clause would require the Secretary of State to provide financial assistance, establish support and issue guidance in order to promote co-operatives in the fishing industry.

Peter Aldous

NC18

To move the following Clause—

“Licensing of fishing boats

The Marine Management Organisation must exercise its functions so as to secure (so far as possible) that—

- (a) fishing boats are not used in contravention of section 9(1) (prohibition on fishing without authority of licence), and

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- (b) conditions attached to sea fishing licences under paragraph 1 of Schedule 2 are not broken, as a result of the exercise of rights sold in accordance with the regulations.”
-

Peter Aldous

NC19

To move the following Clause—

“Criteria for the allocation of fishing opportunities

- (1) When allocating the fishing opportunities available to the United Kingdom between the relevant national authorities, the Secretary of State shall use transparent and objective criteria including those of an environmental, social and economic nature, recognising the United Kingdom fishery as public property held on trust for the people of the United Kingdom. The criteria used shall include, inter alia, the impact of fishing on the environment and the social and economic contribution to the local economy, and shall comply with the fisheries objectives set out in section 1 and any JFS or SSFS.
 - (2) When allocating the fishing opportunities available to them, English fisheries administrations shall use transparent and objective criteria including those of an environmental, social and economic nature, recognising the English fishery as public property held on trust for the people of England. The criteria used shall include, inter alia, the impact of fishing on the environment and the social and economic contribution to the local economy, and shall comply with the fisheries objectives set out in section 1 and any JFS or SSFS.
 - (3) When allocating the fishing opportunities available to them pursuant to sub-section (2), English fisheries administrations shall provide incentives to fishing vessels deploying selective fishing gear and/or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.
 - (4) The documents and evidence forming the basis for allocation decisions under sub-sections (2) and (3) must be made available to the public within 20 days of the decision being made, and such documents and evidence shall not be treated as exempt information under sections 21 to 44 of the Freedom of Information Act 2000.
 - (5) In this section “relevant national authorities” means—
 - (a) the Secretary of State,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) the Northern Ireland department.
 - (6) In this Act—

“English fisheries administrations” means—

 - (a) The Secretary of State;
 - (b) The Marine Management Organisation; and
 - (c) any of the Inshore Fisheries and Conservation Authorities.

“English fishery” means such sovereign fishing rights as exist in the English inshore region and the English offshore region.”
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Peter Aldous

NC20

To move the following Clause—

“English Fishing Opportunities

- (1) The English fishery shall vest in the Secretary of State and be held subject to the duties set out in this section.
- (2) The powers exercisable by the Secretary of State in the management of the English fishery shall not include the power to borrow money against the English fishery.
- (3) The Secretary of State, or the Marine Management Organisation or an Inshore Fisheries and Conservation Authority duly authorised by the Secretary of State, shall have the power to dispose of English fishing opportunities—
 - (a) for consideration;
 - (b) on the terms of a licence for a period of no more than 1 calendar year;
 - (c) in compliance with the criteria set out in section 20.
- (4) Any licence of fishing opportunities granted pursuant to subsection (3) shall not create or transfer any proprietary right, title or interest in such fishing opportunities or in any fish before such fish are harvested by the holder.
- (5) It shall be the general duty of the Secretary of State in any disposal of English fishery opportunities (whether by the Secretary of State or by the Marine Management Organisation or an Inshore Fisheries and Conservation Authority duly authorised by the Secretary of State) pursuant to this section to achieve appropriate consideration for any such disposal having regard to the criteria for disposal set out in section 20 and any JFS and SFSS.
- (6) The Secretary of State shall by regulations make provision for the disposal of English fishing opportunities, which may include—
 - (a) for rights to be sold by competitive tender or auction,
 - (b) for a competitive tender process or auction to be run by such person as the regulations may designate,
 - (c) such fishing opportunities to be rented and an appropriate royalty charged,
 - (d) conferring functions (including functions involving the exercise of a discretion) on a person running a competitive tender process or auction, or on any other person,
 - (e) for terminating a competitive tender process or auction where there has been, or appears to the person running the competitive tender process or auction to have been, a failure to comply with the regulations,
 - (f) about how and when—
 - (i) payments for rights are to be made, and
 - (ii) payments received are to be dealt with,
 - (g) about appeals relating to eligibility for, or the outcome of, a tender process or auction,
 - (h) requiring a person running a tender process or auction to issue guidance.
- (7) Fishing opportunities disposed of in accordance with this section are exercisable in relation to such fishing boats, by such persons, in such manner, and subject to such conditions, as may be specified in the terms of that disposal. In particular, the Secretary of State, or the Marine Management Organisation or an Inshore Fisheries and Conservation Authority duly authorised by the Secretary of State, shall have the power to, *inter alia*—
 - (a) specify persons, or descriptions of persons, who are eligible or ineligible to buy opportunities;

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- (b) require any person to pay a deposit, or do any other thing, in order to be eligible to buy opportunities;
 - (c) set limits on the opportunities that may be bought by a person or a description of persons;
 - (d) set a minimum price for fishing opportunities;
 - (e) prohibit or permit the transfer of fishing opportunities by the purchaser or the exercise of such fishing opportunities by someone other than the purchaser of those opportunities;
 - (f) extinguish or limit opportunities sold where any amount due in respect of them is not paid, or any condition attached to the exercise of the rights is not met;
 - (g) provide for the forfeit of fishing opportunities that are held by a person following a disposal under this section but not used, and for payment of compensation to that person.
- (8) Regulations under this section are subject to the affirmative resolution procedure.
- (9) In this Act—
- “English catch quota” means so much of a catch quota as would (if not disposed of in accordance with this section) be available for distribution by the Secretary of State, or the Marine Management Organisation or any Inshore Fisheries and Conservation Authority on behalf of the Secretary of State, for use by English fishing boats;
 - “English effort quota” means so much of an effort quota as would (if not disposed of in accordance with this section) be available for distribution by the Secretary of State, or the Marine Management Organisation or any Inshore Fisheries and Conservation Authority on behalf of the Secretary of State, for use by English fishing boats;
 - “English fishing opportunities” means the right to use English catch quota and English effort quota.
 - “Fixed Quota Allocation Units” shall have the meaning ascribed to them in the UK Quota Management Rules 2015 in so far as they apply to England. “

Peter Aldous

NC21

To move the following Clause—

“Proceeds of charges and fees

Any proceeds or charges received by the Secretary of State, the Marine Management Organisation or any Inshore Fisheries and Conservation Authority pursuant to sections 22, 23 or 29(3) shall be used to preserve the English fishery for future generations, which shall include—

- (a) the commissioning of scientific research to support effective stock management and biodiversity;
- (b) the commissioning of scientific or technical research into, and the development of, low impact fishing techniques;

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- (c) the administrative functions relating to fisheries management of the Secretary of State, the Marine Management Organisation and the Inshore Fisheries and Conservation Authorities; and
- (d) such other objectives as may be set out in a JFS or SSFS.”

Mr Alistair Carmichael

NC23

To move the following Clause—

“Employment in the UK fishing industry

The Secretary of State must conduct a consultation within 6 months of this Act receiving Royal Assent on employment in the fishing industry. This consultation must ask respondents for responses regarding—

- (a) levels of employment in the UK fishing industry of British citizens,
- (b) levels of employment in the UK fishing industry of EU nation citizens, and
- (c) levels of employment in the UK fishing industry of non-EU nation citizens.”

Member’s explanatory statement

To hold a consultation on the make-up of crews in the UK fishing industry. It also promotes a positive conversation about the pipeline of British people into the industry and how this can be strengthened.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC24

To move the following Clause—

“Fishing industry skills strategy

- (1) Within 1 year of this section coming into force, the Secretary of State must publish a strategy for skills, employment and economic regeneration for the fishing industry.
 - (2) Before publishing a strategy under subsection (1), the Secretary of State must consult with—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers,
 - (c) the Northern Ireland department,
 - (d) representatives of the fishing industry,
 - (e) any other person the Secretary of State considers appropriate.”
-

Fisheries Bill, continued

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

NC25

To move the following Clause—

“Recreational fishing

- (1) When any provision of this Act, including provisions inserted into other Acts by this Act, requires or permits the Secretary of State to consult with any person considered appropriate, the Secretary of State must consult with persons representing the practice of recreational fishing.
- (2) The Secretary of State shall publish an annual report providing an assessment of the extent to which the provisions of this Act have—
 - (a) promoted recreational fishing, and
 - (b) had economic benefits attributable to the promotion of recreational fishing by the provisions of this Act.
- (3) The first report under subsection (2) shall be published no more than 12 months after this section comes into force.”

Member’s explanatory statement

This new clause would require the Secretary of State to consult on providing financial assistance for the promotion of recreational fishing, and to include representatives of recreational fishing when conducting a consultation under any other provisions of the Bill.

George Eustice

10

Title, line 11, after “fisheries;” insert “to make provision about the legislative competence of the National Assembly for Wales in relation to fishing, fisheries or fish health in the area of the Welsh zone beyond the seaward limit of the territorial sea;”

Member’s explanatory statement

This amendment to the long title of the Bill is consequential on NC5.

ORDER OF THE HOUSE [21 NOVEMBER 2018]

That the following provisions shall apply to the Fisheries Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Wednesday 19 December.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration as per and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a

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conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

ORDER OF THE COMMITTEE [4 DECEMBER 2018, AS AMENDED 6 DECEMBER 2018]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 4 December) meet—
 - (a) at 2.00 pm on Tuesday 4 December;
 - (b) at 11.30 am and 2.00 pm on Thursday 6 December;
 - (c) at 9.25 am and 2.00 pm on Tuesday 11 December;
 - (d) at 11.30 am and 2.00 pm on Thursday 13 December;
 - (e) at 4.30 pm, 7.00 pm and 9.00 pm on Monday 17 December;
 - (f) at 9.25 am and 2.00 pm on Wednesday 19 December;
- (2) the Committee shall hear oral evidence on Tuesday 4 December in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 4 December	Until no later than 10.25 am	Scottish Fishermen's Federation; National Fishermen's Federation Organisation
Tuesday 4 December	Until no later than 10.55 am	UK Seafood Industry Alliance
Tuesday 4 December	Until no later than 11.25 am	UK Association of Fisheries Producer Organisations; Angling Trust
Tuesday 4 December	Until no later than 2.30 pm	New Under Ten Fishermen's Association
Tuesday 4 December	Until no later than 3.00 pm	Marine Management Organisation
Tuesday 4 December	Until no later than 3.30 pm	Blue Marine Foundation
Tuesday 4 December	Until no later than 4.00 pm	Fishing for Leave

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<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 6 December	Until no later than 12.15 pm	Greenpeace; Pew; Greener UK; Marine Conservation Society
Thursday 6 December	Until no later than 1.00 pm	Macduff Shellfish; Interfish/ Northbay Pelagic; Whitby Seafoods Ltd; Scottish White Fish Producers Association Ltd
Thursday 6 December	Until no later than 2.30 pm	New Economics Foundation
Thursday 6 December	Until no later than 3.00 pm	Carl O'Brien (Chief Fisheries Science Advisor, Department for Environment, Food and Rural Affairs)
Thursday 6 December	Until no later than 3.30 pm	Coastal Communities Alliance; Communities Inshore Fisheries Alliance

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 4; Schedule 1; Clauses 5 to 13; Schedule 2; Clauses 14 to 17; Schedule 3; Clauses 18 to 28; Schedule 4; Clause 29; Schedule 5; Clauses 30 to 37; Schedule 6; Clause 38; Schedule 7; Clauses 39 to 43; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Wednesday 19 December.

NOTICES WITHDRAWN

The following Notices were withdrawn on 10 December 2018:

20, 72, 73 and 74
