



House of Commons

Monday 17 December 2018

PUBLIC BILL COMMITTEE PROCEEDINGS

FISHERIES BILL

[NINTH, TENTH AND ELEVENTH SITTINGS]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

Mr Alistair Carmichael

Withdrawn after debate 103

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

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

Mr Alistair Carmichael

Not called 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—

Fisheries Bill, *continued*

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

Clause agreed to.

Peter Aldous

Withdrawn after debate 94

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

Peter Aldous

Not called 95

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

Peter Aldous

Not called 96

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

Clause agreed to.

Clause 25 agreed to.

Clause 26 agreed to.

Clause 27 agreed to.

Luke Pollard

Sue Hayman

Matthew Pennycook

Mr Paul Sweeney

Thangam Debbonaire

Negatived on division 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.”

Luke Pollard

Sue Hayman

Matthew Pennycook

Mr Paul Sweeney

Thangam Debbonaire

Withdrawn after debate 111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

Fisheries Bill, continued

sustainable public access to recreational fishing opportunities for the fish catching sector and leisure and tourism industries, taking into account socio-economic factors”

Clause agreed to.

Schedule 4 agreed to.

Peter Aldous

Not moved 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 of the Secretary of State, the Marine Management Organisation and the Inshore Fisheries and Conservation Authorities of a relevant marine function.”

Peter Aldous

Not called 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

Not called 99

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

Peter Aldous

Not called 100

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

Peter Aldous

Not called 101

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

Peter Aldous

Not called 102

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

Fisheries Bill, *continued*

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Clause 29, page 17, line 42, leave out “negative” and insert “affirmative” *Withdrawn after debate* 70

Clause agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Schedule 5, page 44, line 9, leave out “negative” and insert “affirmative” *Withdrawn after debate* 76

Schedule agreed to.

Clause 30 agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Clause 31, page 18, line 24, at end insert— *Not called* 109
“(d) the gathering of scientific data to inform management of fish stocks.”

Clause agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Clause 36, page 22, line 24, leave out “negative” and insert “affirmative” *Withdrawn after debate* 71

Clause agreed to.

Fisheries Bill, *continued*

Clause 37 agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Schedule 6, page 45, line 43, leave out “negative” and insert “affirmative” *Withdrawn after debate* 77

Schedule agreed to.

Clause 38 agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Schedule 7, page 57, line 15, leave out “and” and insert “or” *Withdrawn after debate* 68

Schedule agreed to.

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Clause 39, page 23, line 30, at end insert— *Withdrawn after debate* 67

“(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”

Clause agreed to.

Clause 40 agreed to.

Clause 41 agreed to.

Fisheries Bill, *continued*

George Eustice

Agreed to 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”

Jim Shannon

Not selected 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

Negated on division 110

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

Mr Alistair Carmichael

Negated on division 35

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

Mrs Sheryll Murray

David Duguid

Scott Mann

Not called 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.”

Clause agreed to.

George Eustice

Agreed to 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;

Fisheries Bill, *continued*

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

George Eustice

Agreed to 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.
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.”

Fisheries Bill, *continued*

- (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.””

George Eustice

Agreed to 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.
- (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;

Fisheries Bill, *continued*

“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.”

Brendan O’Hara
Alan Brown
Deidre Brock

Negatived on division 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.
- (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.”.

Fisheries Bill, *continued*

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

Brendan O’Hara
 Alan Brown
 Deidre Brock

Negated on division 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).”

Fisheries Bill, *continued*

Brendan O'Hara
 Alan Brown
 Deidre Brock

Negated on division 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”,
 - (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”.

Fisheries Bill, *continued*

Jim Shannon

Not selected **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.
- (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

Not selected **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.”

Fisheries Bill, *continued*

Peter Aldous

Not moved 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.”
-

Peter Aldous

Not called 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

Not called 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

Withdrawn after debate 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.

Fisheries Bill, *continued*

- (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.
- (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.”

Mr Alistair Carmichael

Withdrawn after debate 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

Fisheries Bill, *continued*

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

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Not called 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.”
-

Fisheries Bill, *continued*

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Withdrawn after debate 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).”
-

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Negated on division 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.
- (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,

Fisheries Bill, *continued*

- (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.”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Negated on division **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.”

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Negated on division **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;

Fisheries Bill, *continued*

- (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).”
-

Peter Aldous

Not called **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
 - (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

Not called **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.

Fisheries Bill, *continued*

- (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 subsection (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.”

Peter Aldous

Not called **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.

Fisheries Bill, *continued*

- (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;
 - (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

Fisheries Bill, *continued*

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

Not called 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;
- (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

Not moved 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,

Fisheries Bill, *continued*

- (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.”
-

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Not called **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.”
-

Luke Pollard
Sue Hayman
Matthew Pennycook
Mr Paul Sweeney
Thangam Debbonaire

Not called **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.

Fisheries Bill, *continued*

- (3) The first report under subsection (2) shall be published no more than 12 months after this section comes into force.”

George Eustice

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;” *Agreed to 10*

Bill as amended to be Reported.
