

Memorandum for Public Bill Committee on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business to the Fisheries Bill as amended

Commons Stage Committee amendments

The following is the Department's assessment of the Bill and amendments to the Bill made at Commons Committee Stage

Summary

New clause NC5 applies only to Wales.

All other amendments to clauses and schedules, and new clauses, extend and apply to England, Wales, Scotland, and Northern Ireland. None of the amendments have changed the extent or application of the clauses.

Territorial application¹

1. The amendments made at Committee Stage apply as follows:

- Amendments 5 and 6 amend Clause 22 and extend and apply to England, Wales, Scotland, and Northern Ireland.
- New Clause NC5 applies only to Wales.
- Amendments 4, 7, 8 and 9 amend schedule 3 and new clause NC4 extend and apply to England, Wales, Scotland, and Northern Ireland. Amendments 8 and 9 amend provision in existing legislation to the same extent and application as the provision being amended.
- New Clause 22 extends and applies to England, Wales, Scotland, and Northern Ireland.
- Amendment 86 amends Clause 20 and extends and applies to England, Wales, Scotland, and Northern Ireland

2. Changes to territorial application as a result of amendments are as follows:

- The territorial application of Clause 22 remains unchanged as a result of Government amendments 5 and 6.
- The territorial application of Schedule 3 remains unchanged as a result of Government amendments 4, 7, 8, and 9.
- The territorial application of Clause 20 remains unchanged as a result of backbench amendment 86.

The above assessment is presented in tabular form below.

¹ References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clauses 1-6 (Fisheries objectives and fisheries statements)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clause 7: Revocation of requirement for equal access for EU fishing vessels	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 8: Access to British fisheries by foreign boats	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clauses 9-13 (Licensing of fishing boats)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clauses 14-17 (Access and licensing: offences and consequential amendment)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clauses 18-20 (Secretary of State to determine fishing opportunities)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 21: Duties to ensure fishing opportunities not exceeded	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clause 22: Sale of English fishing opportunities for a calendar year	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 24: Fishing opportunities: interpretation	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 23-27 (Discard prevention charging scheme)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

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Clause 28: Financial assistance	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (W, NI)
Clauses 29: Power for MMO to impose charges	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clause 30: Sea Fish Industry Authority	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clauses 31-36 (Power to make provision about fisheries, aquaculture, aquatic animal diseases and scope)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Clause 37: Powers of Scottish Ministers, Welsh Ministers and Northern Ireland Department	No	Yes	Yes	Yes	N/A	N/A	N/A	Yes (W, N, SI)
Clause 38: Powers to make byelaws etc relating to marine conservation	Yes	Yes	Yes	No	N/A	N/A	N/A	Yes (W, S)
Clauses 39-43 (Final provisions)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Schedule 1: Fisheries statements	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Schedule 2: Sea fishing licenses: further provision	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Schedule 3: Access and licensing	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Schedule 4: Financial assistance (Wales, Northern	No	Yes	No	Yes	N/A	N/A	N/A	Yes (W, NI)

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Ireland)								
Schedule 5: Power of Northern Ireland to impose charges	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Schedule 6: Powers of Scottish Ministers, Welsh Ministers and Northern Ireland department	No	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
Schedule 7: Powers to make byelaws relating to marine conservation	Yes	Yes	Yes	No	N/A	N/A	N/A	Yes (S, W)
NC4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S, W, NI)
NC5	No	Yes	No	No	N/A	N/A	N/A	Yes (W)
NC22	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No