



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 21 February 2019

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

FISHERIES BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Mrs Sheryll Murray
Scott Mann
Martin Vickers

NC1

To move the following Clause—

“Exiting the Common Fisheries Policy

It shall be the duty of the Secretary of State to ensure that the UK leaves the Common Fisheries policy no later than the end of 11 p.m. on 29th March 2019.”

Fisheries Bill, *continued*

Mr Alistair Carmichael

NC2

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.”

Member’s explanatory statement

This new clause will 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

NC3

To move the following Clause—

“Remote electronic monitoring

- (1) For the purposes of ensuring detailed and accurate documentation of all fishing activities, monitoring compliance with fisheries and marine management measures and recording levels of discarding and details of catch of target and non-target species, all fishing boats over ten metres length overall fishing within British fishery limits and all UK fishing boats over ten metres length overall fishing within and outside of British fishery limits must have electronic monitoring equipment comprising—
 - (a) one or more video cameras;
 - (b) any sensors or other devices needed to detect and record associated information;
 - (c) an electronic system that is capable of recording video and associated information;

Fisheries Bill, *continued*

- (d) a storage system that is capable of storing video and associated information referred to in subsection (c) above for the duration that a fishing boat is engaged in fishing activities; and
 - (e) any electrical systems, components, or software needed to support the items described in paragraphs (a) to (d).
- (2) The master of a fishing boat required to install electronic monitoring equipment must ensure that the equipment—
- (a) complies with any technical requirements specified in regulations made under this section; and
 - (b) is installed, maintained and functions in accordance with any requirements specified in regulations made under this section.
- (3) A video camera need not be capable of recording sound.
- (4) The electronic monitoring equipment on a fishing boat must be used to—
- (a) record the fishing done from the fishing boat;
 - (b) record any marine biological resources and target and non-target species taken as required to achieve the purposes set out in subsection (1) above;
 - (c) record any transportation of marine biological resources and target and non-target species on the fishing boat (whether or not it was taken under the licence attached to the fishing boat); and
 - (d) detect and record associated information in accordance with any requirements specified in regulations made under this section.
- (5) The video recording must be transmitted and made available to the fisheries policy authorities in order to enable the fisheries policy authorities to—
- (a) identify to the extent possible—
 - (i) the species of marine biological resources and target and non-target species taken or transported;
 - (ii) the types and features of fishing gear used;
 - (iii) any technical bycatch mitigation measures used, and
 - (b) estimate the size and quantity of the marine biological resources and target and non-target species, taken or transported.
- (6) As soon as practicable after the master of a fishing boat becomes aware of a mechanical or technical failure of electronic monitoring equipment such that it cannot comply with the requirements of this section, it must notify the relevant fisheries policy authority that it is unable to comply with the requirement and of the reason.
- (7) This section does not apply to fishing—
- (a) by a fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure; and
 - (b) by a British fishing boat outside of British fishery limits where it would be unlawful to comply with this section under the laws of the relevant coastal state.
- (8) Where a fishing boat is used in contravention of the requirements set out in this section, the master and the owner are each guilty of an offence.
- (9) For further provision about an offence under subsection (8) (including provision as to penalties), see—
- (a) sections 14 to 16; and
 - (b) section 12 of the Sea Fisheries Act 1968 (recovering of fines) and section 13 of that Act (compensation in Scotland for damage caused by an offence).

Fisheries Bill, *continued*

- (10) Without prejudice to subsections (1) to (9), further provision about the subject matter of this section may be made by regulations made pursuant to—
- (a) section 31, or
 - (b) Schedule 6.”

Member’s explanatory statement

This new clause will require monitoring of what is happening at sea, and contribute to an ecosystem based approach to fisheries management through the generation of information on non-target and protected species captured by fishing gears. This data will be used to inform responsive fisheries management and support consumer confidence.

Mr Alistair Carmichael

NC4

To move the following Clause—

“Vessel monitoring systems

- (1) All fishing boats fishing within British fishery limits and all UK fishing boats fishing within and outside of British fishery limits must operate a vessel monitoring system.
- (2) This section does not apply to fishing—
 - (a) by a fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure; and
 - (b) by a British fishing boat outside of British fishery limits where it would be unlawful to comply with this section under the laws of the relevant coastal state.
- (3) Where a fishing boat is used in contravention of subsections (1) or (2), the master and the owner are each guilty of an offence.
- (4) For further provision about an offence under subsection (3) (including provision as to penalties), see—
 - (a) sections 14 to 16; and
 - (b) section 12 of the Sea Fisheries Act 1968 (recovering of fines) and section 13 of that Act (compensation in Scotland for damage caused by an offence).
- (5) In this section—

“data” means information consisting of—

 - (a) the unique identifier of the fishing boat;
 - (b) the most recent geographical position of the fishing boat, with a position error which shall be less than 500 metres, with a confidence interval of 99 %;
 - (c) the date of the fixing of each geographical position of the fishing boat;
 - (d) the time of the fixing of each geographical position of the fishing boat;
 - (e) the instant speed of the fishing boat; and
 - (f) the instant course of the fishing boat,

“fisheries monitoring centre” means an operational centre—

 - (a) established by a relevant national authority, and
 - (b) equipped with computer hardware and software enabling—
 - (i) automatic reception;

Fisheries Bill, *continued*

- (ii) automatic processing; and
 - (iii) electronic transmission
of data received from satellite-tracking devices;
- “vessel monitoring system” means a device which—
- (a) is installed on board a fishing boat;
 - (b) is fully functional at all times; and
 - (c) transmits data—
 - (i) automatically every 20 minutes; and
 - (ii) when polled by a relevant national authority,
to a fisheries monitoring centre of a relevant fisheries policy
authority.
- (6) Without prejudice to subsections (1) to (5), further provision about the subject matter of this section may be made by regulations made pursuant to—
- (a) section 31; or
 - (b) Schedule 6.”

Member’s explanatory statement

This new clause will strengthen the existing mechanisms for monitoring and control and includes requiring transmission of position data on all vessels regardless of size.

Mr Alistair Carmichael

NC5

To move the following Clause—

“Factors when deciding action in respect of an alleged offence

- (1) Subject to subsection (4), an enforcement authority, when deciding whether in respect of an alleged offence under section 8(3), 9(6) or 11(5) or paragraph 1(4) or 3(2) or (3) of Schedule 2 to—
 - (a) issue oral advice;
 - (b) issue an advisory letter;
 - (c) issue an official written warning;
 - (d) offer a financial administrative penalty; or
 - (e) pursue a criminal prosecution,
 must take into account the factors set out in subsection (3).
- (2) The factors referred to in subsection (1) are not exhaustive.
- (3) The factors referred to in subsection (1) are—
 - (a) penalties should be effective, dissuasive and proportionate;
 - (b) the value of the catch taken in the course of the alleged offence;
 - (c) the—
 - (i) volume; or
 - (ii) weight,
 of the catch taken in the course of the alleged offence;
 - (d) the impact on the marine environment of the alleged offence including with reference to—
 - (i) any relevant fish species;
 - (ii) any relevant species other than fish; and
 - (iii) any relevant habitat,

Fisheries Bill, *continued*

- (e) the impact of the alleged offence on—
 - (i) any relevant other person; and
 - (ii) any relevant other person; and
 - (f) all previous sanctions applied to the alleged offender—
 - (i) in respect of all offences, relating to UK waters, under relevant fisheries law in the previous ten years;
 - (ii) in respect of all offences, relating to waters beyond UK waters, under relevant fisheries law in the previous ten years; and
 - (iii) by other countries in the previous ten years, where such information is available,
 - (g) other alleged offences of the alleged offender detected at the same time as the alleged offence.
- (4) A financial administrative penalty must not be offered for any alleged offence involving—
- (a) obstruction of a British sea-fishery officer;
 - (b) failure to comply with requirements imposed by a British sea fishery officer;
 - (c) preventing another person from complying with requirements imposed by a British sea fishery officer;
 - (d) assaulting or threatening a British sea fishery officer; or
 - (e) assisting someone to assault or threaten a British sea fishery officer.
- (5) In respect of the factors referred to in subsection (3)(d), an enforcement authority must apply particular weight to—
- (a) any species; and
 - (b) any habitat,
- protected under relevant fisheries and environmental legislation.
- (6) In respect of the factors referred to in subsection (3)(d)(ii) and (iii), an enforcement authority must obtain the advice of the appropriate statutory conservation body.
- (7) The national register of infringements shall include details of how the factors referred to in subsection (3) have been taken into account pursuant to subsection (1).
- (8) In this section—
- “appropriate statutory conservation body” means—
- (a) in respect of an area in England, Natural England;
 - (b) in respect of an area in Wales, the Natural Resources Body for Wales;
 - (c) in respect of Scotland, Scottish Natural Heritage;
 - (d) in respect of Northern Ireland, Department of Agriculture, Environment and Rural Affairs;
 - (e) in respect of an area outside the seaward limits of the territorial sea, the Joint Nature Conservation Committee,
- “the catch taken in the course of the alleged offence” includes—
- (a) the catch of any target species; and
 - (b) the catch of any non-target species,
- “enforcement authority” means an authority with the competence to apply all of the options referred to in subsection (1)(a) to (e) and means—
- (a) in relation to enforcement in England—
 - (i) the Marine Management Organisation; or

Fisheries Bill, *continued*

- (ii) the Inshore Fisheries Conservation Authority enforcing in relation to an alleged offence in its inshore fisheries conservation district;
 - (b) in relation to enforcement in Northern Ireland, Department of Agriculture, Environment and Rural Affairs;
 - (c) in relation to enforcement in Scotland, Marine Scotland;
 - (d) in relation to enforcement in Wales, Welsh Ministers,
- “most appropriate market” may include a market outside the UK;
- “national register of infringements” means the national register referred to in regulation 4 (85)(a) of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2018;
- “person” includes a fisherman;
- “relevant” means affected by the alleged offence; and
- “value of the catch” means the value determined, wherever possible, by the previous week’s average price at the most appropriate market.”

Member’s explanatory statement

This new clause will require a more effective sanctioning system to ensure that the provisions of the bill are adequately enforced. This includes a list of factors that enforcement authorities must take into account when deciding action in respect of an alleged offence, including a requirement that penalties are “effective, dissuasive and proportionate”.

Richard Benyon
Peter Aldous
Zac Goldsmith

4

Clause 1, page 1, line 2, at end insert—

- “(A1) This section applies to any public authority having any function relating to fishing activities or fisheries management.
- (A2) Every public authority to which this section applies must exercise its functions in order to achieve the fisheries objectives”

Member’s explanatory statement

This amendment would place a legal duty on any public authority with any function related to fisheries to achieve the objectives. Without this duty objectives are established but with no clear obligation for authorities to deliver them.

Mr Alistair Carmichael

8

Clause 1, page 2, line 21, at end insert—

- “(c) to ensure full and verifiable documentation of catches.”

Member’s explanatory statement

This amendment is to ensure the UK achieves full and verifiable documentation of catches to give a true picture of what is being removed from the sea and in order to provide accurate scientific data to ensure effective management of the shared stocks in UK waters.

Fisheries Bill, *continued*

Richard Benyon
Peter Aldous
Zac Goldsmith

5

Clause 1, page 2, line 38, at end insert—

“(10) The fisheries policy authorities must publish, at least every three years, an update on progress made against the objectives set out in the fisheries objectives.”

Member’s explanatory statement

This amendment would require national authorities to publish an update on progress made against the objectives to ensure accountability.

Richard Benyon
Peter Aldous
Zac Goldsmith
Scott Mann

6

Clause 18, page 10, line 18, at end insert—

“(1A) Any determination under subsection (1) must not exceed the maximum sustainable yield exploitation rate and must be in accordance with international law, having regard to the interdependence of stocks, in order to maintain the stock population above a level capable of producing the maximum suitable yield and to ensure long-term viability of the stock population.”

Member’s explanatory statement

This amendment protects against short-term political pressure to set catch limits higher than scientific advice and would ensure that catch limits are set at sustainable levels, in line with CFP Regulation, UN Conventions on the Law of the Sea and Fish Stock Agreement and Sustainable Development Goal 14.

Richard Benyon
Peter Aldous
Zac Goldsmith
Scott Mann

7

Clause 18, page 10, line 18, at end insert—

“(1A) When determining fishing opportunities under this section, if the current biomass of the stock or the level of fishing mortality consistent with achieving the maximum sustainable yield is not able to be estimated reliably using the best available scientific advice, the Secretary of State must—

- (a) not use the absence of, or any uncertainty in, that evidence as a reason for postponing or failing to determine fishing opportunities for the stock,
- (b) have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock, and
- (c) determine the maximum quantity of sea fish that may be caught by British fishing boats—
 - (i) at a quantity which functions as a suitable scientific proxy with similar intent to the objectives of maximum sustainable yield, and

Fisheries Bill, continued

- (ii) consistent with the scientific evidence objective and the precautionary objective.”

Member’s explanatory statement

This amendment is to ensure that a suitable proxy is used to determine fishing opportunities for data-deficient stocks.

Peter Aldous
Zac Goldsmith
Scott Mann

3

Clause 20, page 11, line 42, at end insert—

“(aa) in the second sentence—

- (i) for “may” substitute “shall”; and
- (ii) for “the history of compliance, the contribution to the local economy and historic catch levels” substitute “and the social and economic contribution to the local economy, thereby recognising the fishery as public property held on trust for the people.”

Member’s explanatory statement

This amendment is to ensure that it is mandatory for relevant national authorities to use the impact of fishing on the environment, social and economic contribution to the local economy as criteria when distributing fishing opportunities.

Mr Alistair Carmichael

9

Clause 40, page 24, line 32, leave out “two” and insert “three”

Member’s explanatory statement

This amendment is to add a third objective that the Secretary of State must pursue when negotiating a fisheries agreement.

Mr Alistair Carmichael

11

☆ Clause 40, page 24, line 40, at end insert—

“(4A) The third objective is that shared stocks are managed in accordance with the UK’s international law obligations and in accordance with the objectives of this Act, with a view to ensuring that—

- (a) fishing mortality is below levels which will restore or maintain those shared stocks above levels capable of producing the maximum sustainable yield; and
- (b) the impacts of fishing on the marine environment are avoided or, where avoidance is not possible, demonstrably minimised.”

Member’s explanatory statement

This amendment will ensure that the Secretary of State must pursue the objective that shared stocks are managed in accordance with the UK’s international law obligations, to prevent overfishing of shared stocks and minimise the negative impact of fishing on the marine environment.

Fisheries Bill, *continued*

Mrs Sheryll Murray

1

Clause 45, page 29, line 34, 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 11 p.m. on 29th March 2019.”

David Duguid
Ross Thomson
Craig Tracey
Stephen Kerr
John Lamont
Bill Grant

Douglas Ross
Maria Caulfield

Mr Alistair Carmichael

Jim Shannon

2

Clause 45, page 29, line 34, at end insert—

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

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 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.
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Fisheries Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on 20 February 2019:

Amendment 10.
