



House of Commons

Thursday 10 September 2020

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 [*LORDS*]

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [8 September 2020].

Stephanie Peacock
 Luke Pollard
 Ruth Jones
 Rosie Duffield

80

Clause 12, page 11, line 5, at end insert—

“(3A) The master, the owner and the charterer (if any) are not each guilty of an offence if a fishing boat contravenes subsection (1) or (2) as a result of—

(a) danger to life or property, or

(b) any other reason prescribed by the Secretary of State in regulations.”

Member’s explanatory statement

This amendment makes clear that a foreign fishing boat is not committing an offence if it enters or remains in British waters due to conditions presenting a danger to life or property.

Victoria Prentis

11

Schedule 2, page 42, line 38, leave out from “crabs”), to end of line 1 on page 43 and insert “, in paragraph (2), after “foreign fishing boats” insert “of sea fish caught in waters lying outside British fishery limits”.”

Member’s explanatory statement

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

 Fisheries Bill [*Lords*], *continued*

Victoria Prentis

12

Schedule 2, page 43, line 2, leave out, from “crabs”) to end of line 4 and insert “, in paragraph (2), after “foreign fishing boats” insert “and were caught in waters lying outside British fishery limits”.”

Member’s explanatory statement

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Victoria Prentis

13

Schedule 2, page 43, line 13, leave out “Scottish or”

Member’s explanatory statement

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Victoria Prentis

14

Schedule 2, page 43, line 13, leave out “or a foreign vessel”

Member’s explanatory statement

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Victoria Prentis

15

Schedule 2, page 43, line 16, at end insert—

“(4) A foreign vessel is prohibited from carrying in the English zone velvet crab that were caught in waters lying within British fishery limits and are below the minimum size mentioned in sub-paragraph (1).”

Member’s explanatory statement

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Victoria Prentis

16

Schedule 2, page 43, line 23, leave out “Scottish or”

Member’s explanatory statement

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Victoria Prentis

17

Schedule 2, page 43, line 29, at end insert—

“(5A) After article 4 insert—

“Fishing by Faroe Islands-licensed foreign vessels

4A (1) Nothing in article 2, 3 or 4 applies in relation to fish that were caught by a Faroe Islands-licensed foreign vessel in waters lying within the Special Area unless, at the time they were caught, the vessel was included in the list maintained and published by the

Fisheries Bill [Lords], continued

Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

- (2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.

Member’s explanatory statement

This amendment exempts foreign vessels from certain provisions of the Undersized Velvet Crabs Order 1989 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

18

Schedule 2, page 44, line 19, leave out from “prohibition)” to end of line 20 and insert—

“(a) in paragraph (1) omit “wherever caught”;

(b) in paragraph (2), after “applies” insert “(wherever caught)”;

(c) after paragraph (2) insert—

“(3) The landing in England or Northern Ireland from a foreign fishing boat of any sea fish to which this article applies that were caught in waters lying within British fishery limits is prohibited.””

Member’s explanatory statement

This amendment exempts foreign vessels from restrictions in the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 in relation to fish caught outside British fishery limits.

Victoria Prentis

19

Schedule 2, page 44, line 22, at end insert—

“(4A) After article 4A insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

4B (1) Nothing in article 3(2) or 4A(1) (fishing prohibition) applies in relation to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at that time, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) Nothing in article 4(3) (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

Fisheries Bill [Lords], continued

- (3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.

Member’s explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

20

Schedule 2, page 44, line 36, at end insert—

“(3A) After article 4 insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

- 4A (1) Nothing in article 4 (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

- (2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.

Member’s explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Undersized Edible Crabs Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

21

Schedule 2, page 45, line 13, at end insert—

“(2A) In article 3, in paragraph (3), at the end of sub-paragraph (c) insert “; or

- (d) carried in, or used by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or used, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (3) insert—

- “(4) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.

Fisheries Bill [Lords], continued
Member's explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Sea Fish (Specified Sea Areas) (Regulation of Nets and other Fishing Gear) Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

22

Schedule 2, page 45, line 16, leave out “in relation to”

Member's explanatory statement

This is a minor amendment removing superfluous wording.

Victoria Prentis

23

Schedule 2, page 45, line 19, leave out “in relation to”

Member's explanatory statement

This is a minor amendment removing superfluous wording.

Victoria Prentis

24

Schedule 2, page 45, line 26, at end insert—

“(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert—

“(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

Member's explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

25

Schedule 2, page 46, line 11, at end insert “, or

(d) a foreign fishing boat outside British fishery limits.

(4) The prohibition in this article does not apply in relation to a net carried in, or deployed by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or deployed, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

Fisheries Bill [Lords], continued

(5) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

Member’s explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Shrimp Fishing Nets Order 2002 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands. The amendment also clarifies that the Order only applies to foreign fishing boats when they are within British fishery limits.

Victoria Prentis

26

Schedule 2, page 46, line 34, at end insert—

“(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert “, or

(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

Member’s explanatory statement

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2003 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Victoria Prentis

3

Clause 16, page 12, line 32, at end insert—

“(b) by a Faroe Islands-licensed fishing boat in waters lying within the Special Area.

(2A) The exception in subsection (2)(b) does not apply in relation to a foreign fishing boat that is for the time being included in a list maintained and published for the purposes of this subsection by the Scottish Ministers.”

Member’s explanatory statement

This amendment exempts foreign fishing boats from the requirement to be licensed under the Bill where they are fishing in the Special Area and have a Faroe Islands licence. It also gives the Scottish Ministers power to remove this exception from particular foreign fishing boats by putting them on a published list. These changes are in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

4

Clause 16, page 13, line 3, leave out subsection (8) and insert—

- “(8) For the purposes of this section a fishing boat is “Faroe Islands-licensed” if there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area.
- (9) In this section—
- (a) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
 - (b) “the Faroe Islands Treaty” means the agreement between—
 - (i) the Government of the United Kingdom, and
 - (ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999;
 - (c) “licence” (except in subsection (8)) means a licence granted under section 17.”

Member’s explanatory statement

This amendment inserts definitions into clause 16 in connection with Amendment 3.

Stephanie Peacock
Luke Pollard

99

Clause 17, page 13, line 29, at end insert—

- “(3A) No licence may be granted under this section unless conditions are attached to that licence so as to require the foreign fishing boat to comply with any standards in relation to environmental protection and marine safety that would apply to the same boat if it were a British fishing boat.”

Member’s explanatory statement

Under this amendment, licences granted to foreign fishing boats would require those boats to comply with the same environmental protection and marine safety standards as British fishing boats.

Stephanie Peacock
Luke Pollard

103

Clause 17, page 13, line 32, at end insert—

- “(5) A licence may not be granted under this section unless the fishing boat meets safety standards that are at least equivalent to those applicable to British fishing boats.

Member’s explanatory statement

This amendment prevents a licence being granted to foreign fishing boats unless the applicant can demonstrate that their vessel meets the standards required of British fishing boats.

 Fisheries Bill [*Lords*], *continued*

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

87

Clause 18, page 13, line 34, leave out “Secretary of State” and insert “fisheries policy authorities”

Member’s explanatory statement

This amendment would ensure that regulations establishing a national landing requirement for the devolved nations are made by the devolved administrations rather than by the Secretary of State.

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

85

Clause 18, page 13, line 36, leave out “or 16(1)”

Member’s explanatory statement

This amendment would mean that regulations establishing a national landing requirement would not apply to foreign boats.

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

88

Clause 18, page 13, line 38, leave out “Secretary of State” and insert “fisheries policy authorities”

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

89

Clause 18, page 13, leave out lines 41 to 43, insert “, and” at the end of line 40

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Stephanie Peacock
 Luke Pollard

105

Clause 18, page 13, leave out lines 41 to 43

Member’s explanatory statement

This amendment removes the requirement for the Secretary of State to consult the devolved administrations before determining the national landing requirement.

Fisheries Bill [Lords], continued

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

90

Clause 18, page 14, line 1, leave out “Secretary of State” and insert “fisheries policy authorities”

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

91

Clause 18, page 14, line 2, leave out “the UK fishing industry” and insert “their respective fishing industries”

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

86

Clause 18, page 14, line 9, leave out “or 16(1)”

Member’s explanatory statement

This amendment is consequential on Amendment 85.

Stephanie Peacock
Luke Pollard

106

Clause 18, page 14, line 16, after “limits”, insert “and outside of Scotland, the Scottish zone, Wales, the Welsh zone, Northern Ireland and the Northern Ireland zone”

Member’s explanatory statement

This amendment changes the definition of ‘landing requirement’ into an England-only one.

Stephanie Peacock
Luke Pollard

107

Clause 18, page 14, line 17, leave out “the United Kingdom, Isle of Man, Guernsey or Jersey” and insert “England”

Member’s explanatory statement

This amendment changes the definition of ‘landing requirement’ into an England-only one.

Victoria Prentis

5

Page 13, line 33, leave out Clause 18

Member’s explanatory statement

This amendment removes clause 18, which was inserted at Report stage in the Lords.

 Fisheries Bill [*Lords*], *continued*

Stephanie Peacock
Luke Pollard

104

Schedule 3, page 52, line 7, at end insert—

“(2A) A sea fishing licensing authority must attach to any sea fishing licence appropriate conditions with respect to the safety of the boat and its crew.”

Member’s explanatory statement

This amendment would require the licensing authority to set appropriate conditions regarding safety when granting a sea fishing licence.

Stephanie Peacock
Luke Pollard

100

Schedule 3, page 52, line 15, at end insert—

“(6) Conditions attached to any sea fishing licence must include a prohibition on the use of any form of electric pulse beam trawl fishing.”

Member’s explanatory statement

This amendment would require sea fishing licences to prohibit electric pulse beam trawl fishing.

Stephanie Peacock
Luke Pollard

101

Schedule 3, page 52, line 15, at end insert—

“(6) Conditions attached to any sea fishing licence must include a prohibition on using a fishing boat greater than 100 metres in length in any of the protected areas specified in subsection (7).

(7) The protected areas to which the prohibition in subsection (6) applies are marine conservation zones and marine protected areas as defined in the Marine and Coastal Access Act 2009.

(8) The list of protected areas in subsection (7) may be added to by the Secretary of State by means of regulations.”

Member’s explanatory statement

This amendment would include in the sea fishing licence conditions a prohibition on using a fishing boat longer than 100 metres in protected areas.

Stephanie Peacock
Luke Pollard

95

Schedule 3, page 55, line 4, leave out “negative” and insert “affirmative”

Member’s explanatory statement

This amendment would make the relevant regulations subject to the affirmative procedure.

Victoria Prentis

27

Schedule 3, page 56, line 3, leave out paragraph (a) and insert—

“(a) sections 15 to 17,”

Member’s explanatory statement

This amendment updates the definition of “licensing function” so that it includes functions under clause 16.

Fisheries Bill [Lords], continued

- Victoria Prentis 28
- Schedule 4, page 57, line 2, leave out sub-paragraph (3)
- Member's explanatory statement**
This amendment removes the power to extend section 2 of the Fishery Limits Act 1976 (which is repealed by paragraph 3(1) of this Schedule) to the Channel Islands or the Isle of Man.
- Victoria Prentis 29
- Schedule 4, page 63, line 14, at end insert—
- ““temporary foreign vessel licence” means a licence that—
- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks;”
- Member's explanatory statement**
This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.
- Victoria Prentis 30
- Schedule 4, page 63, line 23, after “words”, insert—
- “(i) after “A licence” insert “, other than a temporary foreign vessel licence;”;
- (ii) ”
- Member's explanatory statement**
This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.
- Victoria Prentis 31
- Schedule 4, page 63, line 40, leave out “this regulation” and insert “paragraphs (1) and (2)”.
- Member's explanatory statement**
This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.
- Victoria Prentis 32
- Schedule 4, page 63, line 44, leave out from “charterer;” to end of line 47 and insert—
- “(b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.
- (2B) A temporary foreign vessel licence shall be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Welsh Ministers or of a person granting the licence on their behalf.

Fisheries Bill [Lords], continued

(2C) In paragraph (2B), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

33

Schedule 4, page 64, line 10, after “licence”, insert “, other than a temporary foreign vessel licence,”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

34

Schedule 4, page 64, line 21, leave out paragraphs (a) and (b) and insert—

- “(a) in the heading, for “Delivery” substitute “Granting”;
- (b) in paragraphs (1) and (2), for “delivered” substitute “granted”;
- (c) in paragraph (3)—
 - (i) after “A licence” insert “, other than a temporary foreign vessel licence,”;
 - (ii) for “a nominee’s” substitute “an”;
 - (iii) for “delivered” substitute “granted”;
- (d) after paragraph (3) insert—

“(3A) In relation to a licence or notice transmitted by electronic means at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.

(3B) A notice communicated in accordance with regulation 2(2)(b) (publication on website) shall be treated as given immediately it is published in accordance with that provision.

(3C) A temporary foreign vessel licence communicated in accordance with regulation 2(2B) shall be treated as granted immediately it is published in accordance with that provision.”;

- (e) in paragraph (5) (in each place it occurs), for “delivered” substitute “granted”.”

Fisheries Bill [Lords], continued
Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

35

Schedule 4, page 64, line 27, leave out from “paragraph (a)” to end of line 28 and insert—

- “(i) after “2(1)” insert “or (2B)”;
- (ii) omit “, and a notice which is communicated in accordance with regulation 2(2)(b),”;
- (iii) for “delivered or given” substitute “granted”;

Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

36

Schedule 4, page 65, line 38, at end insert—

- “(e) after that definition insert—
 - ““temporary foreign vessel licence” means a licence that—
 - (a) is granted in respect of a foreign fishing boat, and
 - (b) has effect for a period of no more than three weeks.”

Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

37

Schedule 4, page 65, line 40, after “words”, insert—

- “(i) after “A licence”, insert “, other than a temporary foreign vessel licence,”;
- (ii) ”

Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Fisheries Bill [Lords], continued

Victoria Prentis

38

Schedule 4, page 65, line 43, at end insert—

“(ba) after that paragraph insert —

“(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.

(1B) In paragraph (1A), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

39

Schedule 4, page 66, line 3, leave out from “notices)” to end of line 4 and insert—

- “(a) in the heading, for “Delivery” substitute “Granting”;
- (b) in paragraphs (1) and (2), for “delivered” substitute “granted”;
- (c) in paragraph (3)—

- (i) after “A licence”, insert “, other than a temporary foreign vessel licence,”;

- (ii) for “a nominee’s” substitute “an”;

- (iii) for “delivered” substitute “granted”;

- (d) after paragraph (3) insert—

“(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.

(3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.”;

- (e) in paragraph (5) (in both places), for “delivered” substitute “granted”.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

40

Schedule 4, page 66, line 4, at end insert—

“(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a)—

(a) after “3(1)”, insert “or (1A)”;

(b) for “delivered” substitute “granted”.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

41

Schedule 4, page 66, line 30, at end insert—

“(ba) for the definition of “notice” substitute—

““notice” means a notice of variation, suspension or revocation of a licence;”;

Member’s explanatory statement

This amendment updates the definition of “notice” in the Sea Fishing (Licences and Notices) (England) Regulations 2012 to reflect other changes to those regulations made in this Schedule.

Victoria Prentis

42

Schedule 4, page 66, line 44, at end insert—

““temporary foreign vessel licence” means a licence that—

(a) is granted in respect of a foreign fishing boat, and

(b) has effect for a period of no more than three weeks.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

43

Schedule 4, page 66, line 46, leave out paragraph (a) to paragraph (c) on page 67 and insert—

“(a) in paragraph (1)—

(i) after “A licence”, insert “, other than a temporary foreign vessel licence;”;

(ii) for the words from “the owner” to the end substitute “an appropriate recipient (“P”)”;

(b) after that paragraph insert—

“(1A) In paragraph (1) “an appropriate recipient” means—

(a) in relation to a licence or notice relating to a relevant fishing boat—

(i) the owner or charterer of the fishing boat, or

(ii) a nominee of the owner or charterer;

Fisheries Bill [Lords], continued

- (b) in relation to a licence or a notice, relating to a foreign fishing boat, the owner or charterer of the fishing boat.”;
- (c) in paragraph (2), after “A licence”, insert “, other than a temporary foreign vessel licence, ”;
- (d) after paragraph (3) insert —
 - “(3A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
 - (a) transmitting it to the relevant person by means of an electronic communication, and
 - (b) subsequently publishing it on the website of the Marine Management Organisation or of a person granting the licence on its behalf.
 - (3B) In paragraph (3A), “the relevant person”, in relation to a foreign fishing boat, means—
 - (a) if the fishing boat is registered in a member State, the European Commission;
 - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;
 - (e) omit paragraph (8).”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

44

Schedule 4, page 67, line 10, at end insert—

- “(5) In regulation 4 (time at which licences are delivered and notice given)—
 - (a) in the heading and paragraphs (1), (2), (3) and (4), for “delivered” substitute “granted”;
 - (b) after paragraph (4) insert—
 - “(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.
 - (4B) A temporary foreign vessel licence communicated as described in regulation 3(3A) is treated as granted immediately it is published in accordance with that provision.”;
 - (c) in paragraph (7) (in both places), for “delivered” substitute “granted”.
- (6) In regulation 5 (time at which licences and notices have effect), in paragraph (a), for “delivered” substitute “granted”.”

Fisheries Bill [Lords], continued
Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

45

Schedule 4, page 68, line 4, at end insert—

“(f) after that definition insert—

““temporary foreign vessel licence” means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks.”

Member's explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

46

Schedule 4, page 68, line 6, leave out paragraphs (a) to (c) and insert—

“(a) in paragraph (1)—

- (i) after “A licence”, insert “, other than a temporary foreign vessel licence.”;
 - (ii) omit “Northern Ireland”;
 - (iii) for the words from “the owner or charterer of the boat” to the end substitute “an appropriate recipient”;
- (b) in paragraph (2), after “A licence”, insert “(other than a temporary foreign vessel licence)”;
- (c) in paragraph (3), for the words from “the owner or charterer of the boat” to the end substitute “an appropriate recipient”;
- (d) after paragraph (4) insert—

“(4A) In paragraphs (1) to (4), “an appropriate recipient” means—

- (a) in relation to a licence or notice relating to a Northern Ireland fishing boat—
 - (i) the owner or charterer of the fishing boat, or
 - (ii) a nominee of that owner or charterer;
- (b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.

(4B) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by delivering it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and

Fisheries Bill [Lords], continued

(b) subsequently publishing it on the website of the Department or of a person granting the licence on its behalf.

(4C) In paragraph (4B), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.””

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

47

Schedule 4, page 68, line 20, at end insert—

“(5) In regulation 4 (time when licences are delivered and notices given), after paragraph (4) insert—

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence delivered as described in regulation 3(4B) is treated as delivered immediately it is published in accordance with that provision.”

(6) In regulation 5 (time when licences, variations, suspensions or revocations have effect), in paragraph (a), after “3(2)”, insert “or (4B)”.”

Member’s explanatory statement

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis

48

Schedule 4, page 68, line 22, at end insert—

“Sea Fish Licensing (Wales) Order 2019

22 The Sea Fish Licensing (Wales) Order 2019 (S.I. 2019/507 (W. 117)) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Wales) Regulations 2019

23 The Sea Fishing (Licences and Notices) (Wales) Regulations 2019 (S.I. 2019/500 (W. 116)) (which have not come into force) are revoked.

Fisheries Bill [Lords], continued*Sea Fish Licensing (England) (EU Exit) Regulations 2019*

- 24 The Sea Fish Licensing (England) (EU Exit) Regulations 2019 (S.I. 2019/523) (which have not come into force) are revoked.

Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019

- 25 The Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/87) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019

- 26 The Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/88) (which have not come into force) are revoked.

Fishing Boats Designation (EU Exit) (Scotland) Order 2019

- 27 The Fishing Boats Designation (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/345) (which has not come into force) is revoked.”

Member’s explanatory statement

This amendment revokes various statutory instruments that have not come into force, and were made as part of contingency planning in case the Bill was not passed before IP completion day.

Victoria Prentis

49

Schedule 4, page 69, line 21, at beginning insert—

- “(1) Regulations made under section 4B of the Sea Fish (Conservation) Act 1967 (regulations supplementary to sections 4 and 4A of that Act) in relation to licences under section 4 of that Act have effect on and after the coming into force of paragraph 6(2) as if they were made under paragraph 7(1) of Schedule 3 to this Act.”

Member’s explanatory statement

This is a technical amendment clarifying the transitional provisions applying on the transition from the licensing regime in the Sea Fish (Conservation) Act 1967 to the licensing regime in the Bill.

Stephanie Peacock
Luke Pollard

111

Clause 24, page 16, line 14, leave out “may determine” and insert “must determine”

Member’s explanatory statement

This amendment makes it compulsory for the Secretary of State to make a determination relating to fishing opportunities.

Stephanie Peacock
Luke Pollard

113

Clause 24, page 16, leave out lines 16 to 19 and insert—

- “(a) the maximum quantity of sea fish that may be caught by British fishing boats or foreign fishing boats holding rights to use the British catch quota;

Fisheries Bill [Lords], continued

- (b) the maximum number of days that British fishing boats or foreign fishing boats holding rights to use the British catch quota may spend at sea.”

Member’s explanatory statement

This amendment would add foreign fishing boats to the determination made by the Secretary of State of the maximum quantity of sea fish caught, or of the maximum number of days at sea.

Stephanie Peacock
Luke Pollard

114

Clause 24, page 16, line 19, at end insert—

“(1A) No determination of effort quota under subsection (1)(b) may be made until the completion of a trial for the relevant area of sea, stocks fished, fishing methods used, documentation methods used and any other relevant considerations that demonstrates that there is no evidence that such a determination—

- (a) might cause a detriment to the achievement of any of the fisheries objectives;
- (b) might cause the maximum sustainable yield of any stock to be exceeded;
- (c) might reduce the accuracy of the recording of catches;
- (d) might increase the risk of danger to the crew of fishing boats.”

Member’s explanatory statement

This amendment would prevent the Secretary of State making a determination of effort quota until it has been shown not to cause adverse impacts through a days at sea trial.

Stephanie Peacock
Luke Pollard

115

Clause 24, page 16, line 26, at end insert—

“(3A) The Secretary of State must ensure that a baseline stock assessment has been made for all non-quota species by 2030 and must report on progress on an annual basis.”

Member’s explanatory statement

This amendment would require the Secretary of State to gather a baseline stock assessment for those stocks that are not subject to catch limits.

Stephanie Peacock
Luke Pollard

116

Clause 24, page 16, line 43, at end insert—

“(7A) The Secretary of State may also determine, for such year or other period as may be specified in the determination, the maximum number of different descriptions of sea fish that may be caught, tagged and released, for the purposes of gathering data to aid scientific study, by those engaged in recreational fishing.”

Member’s explanatory statement

This amendment would give the Secretary of State the power to determine a ‘catch, tag and release’ quota for recreational fishing for the purposes of gathering data to aid scientific study.

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

112

Clause 24, page 17, line 8, leave out “negative” and insert “affirmative”
Member’s explanatory statement
This amendment would make the relevant regulations subject to the affirmative procedure.

Stephanie Peacock
Luke Pollard

117

Clause 25, page 17, line 19, at end insert—
“(e) the public.”
Member’s explanatory statement
This amendment would require the Secretary of State to conduct a public consultation prior to making or withdrawing a determination under section 24.

Stephanie Peacock
Luke Pollard

118

Clause 25, page 17, line 24, at end insert “and stating what published scientific advice was used as the basis of the decision,”
Member’s explanatory statement
This amendment would require the Secretary of State to state what scientific advice was used when making or withdrawing a determination under section 24.

Stephanie Peacock
Luke Pollard

119

Clause 26, page 17, leave out line 38
Member’s explanatory statement
This amendment would remove historical catch levels as a basis for distributing catch quotas and effort quotas

Stephanie Peacock
Luke Pollard

120

Clause 26, page 17, line 44, at end insert—
“(3A) When distributing English fishing opportunities, the Secretary of State may redistribute any fishing opportunities made available before IP completion day, and any such distribution and redistribution must be carried out according to social, environmental and local economic criteria following national and regional consultation from relevant stakeholder advisory groups, including representative groups from across the fishing fleet, scientists, and environmental groups.”
Member’s explanatory statement
This amendment would allow the redistribution of existing fishing opportunities in England and would mean that such distribution and redistribution had to be carried out in accordance with certain criteria, following consultation.

 Fisheries Bill [*Lords*], *continued*

Stephanie Peacock
Luke Pollard

121

Clause 26, page 17, line 44, at end insert—

“(3A) When distributing catch quotas for use by fishing boats, the national fisheries authorities may make provision for the pooling of catch quotas by two or more boats.

(3B) Before making provision for the pooling of catch quotas under subsection (3A), the national fisheries authorities must be satisfied that any pooling will lead to a reduction in the discard of catch, including bycatch.”

Member’s explanatory statement

This amendment would allow the national fisheries authorities to enable catch quota to be pooled by two or more boats in cases where doing so would avoid discards.

Stephanie Peacock
Luke Pollard
Ruth Jones
Rosie Duffield

82

Clause 26, page 17, line 44, at end insert—

“(c) access for the purpose of recreational fishing, including by means of boats chartered for that purpose, to increased stock levels of recovering species.”

Member’s explanatory statement

This amendment would add access by recreational fishing to increased stock levels of recovering species to the list of things that national fisheries authorities must seek to incentivise when distributing catch quotas and effort quotas.

Stephanie Peacock
Luke Pollard

124

Clause 27, page 18, line 9, leave out “Before making a determination under section 24 for the first time” and insert “After allocating catch and effort quotas to the national fisheries authorities”

Member’s explanatory statement

This amendment would require the Secretary of State to allocate quotas to the national fisheries authorities before establishing a minimum quota for new entrants and 10m and under boats.

Stephanie Peacock
Luke Pollard

123

Clause 27, page 18, line 23, at end insert—

“(aa) consider the impact on communities with high unemployment;

(ab) consider the impact on small and medium-sized enterprises, and”

Member’s explanatory statement

This amendment would require the Secretary of State to consider the impact on communities with high unemployment, and on small and medium-sized enterprises, when making a determination under section 24.

Fisheries Bill [Lords], continued

Victoria Prentis

6

Page 18, line 7, leave out Clause 27

Member's explanatory statement*This amendment removes clause 27, which was inserted at Report stage in the Lords.*Stephanie Peacock
Luke Pollard

125

Clause 28, page 18, line 43, at end insert—

“(3A) The national fisheries authorities must publish, on at least an annual basis, a comparison of the number of each species of sea fish caught and—

- (a) the catch quota for that species for that year, and
- (b) the maximum sustainable yield (FMSY) reference point for that species for that year.

(3B) The publication under subsection (3A) must, where the number of sea fish caught in a calendar year has exceeded the figures in paragraphs (3A)(a) or (3A)(b), note the impact on fish stocks that exceeding that figure is thought to have had.”

Member's explanatory statement*This amendment would require the publication of the quantity of fish caught, by species, to enable the impact on the sustainability of fish stocks to be assessed.*Stephanie Peacock
Luke Pollard
Ruth Jones
Rosie Duffield

81

Clause 35, page 23, line 44, at end insert—

“(1A) Prior to giving financial assistance under subsection (1)(i), the Secretary of State must conduct a public consultation on how best to promote sustainable public access to recreational fishing opportunities, taking socioeconomic factors into account.

(1B) The consultation in subsection (1A) must include consideration of the use of boats that are chartered for recreational fishing.”

Member's explanatory statement*This amendment would require the Secretary of State to conduct a consultation on recreational fishing prior to providing financial assistance.*Stephanie Peacock
Luke Pollard

126

Clause 35, page 23, line 44, at end insert—

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

- (k) the promotion of fishery products to consumers;

Fisheries Bill [Lords], continued

- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

Member’s explanatory statement

This amendment would enable financial assistance to be provided in England for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.

Stephanie Peacock
Luke Pollard

134

Clause 35, page 23, line 44, at end insert—

- “(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

Member’s explanatory statement

This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fish or aquaculture activities in England.

Victoria Prentis

54

Clause 35, page 24, line 15, at end insert—

- “(c) require the Secretary of State, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In subsection (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
 - (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Member’s explanatory statement

This amendment allows financial assistance schemes to include requirements to publish information about financial assistance given under the scheme.

Stephanie Peacock
Luke Pollard

138

Clause 35, page 24, line 20, at end insert—

- “(5A) The scheme shall be open to statutory harbour authorities.”

Member’s explanatory statement

This amendment would ensure that all statutory harbour authorities are eligible for financial assistance under the scheme, regardless of ownership.

 Fisheries Bill [*Lords*], *continued*

Stephanie Peacock
Luke Pollard

127

Schedule 6, page 72, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

Member’s explanatory statement

This amendment would enable financial assistance to be provided in Scotland for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.

Stephanie Peacock
Luke Pollard

135

Schedule 6, page 72, line 8, at end insert—

- “(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

Member’s explanatory statement

This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Scotland..

Victoria Prentis

56

Schedule 6, page 72, line 19, at end insert—

- “(c) require the Scottish Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Member’s explanatory statement

This amendment allows financial assistance schemes made by the Scottish Ministers to include requirements to publish information about financial assistance given under the scheme.

 Fisheries Bill [*Lords*], *continued*

Stephanie Peacock
Luke Pollard

128

Schedule 6, page 73, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

Member’s explanatory statement

This amendment would enable financial assistance to be provided in Wales for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.

Stephanie Peacock
Luke Pollard

136

Schedule 6, page 73, line 8, at end insert—

- “(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

Member’s explanatory statement

This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Wales.

Victoria Prentis

57

Schedule 6, page 73, line 19, at end insert—

- “(c) require the Welsh Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Member’s explanatory statement

This amendment allows financial assistance schemes made by the Welsh Ministers to include requirements to publish information about financial assistance given under the scheme.

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

129

Schedule 6, page 74, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

Member’s explanatory statement

This amendment would enable financial assistance to be provided in Northern Ireland for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.

Stephanie Peacock
Luke Pollard

137

Schedule 6, page 74, line 8, at end insert—

- “(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

Member’s explanatory statement

This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Northern Ireland.

Victoria Prentis

58

Schedule 6, page 74, line 19, at end insert—

- “(c) require the Northern Ireland department, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Member’s explanatory statement

This amendment allows financial assistance schemes made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to include requirements to publish information about financial assistance given under the scheme.

 Fisheries Bill [*Lords*], *continued*

Stephanie Peacock
Luke Pollard

96

- Clause 36, page 25, line 21, leave out “negative” and insert “affirmative”
Member’s explanatory statement
This amendment would make the relevant regulations subject to the affirmative procedure.
-

Stephanie Peacock
Luke Pollard

130

- Clause 38, page 26, line 6, 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 purposes for which Clause 38 enables the Secretary of State to make regulations.

Stephanie Peacock
Luke Pollard

139

- Clause 38, page 26, line 37, at end insert—
“(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.”
Member’s explanatory statement
This amendment would give the Secretary of State the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in England.
-

Victoria Prentis

144

- ☆ Clause 41, page 28, line 24, after “Senedd Cymru” insert “(ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006)”
Member’s explanatory statement
This amendment has the effect that the Secretary of State’s power to make regulations under clause 38 without the consent of the Welsh Ministers does not to include power to make provision that would be within the legislative competence of Senedd Cymru with the consent of a Minister of the Crown.

Victoria Prentis

7

- Clause 41, page 28, line 31, after “of”, insert “sea fishing by”
Member’s explanatory statement
This amendment clarifies the scope of the Secretary of State’s power to make regulations under clause 38 or 40 in relation to matters that are also within the scope of the corresponding powers conferred on the devolved authorities under Schedule 8.
-

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

97

Clause 43, page 29, line 32, leave out from “if” to the end of line 42

Member’s explanatory statement

This amendment would make the relevant regulations subject to the affirmative procedure.

Stephanie Peacock
Luke Pollard

131

Schedule 8, page 79, line 16, 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 purposes for which Schedule 8 enables the Scottish Ministers to make regulations.

Stephanie Peacock
Luke Pollard

140

Schedule 8, page 80, line 2, at end insert—

“(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.”

Member’s explanatory statement

This amendment would give the Scottish Ministers the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Scotland.

Stephanie Peacock
Luke Pollard

132

Schedule 8, page 83, line 4, 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 purposes for which Schedule 8 enables the Welsh Ministers to make regulations.

Stephanie Peacock
Luke Pollard

141

Schedule 8, page 83, line 34, at end insert—

“(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.”

Member’s explanatory statement

This amendment would give the Welsh Ministers the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Wales.

 Fisheries Bill [*Lords*], *continued*

Victoria Prentis

50

Schedule 8, page 85, line 26, after “of”, insert “sea fishing by”

Member’s explanatory statement

This amendment clarifies the scope of the Welsh Ministers’ power to make regulations under paragraph 6 or 8 of Schedule 8 in relation to matters that are not within the legislative competence of Senedd Cymru.

Victoria Prentis

146

☆ Schedule 8, page 85, line 26, at end insert—

“(3A) Provision which does not fall within sub-paragraph (3)(a), but which would do so but for a requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006, may be included in regulations under paragraph 6 or 8 with the consent of the Secretary of State.”

Member’s explanatory statement

This amendment enables the Welsh Ministers, with the consent of the Secretary of State, to include in regulations under paragraph 6 or 8 provision that is only within the legislative competence of Senedd Cymru if consent has been given by a Minister of the Crown.

Stephanie Peacock

Luke Pollard

133

Schedule 8, page 86, line 34, 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 purposes for which Schedule 8 enables the Northern Ireland department to make regulations.

Stephanie Peacock

Luke Pollard

142

Schedule 8, page 87, line 22, at end insert—

“(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.”

Member’s explanatory statement

This amendment would give the Northern Ireland department the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Northern Ireland.

Victoria Prentis

51

Schedule 9, page 93, line 12, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”

Member’s explanatory statement

This technical amendment updates a cross reference to a set of regulations so that it refers to the current version.

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

98

Schedule 9, page 95, line 16, leave out “and” and insert “or”

Member’s explanatory statement

This amendment would enable the Marine Management Organisation to make byelaws to protect marine features in circumstances where the need for protection is not urgent.

Victoria Prentis

52

Schedule 9, page 96, line 37, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”

Member’s explanatory statement

This technical amendment updates a cross reference to a set of regulations so that it refers to the current version.

Victoria Prentis

59

Schedule 10, page 105, line 39, at end insert—

Commission Delegated Regulation (EU) No 1393/2014

- 3A (1) Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters is amended as follows.
- (2) In Article 1 (subject matter)—
- (a) the existing text becomes paragraph 1;
 - (b) in that paragraph, for the words from “in the north-western” to “that Regulation” substitute “and applies to waters within ICES subarea 5B that are within United Kingdom waters and to waters within ICES subareas 6 and 7 that are not within Union waters”;
 - (c) after that paragraph insert—

“2 In paragraph 1, “United Kingdom waters” and “Union waters” have the meaning they have in Regulation (EU) No 1380/2013.”
- (3) In Article 2 (survivability exemption), in paragraph 6 for “and 2020” substitute “, 2020 and 2021”.
- (4) In Article 3a (de minimis exemptions in the years 2018, 2019 and 2020)—
- (a) in the heading, for “and 2020” substitute “, 2020 and 2021”;
 - (b) in points (a), (b) and (c), for “and 2020” substitute “, 2020 and 2021”.
- (5) For Article 5 (entry into force) substitute—

“Article 5

Expiry

This regulation ceases to have effect at the end of 31 December 2021.”

Commission Delegated Regulation (EU) No 1395/2014

- 3B (1) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea is amended as follows.

Fisheries Bill [Lords], continued

- (2) In Article 1 (subject matter)—
- (a) the existing text becomes paragraph 1;
 - (b) in that paragraph, for the words from “in the North” to “that Regulation” substitute “and applies to waters within ICES division 2a and subarea 4 that are within United Kingdom waters”;
 - (c) after that paragraph insert—
- “2 In paragraph 1, “United Kingdom waters” has the meaning it has in Regulation (EU) No 1380/2013.”
- (3) In Article 3a (de minimis exemption in the years 2018, 2019 and 2020)—
- (a) in the heading, for “and 2020” substitute “, 2020 and 2021”;
 - (b) in the body, for “and 2020” substitute “, 2020 and 2021”.
- (4) Article 4a (Danish North Sea coast) is revoked.
- (5) For Article 5 (application) substitute—

“Article 5

Expiry

This regulation ceases to have effect at the end of 31 December 2021.”

Member’s explanatory statement

This amendment makes minor changes to retained EU legislation in connection with the application of the landing obligation.

Victoria Prentis

53

Schedule 10, page 106, line 4, at end insert—

“Regulation (EU) 2017/2403

4A Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets is revoked.”

Member’s explanatory statement

This amendment revokes an EU Regulation that is not needed after IP completion day.

Victoria Prentis

60

Schedule 10, page 111, line 31, at end insert—

Commission Delegated Regulation (EU) 2019/2238

8A (1) Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 is amended as follows.

- (2) In Article 3 (exemptions for Norway lobster)—
- (a) in paragraph 1, omit point (b);
 - (b) omit paragraph 3.
- (3) In Article 6 (exemption for plaice)—
- (a) in paragraph 1, omit point (c);
 - (b) in paragraph 2, in point (b), for “80-99” substitute “80”;
 - (c) omit paragraph 4.
- (4) In Article 8 (exemption for turbot), omit paragraph 2.
- (5) In Article 10 (de minimis exemptions)—

Fisheries Bill [Lords], continued

- (a) in point (f) after “6% in 2020” insert “and 2021”;
- (b) in each of points (f), (h) and (k) to (n), omit the words from “the de minimis” to the end;
- (c) after point (n) insert—
 - “(o) in fisheries by vessels using bottom trawls (OTB, OTT, TB, TBN) of mesh size 80-99mm in the United Kingdom waters of ICES subarea 4 and ICES Division 2a:

a quantity of Norway lobster below the minimum conservation reference size, which shall not exceed 2% of the total annual catches of that species.”

Commission Delegated Regulation (EU) 2019/2239

- 8B (1) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 is amended as follows.
- (2) In Article 6 (exemption for plaice), omit paragraph (2).
- (3) In Article 8 (de minimis exemptions)—
 - (a) in paragraph 1, in each of points (d) to (k), omit “in 2020”;
 - (b) omit paragraph 2.”

Member’s explanatory statement

This amendment makes minor changes to retained EU legislation in connection with the application of the landing obligation.

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

92

Clause 48, page 31, line 21, leave out “Secretary of State” and insert “fisheries policy authorities”

Member’s explanatory statement

This amendment is to ensure respect for devolved competence on this issue by giving regulation making powers to appropriate fisheries policy authorities.

Stephanie Peacock
Luke Pollard

108

Clause 48, page 31, line 23, leave out “the UK Exclusive Economic Zone” and insert “England or the English zone”

Member’s explanatory statement

This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

143

Clause 48, page 31, line 29, at end insert—

“(iii) monitoring compliance with personal flotation device regulations;”

Member’s explanatory statement

For boats over 10 metres in length, this amendment would require the on-board cameras to be used additionally to monitor compliance with regulations about lifejackets.

Stephanie Peacock
Luke Pollard

109

Clause 48, page 31, line 30, leave out “British vessels fishing outside the UK Exclusive Economic Zone” and insert “English vessels fishing outside England and the English zone”

Member’s explanatory statement

This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.

Stephanie Peacock
Luke Pollard

110

Clause 48, page 31, line 43, leave out “the UK Exclusive Economic Zone” and insert “England or the English zone”

Member’s explanatory statement

This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

93

Clause 48, page 32, line 2, after “made” insert “by the Secretary of State”

Member’s explanatory statement

This amendment is consequential on Amendment 92.

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

94

Clause 48, page 32, line 3, at end insert—

“(3) Regulations under this section are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This amendment enables appropriate parliamentary scrutiny of the proposals by each respective Parliamentary Body and is consequential on Amendment 92.

Fisheries Bill [Lords], continued

Victoria Prentis

8

Page 31, line 20, leave out Clause 48

Member's explanatory statement*This amendment removes clause 48, which was inserted at Report stage in the Lords.*

Victoria Prentis

9

Clause 51, page 35, leave out lines 26 to 28 and insert—

““minimum conservation reference size”, in relation to an aquatic organism, means the size of a member of the species of which the organism is a member, at the level of maturity of that organism, below which capture or retention is prohibited or restricted;”

Member's explanatory statement*This amendment clarifies the definition of “minimum conservation reference size”.*

Victoria Prentis

145

☆ Clause 51, page 35, line 28, at end insert—

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);”

Member's explanatory statement*This amendment inserts into the Bill a definition of “Minister of the Crown”.*

Victoria Prentis

10

Clause 52, page 37, line 3, leave out “revocation made by paragraph 5” and insert “repeals and revocations made by paragraphs 3 to 5”

Member's explanatory statement*This amendment ensures that the repeal in Schedule 4 of the current regime governing access of foreign fishing boats to British waters extends to the Channel Islands and the Isle of Man.*

Victoria Prentis

55

Clause 53, page 37, line 30, at end insert—

“(4A) Section (*conservation of seals*) and Schedule (*conservation of seals*) come into force on 1 March 2021.”

Member's explanatory statement*This amendment provides that the proposed new clause and Schedule on the conservation of seals come into force on 1 March 2021.*

Fisheries Bill [Lords], continued

Stephanie Peacock
 Luke Pollard
 Ruth Jones
 Rosie Duffield

Clause 54, page 37, line 37, after “the” insert “Sustainable”

83

Victoria Prentis

Clause 54, page 37, line 38, leave out subsection (2)

Member’s explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

84

Victoria Prentis

To move the following Clause—

NC1

“Conservation of Seals

Schedule (*conservation of seals*) contains amendments of the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) in connection with prohibiting the killing, injuring or taking of seals.”

Member’s explanatory statement

This new clause introduces the proposed new Schedule on the conservation of seals.

Stephanie Peacock
 Luke Pollard
 Ruth Jones
 Rosie Duffield

To move the following Clause—

NC2

“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, including those who charter boats for the purpose 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.
- (3) The first report under subsection (2) shall be published no more than 12 months after this section comes into force.”

Fisheries Bill [Lords], continued
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.

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

NC3

To move the following Clause—

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

- (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.”

Member's explanatory statement

The primary purpose of this new clause is to give the Sea Fish Industry Authority greater flexibility to exercise its functions separately and differently in different parts of the UK. It inserts a new clause into subsection 3, which will enable the Authority to do this.

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

NC4

To move the following Clause—

“Sea Fish Industry Authority: delegation of functions

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

Fisheries Bill [Lords], continued

- (2) After section 3A (exercise of functions in relation to different parts of the UK etc.), insert—

“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.”.”

Member’s explanatory statement

This new clause inserts a new clause which will allow the Authority to authorise any other person to exercise on its behalf any of its functions to the extent determined by the Authority. It will also allow the Authority to give any such person financial and other assistance to do so.

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

NC5

To move the following Clause—

“Sea Fish Industry Authority: accounts and reports

- (1) The Fisheries Act 1981 is amended as follows.
- (2) In section 11 (accounts and reports)—
- (a) 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.”,
 - (b) 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,

Fisheries Bill [Lords], continued

- (b) promoting the marketing and consumption of, and the export of, sea fish and sea fish products relating to that part.”.”

Member’s explanatory statement

This new clause is intended to ensure that the Authority reports how income received from the levies it imposes has been applied in respect of each part of the United Kingdom.

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

NC6

To move the following Clause—

“Sea Fish Industry Authority: plan relating to allocation of Scottish levies

- (1) The Fisheries Act 1981 is amended as follows.
 (2) After section 11 (accounts and reports), insert—

“11A Plan relating to allocation of Scottish levies

- (1) Before the start of each financial year, the Authority must—
- (a) prepare a plan setting out—
 - (i) an estimate of the total amount of income that the Authority expects to receive during 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 (“Scottish levies”), and
 - (ii) a description of how the Authority proposes to apply that income in the course of exercising its functions, and
 - (b) refer the plan to the committee appointed under paragraph 16(A1) of Schedule 1 (“the Scottish committee”) for approval of the Authority’s proposal mentioned in paragraph (a)(ii).
- (2) If, as a result of relevant regulations, the Authority estimates that the total amount of income that it expects to receive from Scottish levies during a financial year is greater than the total amount of income that it received from Scottish levies during the previous financial year, the Authority’s plan prepared under subsection (1) for the financial year must include a statement describing how the Authority proposes in particular to apply the additional income from Scottish levies in the course of exercising its functions.
- (3) For the purposes of subsection (2)—
- (a) “relevant regulations”, in relation to a financial year, means—
 - (i) regulations made by the Authority under section 4(2) during the previous financial year, and
 - (ii) regulations which the Authority expects to make, and to be confirmed by the Scottish Ministers, under section 4(2) during the financial year,
 - (b) the total amount of income received by the Authority from Scottish levies during a previous financial year is the total

Fisheries Bill [Lords], continued

amount of such income as recorded in the Authority's accounts kept under section 11(1) in respect of that year.

- (4) The Authority—
- (a) must publish a plan prepared under subsection (1) as soon as reasonably practicable after receiving the Scottish committee's approval as mentioned in subsection (1)(b), and
 - (b) may publish the plan in such manner as it considers appropriate.
- (5) The Authority must, as soon as reasonably practicable after publishing a plan under subsection (4)—
- (a) send a copy of the plan to the Scottish Ministers, and
 - (b) lay the plan before the Scottish Parliament.
- (6) The Authority must have regard to each relevant plan—
- (a) in the exercise of its functions, and
 - (b) in particular, in authorising any other person under section 3B to exercise any of its functions on its behalf.
- (7) A person who is authorised by the Authority under section 3B to exercise any of the Authority's functions must have regard to each relevant plan in the exercise of those functions.
- (8) In subsections (6) and (7), "relevant plan", in relation to the exercise of a function, means—
- (a) the latest plan published under subsection (4), and
 - (b) any earlier plan published under that subsection in so far as it contains a proposal mentioned in subsection (1)(a)(ii) (or, as the case may be, in subsection (2)) to apply income during the financial year in which the function is being exercised."

Member's explanatory statement

The primary purpose of this new clause is to ensure the Authority sets out an annual plan that outlines how it intends to apply the levy income it expects to receive. This plan must make comparison to the levy income of the previous year and where the levy income is expected to be higher detail how the Authority proposes to apply the additional income from Scottish levies.

Deidre Brock
Steven Bonnar
Brendan O'Hara
Patrick Grady

NC7

To move the following Clause—

“Sea Fish Industry Authority: committee for Scotland

- (1) The Fisheries Act 1981 is amended as follows.
- (2) 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.

Fisheries Bill [Lords], continued

- (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”.”

Member’s explanatory statement

This new clause’s new provisions require the Authority to 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. They additionally require the consultation of this committee on the exercise of the Authority’s functions in relations to Scotland.

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

NC8

To move the following Clause—

“Sea Fish Industry Levies: powers in relation to Scotland and the Scottish Zone

- (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.
- (9B) Before laying a draft Scottish statutory instrument containing an order under subsection (7) before the Scottish Parliament, the Scottish Ministers must consult—
- (a) the committee appointed under paragraph 16(A1) of Schedule 1, and
- (b) such other persons as they consider appropriate.”.

Fisheries Bill [Lords], continued

- (3) In section 14 (interpretation of Part 1), 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))”.
- (4) 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 The Scottish Ministers must, before making an order confirming any regulations, consult—
- (a) the committee appointed under paragraph 16(A1) of Schedule 1, and
- (b) such other persons as they consider appropriate.
- 5 In this schedule, “appropriate Ministerial authority” has the same meaning as in section 4 of this Act.”.

Member’s explanatory statement

The primary purpose of this new clause is to devolve, to the Scottish Ministers, the control of the Scottish aspects of levies imposed by the Authority. Currently, levies imposed by the Authority require confirmation by the relevant Ministers for England, Wales and Northern Ireland with the agreement of the Scottish Ministers. The new clause intends to ensure that levies imposed in relation to Scotland require confirmation by Scottish Ministers.

Deidre Brock
 Steven Bonnar
 Brendan O’Hara
 Patrick Grady

NC9

To move the following Clause—

“Sea Fish Industry Levies: definitions relating to Scotland and the Scottish Zone

- (1) The Fisheries Act 1981 is amended as follows.
- (2) In section 14 (interpretation of Part 1), after the definition of “the Ministers” 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);”.

Member’s explanatory statement

This new clause inserts a new clause which makes consequential new clause to section 14 (interpretation of Part 1) of the 1981 Act by inserting definitions of “Scotland” and “the Scottish zone”.

Fisheries Bill [Lords], continued

Stephanie Peacock
Luke Pollard

NC10

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.

Stephanie Peacock
Luke Pollard

NC11

To move the following Clause—

“Highly Protected Marine Areas for England

- (1) The Secretary of State must publish a plan to designate Highly Protected Marine Areas for England.
- (2) Before publishing a plan under subsection (1), the Secretary of State must carry out a public consultation.
- (3) The plan in subsection (1) must be published by 31 December 2021.”

Member’s explanatory statement

This new clause would require the Secretary of State to carry out a consultation and publish a plan to designate Highly Protected Marine Areas for England.

Stephanie Peacock
Luke Pollard

NC12

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 in all areas of the UK’s Exclusive Economic Zone except for Scotland, the Scottish zone, Wales, the Welsh zone, Northern Ireland and the Northern Ireland zone during fishing activities.
- (2) Regulations under this section may make provision—
 - (a) to prohibit the disposal of plastic items while at sea;

Fisheries Bill [Lords], continued

- (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;
- (d) to prohibit the use of certain categories of plastic item during fishing activities;
- (e) to require the holder of a licence to fish granted under this Act to publish a plan for the reduction of plastic waste if the annual value of the fish landed by the licence holder exceeds £1,000,000.

(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 in England and in English waters during fishing activities.

Stephanie Peacock
Luke Pollard

NC13

To move the following Clause—

“Enforcement of licences

- (1) A Minister of the Crown must, before the end of the period of 6 months beginning with the day on which this Act is passed, and annually by the 30 November every year thereafter, lay before Parliament a statement containing the policy of Her Majesty's Government in relation to the—
 - (a) routine patrolling of waters within British fishery limits, and
 - (b) enforcement of the requirements under sections 14(1) and 16(1).
- (2) Before making a statement under subsection (1), the Minister must consult—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Northern Ireland department.
- (3) The statement under subsection (1) must include a declaration of whether, in the Minister's opinion, the United Kingdom has sufficient resources to undertake the actions mentioned in subsections (1)(a) and (1)(b).
- (4) If, in the Minister's opinion, the United Kingdom does not have sufficient resources to undertake the actions mentioned in subsections (1)(a) and (1)(b), the Minister shall, within 30 days of making the statement, publish a strategy for acquiring such resources.
- (5) A strategy published under subsection (3) must be laid before both Houses of Parliament.
- (6) For the purpose of this section “sufficient resources” includes—
 - (a) an appropriate number of vessels,
 - (b) an appropriate number of personnel, and
 - (c) any other resource that a Minister of the Crown deems appropriate.”

Fisheries Bill [Lords], continued**Member's explanatory statement**

This new clause requires a Minister of the Crown to outline the Government's policy in relation to the patrolling of British waters and enforcement of fisheries licences, and, in the event of the UK not having sufficient resources, requires publication of a strategy for them.

Stephanie Peacock
Luke Pollard

NC14

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;
 - (b) inshore fisheries and conservation authorities;
 - (c) fishing industry representatives;
 - (d) representatives of the 10m and under fishing sector;
 - (e) recreational fishing representatives;
 - (f) environmental organisations;
 - (g) fish processors;
 - (h) port representatives;
 - (i) local government representatives; and
 - (j) 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 24, and
 - (c) making any regulations under this Act.
- (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) the take-up of fishing industry job opportunities by school and college leavers,
 - (e) present total catches and future projected total catches, by both volume and monetary value, and
 - (f) the economic and social value and impact of the fishing industry on coastal communities.

Fisheries Bill [Lords], continued

- (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 24 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 an Expert Advisory Council on Fisheries, and would provide for the Council’s membership and functions.

Stephanie Peacock
Luke Pollard

NC15

To move the following Clause—

“Fishing co-operatives

- (1) The Secretary of State must promote co-operatives within the fishing industry, in England, 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 establishing a new co-operative.
- (2) Financial assistance under subsection (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—
- (a) it is either—
 - (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 subsection (1)(a).”

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 in England by—for example—offering financial assistance, establishing support bodies or issuing guidance.

Fisheries Bill [Lords], continuedStephanie Peacock
Luke Pollard

NC16

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.”

Member’s explanatory statement*This new clause would require the Secretary of State to publish a fishing industry skills strategy.*Stephanie Peacock
Luke Pollard

NC17

To move the following Clause—

“Procurement of sustainable fishery products

The Secretary of State must lay before Parliament, within 12 months of this Act being passed, a strategy for increasing sustainable fish procurement in the public sector.”

Stephanie Peacock
Luke Pollard

NC18

To move the following Clause—

“Report on UK distant waters fishing fleet

- (1) The Secretary of State must at least once a year lay before Parliament a report on the commercial health and economic sustainability of the UK distant waters fishing fleet.
- (2) Each report must assess and address the following matters—
 - (a) the number and profitability of boats operating in the English distant water fleet;
 - (b) distant waters fishing opportunities currently available to and taken up by English boats;
 - (c) prospects for securing new or improved distant fishing opportunities; and

Fisheries Bill [Lords], continued

- (d) progress on negotiations between the UK and other independent coastal states or regional fisheries management organisations to secure existing new or improved distant fishing opportunities.
- (3) The first report must be laid before Parliament within six months of this Act being passed.
- (4) For the purposes of this section, “the UK distant waters fishing fleet” includes any British fishing boat which—
 - (a) is more than 24 metres in length; and
 - (b) operates outside of UK fishery limits.”

Member’s explanatory statement

This new clause requires the Secretary of State to report annually to Parliament on the commercial health and economic sustainability of the UK distant waters fishing fleet.

Stephanie Peacock
Luke Pollard

NC19

To move the following Clause—

“Report on fish caught in UK waters but landed abroad

- (1) Within 12 months of this Act being passed and annually thereafter, the Secretary of State must lay before Parliament a report stating—
 - (a) what fish have been caught within the UK Exclusive Economic Zone but landed at ports outside the United Kingdom, Isle of Man, Guernsey or Jersey; and
 - (b) why such fish were not landed at a port in the United Kingdom, Isle of Man, Guernsey or Jersey.”

Stephanie Peacock
Luke Pollard

NC20

To move the following Clause—

“Coronavirus and the fishing industry: report

- (1) The Secretary of State must, within six months of this Act being passed, lay before Parliament a report on the impact of coronavirus and coronavirus disease upon the fishing industry.
- (2) The report must assess and address the effects of coronavirus and coronavirus disease upon—
 - (a) the fishing industry workforce;
 - (b) the supply and availability of fishery products;
 - (c) demand for fishery products;
 - (d) access to export markets for fishery products;
 - (e) prices of fishery products, and
 - (f) the commercial viability of the catching sector.

Fisheries Bill [Lords], continued

- (3) In this section—
 “coronavirus” means severe acute respiratory syndrome coronavirus 2;
 “coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus).”

Member’s explanatory statement

This new clause requires the Secretary of State to report to Parliament on the impact of coronavirus and coronavirus disease upon the fishing industry.

Stephanie Peacock
 Luke Pollard

NC21

To move the following Clause—

“Labelling of fishery products

- (1) The Secretary of State must, by regulations, ensure that all fisheries products offered for retail to the final consumer have appropriate marking or labelling to indicate—
 - (a) the commercial designation of the species as currently specified by the Department of Environment, Food and Rural Affairs or its successors, and its scientific name;
 - (b) the production method, in particular identified by use of the terms ‘wild caught’, ‘caught in freshwater’ or ‘farmed’;
 - (c) the area in which the product was caught or farmed; and
 - (d) the category of fishing gear used in the capture of the fisheries product.
- (2) For the purposes of subsection (1), the area in which the product was caught or farmed is defined as follows—
 - (a) for fish caught at sea, the Food and Agriculture Organization of the United Nations (FAO) catch area; and fish caught in the Northeast Atlantic, Mediterranean or Black Sea must be labelled with—
 - (i) the name of the FAO sub-area or division, and
 - (ii) a map or pictogram of the catch area;
 - (b) for freshwater fish—
 - (i) the country they were caught in, and
 - (ii) the name of the river or lake they were caught in; and
 - (c) for farmed fish, the country where they were harvested from the water when they reached their final size.”

Member’s explanatory statement

This new clause would require fisheries products to be labelled with categories of information for the consumer.

 Fisheries Bill [*Lords*], *continued*

Victoria Prentis

NS1

To move the following Schedule—

“CONSERVATION OF SEALS

PART 1

AMENDMENT OF THE CONSERVATION OF SEALS ACT 1970

1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 10 to 20.

2 For section 1 (prohibited methods of killing seals) substitute—

“1 Prohibition of the killing, injuring or taking of seals

A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”

3 Omit section 2 (close seasons for seals).

4 Omit section 3 (orders prohibiting killing seals).

5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.

6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—

“(a) any seal or seal skin in respect of which the offence was committed;

(b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;

(c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person’s possession at the time of the offence.”

7 In section 8 (attempt to commit offence), in subsection (2)—

(a) after “poisonous” insert “or explosive”;

(b) after “substance” insert “, any explosive article”;

(c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.

8 In section 9 (general exceptions)—

(a) in subsection (1)—

(i) for “2 or 3” substitute “1”;

(ii) in paragraph (a), omit “otherwise than by his act”;

(iii) omit paragraphs (b) and (c);

(b) in subsection (2)—

(i) omit “, 2 or 3”;

(ii) omit “otherwise than by his act”.

9 In section 10 (power to grant licences)—

(a) in subsection (1), in paragraph (c)—

(i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));

(ii) after sub-paragraph (ii) insert—

“(iia) the protection of animal or human health or public safety.”;

Fisheries Bill [Lords], continued

- (b) after subsection (1) insert—
- “(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 51 of that Act).”
- 10 In section 11 (entry upon land)—
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (d);
- (c) in subsection (4)—
- (i) omit the words from “, or in the” to “28 days’ notice,”;
- (ii) omit the words from “; and in the case” to the end;
- (d) omit subsection (5).
- 11 Omit section 14 (orders).
- 12 In section 15 (interpretation), at the appropriate places insert—
- ““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;
- ““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —
- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;
- ““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

PART 2

AMENDMENT OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

- 13 The Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) is amended in accordance with paragraphs 22 to 27.
- 14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute—
- “(a) a seal (pinniped), or”.
- 15 In Article 11 (exceptions to Article 10)—
- (a) after paragraph (1) insert—
- “(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—
- (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
- (b) sub-paragraph (c) were omitted.”;
- (b) after paragraph (3) insert—
- “(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.”

Fisheries Bill [Lords], continued

- 16 In Article 18 (power to grant licences), after paragraph (3) insert—
“(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.”
- 17 In Schedule 5 (animals which are protected at all times), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—
- | | |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 18 In Schedule 6 (animals which may not be killed or taken by certain methods), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—
- | | |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—
- | | |
|-------|------------|
| “Seal | Pinniped”” |
|-------|------------|

Member’s explanatory statement

This new Schedule makes amendments to the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985. The amendments would generally prohibit the killing, injuring or taking of seals, and limit the circumstances in which that can be permitted.

ORDER OF THE HOUSE [1 SEPTEMBER 2020]

That the following provisions shall apply to the Fisheries Bill [Lords]:

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 Thursday 17 September 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to 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.

Fisheries Bill [*Lords*], *continued*

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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ORDER OF THE COMMITTEE [8 SEPTEMBER 2020]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 8 September) meet—
 - (a) at 2.00 pm on Tuesday 8 September;
 - (b) at 11.30 am and 2.00 pm on Thursday 10 September;
 - (c) at 9.25 am and 2.00 pm on Tuesday 15 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 17 September;
 - (2) the proceedings shall be taken in the following order: Clauses 1 to 11; Schedule 1; Clauses 12 and 13; Schedule 2; Clauses 14 to 19; Schedule 3; Clauses 20 to 23; Schedule 4; Clauses 24 to 29; Schedule 5; Clauses 30 to 35; Schedule 6; Clause 36; Schedule 7; Clauses 37 to 44; Schedule 8; Clauses 45 and 46; Schedule 9; Clause 47; Schedule 10; Clauses 48 to 54; new Clauses; new Schedules; remaining proceedings on the Bill;
 - (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 17 September.
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