



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 2 September 2020

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: Amdts 1-60, NC1, NS1

PUBLIC BILL COMMITTEE

FISHERIES BILL [LORDS]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Victoria Prentis

1

★ Clause 1, page 1, line 12, leave out subsections (2) and (3) and insert—

“(2) The “sustainability objective” is that—

(a) fish and aquaculture activities are—

(i) environmentally sustainable in the long term, and

(ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and

(b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.”

Member’s explanatory statement

This amendment alters the definition of the “sustainability objective” so as to revert to the definition as it stood before it was substituted at Report stage in the Lords.

 Fisheries Bill [*Lords*], *continued*

Victoria Prentis

2

- ★ Clause 2, page 3, line 37, leave out “18 months” and insert “two years”

Member’s explanatory statement

This amendment extends the deadline for publishing the first joint fisheries statement. Under the Bill as it stands the deadline is 18 months after the Bill is passed; the amendment alters it to two years after the Bill is passed.

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 excepts 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.

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 1.

Fisheries Bill [Lords], continued

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.

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.

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.

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*

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

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*

Victoria Prentis

NC1

- ★ To move the following Clause—

“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.

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.

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.

 Fisheries Bill [*Lords*], *continued*

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 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.

Fisheries Bill [Lords], continued

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.
- (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.

 Fisheries Bill [*Lords*], *continued*

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”.

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.

 Fisheries Bill [*Lords*], *continued*

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.
 (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.

Fisheries Bill [Lords], continued

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

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.

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.

Fisheries Bill [Lords], continued

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.

(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.

 Fisheries Bill [*Lords*], *continued*

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”.”

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

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.

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

Fisheries Bill [Lords], continued

- (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.

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)”;

Fisheries Bill [*Lords*], *continued*

(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;

(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,”;

Fisheries Bill [Lords], continued

(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”.”

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

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
 - (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—

Fisheries Bill [Lords], continued

- (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.

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.

Fisheries Bill [Lords], continued*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.

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*

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.

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.

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.

 Fisheries Bill [*Lords*], *continued*

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.

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—

Fisheries Bill [Lords], continued

“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.
- (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.

Fisheries Bill [Lords], continued

- (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)—
- (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.

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.

Fisheries Bill [Lords], *continued*

- 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,”;
- (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;

Fisheries Bill [*Lords*], *continued*

- (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.”
- 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”

Fisheries Bill [Lords], continued

- 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 [2 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.

Other proceedings

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