



House of Commons

Tuesday 13 October 2020

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

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

FISHERIES BILL [*LORDS*], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Victoria Prentis

NC8

To move the following Clause—

“Agency arrangements between sea fish licensing authorities

- (1) A sea fish licensing authority may make arrangements for—
 - (a) any of its fisheries functions, or
 - (b) any of its product movement functions that are not fisheries functions, to be exercised on its behalf by another sea fish licensing authority.
- (2) Arrangements made by a sea fish licensing authority under subsection (1) in relation to a function do not affect that authority’s responsibility for the exercise of the function.
- (3) A sea fish licensing authority that exercises functions on behalf of another sea fish licensing authority under subsection (1) may charge that other authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) Subsection (1) does not authorise the making of arrangements in relation to any function of making, confirming or approving subordinate legislation.
- (5) The power of a sea fish licensing authority to make arrangements under subsection (1) does not affect, and is not affected by, any other power of the authority to make arrangements relating to the exercise of its functions by other persons on its behalf.

Fisheries Bill [Lords], continued

- (6) In this section—
- “fisheries function” means a function relating to fisheries, fishing or aquaculture;
 - “product movement function” means a function relating to the movement of fishery products—
 - (a) into or out of the United Kingdom, or
 - (b) within the United Kingdom.”

Member’s explanatory statement

This new clause confers powers on the sea fish licensing authorities to arrange for another such authority to exercise any of their fisheries functions or product movement functions.

 Victoria Prentis

NC9

To move the following Clause—

“Foreign fishing boats that are exclusively Faroe Islands-regulated

- (1) No prohibition, restriction or obligation relating to sea fishing imposed by any enactment applies to—
- (a) anything done or not done by or in relation to a foreign fishing boat at a time at which the fishing boat is in waters lying within the Special Area and is exclusively Faroe Islands-regulated, or
 - (b) anything done or not done in relation to sea fish that were caught by a foreign fishing boat in waters lying within the Special Area at a time at which the fishing boat was exclusively Faroe Islands-regulated.
- (2) For the purposes of this section a foreign fishing boat is “exclusively Faroe Islands-regulated” if—
- (a) 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, and
 - (b) the fishing boat is not on a list maintained and published by the Scottish Ministers for the purposes of this subsection.
- (3) In this section—
- (a) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018 and includes an enactment contained in or made under this Act;
 - (b) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
 - (c) “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.”

Fisheries Bill [*Lords*], *continued*

Member's explanatory statement

This new clause exempts foreign fishing boats from UK regulation where they are fishing in the Special Area and have a Faroe Islands licence. It also gives the Scottish Ministers power to remove this exemption 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

NC10

To move the following Clause—

“Interpretation of Welsh legislation

- (1) In the Interpretation Act 1978, section 23B (application of Interpretation Act 1978 to Welsh legislation), as substituted by paragraph 1 of Schedule 2 to the Legislation (Wales) Act 2019 (anaw 4), is amended in accordance with subsections (2) and (3).
- (2) In subsection (6), for “and “Wales”” substitute “, “Welsh zone” and (subject to subsection (7)) “Wales””.
- (3) After subsection (6) insert—
 - “(7) In relation to a provision that—
 - (a) relates to fishing, fisheries or fish health, and
 - (b) is contained in an instrument made after section 43 of the Fisheries Act 2020 comes into force,

“Wales” includes the area of the Welsh zone beyond the seaward limit of the territorial sea.”
- (4) The Legislation (Wales) Act 2019 (anaw 4) is amended in accordance with subsections (5) to (8).
- (5) In section 1(3)(d) (duty to keep accessibility of Welsh law under review)—
 - (a) in the English language text, omit “applies in relation to Wales and relates to subject matter which”;
 - (b) in the Welsh language text, omit “y mae’n gymwys o ran Cymru ac y mae’n ymwneud â phwnc”.
- (6) In section 3 (legislation to which Part 2 of the Act applies), after subsection (3)—
 - (a) in the English language text, insert—
 - “(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 00) comes into force, the reference in subsection (2)(b)(iii) to Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.”;
 - (b) in the Welsh language text, insert—
 - “(4) Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod ac a wneir ar ôl i adran 45 o Ddeddf Pysgodfeydd 2020 (p. 00) ddod i rym, mae’r cyfeiriad yn is-adran (2)(b)(iii) at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”

Fisheries Bill [Lords], continued

(7) After section 40—

(a) in the English language text insert—

“40A Application of this Part in relation to the Welsh zone

In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.”;

(b) in the Welsh language text insert—

“40A Cymhwyso’r Rhan hon mewn perthynas â pharth Cymru

Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod, mae cyfeiriadau yn y Rhan hon at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”

(8) In Schedule 1, in the Table—

(a) in the English language text, after the entry for “Welsh tribunal (*tribiwnlys Cymreig*)” insert—

“Welsh zone (*parth Cymru*)

“Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32) (and see article 3 of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), which makes provision about the limits of the zone”;

(b) in the Welsh language text, after the entry for “offeryn UE (*EU instrument*)” insert—

“parth Cymru (*Welsh zone*)

mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (a gweler erthygl 3 o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760), sy’n gwneud darpariaeth ynghylch terfynau’r parth).”

Member’s explanatory statement

This new clause amends legislation that deals with the interpretation of Welsh legislation, in consequence of the changes made to the legislative competence of Senedd Cymru by clause 45.

Fisheries Bill [*Lords*], *continued*

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

NC1

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

NC2

To move the following Clause—

“Sea Fish Industry Authority: delegation of functions

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

Fisheries Bill [Lords], continued

- (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

NC3

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,
 - (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.

Fisheries Bill [*Lords*], *continued*

Deidre Brock
Steven Bonnar
Brendan O’Hara
Patrick Grady

NC4

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 transhipped 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 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.

Fisheries Bill [Lords], continued

- (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

NC5

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.
 - (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”,

Fisheries Bill [Lords], continued

- (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

NC6

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.”.
- (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))”.

Fisheries Bill [Lords], continued

- (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

NC7

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*

Mr Alistair Carmichael

NC11

To move the following Clause—

Safety Regulation Within the Exclusive Economic Zone

- (1) The Secretary of State shall, after consultation, develop a regulatory regime for fisheries in the Exclusive Economic Zone with regard to—
 - (a) adherence to the Torremolinos International Convention for the Safety of Fishing Vessels 1993 and Cape Town Agreement of 2012
 - (b) regulation of safety of navigation by fishing vessels within the EEZ
- (2) For the purposes of subsection (1) the regulatory regime shall be agreed with devolved administrations, whose consent shall not be unreasonably withheld, and shall come into force no later than 31 December 2022.
- (3) For the purposes of subsection (1)(b) “regulation of safety of navigation” shall include, but not be limited to, regulation of acts by a person in charge of a fishing boat which causes or attempts to cause a collision or risk of collision with another vessel within the EEZ
- (4) For the purposes of subsection (3), a “person in charge of a fishing boat” shall include the master, the owner and the charterer (if any) of that vessel.
- (5) A person guilty of an offence under regulations made under this section shall be liable on summary conviction to—
 - (a) imprisonment for a period not exceeding two years,
 - (b) a fine, or
 - (c) both.

Member’s explanatory statement

The purpose of this new clause is to give the Secretary of State power to make regulations governing the safety of fishing vessels working within the EEZ in accordance with existing treaty obligations.

Mr Alistair Carmichael

NC12

To move the following Clause—

Safety of Fishing Vessels in the Exclusive Economic Zone

- (1) A person in charge of a fishing boat commits an offence if that person uses the vessel to—
 - (a) harass or impede another vessel within the EEZ, or
 - (b) endanger the safety of another vessel and/or those crewing it within the EEZ.
- (2) For the purposes of this section (1), a “person in charge of a fishing boat” shall include the master, the owner and the charterer (if any) of that vessel.
- (3) For the purposes of subsection (1), the Maritime and Coastguard Agency (MCA) shall be responsible for—
 - (a) monitoring the conduct of vessels within the EEZ, and
 - (b) passing information to a prosecuting authority.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
 - (a) imprisonment for a period not exceeding two years,

Fisheries Bill [Lords], continued

- (b) a fine, or
- (c) both.
- (5) The court by or before which a person is convicted of an offence under this section may award compensation for loss of earnings or damage to property caused as a consequence of the offence.
- (6) Where a fisheries protection officer, an official of the Maritime Coastguard Agency or a Police Constable has reasonable grounds to believe that an offence has been committed under this section, he shall have power to detain in port any vessel or equipment used in the commission of that offence.
- (7) Any property detained under subsection (6) shall not be held for longer than seven days unless authority to extend that period is granted by
 - (a) a Sheriff in the Sheriff Court in Scotland; or
 - (b) a judge in the Crown Court in England, Wales or Northern Ireland.
- (8) Any property held under subsections (6) or (7) shall be liable to forfeiture at the conclusion of any criminal proceedings brought under this section.

Member's explanatory statement

The purpose of this new clause is to give the Maritime and Coastguard Agency (MCA) appropriate powers to enforce safety within the limits of the UK's Exclusive Economic Zone. A person guilty of an offence shall be liable to criminal prosecution and civil proceedings for damage, loss of earnings and injury.

Luke Pollard
Stephanie Peacock
Daniel Zeichner
Ruth Jones

2

Clause 1, page 1, line 12, leave out subsection (2) and insert—

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

- (a) fish and aquaculture activities do not compromise environmental sustainability in either the short or the long term, and
- (b) subject to subsection (a) fishing fleets must—
 - (i) be managed to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
 - (ii) have fishing capacity that is economically viable and does not overexploit marine stocks.

(2A) The sustainability objective is the prime objective.”

Member's explanatory statement

This amendment makes the sustainability objective the prime fisheries objective and alters the definition of the “sustainability objective” to make other objectives subject to environmental sustainability in the short and long term.

Deidre Brock
Ian Blackford
Dave Doogan
Patrick Grady

57

Clause 1, page 1, line 14, after “the” insert “short and”.

Member's explanatory statement

This amendment would change the ‘sustainability objective’ to require that fish and aquaculture activities are environmentally sustainable in both the short and long term.

Fisheries Bill [*Lords*], *continued*

Luke Pollard
Stephanie Peacock
Daniel Zeichner
Ruth Jones

1

Clause 1, page 2, line 32, at end insert—

“(b) seafood landings into United Kingdom ports are increased and maximised; and

(c) that an average of not less than 65% of seafood caught in English waters, across all relevant species, should be landed in English ports.”

Member’s explanatory statement

This amendment would amend the “national benefit objective” to include a commitment to increase seafood landings into the United Kingdom and create a specific target for English ports.



Victoria Prentis

4

Clause 16, page 12, leave out lines 33 to 37

Member’s explanatory statement

This amendment is consequential on NC9.

Victoria Prentis

5

Clause 16, page 13, line 7, leave out subsections (9) and (10) and insert—

“(9) In this section “licence” means a licence granted under section 17.”

Member’s explanatory statement

This amendment is consequential on NC9.



Victoria Prentis

6

Clause 37, page 26, leave out lines 24 to 27

Member’s explanatory statement

This amendment removes the definition of “fishery products” from clause 37. The definition is inserted into clause 49 by a separate amendment. The effect is that the definition applies generally in the Bill. The definition is used in NC8.



Fisheries Bill [*Lords*], *continued*

Victoria Prentis

7

Clause 39, page 28, line 16, leave out from “State” to “under” in line 17 and insert “, or of any of the sea fish licensing authorities,”

Member’s explanatory statement

The purpose of subsection (5) of this clause is to prevent the regulation-making powers in sections 36 and 38 from being used to modify the licensing functions conferred by the Bill. This amendment ensures that subsection (5) protects the functions of all the sea fish licensing authorities.

Victoria Prentis

8

Clause 47, page 31, leave out lines 16 and 17

Member’s explanatory statement

This amendment removes the definition of “subordinate legislation” from clause 47. A revised version of the definition is inserted into clause 49 by a separate amendment. The effect is that the revised definition applies generally in the Bill. The definition is used in NC8.

Victoria Prentis

9

Clause 49, page 33, line 40, at end insert—

““fishery products” means—

- (a) fish or other aquatic organisms resulting from fishing or aquaculture, or
- (b) products derived from aquatic organisms within paragraph (a);”

Member’s explanatory statement

This amendment relocates the definition of “fishery products” (currently in clause 37 and Schedule 8) into clause 49 so that it applies generally throughout the Bill. The definition is used in NC8.

Victoria Prentis

10

Clause 49, page 35, line 11, at end insert—

““sea fish licensing authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers,
- (c) the Northern Ireland department, or
- (d) the Marine Management Organisation;”

Member’s explanatory statement

This amendment relocates the definition of “sea fish licensing authority” (currently in Schedule 3) into clause 49 so that it applies generally throughout the Bill. The definition is used in NC8.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

11

Clause 49, page 35, line 26, at end insert—

““subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation;”

Member’s explanatory statement

This amendment revises and relocates the definition of “subordinate legislation” (currently in clause 47) into clause 49 so that it applies generally throughout the Bill. The definition is used in NC8.

Victoria Prentis

36

Clause 50, page 36, line 6, at end insert—

“(6) Her Majesty may by Order in Council provide for the following provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man—

- (a) subsection (1)(a) of section 36 (power to make provision for the purpose of implementing international obligations),
- (b) subsections (4) to (6) of that section,
- (c) section 37 (interpretation of section 36),
- (d) sections 39 to 41 (regulations under section 36: scope and procedure),
- (e) section 48 (regulations), and
- (f) section 49 (interpretation).”

Member’s explanatory statement

This amendment would allow the power of the Secretary of State to make provision about fisheries for the purpose of implementing international obligations to be extended to the Crown Dependencies.

Victoria Prentis

12

Clause 51, page 36, line 13, at end insert—

“(da) section (*Agency arrangements between sea fish licensing authorities*) (agency arrangements between sea fish licensing authorities);”

Member’s explanatory statement

This amendment provides that NC8 comes into force on Royal Assent..

Victoria Prentis

13

Clause 51, page 36, line 16, leave out “Section 43 (legislative competence of Senedd Cymru)” and insert “Sections 43 and (*Interpretation of Welsh legislation*) (legislative competence of Senedd Cymru etc)”

Member’s explanatory statement

This amendment provides that NC10 comes into force two months after Royal Assent.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

14

Clause 51, page 36, line 21, leave out “and Schedules 3 and 4” and insert “, Schedule 3 and (subject to subsection (5A)) Schedule 4”

Member’s explanatory statement

This amendment relates to the commencement of the amendment, inserted by another government amendment into Schedule 4, that clarifies the procedure in the Scottish Parliament applicable to certain Scottish Statutory Instruments made by the Scottish Ministers under the Sea Fish Conservation Act 1967.

Victoria Prentis

15

Clause 51, page 36, line 23, at end insert—

“(da) section (*Foreign fishing boats that are exclusively Faroe Islands-regulated*) (foreign fishing boats exclusively Faroe-Islands regulated);”

Member’s explanatory statement

This amendment provides that NC9 comes into force on Royal Assent.

Victoria Prentis

16

Clause 51, page 36, line 34, at end insert—

“(5A) In Schedule 4, the amendment made by paragraph 6(13)(d) is treated as always having had effect.”

Member’s explanatory statement

This amendment relates to the commencement of the amendment, inserted by another government amendment into Schedule 4, that clarifies the procedure in the Scottish Parliament applicable to certain Scottish Statutory Instruments made by the Scottish Ministers under the Sea Fish Conservation Act 1967.

Victoria Prentis

17

Schedule 2, page 42, line 35, leave out sub-paragraph (6)

Member’s explanatory statement

This amendment is consequential on NC9.

Victoria Prentis

18

Schedule 2, page 44, line 3, leave out sub-paragraph (5)

Member’s explanatory statement

This amendment is consequential on NC9.

Victoria Prentis

19

Schedule 2, page 44, line 35, leave out sub-paragraph (4)

Member’s explanatory statement

This amendment is consequential on NC9.

Fisheries Bill [*Lords*], *continued*

- Victoria Prentis 20
- Schedule 2, page 45, line 23, leave out sub-paragraphs (3) and (4)
Member's explanatory statement
This amendment is consequential on NC9.
- Victoria Prentis 21
- Schedule 2, page 46, line 3, leave out sub-paragraphs (3) and (4)
Member's explanatory statement
This amendment is consequential on NC9.
- Victoria Prentis 22
- Schedule 2, page 46, line 41, leave out from beginning to end of line 6 on page 47
Member's explanatory statement
This amendment is consequential on NC9.
- Victoria Prentis 23
- Schedule 2, page 47, line 30, leave out sub-paragraphs (3) and (4)
Member's explanatory statement
This amendment is consequential on NC9.
- Victoria Prentis 24
- Schedule 2, page 52, line 43, at end insert—
- “SCOTLAND
- The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999*
- 22 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1991 (S.S.I. 1999/88) is amended as follows.
- (2) In article 3 (fishing prohibition)—
- (a) in paragraph (2), for “a relevant British” substitute “any”;
- (b) in paragraph (3), for “within the Scottish zone or anywhere outside that zone” substitute “outside the Scottish zone”.
- (3) In article 4 (landing prohibition), for paragraph (3) substitute—
- “(3) The prohibition in paragraph (2) does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), for “relevant British” substitute “other”.
- The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000*
- 23 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (S.S.I. 2000/227) is amended as follows.
- (2) In article 3 (application), in paragraphs (1)(b) and (1B)(b), for “relevant British” substitute “other”.

Fisheries Bill [Lords], continued

The Prohibition of Fishing for Scallops (Scotland) Order 2003

- 24 (1) The Prohibition of Fishing for Scallops (Scotland) Order 2003 (S.S.I. 2003/371) is amended as follows.
- (2) In articles 3 and 4 (prohibitions of fishing for king scallops) for “a Scottish fishing boat or by any relevant British” substitute “any”.
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “other”.

The Shrimp Fishing Nets (Scotland) Order 2004

- 25 (1) The Shrimp Fishing Nets (Scotland) Order 2004 (S.S.I. 2004/261) is amended as follows.
- (2) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)(b), for “relevant British” substitute “other”.
- (3) In article 4 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “other”.

The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012

- 26 (1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012 (S.S.I. 2012/63) is amended as follows.
- (2) In article 2 (definitions) omit the following definitions—
- “fishing boat”;
- “relevant British fishing boat”;
- “Scottish fishing boat”;
- “third country”;
- “third country fishing boat”.
- (3) Omit article 3 (application).
- (4) In article 4 (prohibition of fishing for tope), for “a boat to which this article applies” substitute “any fishing boat”.
- (5) In article 5 (prohibition of trans-shipment of tope), for “a boat or vessel to which this article applies” substitute “any fishing boat”.
- (6) In article 6 (prohibition of landing tope)—
- (a) the existing provision becomes paragraph (1);
- (b) in that paragraph, for “a boat or vessel to which this article applies” substitute “any fishing boat”;
- (c) after that paragraph insert—
- “(2) The prohibition in paragraph (1) does not apply in relation to tope caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibition of landing specified species of shark, skate and ray)—
- (a) in paragraph (1), for “a boat or vessel to which this article applies” substitute “any fishing boat”;
- (b) after paragraph (1) insert—
- “(1A) The prohibition in paragraph (1) does not apply in relation to a specified species caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (c) in paragraph (2), for “paragraph (1)” substitute “this article”.

Fisheries Bill [Lords], continued

- (8) In article 8 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) in sub-paragraph (b), for “relevant British” substitute “other”;
 - (b) omit sub-paragraph (c) and the “and” before it.

The Regulation of Scallop Fishing (Scotland) Order 2017

- 27 (1) The Regulation of Scallop Fishing (Scotland) Order 2017 (S.S.I. 2017/127) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “British fishing boat”.
 - (3) In article 3 (prescribed minimum size for landing king scallops)—
 - (a) for paragraph (3) substitute—
 - “(3) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”;
 - (b) in paragraph (5), omit sub-paragraph (a).
 - (4) In article 4 (restrictions on number of scallop dredges), in the opening words, omit “British”.
 - (5) In article 5 (exemption from restrictions in article 4), in paragraphs (1), (2), (3)(a) and (4)(a), omit “British”.
 - (6) In article 6 (requirement to install a functioning remote electronic monitoring system), in paragraphs (1) and (3), omit “British”.

The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017

- 28 (1) The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017 (S.S.I. 2017/325) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “relevant British” substitute “other”.

The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017

- 29 (1) The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (S.S.I. 2017/455) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “foreign fishing boat”.
 - (3) In article 3 (prescribed minimum size for landing edible crabs in Scotland), for paragraph (2) substitute—
 - “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
 - (4) In article 4 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs)—
 - (a) in paragraph (4), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
 - (b) for paragraphs (6) and (7) substitute—
 - “(6) The prohibitions imposed by—
 - (a) section 1(1) of the Act, as read with paragraph (1), and

Fisheries Bill [*Lords*], *continued*

- (b) paragraphs (4) and (5),
do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
- (7) The prohibition imposed by section 1(2) of the Act, as read with paragraph (2), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (5) In article 5 (prescribed minimum size for landing spider crabs in Scotland), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (6) In article 6 (prescribed minimum size for landing green crabs in the Orkney Islands), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters)—
- (a) in paragraph (10), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
- (b) for paragraphs (12) and (13) substitute—
- “(12) The prohibitions imposed by—
- (a) section 1(1) of the Act, as read with paragraphs (1) to (7), and
- (b) paragraph (10),
do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
- (13) The prohibition imposed by section 1(2) of the Act, as read with paragraph (8), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019

- 30 (1) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 (S.S.I. 2019/419) is amended as follows.
- (2) In article 2 (interpretation), in paragraph (1), omit the definition of “British fishing boat”.
- (3) In article 3 (prohibited methods of fishing), in paragraphs (1), (2) and (3), omit “British”.

NORTHERN IRELAND

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993

- 31 (1) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993 (S.R. (N.I.) 1993 No. 155) are amended as follows.
- (2) In regulation 4 (exceptions), omit “to any person who is not a British citizen or”.

Fisheries Bill [Lords], continued

The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998

- 32 (1) The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998 (Northern Ireland) 1998 (S.R. (N.I.) 1998 No. 414) are amended as follows.
- (2) In regulation 4 (exceptions), omit paragraph (a).

The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000

- 33 (1) The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000 (S.R. (N.I.) 2000 No. 200) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) omit the definition of “British fishing boat”;
- (b) for the definition of “foreign fishing boat” substitute—
- “foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 49 of that Act);”.
- (3) For article 4 substitute—

“Exemptions

- 4 The prohibitions imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Conservation of Scallops Regulations (Northern Ireland) 2008

- 34 (1) The Conservation of Scallops Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No. 430) are amended as follows.
- (2) In regulation 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In regulation 3 (prohibition of fishing and fishing methods) in paragraphs (3), (4), (7)(b) and (8), omit “British”.
- (4) In regulation 4 (exemptions), omit paragraph (a).

The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020

- 35 (1) The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 152) are amended as follows.
- (2) In regulation 2 (interpretation), for the definition of “foreign fishing boat” substitute—
- “foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 49 of that Act);”.
- (3) For regulation 5 (exemptions) substitute—

“Exemptions

- 5 (1) The obligations and prohibitions imposed by regulations 3 and 4 do not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.
- (2) The obligations and prohibitions imposed by regulations 3 and 4 do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

Fisheries Bill [Lords], continued
The Edible Crabs (Undersized) Order (Northern Ireland) 2020

- 36 (1) The Edible Crabs (Undersized) Order (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 153) is amended as follows.
- (2) In article 2 (interpretation), for the definition of “foreign fishing boat” substitute—
- “foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 49 of that Act);”.
- (3) For article 4 (exemptions) substitute—

“Exemptions

- 4 (1) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.
- (2) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.””

Member’s explanatory statement

This amendment inserts into Schedule 2 amendments of Scottish and Northern Ireland instruments so as to bring foreign fishing boats within the regulation of those instruments.

Luke Pollard
Stephanie Peacock
Daniel Zeichner
Ruth Jones

3

Schedule 3, page 53, line 24, at end insert—

“Prohibition on fishing boats greater than 100 metres in length in English waters

- 1A (1) Any sea fishing licence issued by the sea fish licensing authority for England must include a condition prohibiting the use of a fishing boat greater than 100 metres in length in any of the protected areas specified in subsection (2).
- (2) The protected areas to which the prohibition in subsection (1) applies are marine conservation zones and marine protected areas as defined in the Marine and Coastal Access Act 2009.
- (3) The Secretary of State may by regulations add to the list of protected areas in subsection (2).”

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 in English waters.

Victoria Prentis

25

Schedule 3, page 55, line 17, at end insert—

- “(4) This paragraph does not confer power on a sea fish licensing authority to make arrangements for a licensing function to be exercised on its behalf by another sea fish licensing authority (see instead section *(Agency arrangements between*

Fisheries Bill [*Lords*], *continued*

sea fish licensing authorities) (agency arrangements between sea fish licensing authorities)).”

Member’s explanatory statement

This amendment clarifies the relationship between the power in paragraph 6 of Schedule 3 to arrange for licensing functions to be exercised by an agent, and the powers in NC8 under which sea fish licensing authorities are able to make agency arrangements with each other.

Victoria Prentis

26

Schedule 3, page 57, line 10, leave out sub-paragraph (1)

Member’s explanatory statement

This amendment removes the definition of “sea fish licensing authority” from Schedule 3. The definition is inserted into clause 49 by a separate amendment. The effect is that the definition applies generally in the Bill. The definition is used in NC8.

Victoria Prentis

27

Schedule 3, page 57, line 17, leave out paragraph (a) and insert—

“(a) section 15 or 17,”

Member’s explanatory statement

This amendment is consequential on NC9 and has the effect that the power of the Scottish Ministers to maintain a list of fishing boats that they regulate even if they are also regulated by the Faroe Islands authorities is not a power that counts as a “licensing function” under Schedule 3.

Victoria Prentis

28

Schedule 4, page 61, line 41, at end insert—

“(d) in subsection (11)(b), after “approval”, in the second place it occurs, insert “or annulment”.”

Member’s explanatory statement

This amendment clarifies the procedure in the Scottish Parliament applicable to certain Scottish Statutory Instruments made by the Scottish Ministers under the Sea Fish (Conservation) Act 1967.

Victoria Prentis

29

Schedule 4, page 67, line 19, after “zone” insert “only”

Member’s explanatory statement

This technical amendment removes an ambiguity as to the words revoked by paragraph 18(2)(a).

Victoria Prentis

30

Schedule 8, page 86, leave out lines 38 to 42

Member’s explanatory statement

This amendment removes the definition of “fishery products” from paragraph 2 of Schedule 8. The definition is inserted into clause 49 by a separate amendment. The effect is that the definition applies generally in the Bill. The definition is used in NC8.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

31

Schedule 8, page 88, line 15, leave out from “State” to “under” in line 16 and insert “, or of any of the sea fish licensing authorities,”

Member’s explanatory statement

The purpose of paragraph 4(4) of this Schedule is to prevent the regulation-making powers in paragraphs 1 and 3 from being used to modify the licensing functions conferred by the Bill. This amendment ensures that paragraph 4(4) protects the functions of all the sea fish licensing authorities.

Victoria Prentis

32

Schedule 8, page 90, leave out lines 24 to 28

Member’s explanatory statement

This amendment removes the definition of “fishery products” from paragraph 7 of Schedule 8. The definition is inserted into clause 49 by a separate amendment. The effect is that the definition applies generally in the Bill. The definition is used in NC8.

Victoria Prentis

33

Schedule 8, page 92, line 10, leave out from “State” to “under” in line 11 and insert “, or of any of the sea fish licensing authorities,”

Member’s explanatory statement

The purpose of paragraph 9(5) of this Schedule is to prevent the regulation-making powers in paragraphs 6 and 8 from being used to modify the licensing functions conferred by the Bill. This amendment ensures that paragraph 9(5) protects the functions of all the sea fish licensing authorities.

Victoria Prentis

34

Schedule 8, page 94, leave out lines 17 to 21

Member’s explanatory statement

This amendment removes the definition of “fishery products” from paragraph 12 of Schedule 8. The definition is inserted into clause 49 by a separate amendment. The effect is that the definition applies generally in the Bill. The definition is used in NC8.

Victoria Prentis

35

Schedule 8, page 95, line 41, leave out from “State” to “under” in line 42 and insert “, or of any of the sea fish licensing authorities,”

Member’s explanatory statement

The purpose of paragraph 14(4) of this Schedule is to prevent the regulation-making powers in paragraphs 11 and 13 from being used to modify the licensing functions conferred by the Bill. This amendment ensures that paragraph 14(4) protects the functions of all the sea fish licensing authorities.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

37

Schedule 10, page 109, line 20, at end insert—

“(10A) An order under this section that contains provision for the charging of fees for permits (including provision changing the level of fees) is subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10).”

Member’s explanatory statement

This amendment provides for the affirmative procedure to apply to an order made by the Scottish Ministers under new section 137A of the Marine and Coastal Access Act 2009 (orders relating to exploitation of sea fisheries resources: Scottish offshore region) if the order makes provision about the charging of fees for permits.

Victoria Prentis

38

Schedule 10, page 109, line 21, leave out “An” and insert “Any other”

Member’s explanatory statement

This amendment is consequential on the amendment that provides for the affirmative procedure to apply to an order made by the Scottish Ministers under new section 137A of the Marine and Coastal Access Act 2009 (orders relating to exploitation of sea fisheries resources: Scottish offshore region) if the order makes provision about the charging of fees for permits.

Victoria Prentis

39

Schedule 10, page 109, leave out lines 22 and 23 and insert “that Part of that Act.”

Member’s explanatory statement

This amendment is consequential on the amendment that provides for the affirmative procedure to apply to an order made by the Scottish Ministers under new section 137A of the Marine and Coastal Access Act 2009 (orders relating to exploitation of sea fisheries resources: Scottish offshore region) if the order makes provision about the charging of fees for permits.

Victoria Prentis

40

Schedule 10, page 110, line 7, at end insert—

“(5) Where in reliance on subsection (4)(a) the Scottish Ministers do not comply with subsection (1) before making an order under section 137A, that order—

- (a) comes into force on a date specified in the order, and
- (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.

(6) The Scottish Ministers may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 12 months.”

Member’s explanatory statement

This amendment limits the time for which an order under new section 137A (orders relating to exploitation of sea fisheries resources: Scottish offshore region) can remain in force if made without consultation.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

41

Schedule 10, page 111, line 11, at end insert—

“(4) An order to which this section applies may be amended or revoked by a further order.””

Member’s explanatory statement

This amendment ensures that the powers of the Scottish Ministers to make orders under new section 137A and 137C of the Marine and Coastal Access Act 2009 can be exercised so as to amend or revoke previous orders.

Victoria Prentis

42

Schedule 10, page 111, line 11, at end insert—

“Orders for marine conservation: Northern Ireland offshore region

137E Orders relating to exploitation of sea fisheries resources: Northern Ireland offshore region

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purposes of conserving—
 - (a) marine flora or fauna,
 - (b) marine habitats or types of marine habitat, or
 - (c) features of geological or geomorphological interest.
- (2) An order under this section may be made so as to apply to any area in the Northern Ireland offshore region.
- (3) An order under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) The provision that may be made by an order under this section includes, in particular, provision falling within any of the Heads set out in subsections (5) to (7).
- (5) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
 - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
 - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
 - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (6) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the Department, including—
 - (a) provision for the charging of fees for permits;
 - (b) provision enabling conditions to be attached to a permit;
 - (c) provision enabling the Department to limit the number of permits issued by it.
- (7) Head 3 is—
 - (a) provision prohibiting or restricting the use of vessels of specified descriptions;
 - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;

Fisheries Bill [Lords], *continued*

- (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
 - (d) provision for determining whether such items are items of a specified description.
- (8) An order under this section may be made—
- (a) subject to specified exceptions or conditions;
 - (b) so as to cease to have effect after a specified period.
- (9) An order under this section may make different provision for different cases, including in particular—
- (a) different times of the year,
 - (b) different means or methods of carrying out an activity, and
 - (c) different descriptions of sea fisheries resources.
- (10) In this section “specified” means specified in the order.
- (11) In this section, and in sections 137F to 137H, “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

137F Consultation etc regarding orders under section 137E

- (1) Before making an order under section 137E the Department must—
- (a) consult the Secretary of State,
 - (b) if the order would or might affect the exploitation of sea fisheries resources in the English offshore region, consult the MMO,
 - (c) if the order would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, consult the Scottish Ministers,
 - (d) if the order would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, consult the Welsh Ministers, and
 - (e) consult any other person whom they think fit to consult.
- (2) The Department must publish notice of the making of an order under section 137E.
- (3) The notice under subsection (2) must—
- (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
 - (b) give an address at which a copy of the order may be inspected.
- (4) Where the Department think that there is an urgent need to make an order under section 137E to protect the Northern Ireland offshore region—
- (a) subsection (1) does not apply,
 - (b) the notice under subsection (2) must also state that any person affected by the making of the order may make representations to the Department.
- (5) Where in reliance on subsection (4)(a) the Department does not comply with subsection (1) before making an order under section 137A, that order—
- (a) comes into force on a date specified in the order, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (6) The Department may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 6 months.”

Fisheries Bill [Lords], continued

137G Interim orders made by the Department

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purpose of protecting any feature in any area in that region if the Department thinks—
 - (a) that the appropriate authority should consider whether to designate the area as an MCZ, and
 - (b) that there is an urgent need to protect the feature.
- (2) An interim order under this section must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (3) Subsections (4) to (10) of section 137E apply to an interim order under this section.
- (4) An interim order under this section—
 - (a) comes into force on a date specified in the order, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (5) The Department may by further order extend the period for which the interim order is in force for a period not exceeding 6 months.
- (6) The Department must publish notice of the making of an interim order under this section.
- (7) The notice under subsection (6) must—
 - (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
 - (b) give an address at which a copy of the order may be inspected;
 - (c) state that any person affected by the making of the order may make representations to the Department.
- (8) The Department must keep under review the need for an interim order under this section to remain in force.
- (9) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

137H Further provision as to orders made under section 137E or 137G

- (1) This section applies to any order made under section 137E or 137G.
- (2) The Department must send a copy of any order to which this section applies to the Secretary of State and to any person consulted under section 137F(2).
- (3) The Department must—
 - (a) make a copy of any order to which this section applies available for inspection at such place as the Department thinks fit for that purpose at all reasonable hours without payment;
 - (b) provide a copy of any such order to any person who requests one.”

Victoria Prentis

43

Schedule 10, page 111, line 12, at end insert—

“(1A) In the heading, omit “by Secretary of State or Welsh Ministers”.”

Member’s explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Fisheries Bill [*Lords*], *continued*

Victoria Prentis

44

Schedule 10, page 111, line 21, at end insert—

“(2B) This section also applies where the Department of Agriculture, Environment and Rural Affairs in Northern Ireland has the function of —

(a) deciding whether to make an order under section 137E;

(b) deciding whether to make an order under section 137G.”

Member’s explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

45

Schedule 10, page 111, line 22, leave out “or Scottish Ministers” and insert “, the Scottish Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland”

Member’s explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

46

Schedule 10, page 111, line 28, after “134A,” insert “134B,”

Member’s explanatory statement

This amendment makes contravention of an orders under new section 134B of the Marine and Coastal Access Act 2009 (exploitation of sea fisheries resources: Welsh offshore region) an offence.

Victoria Prentis

47

Schedule 10, page 111, line 29, leave out “or 137C” and insert “, 137C, 137E or 137G”

Member’s explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

48

Schedule 10, page 112, line 5, leave out “or 137A(6)” and insert “, 137A(6) or 137E(6)”

Member’s explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

49

Schedule 10, page 112, line 21, at end insert—

“27A In section 189 (power of Welsh Ministers in relation to fisheries in Wales)—

(a) in subsection (1), for “Subject to subsection (2), the” substitute “The”;

(b) omit subsection (2).”

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

This amendment allows the Welsh Ministers to use the power to make provision by order under section 189 of the Marine and Coastal Access Act 2009 whether or not they could make that provision under another power.

Victoria Prentis

50

Schedule 10, page 112, line 34, leave out “or 137C” and insert “, 137C, 137E or 137G”

Member's explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

51

Schedule 10, page 113, line 14, at end insert—

“(15) Where the fisheries exploitation legislation consists of an order made under section 137E or 137G of this Act (orders relating to Northern Ireland offshore region), this section applies as if—

- (a) references to a marine enforcement officer included a person appointed as such by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,
- (b) for the purposes of subsection (3)(a), the relevant enforcement area were Northern Ireland, the Northern Ireland inshore region and the Northern Ireland offshore region, and
- (c) subsections (3)(c) and (d) and (4) to (6) were omitted.”

Member's explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

52

Schedule 10, page 113, line 17, leave out “or 137C” and insert “, 137C, 137E or 137G”

Member's explanatory statement

This amendment is consequential on the amendment which will insert new sections 137E and 137G into the Marine and Coastal Access Act 2009.

Victoria Prentis

53

Schedule 10, page 113, line 19, leave out paragraph 30 and insert—

“30 (1) Section 316 (regulations and orders) is amended as follows.

(2) In subsection (4)(a)—

- (a) for “137” substitute “137G”;
- (b) after “MCZs” insert “etc”.

(3) In subsection (6), before paragraph (a) insert—

“(za) any order under section 137E that contains provision for the charging of fees for permits (including provision changing the levels of fees).”

Fisheries Bill [*Lords*], *continued*

Member's explanatory statement

This amendment provides that an order made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under new sections 137E of the Marine and Coastal Access Act 2009 is subject to the affirmative procedure if it includes provision about the charging of fees.

Victoria Prentis

54

Schedule 11, page 113, line 39, at end insert “, and
(c) paragraph 15 makes consequential amendments.”

Member's explanatory statement

This amendment is consequential on the amendment inserting a new paragraph 15 in Schedule 11 of the Bill.

Victoria Prentis

55

Schedule 11, page 122, line 34, at end insert—

“Council Regulation (EU) 2020/123

13A In Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, in Article 14 (remedial measures for cod in the North Sea), omit paragraphs 2 to 4.”

Member's explanatory statement

This amendment repeals provisions of retained EU law concerned with the catching of cod in the North Sea. This will allow the United Kingdom to adopt its own measures in relation to cod in the North Sea.

Victoria Prentis

56

Schedule 11, page 123, line 19, at end insert—

“Consequential amendments

15 (1) In the Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010 (S.S.I. 2010/334) (as amended by the Exit Regulations)—

(a) in article 2, in paragraph (1)—

(i) omit the definition of “Regulation 2017/2403”;

(ii) in the definition of “third country recording and reporting requirement” omit paragraph (ii) (and the “or” before it);

(b) in that article, for paragraph (5) substitute—

“(5) Any expression used, and not defined, in this Order that is used in the Control Regulation or Regulation 404/2011, or that is used in both of those Regulations, has the meaning it has in the Regulation or Regulations in which it is used.”;

(c) in article 6, omit paragraph (2);

(d) in Schedule 2, in the table, omit the entries relating to Regulation 2017/2403.

Fisheries Bill [Lords], continued

- (2) In the Sea Fishing (EU Control Measures) (Scotland) Order 2015 (S.S.I. 2015/320) (as amended by the Exit Regulations), in article 2(1)—
- (a) omit the definition of “Regulation 2017/2403”;
 - (b) in the definition of “third country control measure”—
 - (i) omit “Regulation 2017/2403 or”;
 - (ii) omit paragraph (a).
- (3) In this paragraph “the Exit Regulations” means the Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24).”

Member’s explanatory statement

This amendment makes amendments of certain Scottish Statutory Instruments which are consequential on the revocation of retained EU law already provided for in Schedule 11 of the Bill.

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.

Other proceedings

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