

Fisheries Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD GRANTCHESTER

Page 1, line 17, leave out “are economically viable but”

Member’s explanatory statement

This amendment is designed to probe the definition of “economically viable” in relation to fishing fleets and its importance in relation to overall sustainability concerns.

BARONESS JONES OF WHITCHURCH

Page 1, leave out line 18 and insert “whilst not exceeding maximum sustainable yield.”

Member’s explanatory statement

This amendment is designed to probe how the Government and fisheries policy authorities will interpret the phrase “overexploit marine stocks”.

Page 2, line 7, leave out “, where possible,”

Member’s explanatory statement

This amendment strengthens the “ecosystem objective” in relation to the reversal of the negative impacts of fish and aquaculture activities on marine ecosystems.

Page 2, line 8, leave out “, where possible,”

Member’s explanatory statement

This amendment strengthens the “ecosystem objective” in relation to the elimination of incidental catches of sensitive species.

LORD GRANTCHESTER

Page 2, line 21, leave out paragraph (c)

Member's explanatory statement

This amendment removes paragraph (c) in order to probe the circumstances in which the Government believes landing bycatch is "appropriate".

BARONESS JONES OF WHITCHURCH

Page 2, line 29, after "UK" insert "and foreign"

Member's explanatory statement

This amendment makes it clear that the activities of foreign fishing boats should contribute to the national benefit objective.

Page 2, line 31, at end insert ", including the landing of a majority of catches for processing at UK ports."

Member's explanatory statement

This amendment inserts a reference to a UK landing obligation as part of the national benefit objective.

BARONESS JONES OF WHITCHURCH

LORD TEVERSON

Page 2, line 34, after "minimised" insert ", in particular through efforts to –

- (i) improve the environmental performance of fishing ports, and
- (ii) promote the decarbonisation of fish and aquaculture activities"

Member's explanatory statement

This amendment strengthens the "climate change objective" by requiring action to improve the environmental performance of ports and decarbonise the catching process.

Clause 2

BARONESS JONES OF WHITCHURCH

LORD TEVERSON

Page 3, line 12, leave out "proportionately"

Member's explanatory statement

This amendment removes the word "proportionately" in relation to the application of the fisheries objectives when formulating the policies and proposals in the joint fisheries statement.

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 3, line 13, at end insert –

- "() sets out how the fisheries policy authorities have taken into account the migration of species into and from adjacent Exclusive Economic Zones or territorial waters and how they have coordinated policy with the authorities controlling those zones and waters."

Member's explanatory statement

This amendment ensures that fish stocks in UK waters are not considered in isolation, and that it is recognised that marine stocks migrate across boundaries and the management of stocks takes this into account.

Page 3, line 13, at end insert –

“() sets out how the fisheries policy authorities have complied with their international obligations and international law.”

Member’s explanatory statement

This amendment ensures that the authorities show how they have complied with their international obligations under UNCLOS and similar international agreements.

Page 3, line 35, leave out from “restore” to end of line 36 and insert “or manage one or more stocks of sea fish to maintain them at, or above, sustainable levels.”

Member’s explanatory statement

This amendment allows plans to go beyond just sustainable levels.

Page 3, line 36, at end insert –

“() The fisheries policy authorities must whenever possible draw up fisheries management plans that are agreed with all those non-UK authorities that share those stocks.”

Member’s explanatory statement

This amendment requires management plans to take account of the fact that fish migrate across boundaries.

Clause 3

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 3, line 41, after “time” insert “, if all agree,”

Member’s explanatory statement

This amendment probes which, or how many, authorities have to agree for a JFS to be replaced.

Page 4, line 5, leave out “6” and insert “5”

Member’s explanatory statement

The amendment reduces the time period when a JFS has to be reviewed from 6 years to 5 years.

Page 4, line 8, leave out “6” and insert “5”

Member’s explanatory statement

The amendment reduces the time period when a JFS has to be reviewed from 6 years to 5 years.

Clause 4

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 4, line 38, at end insert –

“() The Secretary of State must publish a combined JFS and SSFS which integrates the two documents.”

Member's explanatory statement

This amendment attempts to give clarity and easier reference to the policies of the UK as a whole.

LORD GRANTCHESTER

Page 4, line 38, at end insert –

- “() If the JFS does not contain provision relating to sustainable public access to recreational fishing opportunities for –
- (a) the fish catching sector, and
 - (b) the leisure and tourism industries,
- the Secretary of State must include such policies in an SSFS.”

Member's explanatory statement

This amendment ensures that the Secretary of State must include policies relating to recreational fishing in an SSFS if such policies are not already present in the JFS. This builds on a previous commitment given during the Committee Stage of the Fisheries Bill in the 2017–19 Session.

Clause 5

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 5, line 29, leave out “6” and insert “5”

Member's explanatory statement

The amendment reduces the time period when an SSFS has to be reviewed from 6 years to 5 years.

Page 5, line 32, leave out “6” and insert “5”

Member's explanatory statement

The amendment reduces the time period when an SSFS has to be reviewed from 6 years to 5 years.

Clause 6

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 6, line 13, at end insert “including any non-UK authorities which are a party to the plan,”

Member's explanatory statement

This amendment would allow for fisheries management plans to specify non-UK authorities where the stock crosses national boundaries.

Clause 7

LORD GRANTCHESTER

Page 7, line 35, leave out paragraph (a)

Member's explanatory statement

This amendment removes paragraph (a) to probe whether the powers to amend or revoke a fisheries management plan can be used to implement the outcome of negotiations with the EU27.

LORD GRANTCHESTER
LORD TEVERSON

Page 7, line 38, at beginning insert “best”

Member's explanatory statement

This amendment changes the reference to scientific evidence to specify that it should be the “best available”. This term is used elsewhere in the Bill.

BARONESS JONES OF WHITCHURCH
LORD TEVERSON

Page 7, line 39, leave out paragraph (d)

Member's explanatory statement

This amendment removes paragraph (d) to probe how Ministers define the social, economic or environmental elements of sustainable development in the context of departing from proposals in the joint fisheries plan.

Clause 8

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 8, line 31, after “means” insert “an English advisory board and”

Member's explanatory statement

The amendment brings an element of devolution into England's fisheries plans, and introduces consultation with fisheries' stakeholders.

After Clause 8

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new clause –

“Fisheries management plans: advisory boards

- “(1) Fisheries management plans must be drawn up or amended in consultation with those local communities directly affected by those plans.
- (2) In England –
- (a) there is to be an advisory board established for each major fishing port;
 - (b) advisory boards may represent smaller fishing ports in their region;
 - (c) an advisory board must be consulted on fisheries management plans that impact substantially on its fishing activities;
 - (d) advisory boards must include one representative from each of the following sectors –
 - (i) the principal local authority;
 - (ii) producer organisations;

After Clause 8 - continued

- (iii) fishers not represented by a producer organisation;
 - (iv) Local Nature Partnerships;
 - (v) Local Enterprise Partnerships;
 - (vi) harbour authorities;
 - (vii) fish marketing organisations or companies;
 - (viii) marine science departments of higher education establishments;
- (e) the advisory board may elect its own chair;
 - (f) a representative each from the Marine Management Organisation, Natural England, the local Inshore Fisheries and Conservation Authority, and a representative of the Secretary of State must be invited to all meetings and allowed to speak;
 - (g) minutes of meetings must be made public through the local authority's website;
 - (h) members of the advisory board must be nominated by each of the sectors listed in paragraph (d)(i) to (viii), the major fishing port's principal local authority making the final decision in case of a dispute;
 - (i) the fisheries policy authority must meet and consult with relevant advisory boards prior to the production of any draft fisheries management plan;
 - (j) following the meeting in paragraph (i), the advisory board must make recommendations to the fisheries policy authority which must be published;
 - (k) the fisheries policy authority must respond in writing to recommendations from an advisory board and give reasons why any recommendation from the advisory board has been rejected;
 - (l) the same process as set out in paragraphs (i) to (k) must take place when the draft plan has been produced by the fisheries policy authority and the draft plan has gone out to public consultation;
 - (m) the fisheries policy authority must request that the relevant advisory board or boards endorse the final fisheries management plan and, if the plan is not endorsed by the advisory board, it must state its reasons to the fisheries policy authority;
 - (n) a failure to endorse the fisheries management plan by an advisory board does not prevent the plan from being adopted;
 - (o) the advisory board may make a request for a fisheries management plan to be amended or replaced, and if the fisheries policy authority declines the request it must set out its reasons in writing.
- (3) For those stocks in England that are local and reside within the 6-mile limit, the local Inshore Fisheries and Conservation Authority is responsible for the fisheries management plan in consultation with the local advisory board.”

Member's explanatory statement

The amendment brings an element of devolution into England's fisheries plans, and introduces consultation with fisheries' stakeholders.

Clause 9

LORD GRANTCHESTER

Page 8, line 38, at end insert –

- “() In preparing and publishing a fisheries management plan under subsection (1), a fisheries policy authority acting alone must –
- (a) consult any other fisheries policy authorities that it deems appropriate, and
 - (b) have regard to their responses before publishing the fisheries management plan.”

Member’s explanatory statement

This amendment ensures that when a fisheries policy authority acts alone to introduce transitional provision, it must first consult with other fisheries policy authorities to ensure joined-up policymaking.

Clause 11

BARONESS JONES OF WHITCHURCH

Page 10, line 18, at end insert –

- “() any other person whom the Secretary of State deems appropriate.”

Member’s explanatory statement

This amendment adds a requirement for the Secretary of State to consult with representative bodies, as well as devolved Ministers.

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 10, line 28, at end insert –

- “() The Secretary of State must, in consultation with the devolved authorities, publish a report annually that details the state of all stocks for which there are fisheries management plans.”

Member’s explanatory statement

This amendment ensures that there is a report on the state of the stocks each year, not every three years.

Clause 12

BARONESS JONES OF WHITCHURCH

Page 10, line 39, at end insert –

- “() The master, the owner and the charterer (if any) are not each guilty of an offence if a fishing boat contravenes subsection (1) or (2) as a result of –
- (a) danger to life or property, or
 - (b) any other reason prescribed by the Secretary of State in regulations.”

Member's explanatory statement

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

Clause 15

BARONESS JONES OF WHITCHURCH

Page 12, line 16, at end insert –

“() must specify whether the fishing boat is subject to the national landing requirement.”

Member's explanatory statement

This amendment makes clear that a licence must specify whether the boat in question is subject to the national landing requirement.

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 12, line 18, at end insert –

- “(4) Fishing boats licensed under this section must land 75% of their catch by value or volume, whichever is less, at a UK port.
- (5) The Secretary of State may amend by regulations the percentage of catch by value or volume under subsection (4) for specific fisheries outside of the UK Exclusive Economic Zone.
- (6) Regulations made under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment addresses the problem of 'quota hopping' while allowing distant water fisheries a means of exception.

Page 12, line 18, at end insert –

“() In considering an application for a licence, the authorities listed in subsection (1) must have regard to the sustainability of fisheries and not allow overcapacity.”

Member's explanatory statement

This amendment ensures that there is not a fleet overcapacity that threatens sustainability of fish stocks.

Clause 17

BARONESS JONES OF WHITCHURCH

Page 13, line 14, at end insert –

“() must specify whether the fishing boat is subject to the national landing requirement.”

Member's explanatory statement

This amendment makes clear that a licence must specify whether the boat in question is subject to the national landing requirement.

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 13, line 25, at end insert –

- “() A licence granted under this section must require that foreign fishing vessels fishing in British waters comply with at least the same minimum technical regulations as British vessels for that same fishery.”

Member’s explanatory statement

This amendment ensures that foreign vessels have to comply with the same technical rules as British vessels.

LORD GRANTCHESTER
LORD TEVERSON

Page 13, line 25, at end insert –

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

Member’s explanatory statement

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

After Clause 17

BARONESS JONES OF WHITCHURCH
LORD TEVERSON

Insert the following new Clause –

“Enforcement of licences

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

Member's explanatory statement

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

BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

“Licence condition: national landing requirement

- (1) Any boat licensed under section 14(1) or 16(1) is, unless otherwise authorised, subject to the national landing requirement.
- (2) The national landing requirement is the percentage of the boat's catch that was caught within British fishery limits in any given quarter which must be landed at a port in—
 - (a) the United Kingdom,
 - (b) the Isle of Man,
 - (c) Guernsey, or
 - (d) Jersey.
- (3) Subject to subsection (4), the Secretary of State must by regulations define a national landing requirement for each species in each UK fishing zone that is not less than 70%.
- (4) Where the Secretary of State determines that the national landing requirement for any species is to be less than 70%, the Secretary of State must publish the reasons for such a determination.
- (5) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new Clause requires the Secretary of State to set a 'national landing requirement' to be attached to licence conditions for any boat specifying the percentage of the boat's catch which must be landed at a UK port.

Clause 19

LORD GRANTCHESTER

Page 13, line 35, at end insert “not exceeding £50,000”

Member's explanatory statement

This amendment replicates the level of fine in Scotland and Northern Ireland for England and Wales, in order to probe the maximum amount under Clause 19(1)(a).

Clause 23

LORD GRANTCHESTER
LORD TEVERSON

Page 15, line 16, leave out “may” and insert “must”

Member's explanatory statement

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

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 15, line 27, at end insert –

“() Any rise in the total quantity of an annual quota in England shall be disproportionately allocated to the under-10-metre fleet.”

Member's explanatory statement

This amendment aims to gradually increase the viability of smaller fishing vessels and protect coastal communities.

Page 15, line 28, leave out subsection (4)

Member's explanatory statement

This amendment removes the provision for local fishers which relates to the equal access objective.

LORD GRANTCHESTER
LORD TEVERSON

Page 16, line 10, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment would upgrade regulations made under Clause 23(8) to the affirmative procedure.

Clause 24

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 16, line 18, at end insert –

“(e) in England, the local advisory board.”

Member's explanatory statement

This amendment relates to devolution and local stakeholder engagement in England.

After Clause 25

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“New entrants

- (1) In England, the Secretary of State shall set aside a proportion of fishing opportunities for new entrants.
- (2) Fishing opportunities distributed under subsection (1) shall not be transferable.

After Clause 25 - continued

- (3) If the new entrant ceases to use those opportunities, they shall be returned to the Secretary of State.”

Member’s explanatory statement

This amendment allows the industry to admit new entrants into the sector.

Clause 28

BARONESS JONES OF WHITCHURCH
LORD TEVERSON

Page 19, line 10, at end insert –

- “() For the purposes of making provision relating to subsection (2)(a), a charging scheme must take account of the public interest in ensuring that chargeable persons do not –
- (a) make financial gain, or
 - (b) gain competitive advantage,
- as a result of their unauthorised catches of sea fish.”

Member’s explanatory statement

This amendment would require charging schemes, when calculating penalties for unauthorised fishing, to consider the public interest in ensuring that unauthorised fishing does not result in a fisher enjoying a financial gain or competitive advantage.

After Clause 32

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Discard regulatory enforcement schemes

- (1) The Secretary of State must –
- (a) make regulations to provide that all vessels over 10 metres in length and of whatever nationality fishing within the UK Exclusive Economic Zone must be fitted with Remote Electronic Monitoring devices for the purposes of regulatory enforcement;
 - (b) publish a timetable for the phased introduction of the provisions under paragraph (a), the final phase of which must be implemented within three years from the date of the passing of this Act;
 - (c) publish a feasibility report within two years of the passing of this Act, following a consultation, in regard to the extension of Remote Electronic Monitoring to all motorised fishing vessels.
- (2) Regulations under subsection (1) are subject to the affirmative resolution procedure.”

Member's explanatory statement

The amendment mandates the use of Remote Electronic Monitoring on all fishing vessels above 10 metres in length that fish in UK waters and requires a report to see how feasible it would be to extend REM to smaller vessels.

Clause 33

BARONESS JONES OF WHITCHURCH
LORD TEVERSON

Page 22, line 17, at end insert –

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

Member's explanatory statement

This amendment would enable financial assistance to be provided for scientific data collection.

After Clause 33

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Financial assistance and sustainability

If there is a conflict between the sustainability objective and the socio-economic objective in section 1, this must be resolved not by risking sustainability, but by using financial assistance to recompense vessel owners and crews for reduced or ceased fishing opportunities.”

Member's explanatory statement

This amendment makes it clear that the sustainability objective cannot be surpassed by socio-economic considerations, and that the problem should be solved by financial recompense.

Clause 34

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 23, line 15, at end insert –

“() licensing of fishing vessels.”

Member's explanatory statement

This amendment includes an additional activity as a relevant marine function for the purposes of imposing a charge.

LORD GRANTCHESTER
LORD TEVERSON

Page 23, line 36, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment would upgrade regulations made under Clause 34 to the affirmative procedure.

After Clause 34

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause—

“Marine Management Organisation funding

Regulations under section 34 must provide that—

- (a) the MMO must fund its operations without the requirement for grant-in-aid;
- (b) the MMO must charge appropriate amounts for the services it provides in respect of all its responsibilities;
- (c) in imposing charges for the fisheries sector, the MMO must take account of the ability of vessels to generate income and maximise the imposition of charges on boats whose length is more than 10 metres.”

Member’s explanatory statement

This amendment requires the MMO to be self-funding, preventing subsidies for profitable sectors of business that require MMO licensing.

Clause 36

BARONESS JONES OF WHITCHURCH
LORD TEVERSON

Page 24, line 14, at end insert—

- “(d) for the gathering of scientific data to inform management of fish stocks.”

Member’s explanatory statement

This amendment would add scientific data collection to the purposes for which Clause 36 enables the Secretary of State to make regulations.

After Clause 45

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause—

“Producer organisations

Producer organisations in England must publish on their websites the following information—

- (a) the names of their members;
- (b) their most recent annual accounts;
- (c) the sources of their funds;
- (d) their constitution;
- (e) the quotas and other fishing rights distributed to each member and any other party;
- (f) their method of distributing quota and other fishing rights;

After Clause 45 - continued

- (g) all management plans required of them by legislation or regulation;
- (h) the members of their governing bodies.”

Schedule 3

LORD GRANTCHESTER

Page 49, line 38, leave out from “fishing” to end of line 39

Member’s explanatory statement

This amendment removes the ability for a sea fish licensing authority to attach conditions which do not relate directly to fishing, in order to probe what such conditions may be.

Page 51, line 22, leave out from “request” to end of line 23

Member’s explanatory statement

This amendment removes the ability for the other authority not to comply with the request from any other sea fish licensing authority, in order to probe the circumstances in which such a request could be deemed “unreasonable”.

Fisheries Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

24 February 2020
