

# Fisheries Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 26th February 2020, as follows –*

Clauses 1 to 8	Schedule 6
Schedule 1	Clause 34
Clauses 9 to 13	Schedule 7
Schedule 2	Clauses 35 to 42
Clauses 14 to 18	Schedule 8
Schedule 3	Clauses 43 and 44
Clauses 19 to 22	Schedule 9
Schedule 4	Clause 45
Clauses 23 to 27	Schedule 10
Schedule 5	Clauses 46 to 51
Clauses 28 to 33	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Before Clause 1**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**1** Insert the following new Clause –

**“Fisheries principles**

- (1) Marine stocks within the UK Exclusive Economic Zone are a resource that belongs to the nation as a whole.
- (2) Any quotas or other rights to harvest marine stocks whether allocated to vessels, public bodies, or persons natural or corporate remain the property of the nation.
- (3) No vessel, public body, or person natural or corporate shall have a permanent claim over quota or other rights granted to them by a public authority or authorities.”

***Member’s explanatory statement***

*The amendment makes clear that UK fish stocks belong to the nation and not to private organisations.*

### Clause 1

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD CAMERON OF DILLINGTON

- 2 Page 1, line 4, at end insert –  
“() the socio-economic objective,”

***Member’s explanatory statement***

*This amendment ensures that socio-economic issues are included in the fisheries objectives.*

BARONESS MCINTOSH OF PICKERING

- 3 Page 1, line 7, at end insert –  
“() the discards objective,”

BARONESS WORTHINGTON

- 4★ Page 1, line 11, at end insert –  
“() the marine planning objective.”

LORD MACKAY OF CLASHFERN  
BARONESS BYFORD

- 5★ Page 1, line 11, at end insert –  
“() the collaborative objective.”

***Member’s explanatory statement***

*This amendment ensures that collaboration with external authorities is included in the fisheries objectives.*

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
BARONESS JONES OF MOULSECOOMB  
LORD KREBS

- 6 Page 1, line 12, leave out subsection (2) and insert –  
“(2) The “sustainability objective” is that –  
    (a) fish and aquaculture activities are environmentally sustainable; and  
    (b) the exploitation of marine stocks is such that populations of harvested species are restored and maintained at biomass levels capable of producing maximum sustainable yield.  
(2A) The sustainability objective shall be the prime objective.  
(2B) The “socio-economic objective” is that –  
    (a) fish and aquaculture activities are managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies; and  
    (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.”

**Member's explanatory statement**

*This amendment is to ensure that sustainability is the prime objective of the legislation, and to ensure that socio-economic issues are defined as an objective but do not compromise the need for sustainability.*

BARONESS WORTHINGTON

- 7★ Page 1, line 17, leave out paragraph (b) and insert –  
“(b) the fishing effort does not overexploit marine stocks.”

LORD GRANTCHESTER

- 8 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

LORD KREBS

- 9 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”.*

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 10 Page 2, line 1, leave out paragraph (b)

**Member's explanatory statement**

*The amendment leaves out paragraph (3)(b), the text of which has been incorporated into a different subsection in a previous amendment.*

BARONESS JONES OF WHITCHURCH

- 11 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.*

BARONESS JONES OF MOULSECOOMB

- 12 Page 2, line 8, leave out paragraph (b) and insert –  
“(b) catches, whether incidental or otherwise, of sensitive species are eliminated within a specified period not exceeding five years from the day on which this Act is passed.”

**Member's explanatory statement**

*This amendment requires any catching of sensitive species to be eliminated within five years of the Bill becoming law.*

## BARONESS JONES OF WHITCHURCH

13 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.*

BARONESS MCINTOSH OF PICKERING  
BARONESS JONES OF MOULSECOOMB

14 Page 2, line 9, at end insert –  
 “( ) endangered aquatic species are protected, and  
 ( ) catches of undersized fish are minimised.”

## BARONESS MCINTOSH OF PICKERING

15 Page 2, line 16, at end insert –  
 “( ) the fisheries policy authorities cooperate with international parties as appropriate.”

## LORD GRANTCHESTER

16 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”.*

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

17 Page 2, line 24, leave out subsection (7)

## BARONESS WORTHINGTON

18★ Page 2, line 29, leave out subsection (8) and insert –  
 “(8) The “national benefit objective” is that the public exploitation of the fishery for commercial, recreational and environmental purposes brings benefit to the United Kingdom or any part of the United Kingdom.”

## LORD MACKAY OF CLASHFERN

19★ Page 2, line 29, leave out subsection (8) and insert –  
 “(8) The “national benefit objective” is that –  
 (a) fishing activities of UK fishing boats bring social, economic and employment benefits to the United Kingdom or any part of the United Kingdom,  
 (b) fish and aquaculture activities are managed to achieve economic, social and employment benefits and contribute to communities in all parts of the United Kingdom.”

***Member’s explanatory statement***

*This amendment defines the “national benefit objective” to ensure any measures introduced by the Bill support and grow the UK fishing industry.*

## BARONESS JONES OF WHITCHURCH

20 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.*

21 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

LORD KREBS

22 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.*

## LORD GRANTCHESTER

23 Page 2, line 35, at end insert “in a manner consistent with achieving net-zero emissions in the sector by 2030”

**Member’s explanatory statement**

*This amendment strengthens the “climate change objective” by setting a target of net-zero emissions in the sector by 2030.*

## BARONESS JONES OF WHITCHURCH

24 Page 2, line 35, at end insert –

“( ) In addition to the fisheries objectives, section (*Duty to sustain the UK fishing industry workforce*) outlines responsibilities towards the UK fishing industry workforce.”

**Member’s explanatory statement**

*This amendment makes clear that the Secretary of State has additional duties to the UK fishing industry workforce which extend beyond the general environmental and sustainability principles provided for in Clause 1.*

## BARONESS WORTHINGTON

25★ Page 2, line 35, at end insert –

“( ) The “marine planning objective” is that fisheries management is compatible with any relevant marine plans.”

**Clause 1 - continued**

LORD MACKAY OF CLASHFERN  
BARONESS BYFORD

26★ Page 2, line 35, at end insert –

“(9A) The “collaborative objective” is to ensure that the fisheries policy authorities receive guidance on fisheries management from the fishing industry, scientists and other relevant stakeholders.

(9B) The guidance under subsection (9A) must be formally established and shared by a consultative group.

(9C) Within six months of the passing of this Act, the Secretary of State must issue a consultation on the establishment of a consultative group under subsection (9B) or an alternative vehicle for producing guidance under subsection (9A).”

***Member’s explanatory statement***

*This amendment would introduce a consultation to look at establishing a consultative group to guide policy, promote collaboration between central government, devolved administrations and the industry and allow for ongoing dialogue in a naturally variable industry.*

BARONESS MCINTOSH OF PICKERING

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 1 stand part of the Bill.*

**After Clause 1**

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

27 Insert the following new Clause –

**“Office for Environmental Protection**

It shall be a duty of the Office for Environmental Protection to promote the sustainability objective and the climate change objective under section 1.”

***Member’s explanatory statement***

*This amendment ensures that fisheries policy comes under the scrutiny of the Office for Environmental Protection.*

LORD CAMERON OF DILLINGTON

28 Insert the following new Clause –

**“Duty to achieve fisheries objectives**

Any public authority having any function relating to fish and aquaculture activities or fisheries management must exercise its functions in order to achieve the fisheries objectives.”

***Member’s explanatory statement***

*This amendment is to place a legal duty on any public authority with any function related to fisheries to achieve the objectives.*

## BARONESS JONES OF WHITCHURCH

29 Insert the following new Clause—

**“Duty to sustain the UK fishing industry workforce**

- (1) In exercising functions under this Act, the Secretary of State must have regard to the national interest in building and sustaining the UK fishing industry workforce.
- (2) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty’s Government proposes to take to—
  - (a) protect and enhance the safety of workers in fishing activities, and
  - (b) implement legal and training infrastructure to build and sustain the UK fishing industry workforce.
- (3) In preparing the strategy under subsection (2), the Secretary of State must consult—
  - (a) other relevant UK Ministers,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers,
  - (d) the Northern Ireland department, and
  - (e) bodies that appear to the Secretary of State to represent the interests of the UK fishing industry.”

***Member’s explanatory statement***

*This new Clause introduces requirements on the Secretary of State to build and sustain the UK fishing industry workforce. It would require publication of a strategy for enhancing the safety of fishers and providing legal and training infrastructure.*

**Clause 2**

BARONESS JONES OF WHITCHURCH  
LORD TEVERSON

30 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  
LORD CAMERON OF DILLINGTON

31 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.*

32 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.*

BARONESS JONES OF MOULSECOOMB

33 Page 3, line 35, leave out from “to” to end of line 36 and insert—

- “(a) restore one or more stocks of sea fish to, or maintain them at, sustainable levels, and
- (b) in respect of fish activities for the one or more stocks of sea fish referred to in paragraph (a), achieve the ecosystem objective.”

**Member's explanatory statement**

*This amendment requires the ecosystem objective to be achieved whenever policies to maintain or restore a particular fish stock are set out.*

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD CAMERON OF DILLINGTON

34 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.*

35 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.*

LORD LANSLEY

36 Page 3, line 36, at end insert—

“(5A) If the fisheries policy authorities (or any of them) believe that a statement under this Act is or would be, if made, inconsistent with their policies, they may request an independent reviewer, which the Secretary of State must appoint, to report within six months.



**Clause 2 - continued**

- (5B) The Secretary of State and fisheries policy authorities must have regard to the report of the independent reviewer appointed under subsection (5A) in making a JFS thereafter.
- (5C) The Secretary of State must have regard to the report of the independent reviewer appointed under subsection (5A) before setting out policies in a Secretary of State fisheries statement under section 4, which would otherwise be included in the JFS.”

***Member’s explanatory statement***

*This amendment would interpose an independent review, if requested by an authority, if there is a difference of view over policies. It would seek to resolve disputes between authorities before policies are set out in a Secretary of State’s Statement, rather than in a JFS.*

**Clause 3**

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 37 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.*

- 38 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.*

- 39 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.*

THE DUKE OF MONTROSE

- 40★ Page 4, line 12, at end insert –

“( ) If, in the light of a review, the fisheries policy authorities conclude that changes are not required to the JFS, they must prepare and publish, as soon as reasonably practicable, a statement setting out the reasons for that conclusion.”

**Clause 4**

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD CAMERON OF DILLINGTON

- 41 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

42 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

43 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.*

44 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**

BARONESS YOUNG OF OLD SCONE

45★ Page 6, line 8, leave out subsection (1) and insert –

“(1) The relevant authority or authorities must prepare and publish fisheries management plans for all commercially exploited stocks of sea fish and any other stocks of sea fish that fall below Blim.”

**Member's explanatory statement**

*The purpose of this amendment is to ensure that fisheries management plans are introduced for all commercially exploited stocks of sea fish and any other stocks of sea fish that fall below sustainable levels.*

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 46 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.*

BARONESS WORTHINGTON

- 47★ Page 6, line 19, at end insert –  
“(e) comply with relevant marine plans”

BARONESS JONES OF WHITCHURCH

- 48 Page 6, leave out lines 24 and 25 and insert –  
“(i) restoring the stock to, or maintaining it above, sustainable levels,  
and  
(ii) facilitating the protection of a strategic reserve of the stock to ensure its long-term wellbeing;”

***Member’s explanatory statement***

*This amendment requires fisheries management plans to specify policies to maintain stocks above, rather than at, maximum sustainable yield, as well as facilitating a reserve of stocks to be held back to promote their long-term sustainability.*

BARONESS YOUNG OF OLD SCONE

- 49★ Page 6, line 24, leave out from “levels” to end of line 25

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that fisheries management plans restore or maintain a stock at sustainable levels, rather than merely “contributing” to the stock’s restoration.*

- 50★ Page 6, line 28, at end insert “to an equivalent proxy to maximum sustainable yield”

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that, for data-deficient stocks, there is a requirement to establish policies that will return that stock to an equivalent proxy to maximum sustainable yield rather than simply “increasing levels of the stock” without specifying any such limit.*

- 51★ Page 6, line 29, leave out “(if any) that the relevant authority or authorities propose to” and insert “that the relevant authority or authorities will”

***Member’s explanatory statement***

*The purpose of this amendment is to require authorities to take steps to obtain the scientific evidence necessary to enable an assessment of the stock’s maximum sustainable yield.*

- 52★ Page 6, line 33, leave out sub-paragraph (iii)

**Member's explanatory statement**

*The purpose of this amendment is to require authorities to take steps to obtain the scientific evidence necessary to enable an assessment of the stock's maximum sustainable yield.*

53★ Page 6, line 33, at end insert—

- “( ) Where a stock falls below Blim or an equivalent proxy, a fisheries management plan must be published within 12 months which specifies—
- (a) catch limits in accordance with a scientifically evaluated harvest control rule—
    - (i) in order to increase the biomass of that stock by a minimum of 20% per year until the maximum sustainable yield is reached for that stock, or
    - (ii) that delivers the maximum sustainable yield for that stock within 10 years,
 whichever is sooner, and
  - (b) additional conservation measures to achieve the objectives of paragraph (a).”

**Member's explanatory statement**

*The purpose of this amendment is to introduce additional requirements in fisheries management plans for stocks that fall below sustainable levels.*

54★ Page 6, line 33, at end insert—

- “( ) Where stocks that fall below Blim or an equivalent proxy are also exploited by other coastal states, the Secretary of State must engage with those states with a view to ensuring that a fisheries management plan is developed between the United Kingdom and those states in accordance with section 23.”

**Member's explanatory statement**

*The purpose of this amendment is to ensure that the Secretary of State engages with other coastal states with a view to ensuring that a fisheries management plan is put in place for shared stocks. The reference to section 23 refers to Amendment 93 in the name of Lord Teverson.*

BARONESS YOUNG OF OLD SCONE  
LORD RANDALL OF UXBRIDGE

55★ Page 6, line 41, after “section” insert—

- “(a) “Blim” means the spawning stock biomass reference point provided for in the best available scientific advice, in particular by the International Council for the Exploration of the Sea, below which there may be reduced reproductive capacity, and
- (b)”

**Member's explanatory statement**

*The purpose of this amendment is to include a definition of “Blim”. Blim is the reference point below which additional requirements should be introduced in fisheries management plans to ensure stocks are returned to sustainable levels.*

## BARONESS WORTHINGTON

56★ Page 6, line 43, at end insert –

“( ) In this Act “relevant marine plans” means marine plans produced pursuant to the Marine and Coastal Access Act 2009, the Marine (Scotland) Act 2010 (asp 5) or the Marine Act (Northern Ireland) 2013 (c. 10 (N.I.)), which concern the area of sea covered by the fisheries management plan.”

## LORD MACKAY OF CLASHFERN

57★ Page 6, line 43, at end insert –

“( ) A fisheries management plan must contain a statement explaining how the fisheries objectives have been interpreted and proportionately applied in accordance with the JFS in formulating the policies and proposals contained in the plan.”

***Member’s explanatory statement***

*This amendment will ensure that the fisheries management plans contain a statement that sets out how the fisheries objectives have been considered and applied in formulating the policies and proposals in the management plan.*

58★ Page 6, line 43, at end insert –

“( ) Within six months of the passing of this Act, the Secretary of State must issue a consultation on the design and implementation of fisheries management plans.”

***Member’s explanatory statement***

*This amendment requires the Government to undertake a consultation on the design and implementation of management plans which will set out further details about how these will work in practice.*

## BARONESS MCINTOSH OF PICKERING

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 6 stand part of the Bill.*

**Clause 7**

## BARONESS JONES OF WHITCHURCH

59 Page 7, line 34, leave out “include (in particular)” and insert “are limited to”

***Member’s explanatory statement***

*This amendment changes the list of changes in circumstances which are capable of being “relevant” from indicative to exhaustive.*

## LORD GRANTCHESTER

60 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  
LORD KREBS

61 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

62 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.*

BARONESS JONES OF WHITCHURCH

63 Page 7, line 39, leave out from “to” to end of line 40 and insert “catastrophic events which have an impact on fisheries management or the marine environment.”

***Member’s explanatory statement***

*This amendment removes the reference to changes in social or economic elements of sustainable development and instead narrows the criteria to catastrophic events which impact on fisheries management or the marine environment.*

**Clause 8**

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

64 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

65 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;

*After Clause 8 - continued*

- (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;
    - (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.*

**Schedule 1**

LORD LANSLEY

- 66 Page 36, line 26, after "draft," insert –  
 "(aa) persons representative of the interests of the UK fishing fleets, including those fishing in UK coastal waters and those fishing in other waters,"

**Member's explanatory statement**

*This amendment would ensure that the UK fishing fleets are consulted in the making of a Statement.*

THE DUKE OF MONTROSE

- 67★ Page 36, line 30, after first "period" insert "of not less than 28 days"

LORD LANSLEY

- 68 Page 38, line 17, after "draft" insert –  
 "(aa) persons representative of the interests of the UK fishing fleets, including those fishing in UK coastal waters and those fishing in other waters,"

**Member's explanatory statement**

*This amendment would ensure that the UK fishing fleets are consulted in the making of a Statement.*

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 69 Page 38, line 21, after first "period" insert "of not less than 28 days"
- 70 Page 40, line 1, at end insert –  
 "10A The relevant authority in England must consult the local advisory boards before, and following, the production of the draft plan."

**Member's explanatory statement**

*This amendment consolidates the process of devolution and consultation in England.*

**Clause 9**

LORD GRANTCHESTER

- 71 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 10**

BARONESS JONES OF WHITCHURCH  
BARONESS WORTHINGTON

72 Page 9, line 22, leave out “include (in particular)” and insert “are limited to”

**Member's explanatory statement**

*This amendment changes the list of changes in circumstances which are capable of being “relevant” from indicative to exhaustive.*

BARONESS JONES OF WHITCHURCH

73 Page 9, line 27, leave out from “to” to end of line 28 and insert “catastrophic events which have an impact on fisheries management or the marine environment.”

**Member's explanatory statement**

*This amendment removes the reference to changes in social or economic elements of sustainable development and instead narrows the criteria to catastrophic events which impact on fisheries management or the marine environment.*

**Clause 11**

BARONESS JONES OF WHITCHURCH

74 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  
LORD KREBS

75 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

76 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

77 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

LORD KREBS

78 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.*

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

79 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

80 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

81 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

82 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

83 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).

**After Clause 17 - continued**

- (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

84

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.*

### Schedule 3

LORD GRANTCHESTER

85 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.*

THE DUKE OF MONTROSE

86★ Page 50, line 38, after “information” insert “as the authority may reasonably require for the exercise of their function”

LORD GRANTCHESTER

87 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”.*

### Clause 19

LORD GRANTCHESTER

88 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).*

89 Page 13, line 40, at end insert “not exceeding £50,000”

*Member’s explanatory statement*

*This amendment is to probe the maximum fine payable under Clause 19(1)(c).*

### Before Clause 23

BARONESS JONES OF WHITCHURCH

LORD TEVERSON

90 Insert the following new Clause—

**“Negotiations on fishing opportunities previously governed by the Common Fisheries Policy**

- (1) A Minister of the Crown must, before the end of the period of three months beginning with the day on which this Act is passed, lay before both Houses of Parliament a statement containing—
  - (a) information on the status of negotiations with the European Union and other relevant parties on fishing opportunities after IP completion day which were governed by the Common Fisheries Policy before IP completion day,

**Before Clause 23 - continued**

- (b) the policy of Her Majesty's Government in relation to access, after IP completion day, for British fishing boats to EU quota for distant waters outside of the British fishery limits.
- (2) To meet the requirement under subsection (1)(a), the statement must include a declaration of whether Her Majesty's Government intends to reclaim the United Kingdom's full share of EU quota on IP completion day or over a period of time."

***Member's explanatory statement***

*This new Clause requires a Minister of the Crown to lay a statement before Parliament outlining the status of UK-EU fisheries negotiations and the Government's policy in relation to (1) ongoing access to EU distant waters quota for British fishing boats and (2) the time period over which it will reclaim the UK's share of EU fishing quotas.*

**Clause 23**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

91 Page 15, line 16, at beginning insert "Subject to subsection (11),"

LORD GRANTCHESTER

LORD TEVERSON

92 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

93★ Page 15, line 23, at end insert –

- “(2A) When making a determination under subsection (1), the Secretary of State must engage with any other state that exploits a shared stock with a view to ensuring that –
- (a) shared stocks are managed in accordance with the UK's international law obligations and in accordance with the fisheries objectives of this Act, and
  - (b) fishing mortality is below levels which will restore or maintain those shared stocks above levels capable of producing the maximum sustainable yield.
- (2B) For the purposes of subsection (2A)(b), where the biomass of the stock or the level of fishing mortality consistent with achieving the maximum sustainable yield cannot be estimated reliably using the best available scientific advice, the Secretary of State must –
- (a) not postpone or fail to determine fishing opportunities for the stock on the ground that there is an absence of, or uncertainty in, that evidence,

**Clause 23 - continued**

- (b) have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock, and
  - (c) engage with any other state that exploits a shared stock with a view to ensuring that fishing opportunities are determined—
    - (i) at a quantity which functions as a suitable proxy for maximum sustainable yield, and
    - (ii) in a manner that is consistent with the scientific evidence objective and the precautionary objective.
- (2C) Where neither a formal agreement nor a common arrangement is made with another state that exploits a shared stock, the Secretary of State must—
- (a) take all necessary steps to ensure that fishing of shared stocks is carried out such that fishing mortality is below levels which will restore or maintain those shared stocks above levels capable of producing the maximum sustainable yield, and
  - (b) provide, and make public, an annual report to the appropriate legislature outlining the steps taken pursuant to paragraph (a).
- (2D) For those stocks for which fishing opportunities are not determined pursuant to section 23(1), fisheries policy authorities must—
- (a) ensure that exploitation does not exceed the maximum sustainable yield exploitation rate, or
  - (b) if the current biomass of the stock or the level of fishing mortality consistent with achieving the maximum sustainable yield cannot be estimated reliably using the best available scientific advice, ensure that exploitation—
    - (i) does not exceed a level determined by a suitable proxy for maximum sustainable yield, having regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock, and
    - (ii) is consistent with the scientific evidence objective and the precautionary objective.”

94 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.*

95 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.*

## BARONESS JONES OF WHITCHURCH

96 Page 16, line 5, at end insert –

“( ) Before making regulations under subsection (8), the Secretary of State must consult –

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to consult with devolved Ministers and the MMO prior to making regulations determining the number of days in a calendar year that a fishing boat is to be regarded as spending at sea.*

LORD GRANTCHESTER  
LORD TEVERSON

97 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.*

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

98 Page 16, line 11, at end insert –

“(11) For those fisheries in England that are local and operate within the 6-mile limit, the local Inshore Fisheries and Conservation Authority must determine fishing opportunities.”

***Member’s explanatory statement***

*This amendment allows local decision-making for localised fisheries.*

**Clause 24**LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

99 Page 16, line 18, at end insert –

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

***Member’s explanatory statement***

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

## LORD LANSLEY

100 Page 16, line 18, at end insert –

“( ) any persons appearing to the Secretary of State to be representative of the interests of the British fishing boats whose fishing opportunities may be affected by the determination.”



***Member's explanatory statement***

*This amendment would ensure that those affected by the determination of fishing opportunities are consulted by the Secretary of State before a determination is made.*

## THE DUKE OF MONTROSE

101★ Page 16, line 18, at end insert –

“( ) such persons as the Secretary of state thinks appropriate.”

102★ Page 16, line 23, at end insert “and the reasons for making the determination or withdrawal”

## BARONESS WORTHINGTON

103★ Page 16, line 26, at end insert –

“( ) The Secretary of State must not make a determination under section 23 which is contrary to the best available scientific advice.”

**Clause 25**

## BARONESS JONES OF MOULSECOOMB

104 Page 16, line 41, leave out paragraph (b) and insert –

“(b) in the second sentence, for “may” substitute “shall”; for “the history of compliance, the contribution to the local economy and historic catch levels” substitute “and the social and economic contribution to the local economy, and shall have regard to the principle that the fishery is public property held on trust for the people”;

(c) in the third sentence, for “allocated to them, Member States shall endeavour to” substitute “available for distribution by them, the national fisheries authorities shall”

***Member's explanatory statement***

*This amendment requires relevant national authorities to use the impact of fishing on the environment and the social and economic contribution to the local economy as criteria when distributing fishing opportunities, and to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.*

## BARONESS WORTHINGTON

105★ Leave out Clause 25 and insert the following new Clause –

**“25 Criteria for the allocation of fishing opportunities**

(1) When allocating the fishing opportunities available to the United Kingdom between the relevant national authorities, the Secretary of State shall use transparent and objective criteria including those of an environmental, social and economic nature, recognising the United Kingdom fishery as public property held on trust for the people of the United Kingdom.

(2) The criteria used must include the impact of fishing on the environment and the social and economic contribution to the local economy, and comply with the fisheries objectives set out in section 1, any JFS, any SSFS, and any fisheries management plans.

**Clause 25 - continued**

- (3) When allocating the fishing opportunities available to them, English fisheries administrations must use transparent and objective criteria including those of an environmental, social and economic nature, recognising the English fishery as public property held on trust for the people of England.
- (4) The criteria used must include the impact of fishing on the environment and the social and economic contribution to the local economy and comply with the fisheries objectives set out in section 1, any JFS, any SSFS and any fisheries management plan.
- (5) When allocating the fishing opportunities available to them pursuant to subsection (2), English fisheries administrations shall provide incentives to fishing vessels deploying selective fishing gear and using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.
- (6) The documents and evidence forming the basis for allocation decisions under subsections (2) and (3) must be made available to the public within 20 days of the decision being made, and such documents and evidence are not to be treated as exempt information under sections 21 to 44 of the Freedom of Information Act 2000.
- (7) In this section “relevant national authorities” means –
  - (a) the Secretary of State;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers; and
  - (d) the Northern Ireland department.
- (8) In this Act –
  - (a) “English fisheries administrations” means –
    - (i) the Secretary of State;
    - (ii) the Marine Management Organisation; and
    - (iii) any of the Inshore Fisheries and Conservation Authorities;
  - (b) “English fishery” means such sovereign fishing rights as exist in the English inshore region and the English offshore region.”

**After Clause 25**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

106

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.
- (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 27

BARONESS JONES OF WHITCHURCH  
LORD TEVERSON

107 Page 18, line 6, at end insert –

“( ) reserving a proportion of fishing opportunities for boats whose length is 10 metres or less;”

***Member’s explanatory statement***

*This amendment would allow regulations made under Clause 27(1) to reserve a proportion of annual fishing opportunities for small boats.*

BARONESS WORTHINGTON

108★ Page 18, line 25, at end insert –

“( ) The regulations must ensure that rights may be sold to persons who do not intend the rights to be exploited.”

109★ Page 18, line 25, at end insert –

“( ) The regulations must ensure that a person fishing uses techniques which minimise harm to the marine environment.”

110★ Leave out Clause 27 and insert the following new Clause –

**“27 English fishing opportunities**

- (1) The English fishery vests in the Secretary of State and is held subject to the duties set out in this section.
- (2) The powers exercisable by the Secretary of State in the management of the English fishery do not include the power to borrow money against the English fishery.
- (3) The Secretary of State, or the Marine Management Organisation or an Inshore Fisheries and Conservation Authority authorised by the Secretary of State, have the power to dispose of English fishing opportunities –
  - (a) for consideration;
  - (b) on the terms of a licence for a period of no more than one calendar year;
  - (c) in compliance with the criteria set out in section 25(2).
- (4) Any licence of fishing opportunities granted pursuant to subsection (3) does not create or transfer any proprietary right, title or interest in such fishing opportunities or in any fish before such fish are harvested by the holder.
- (5) It is the general duty of the Secretary of State in any disposal of English fishery opportunities (whether by the Secretary of State or by the Marine Management Organisation or an Inshore Fisheries and Conservation Authority when authorised by the Secretary of State) pursuant to this section to achieve appropriate consideration for any such disposal having regard to the criteria for disposal set out in –
  - (a) section 25;
  - (b) any JFS;

**Clause 27** - *continued*

- (c) any SFSS;
  - (d) any fisheries management plan;
  - (e) any relevant marine plan; and
  - (f) the objectives set out in section 1.
- (6) The Secretary of State must by regulations make provision for the disposal of English fishing opportunities, which may include provision—
- (a) for rights to be sold by competitive tender or auction,
  - (b) for a competitive tender process or auction to be run by such person as the regulations may designate,
  - (c) for such fishing opportunities to be rented and an appropriate royalty charged,
  - (d) conferring functions (including functions involving the exercise of a discretion) on a person running a competitive tender process or auction, or on any other person,
  - (e) for terminating a competitive tender process or auction where there has been, or appears to the person running the competitive tender process or auction to have been, a failure to comply with the regulations,
  - (f) about how and when—
    - (i) payments for rights are to be made, and
    - (ii) payments received are to be dealt with,
  - (g) about appeals relating to eligibility for, or the outcome of, a tender process or auction,
  - (h) requiring a person running a tender process or auction to issue guidance.
- (7) Fishing opportunities disposed of in accordance with this section are exercisable in relation to such fishing boats, by such persons, in such manner, and subject to such conditions, as may be specified in the terms of that disposal.
- (8) The Secretary of State, or the Marine Management Organisation or an Inshore Fisheries and Conservation Authority when authorised by the Secretary of State, has the power to—
- (a) specify persons, or descriptions of persons, who are eligible or ineligible to buy opportunities;
  - (b) require any person to pay a deposit, or do any other thing, in order to be eligible to buy opportunities;
  - (c) set limits on the opportunities that may be bought by a person or a description of persons;
  - (d) set a minimum price for fishing opportunities;
  - (e) prohibit or permit the transfer of fishing opportunities by the purchaser or the exercise of such fishing opportunities by someone other than the purchaser of those opportunities;
  - (f) extinguish or limit opportunities sold where any amount due in respect of them is not paid, or any condition attached to the exercise of the rights is not met;
  - (g) provide for the forfeit of fishing opportunities that are held by a person following a disposal under this section but not used, and for payment of compensation to that person.

**Clause 27 - continued**

- (9) Regulations under this section are subject to the affirmative resolution procedure.
- (10) In this Act –
- “English catch quota” means so much of a catch quota as would (if not disposed of in accordance with this section) be available for distribution by the Secretary of State, or the Marine Management Organisation or any Inshore Fisheries and Conservation Authority on behalf of the Secretary of State, for use by English fishing boats;
- “English effort quota” means so much of an effort quota as would (if not disposed of in accordance with this section) be available for distribution by the Secretary of State, or the Marine Management Organisation or any Inshore Fisheries and Conservation Authority on behalf of the Secretary of State, for use by English fishing boats;
- “English fishing opportunities” means the right to use English catch quota and English effort quota;
- “Fixed Quota Allocation Units” has the meaning given in the UK Quota Management Rules 2015 in so far as they apply to England.”

**Clause 28**

BARONESS JONES OF WHITCHURCH  
LORD TEVERSON

111 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  
BARONESS YOUNG OF OLD SCONE

112 Insert the following new Clause –

**“Discard regulatory enforcement schemes**

- (1) The Secretary of State must –

**After Clause 32 - continued**

- (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

**113** 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.*

LORD TEVERSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**114** Page 22, line 19, after “subsection (1)” insert “or section (*Selectivity research and implementation fund*)”

***Member’s explanatory statement***

*The amendment addresses the choke issue connected to the landing obligation, and aims to minimise the impact on marine ecosystems by only catching targeted species.*

**After Clause 33**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**115** 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.*

**116** Insert the following new Clause—

**“Selectivity research and implementation fund**

The Secretary of State must establish a research and implementation fund that promotes research into new and improved methods of selectivity, and encourages and assists vessel owners to replace old nets or other technologies with those that give greater selectivity.”

*Member’s explanatory statement*

*The amendment addresses the choke issue connected to the landing obligation, and aims to minimise the impact on marine ecosystems by only catching targeted species.*

**Clause 34**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**117** 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

**118** 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

**119** 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

**120** 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.*

**Clause 41**

BARONESS YOUNG OF OLD SCONE  
LORD RANDALL OF UXBRIDGE

**121★** Page 27, line 42, leave out subsection (1) and insert—

- “(1) Before making regulations under section 36 or 38, the Secretary of State must—
- (a) prepare a draft (“the consultation draft”) of such regulations,
  - (b) publish the consultation draft in such manner as the Secretary of State considers appropriate,
  - (c) take such steps as the Secretary of State considers appropriate to secure that the consultation draft is brought to the attention of interested persons,
  - (d) specify a period (“the scrutiny period”) for scrutiny of the consultation draft by Parliament, and
  - (e) on or before the first day of the scrutiny period lay a copy of the consultation draft before both Houses of Parliament.



**Clause 41 - continued**

- (1A) In this section “interested persons” means—
- (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) any persons likely to be interested in, or affected by, the consultation draft.
- (1B) Subsection (1C) applies if, during the scrutiny period—
- (a) either House of Parliament passes a resolution with regard to the consultation draft, or
  - (b) a committee of either House of Parliament makes a recommendation with regard to the policies contained in the consultation draft.
- (1C) The Secretary of State must lay before Parliament a statement setting out the Secretary of State’s response to the resolution or recommendation.
- (1D) The Secretary of State must, in making regulations under section 36 or 38, have regard to any representations made to the Secretary of State about the consultation draft under subsection (1) or any resolution or recommendation made under subsection (1B).”

***Member’s explanatory statement***

*This amendment provides an additional requirement for authorities to lay the draft regulations before Parliament. It also requires the Secretary of State to “have regard to” any responses to the consultation, including any Parliamentary resolutions or recommendations.*

**After Clause 45**

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**122** 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;
- (g) all management plans required of them by legislation or regulation;
- (h) the members of their governing bodies.”

**123** Insert the following new Clause—

**“Marine regulators**

- (1) The Secretary of State must carry out a consultation regarding—

**After Clause 45 - continued**

- (a) the rationalisation of, and
  - (b) the sharing of,
- regulatory activities between the Marine Management Organisation and the Maritime and Coastguard Agency, and lay a report of the conclusions of the consultation before both Houses of Parliament.
- (2) The Marine Management Organisation and the Inshore Fisheries and Conservation Authorities must—
- (a) fully cooperate in each of their geographic areas in order to maximise the use of resources and intelligence;
  - (b) draw up and submit joint plans for cooperation in fisheries management to the Secretary of State annually.”

***Member’s explanatory statement***

*This amendment aims to ensure the best use of all marine regulator resources by better shared facilities, resources and coordination.*

LORD KREBS  
BARONESS WORTHINGTON  
LORD RANDALL OF UXBRIDGE

**124★**

Insert the following new Clause—

**“Fully documented fisheries**

- (1) The Secretary of State must by regulations require—
- (a) all fishing boats fishing within British fishery, and
  - (b) all British fishing boats,
- to have remote electronic monitoring with cameras, introduced on a phased basis and subject to public consultation, for the purposes of—
- (i) full and accurate documentation of fisheries, and
  - (ii) monitoring compliance with fisheries and marine management measures.
- (2) All fishing boats fishing within British fishery limits and all British fishing boats fishing within and outside of British fishery limits must operate a vessel monitoring system.
- (3) The fishery policy authorities must ensure that a comprehensive enforcement framework is developed in accordance with international law obligations on illegal, unreported and unregulated fishing.”

***Member’s explanatory statement***

*This amendment requires the introduction of remote electronic monitoring, on a phased basis and subject to consultation, on all vessels fishing in British waters. The monitoring will ensure that accurate data on catches are obtained in order to support effective sustainable fisheries management*

## BARONESS WORTHINGTON

125★ Insert the following new Clause—

**“Net carbon emissions target review**

- (1) The Secretary of State must consult on how to ensure that the fishing industry contributes to the target for zero net emissions of carbon dioxide and other greenhouse gases by 2050 in accordance with section 1 of the Climate Change Act 2008.
- (2) Within 12 months of the passing of this Act, the Secretary of State must lay a report before Parliament on the consultation.”

**Clause 48**

## BARONESS JONES OF MOULSECOOMB

126 Page 34, line 7, at end insert—

“( ) any species of cetacean,”

***Member’s explanatory statement***

*The amendment ensures that that all cetacean species (whales, dolphins, etc) remain within the meaning of “sensitive species”, independent of any reference to EU law.*

127 Page 34, line 8, before “species” insert “other”

***Member’s explanatory statement***

*The amendment ensures that that all cetacean species (whales, dolphins, etc) remain within the meaning of “sensitive species”, independent of any reference to EU law.*

**Clause 51**

LORD RANDALL OF UXBRIDGE  
BARONESS WORTHINGTON

128 Page 35, line 33, after “Fisheries” insert “and Marine Conservation”

# Fisheries Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*27 February 2020*

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