

# Fisheries Bill [HL]

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THIRD  
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.**

**Clause 14**

BARONESS MCINTOSH OF PICKERING

**76ZA** Page 11, line 12, leave out paragraphs (a) and (b)

LORD TEVERSON

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**76A** Page 11, line 18, at end insert “unless that boat is a charter fishing vessel”

***Member’s explanatory statement***

*This amendment probes the Government’s view of recreational fishing with charter vessels.*

### 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.*

BARONESS MCINTOSH OF PICKERING

77A Page 12, line 18, at end insert –

“( ) is subject to the requirement that on-board monitoring equipment and cameras be fitted in accordance with a reduction in by-catch and discards.”

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.*

BARONESS MCINTOSH OF PICKERING

80A Page 13, line 14, at end insert –

“( ) is subject to the requirement that on-board monitoring equipment and cameras be fitted in accordance with a reduction in by-catch and discards.”

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).
- (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.

**After Clause 17 - continued**

- (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  
BARONESS MCINTOSH OF PICKERING

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,
  - (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.*

BARONESS MCINTOSH OF PICKERING

92A★ Page 15, line 21, leave out subsection (2)

**Clause 23 - continued**

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,
  - (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 –

**Clause 23 - continued**

- (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  
BARONESS MCINTOSH OF PICKERING

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  
LORD CAMERON OF DILLINGTON

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.
- (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.

**Clause 25 - continued**

- (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;
  - (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,

**Clause 27 - continued**

- (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.
- (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;

**Clause 27 - continued**

“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.”

BARONESS MCINTOSH OF PICKERING

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 27 stand part of the Bill.*

**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 –

(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;

**After Clause 32 - continued**

- (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.
- (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.

**Clause 41 - continued**

- (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 –

- (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.”

LORD MACKAY OF CLASHFERN

**125A** Insert the following new Clause—

**“Economic benefits plan**

Before 1 January 2021 the Secretary of State must set out measures for achieving economic benefits in line with the Secretary of State's duties under this Act.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to provide more information about achieving economic benefits.*

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

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*5 March 2020*

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