

# Fisheries Bill [HL]

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FOURTH  
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 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;
  - (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 greenhouses 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”

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*9 March 2020*

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