

Fisheries Bill [HL]

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 17th June 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.**

Schedule 1

LORD GARDINER OF KIMBLE

- 18** Page 37, line 15, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

- 19** Page 37, line 24, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Clause 10

LORD CAMERON OF DILLINGTON
LORD TEVERSON

20 Page 9, line 5, at end insert –

“() If a national fisheries authority takes a decision otherwise than in accordance with the policies contained in a JFS, SSFS or fisheries management plan pursuant to subsection (2), the authority must endeavour to achieve the sustainability objective in the exercise of its functions relating to fisheries, fishing or aquaculture.”

Member’s explanatory statement

This amendment will ensure that even where an authority cannot comply with a policy statement or fisheries management plan in view of a relevant change in circumstances, that authority must still aim to achieve the requirements set out in the sustainability objective.

Clause 11

LORD GARDINER OF KIMBLE

21 Page 10, line 3, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

After Clause 17

BARONESS JONES OF WHITCHURCH
LORD TEVERSON
LORD KREBS

22 Insert the following new Clause –

“National landing requirement

- (1) Within 18 months of the day on which this Act is passed, the Secretary of State must make regulations establishing a national landing requirement which automatically applies to any boat licensed under section 14(1) or 16(1), unless exempted under subsection (4)(b).
- (2) Before making regulations under subsection (1), 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.
- (3) A consultation under subsection (2) must seek views on setting an average landing requirement across all relevant species that is not less than 65 per cent.

After Clause 17 - continued

- (4) An appropriate authority may –
- (a) determine its own exceptions and exemptions relating to the landing requirement, and
 - (b) exempt any boat licensed to operate within British fishery limits under section 14(1) or 16(1) from the landing requirement after it has come into force.
- (5) Regulations under subsection (1) are subject to the affirmative resolution procedure.
- (6) In this section –
- “appropriate authority” means the relevant person under section 15(1);
- “landing requirement” means the percentage of a boat’s catch that was caught within British fishery limits in any given quarter which must be landed at a port in the United Kingdom, Isle of Man, Guernsey or Jersey;
- “relevant species” means any species present in a UK fishing zone which is subject to a UK catch quota.”

Member’s explanatory statement

This new Clause requires the Secretary of State to consult on and establish a ‘national landing requirement’ to ensure a minimum percentage of fish caught by both domestic and foreign fishing vessels in UK waters are then landed at a port in the UK, Isle of Man, Guernsey or Jersey.

Schedule 3

LORD LANSLEY

- 23 Page 50, line 7, at end insert –
- “() which are imposed for the purposes of conferring economic, social or employment benefits to the United Kingdom or any part of the United Kingdom.”

Member’s explanatory statement

This would give statutory backing to the application of the economic links to the UK in licence conditions.

Clause 23

LORD GARDINER OF KIMBLE

- 24 Page 15, line 16, leave out “a calendar year” and insert “such year or other period as may be specified in the determination”

Member’s explanatory statement

This amendment enables the Secretary of State to determine a catch quota or effort quota for any period (rather than only for a calendar year).

- 25 Page 16, line 2, leave out “calendar year” and insert “period”

Member's explanatory statement

This amendment is consequential on the amendment to subsection (1) of this Clause appearing in the name of Lord Gardiner.

- 26 Page 16, line 4, leave out “calendar year” and insert “period”

Member's explanatory statement

This amendment is consequential on the amendment to subsection (1) of this Clause appearing in the name of Lord Gardiner.

- 27 Page 16, line 11, at end insert –

“(11) References in retained direct EU legislation to fishing opportunities (however expressed) are, in relation to British fishing boats, references to catch quotas and effort quotas or (as the context requires) to either.”

Member's explanatory statement

This amendment ensures that references in domesticated EU legislation to fishing opportunities are read as references to quotas determined under the Bill.

Clause 25

LORD LANSLEY
LORD RANDALL OF UXBRIDGE
LORD CAMERON OF DILLINGTON

- 28 Leave out Clause 25 and insert the following new Clause –

“Distribution of fishing opportunities

- (1) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must use criteria that –
 - (a) are transparent and objective, and
 - (b) include criteria relating to environmental, social and economic factors.
- (2) The criteria may in particular relate to –
 - (a) the impact of fishing on the environment;
 - (b) the history of compliance with regulatory requirements relating to fishing;
 - (c) the contribution of fishing to the local economy;
 - (d) historic catch levels.
- (3) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must seek to incentivise –
 - (a) the use of selective fishing gear, and
 - (b) the use of fishing techniques that have a reduced impact on the environment (for example that use less energy or cause less damage to habitats).
- (4) In this section “the national fisheries authorities” means –
 - (a) the Secretary of State,
 - (b) the Marine Management Organisation,
 - (c) the Scottish Ministers,
 - (d) the Welsh Ministers, and

Clause 25 - continued

(e) the Northern Ireland Department.”

Member’s explanatory statement

This amendment relocates the rules relating to the distribution of quota from the Common Fisheries Policy Regulation to the Bill.

After Clause 25

LORD GRANTCHESTER

LORD KREBS

LORD TEVERSON

29 Insert the following new Clause—

“Reservation of English fishing opportunities for new entrants and boats under 10 metres

- (1) Before making a determination under section 23 for the first time, the Secretary of State must establish a baseline allocation of English fishing opportunities (“minimum quota”) for—
 - (a) new entrants to the sector, and
 - (b) boats whose length is 10 metres or less.
- (2) Unless the condition in subsection (3) is satisfied, the minimum quota must not be less than an average of the opportunities allocated to these groups over the previous three years.
- (3) The condition in this subsection is that, to meet the sustainability objective, the Secretary of State deems it appropriate that fishing opportunities for certain species be reduced.
- (4) When making a determination under section 23 each calendar year, the Secretary of State must—
 - (a) consider the case for increasing the minimum quota above that of the preceding year, and
 - (b) lay a statement outlining the outcome of this consideration before both Houses of Parliament.
- (5) In the event that the Secretary of State believes there is no case for increasing the minimum quota, the statement under subsection (4)(b) must outline the reasons why.”

Member’s explanatory statement

This new Clause would require the Secretary of State to establish a minimum quota for new entrants to the sector and boats whose length is 10 metres or less. Thereafter, the Secretary of State would have to consider the case for increasing this quota each year and lay statements before Parliament.

Clause 26

LORD GARDINER OF KIMBLE

30 Page 17, line 11, leave out “calendar year” and insert “period”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

- 31 Page 17, line 13, leave out “year” and insert “period”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

- 32 Page 17, line 15, leave out “year” and insert “period”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

- 33 Page 17, line 15, at end insert –

“(1A) In determining under subsection (1) whether a catch quota is exceeded, only count sea fish caught that are required to be counted against it under –

- (a) Article 15 of the Common Fisheries Policy Regulation (landing obligation), or
- (b) any other provision of retained direct EU legislation.”

Member's explanatory statement

This amendment ensures that the rules in retained direct EU legislation about when catches are or are not to be counted against quotas apply for the purposes of the duty in subsection (1) of this Clause to secure that catch quotas are not exceeded.

Clause 27

LORD GARDINER OF KIMBLE

- 34 Page 17, line 27, leave out “an English catch quota for a calendar year” and insert “one or more English catch quotas”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

- 35 Page 17, line 28, leave out “an English effort quota for a calendar year” and insert “one or more English effort quotas”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

BARONESS MCINTOSH OF PICKERING

- 35A Page 18, line 34, at end insert –

“() In making regulations under subsection (1), the Secretary of State must ensure that fishing rights –

Clause 27 - continued

- (a) may not be sold on to other persons following the original purchase,
- (b) are not sold to non-active fishers, and
- (c) are prioritised for sale to vessels under 10 metres.”

BARONESS WORTHINGTON

35B Leave out Clause 27 and insert the following new Clause –

“English fishing opportunities

- (1) The English fishery shall be vested in Her Majesty.
- (2) The Disposal Authority has the power to dispose of English fishing opportunities on behalf of Her Majesty –
 - (a) for open market value or beneath open market value where there is demonstrable public or charitable benefit;
 - (b) on the terms of a licence for a period of no more than seven calendar years;
 - (c) upon such other terms and conditions as the Disposal Authority deems appropriate fit, having regard to good fishery management; and
 - (d) in accordance with the provisions of the Crown Estate Act 1961.
- (3) Any fishing opportunities granted pursuant to subsection (2) may 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 of the opportunity.
- (4) As soon as is reasonably practical after the end of each financial year, the Disposal Authority must send to Her Majesty a report on the performance of their functions in the previous financial year, and must lay a copy of that report before Parliament.
- (5) The Disposal Authority must exercise its functions to secure (so far as possible) that –
 - (a) fishing boats are not used in contravention of section 14(1) (prohibition on fishing without authority of licence), and
 - (b) conditions attached to sea fishing licences under paragraph 1 of Schedule 3 are not broken,
 as a result of the exercise of opportunities sold in accordance with this section.
- (6) In this section –
 - “Disposal Authority” means the Crown Estate Commissioners;
 - “English fishery” means the rights for the purpose of exploiting fish species belonging to Her Majesty;
 - “English fishing opportunities” means contractual rights to exploit the English fishery for catch quota, effort quota or other means of distribution.
- (7) Schedule 5 contains provision conferring power to sell fishing opportunities on the Welsh Ministers.”

Schedule 5

LORD GARDINER OF KIMBLE

- 36 Page 68, line 12, leave out “a Welsh catch quota for a calendar year” and insert “one or more Welsh catch quotas”

Member’s explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

- 37 Page 68, line 13, leave out “a Welsh effort quota for a calendar year” and insert “one or more Welsh effort quotas”

Member’s explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

Clause 39

LORD GARDINER OF KIMBLE

- 38 Page 26, line 41, leave out from “of” to “or” in line 42 and insert “Senedd Cymru if it were included in an Act of Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Clause 41

LORD GARDINER OF KIMBLE

- 39 Page 28, line 8, leave out paragraph (b)

Member’s explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

Schedule 8

LORD GARDINER OF KIMBLE

- 40 Page 80, line 24, leave out paragraph (b)

Member’s explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

- 41 Page 83, line 25, leave out from “of” to “or” in line 27 and insert “Senedd Cymru if it were included in an Act of Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

42 Page 84, line 12, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

43 Page 88, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

Clause 43

LORD GARDINER OF KIMBLE

44 Page 28, line 28, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

45 Page 28, line 30, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

46 Page 28, line 38, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

47 Page 28, line 39, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

48 Page 29, line 20, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

49 Page 29, line 21, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Clause 45

LORD GARDINER OF KIMBLE

- 50 Page 29, line 39, leave out from “of” to end of line 40 and insert “retained direct EU legislation”

Member’s explanatory statement

This amendment is consequential on the amendment appearing in the name of Lord Gardiner that substitutes Schedule 10 to the Bill.

After Clause 45LORD LANSLEY
LORD TEVERSON

- 51 Insert the following new Clause—

“Duties of the Secretary of State in international agreements

The Secretary of State and Ministers of the Crown, when entering into or negotiating international agreements relevant to fisheries policy, must have regard to the fisheries objectives.”

Member’s explanatory statement

This amendment would require Ministers to have regard to the fisheries objectives in relation to all relevant international negotiations, not just those relating wholly to fisheries.

LORD TEVERSON
BARONESS JONES OF WHITCHURCH
LORD KREBS
LORD RANDALL OF UXBRIDGE

- 52 Insert the following new Clause—

“Regulatory enforcement and data collection scheme

- (1) The Secretary of State must—
- (a) by regulations 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 systems and cameras for the purposes of—
 - (i) full and accurate documentation of fish activities and bycatch, and
 - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations;
 - (b) by regulations provide that all British vessels fishing outside the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of—
 - (i) full and accurate documentation of fish activities and bycatch, and
 - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations;

After Clause 45 - continued

- (c) publish a timetable for the phased introduction of the provisions under paragraphs (a) and (b), the final phase of which must be implemented within three years from the day on which this Act is passed;
 - (d) publish plans, within two years from the day on which this Act is passed, following a consultation, to extend remote electronic monitoring systems with cameras to all motorised vessels of whatever nationality fishing within the UK Exclusive Economic Zone.
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

The amendment mandates the use of remote electronic monitoring (REM) on all fishing vessels above 10 metres in length that fish in UK waters and requires plans to be published to extend REM to all vessels.

BARONESS JONES OF WHITCHURCH
LORD KREBS
LORD TEVERSON

53

Insert the following new Clause –

“Contribution of fisheries and aquaculture to targets under the Climate Change Act 2008

- (1) In performing functions under this Act, the Secretary of State must have due regard to –
 - (a) the target for 2050 contained in section 1 of the Climate Change Act 2008, and
 - (b) international climate change treaties of which the UK is a signatory, including the Paris Agreement on Climate Change.
- (2) Within 12 months of the day on which this Act is passed, the Secretary of State must –
 - (a) publish a strategy outlining how Her Majesty’s Government plans to reduce the emissions resulting from fisheries and aquaculture, and
 - (b) by regulations introduce an interim emissions target for 2030 which would provide for fisheries and aquaculture to make substantial progress towards the target for 2050 under section 1 of the Climate Change Act 2008.
- (3) In formulating the strategy under subsection (2)(a), the Secretary of State must consult –
 - (a) other relevant Ministers of the Crown,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland department,
 - (e) bodies that appear to the Secretary of State to represent the interests of the UK fishing industry.
- (4) The strategy must be laid before Parliament.

After Clause 45 - continued

- (5) Regulations under subsection (2)(b) –
- (a) must define what is meant by the term “substantial progress”, and
 - (b) are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would require the Secretary of State to have regard to the 2050 target in the Climate Change Act 2008 and international climate change treaties when exercising functions under this Act, and introduce an interim target for 2030 for fisheries to make progress towards the target for 2050.

LORD MACKAY OF CLASHFERN
BARONESS MCINTOSH OF PICKERING

54 Insert the following new Clause –

“Fisheries economic benefits plan

Before 1 January 2021, the Secretary of State must lay before Parliament a plan setting 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.

Schedule 10

LORD GARDINER OF KIMBLE

55 Leave out Schedule 10 and insert the following new Schedule –

“SCHEDULE 10

RETAINED DIRECT EU LEGISLATION: MINOR AND CONSEQUENTIAL AMENDMENTS

Introduction

1 In this Schedule –

- (a) paragraphs 2 to 8 make amendments of retained direct EU legislation (as amended by regulations made under section 8(1) of the European Union (Withdrawal) Act 2018), and
- (b) paragraph 9 makes transitional provision.

Common Fisheries Policy Regulation

2 (1) The Common Fisheries Policy Regulation is amended as follows.

- (2) Article 2 (objectives) is revoked.
- (3) In Article 4 (definitions), in paragraph 1, at the end insert –
“(46) ‘the fisheries objectives’ has the meaning given by section 1(1) of the Fisheries Act 2020.”
- (4) Article 5 (right of equal access for EU fishing vessels to waters of member States) is revoked.
- (5) Article 9 (principles and objectives of multiannual plans) is revoked.
- (6) Article 10 (content of multiannual plans) is revoked.

Schedule 10 - continued

- (7) Article 16 (distribution of fishing opportunities by the Council to member States) is revoked.
- (8) Article 17 (criteria for the allocation of fishing opportunities by member States) is revoked.
- (9) In Article 28 (external relations) –
 - (a) in paragraph 1 –
 - (i) for “a fisheries administration” substitute “the Secretary of State”;
 - (ii) omit “objectives and”;
 - (iii) for “Articles 2 and 3” substitute “Article 3”;
 - (b) in paragraph 2, for “In particular, a fisheries” substitute “A fisheries”.
- (10) In Article 29 (United Kingdom activities in international fisheries organisations) for paragraph 2 substitute –

“2 The Secretary of State must take such steps as the Secretary of State considers appropriate for the purpose of supporting the improvement of the performance of RFMOs in relation to the conservation and management of marine living resources.”
- (11) In Article 33 (management of stocks of common interest), in paragraph 1 –
 - (a) for “a fisheries administration”, in both places it occurs, substitute “the Secretary of State”;
 - (b) omit the words from “, and in” to “Article 2(2)”;
 - (c) omit the words from “, in particular, concerning” to the end.
- (12) In Article 35 (organisation of the markets), in paragraph 1, in point (a), for the words from “objectives” to the end substitute “fisheries objectives”.
- (13) Annex I (right of equal access for EU fishing vessels to waters of member States) is revoked.

Regulation (EU) No 1379/2013

- 3 In Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, in Article 41 (exceptions to the application of competition rules), in paragraph 2(f), for “objectives specified in Article 2 of Regulation 1380/2013” substitute “fisheries objectives”.

Regulation (EU) 2016/2336

- 4 In Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic, in Article 1 (objectives), in paragraph 1, for “objectives listed in Article 2 of Regulation (EU) No 1380/2013” substitute “fisheries objectives”.

Regulation (EU) 2017/1004

- 5 (1) Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy is amended as follows.
 - (2) In Article 1 (subject matter and scope), in paragraph 1 –

Schedule 10 - continued

- (a) for the words from “With” to “this” substitute “This”;
 - (b) at the end insert “with a view to contributing to the achievement of the fisheries objectives”.
- (3) In Article 5 (content and criteria for multiannual programmes) –
- (a) in paragraph 1, in point (a), for the words from “requirements” to the end substitute –
 - “to be collected for the purpose of contributing to the achievement of –
 - (i) the objectives set out in Article 25 of EU Regulation 1380/2013, and
 - (ii) the fisheries objectives”;
 - (b) in paragraph 4, in point (a), for the words from “reaching” to the end substitute “contributing to the achievement of the fisheries objectives”;
 - (c) in paragraph 5, in point (a), for the words from “reaching” to the end substitute “contributing to the achievement of the fisheries objectives”.

Regulation (EU) 2018/973

- 6 (1) Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea is amended as follows.
- (2) In Article 1 (subject-matter and scope), in paragraph 1 –
- (a) omit points (f), (i) and (j);
 - (b) in point (k) omit the seventh and eighth indents.
- (3) In Article 3 (objectives) –
- (a) in paragraph 1 –
 - (i) for the words from “objectives listed” to “1380/2013” substitute “fisheries objectives”;
 - (ii) for the words from “, and shall” to the end substitute “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (b) in paragraph 3 –
 - (i) after “fisheries management” insert “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (ii) for the words from “. It shall” to the end substitute “and, where possible, reversed”.
- (4) In Article 4 (targets) –
- (a) in paragraph 1, omit “by 2020”;
 - (b) in paragraph 2 –
 - (i) for “A fisheries administration” substitute “The Secretary of State”;
 - (ii) after “ICES” insert “, or a similar independent scientific body recognised at international level,”;
 - (c) in paragraph 6 –
 - (i) for “Fishing” substitute “Where the spawning stock biomass is above Blim, fishing”;
 - (ii) omit “in any event”;

Schedule 10 - continued

- (iii) for “the spawning stock biomass” substitute “it”;
- (d) after paragraph 6 insert –
 - “7 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 6.
 - 8 If the Secretary of State makes a determination in reliance on paragraph 7 the Secretary of State must prepare and publish a document –
 - (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.
 - 9 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to –
 - (a) the international obligations of the United Kingdom,
 - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
 - (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”
- (5) In Article 5 (management of by-catch stocks) –
 - (a) in paragraph 2, for the words from “as defined” to “1380/2013” substitute “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (b) in paragraph 3, for “In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the” substitute “The”.
- (6) In Article 6 (conservation reference points), for “A fisheries administration” substitute “The Secretary of State”.
- (7) In Article 7 (safeguards) –
 - (a) in paragraph 1 –
 - (i) omit “all”;
 - (ii) for “decrease in biomass” substitute “current biomass or, in the case of Norway lobster, current abundance”;
 - (b) after paragraph 4 insert –
 - “5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.
 - 6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document –
 - (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.

Schedule 10 - continued

- 7 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
- (a) the international obligations of the United Kingdom,
 - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
 - (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”
- (8) In Article 12 (fishing authorisations and capacity ceilings), in paragraph 1—
- (a) after “fishing authorisations” insert “(which may be contained in a licence granted under section 15 of the Fisheries Act 2020)”;
 - (b) for “vessels in its fleet” substitute “United Kingdom fishing vessels”.
- (9) In Article 13 (principles and objectives of management of stocks of common interest)—
- (a) in paragraph 1—
 - (i) for “a fisheries administration”, in both places it occurs, substitute “the Secretary of State”;
 - (ii) omit “Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of”;
 - (iii) omit “, thereby promoting a level-playing field for United Kingdom operators”;
 - (b) omit paragraph 2.

Regulation (EU) 2019/472

- 7 (1) Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks is amended as follows.
- (2) In Article 1 (subject-matter and scope), in paragraph 1—
- (a) omit points (4) to (7), (11), (13), (18), (20), (24) to (26), (30) and (34) to (36);
 - (b) in point (23) omit the third, fourth and fifth indents.
- (3) In Article 3 (objectives)
- (a) in paragraph 1—
 - (i) for the words from “objectives listed” to “1380/2013” substitute “fisheries objectives”;
 - (ii) for the words from “, and shall” to the end substitute “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (b) in paragraph 3—
 - (i) after “fisheries management” insert “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (ii) for the words from “. It shall” to the end substitute “and, where possible, reversed”.
- (4) In Article 4 (targets)—

Schedule 10 - continued

- (a) in paragraph 1 omit “by 2020”;
 - (b) in paragraph 2, for “A fisheries administration” substitute “The Secretary of State”;
 - (c) in paragraph 7—
 - (i) for “Fishing” substitute “Where the spawning stock biomass is above Blim, fishing”;
 - (ii) omit “in any event”;
 - (iii) for “the spawning stock biomass” substitute “it”;
 - (d) after paragraph 7 insert—
 - “8 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 7.
 - 9 If the Secretary of State makes a determination in reliance on paragraph 8 the Secretary of State must prepare and publish a document—
 - (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.
 - 10 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
 - (a) the international obligations of the United Kingdom,
 - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
 - (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”
- (5) In Article 5 (management of by-catch stocks)—
- (a) in paragraph 2, for the words from “as defined” to “1380/2013” substitute “(within the meaning given by section 1(10) of the Fisheries Act 2020)”;
 - (b) in paragraph 3, for “In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the” substitute “The”.
- (6) In Article 7 (conservation reference points), for “A fisheries administration” substitute “The Secretary of State”.
- (7) In Article 8 (safeguards)—
- (a) in paragraph 1—
 - (i) omit “all”;
 - (ii) for “decrease in biomass” substitute “current biomass or, in the case of Norway lobster, current abundance”;
 - (b) after paragraph 4 insert—

Schedule 10 - continued

- “5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.
- 6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—
- (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.
- 7 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
- (a) the international obligations of the United Kingdom,
 - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
 - (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”

(8) In Article 11 (recreational fisheries), in paragraphs 1 and 2, for “any person determining fishing opportunities”, in both places it occurs, substitute “a fisheries administration”.

(9) In Article 12 (effort limitation for sole in the Western Channel), in paragraph 2—

 - (a) for “Any person determining fishing opportunities” substitute “A fisheries administration”;
 - (b) omit the words from “and for vessels” to the end.

(10) In Article 14 (fishing authorisations and capacity ceilings), in paragraph 1—

 - (a) after “fishing authorisations” insert “(which may be contained in a licence granted under section 15 of the Fisheries Act 2020)”;
 - (b) for “vessels in its fleet” substitute “United Kingdom fishing vessels”.

(11) In Article 15 (principles and objectives of management of stocks of common interest)—

 - (a) in paragraph 1—
 - (i) for “a fisheries administration”, in both places it occurs, substitute “the Secretary of State”;
 - (ii) omit “Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of”;
 - (iii) omit “thereby promoting a level-playing field for United Kingdom operators”;
 - (b) omit paragraph 2.

Regulation (EU) 2019/1241

Schedule 10 - continued

- 8 (1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures is amended as follows.
- (2) In Article 3, in paragraph 1, for “objectives set out in the applicable provisions of Article 2 of Regulation (EU) No 1380/2013” substitute “achievement of the fisheries objectives”.
- (3) In Article 4, in paragraph 1 –
- (a) in point (a), for “Article 2(2) of Regulation (EU) No 1380/2013” substitute “the fisheries objectives”;
- (b) in point (c), for “point (j) of Article 2(5) of Regulation (EU) No 1380/2013” substitute “the fisheries objectives”.
- (4) In Article 11, in paragraph 4, omit “and shall be compatible with the objectives set out in Article 2 of Regulation (EU) No 1380/2013”.

Transitional provision

- 9 (1) This paragraph applies until the first JFS comes into effect.
- (2) The Common Fisheries Policy Regulation (as amended by this Schedule) has effect as if –
- (a) in Article 28(1), after “Article 3” there were inserted “in a way that contributes to the achievement of the fisheries objectives”;
- (b) in Article 29(2), at the beginning there were inserted “The positions of the United Kingdom in international organisations dealing with fisheries and in RFMOs shall be based on the best available scientific advice so as to ensure that fishery resources are managed in a way that contributes to the achievement of the fisheries objectives.”;
- (c) in Article 33(1) –
- (i) after “Regulation” there were inserted “and that contributes to the achievement of the fisheries objectives”;
- (ii) after “management possible” insert “in a way that contributes to the achievement of the fisheries objectives”.
- (3) Regulation (EU) 2018/973 (as amended by this Schedule) has effect as if in Article 13(1), after “Regulation” there were inserted “and that contributes to the achievement of the fisheries objectives”.
- (4) Regulation (EU) 2019/472 (as amended by this Schedule) has effect as if in Article 15(1), after “Regulation” there were inserted “and that contributes to the achievement of the fisheries objectives”.
- (5) Regulation (EU) 2019/1241 (as amended by this Schedule) has effect as if in Article 11(4), after “paragraph 1 of this Article” there were inserted “and shall contribute to the achievement of the fisheries objectives”.

Member’s explanatory statement

This amendment inserts a new Schedule in place of Schedule 10, which incorporates the material that was previously in that Schedule and makes further amendments to retained EU Regulations.

Clause 47

LORD GARDINER OF KIMBLE

- 56 Page 30, line 31, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

- 57 Page 30, line 45, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Clause 48

LORD KREBS

BARONESS JONES OF WHITCHURCH

LORD TEVERSON

BARONESS MCINTOSH OF PICKERING

- 58 Page 33, line 17, leave out “theoretical”

Member’s explanatory statement

This amendment ensures that the level of harvest is based on empirical data and not on theoretical single species models.

LORD KREBS

BARONESS JONES OF WHITCHURCH

BARONESS MCINTOSH OF PICKERING

LORD TEVERSON

- 59 Page 33, line 20, leave out “reproduction process” and insert “viability of the stock”

Member’s explanatory statement

This amendment ensures that factors other than reproduction, such as climate change, are taken into account when assessing the viability of a stock.

LORD GARDINER OF KIMBLE

- 60 Page 33, line 38, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Clause 50

LORD GARDINER OF KIMBLE

61 Page 35, line 10, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Fisheries Bill [HL]

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

22 June 2020
