

Fisheries Bill [HL]

COMMONS AMENDMENTS

[The page and line numbers refer to Bill 153, the bill as first printed for the Commons]

Clause 1

1 Page 1, line 12, leave out subsections (2) and (3) and insert –

“(2) The “sustainability objective” is that –

(a) fish and aquaculture activities are –

(i) environmentally sustainable in the long term, and

(ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and

(b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.”

Clause 2

2 Page 3, line 37, leave out “18 months” and insert “two years”

Clause 18

3 Page 13, line 33, leave out Clause 18

Clause 27

4 Page 18, line 7, leave out Clause 27

Clause 35

5 Page 24, line 15, at end insert –

“(c) require the Secretary of State, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In subsection (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about –

(a) the recipient of the financial assistance;

(b) the amount of the financial assistance;

(c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Clause 39

6 Page 27, leave out lines 5 to 8

Clause 41

7 Page 28, line 24, after “Senedd Cymru” insert “(ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006)”

8 Page 28, line 31, after “of” insert “sea fishing by”

9 Page 28, line 40, leave out from “State” to “under” in line 41 and insert “, or of any of the sea fish licensing authorities,”

Before Clause 45

10 Insert the following new Clause –

“Agency arrangements between sea fish licensing authorities

- (1) A sea fish licensing authority may make arrangements for –
 - (a) any of its fisheries functions, or
 - (b) any of its product movement functions that are not fisheries functions,
 to be exercised on its behalf by another sea fish licensing authority.
- (2) Arrangements made by a sea fish licensing authority under subsection (1) in relation to a function do not affect that authority’s responsibility for the exercise of the function.
- (3) A sea fish licensing authority that exercises functions on behalf of another sea fish licensing authority under subsection (1) may charge that other authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) Subsection (1) does not authorise the making of arrangements in relation to any function of making, confirming or approving subordinate legislation.
- (5) The power of a sea fish licensing authority to make arrangements under subsection (1) does not affect, and is not affected by, any other power of the authority to make arrangements relating to the exercise of its functions by other persons on its behalf.
- (6) In this section –
 - “fisheries function” means a function relating to fisheries, fishing or aquaculture;
 - “product movement function” means a function relating to the movement of fishery products –
 - (a) into or out of the United Kingdom, or
 - (b) within the United Kingdom.”

Before Clause 45

11 Insert the following new Clause—

“Foreign fishing boats that are exclusively Faroe Islands-regulated

- (1) No prohibition, restriction or obligation relating to sea fishing imposed by any enactment applies to—
 - (a) anything done or not done by or in relation to a foreign fishing boat at a time at which the fishing boat is in waters lying within the Special Area and is exclusively Faroe Islands-regulated, or
 - (b) anything done or not done in relation to sea fish that were caught by a foreign fishing boat in waters lying within the Special Area at a time at which the fishing boat was exclusively Faroe Islands-regulated.
- (2) For the purposes of this section a foreign fishing boat is “exclusively Faroe Islands-regulated” if—
 - (a) there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area, and
 - (b) the fishing boat is not on a list maintained and published by the Scottish Ministers for the purposes of this subsection.
- (3) In this section—
 - (a) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018 and includes an enactment contained in or made under this Act;
 - (b) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
 - (c) “the Faroe Islands Treaty” means the agreement between—
 - (i) the Government of the United Kingdom, and
 - (ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,
 relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999.”

After Clause 45

12 Insert the following new Clause—

“Interpretation of Welsh legislation

- (1) In the Interpretation Act 1978, section 23B (application of Interpretation Act 1978 to Welsh legislation), as substituted by paragraph 1 of Schedule 2 to the Legislation (Wales) Act 2019 (anaw 4), is amended in accordance with subsections (2) and (3).
- (2) In subsection (6), for “and “Wales”” substitute “, “Welsh zone” and (subject to subsection (7)) “Wales””.
- (3) After subsection (6) insert—
 - “(7) In relation to a provision that—
 - (a) relates to fishing, fisheries or fish health, and
 - (b) is contained in an instrument made after section 45 of the Fisheries Act 2020 comes into force,

“Wales” includes the area of the Welsh zone beyond the seaward limit of the territorial sea.”

- (4) The Legislation (Wales) Act 2019 (anaw 4) is amended in accordance with subsections (5) to (8).
- (5) In section 1(3)(d) (duty to keep accessibility of Welsh law under review) –
- (a) in the English language text, omit “applies in relation to Wales and relates to subject matter which”;
 - (b) in the Welsh language text, omit “y mae’n gymwys o ran Cymru ac y mae’n ymwneud â phwnc”.
- (6) In section 3 (legislation to which Part 2 of the Act applies), after subsection (3) –
- (a) in the English language text, insert –

“(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 00) comes into force, the reference in subsection (2)(b)(iii) to Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.”;
 - (b) in the Welsh language text, insert –

“(4) Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod ac a wneir ar ôl i adran 45 o Ddeddf Pysgodfeydd 2020 (p. 00) ddod i rym, mae’r cyfeiriad yn is-adran (2)(b)(iii) at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”
- (7) After section 40 –
- (a) in the English language text insert –

“40A Application of this Part in relation to the Welsh zone

In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.”;
 - (b) in the Welsh language text insert –

“40A Cymhwyso’r Rhan hon mewn perthynas â pharth Cymru

Mewn perthynas ag is-ddeddfwriaeth sy’n ymwneud â physgota, pysgodfeydd neu iechyd pysgod, mae cyfeiriadau yn y Rhan hon at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”
- (8) In Schedule 1, in the Table –
- (a) in the English language text, after the entry for “Welsh tribunal (*tribiwnlys Cymreig*)” insert –

“Welsh zone (<i>parth Cymru</i>)	“Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32) (and see article 3 of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), which makes provision about the limits of the zone);
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- (b) in the Welsh language text, after the entry for “offeryn UE (*EU instrument*)” insert –

“parth Cymru (<i>Welsh zone</i>)	mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (a gweler erthygl 3 o Orchymyn Parth Cymru (Ffiniau a Throsoglwyddo Swyddogaethau) 2010 (O.S. 2010/760), sy’n gwneud darpariaeth ynghylch terfynau’r parth”).”
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After Clause 45

- 13 Insert the following new Clause –

“Conservation of Seals

Schedule (*conservation of seals*) contains amendments of the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) in connection with prohibiting the killing, injuring or taking of seals.”

Clause 48

- 14 Page 31, line 20, leave out Clause 48

Clause 49

- 15 Page 32, leave out lines 16 and 17

Clause 51

- 16 Page 34, line 40, at end insert –

““fishery products” means –

- (a) fish or other aquatic organisms resulting from fishing or aquaculture, or
- (b) products derived from aquatic organisms within paragraph (a);”

- 17 Page 35 leave out lines 26 to 28 and insert –
 ““minimum conservation reference size”, in relation to an aquatic organism, means the size of a member of the species of which the organism is a member, at the level of maturity of that organism, below which capture or retention is prohibited or restricted;”
- 18 Page 35, line 28, at end insert –
 ““Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);”
- 19 Page 36, line 9, at end insert –
 ““sea fish licensing authority” means –
 (a) the Scottish Ministers,
 (b) the Welsh Ministers,
 (c) the Northern Ireland department, or
 (d) the Marine Management Organisation;”
- 20 Page 36, line 24, at end insert –
 ““subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation;”

Clause 52

- 21 Page 37, line 3, leave out “revocation made by paragraph 5” and insert “repeals and revocations made by paragraphs 3 to 5”
- 22 Page 37, line 4, at end insert –
 “(6) Her Majesty may by Order in Council provide for the following provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man –
 (a) subsection (1)(a) of section 38 (power to make provision for the purpose of implementing international obligations),
 (b) subsections (4) to (6) of that section,
 (c) section 39 (interpretation of section 38),
 (d) sections 41 to 43 (regulations under section 36: scope and procedure),
 (e) section 50 (regulations), and
 (f) section 51 (interpretation).”

Clause 53

- 23 Page 37, line 11, at end insert –
 “(da) section (*Agency arrangements between sea fish licensing authorities*) (agency arrangements between sea fish licensing authorities);”
- 24 Page 37, line 14, leave out “Section 45 (legislative competence of Senedd Cymru)” and insert “Sections 45 and (*Interpretation of Welsh legislation*) (legislative competence of Senedd Cymru etc)”
- 25 Page 37, line 19, leave out “and Schedules 3 and 4” and insert “, Schedule 3 and (subject to subsection (5A)) Schedule 4”

- 26 Page 37, line 21, at end insert—
 “(da) section (*Foreign fishing boats that are exclusively Faroe Islands-regulated*) (foreign fishing boats exclusively Faroe Islands-regulated);”
- 27 Page 37, line 30, at end insert—
 “(4A) Section (*conservation of seals*) and Schedule (*conservation of seals*) (conservation of seals) come into force on 1 March 2021.”
 (4B) In Schedule 4, the amendment made by paragraph 6(13)(d) is treated as always having had effect.”

Clause 54

- 28 Page 37, line 38, leave out subsection (2)

Schedule 2

- 29 Page 42, line 38, leave out from “crabs)” to end of line 1 on page 43 and insert “, in paragraph (2), after “foreign fishing boats” insert “of sea fish caught in waters lying outside British fishery limits”.”
- 30 Page 43, line 2, leave out from “crabs)” to end of line 4 and insert “, in paragraph (2), after “foreign fishing boats” insert “and were caught in waters lying outside British fishery limits”.”
- 31 Page 43, line 13, leave out “Scottish or”
- 32 Page 43, line 13, leave out “or a foreign vessel”
- 33 Page 43, line 16, at end insert—
 “(4) A foreign vessel is prohibited from carrying in the English zone velvet crab that were caught in waters lying within British fishery limits and are below the minimum size mentioned in sub-paragraph (1).”
- 34 Page 43, line 23, leave out “Scottish or”
- 35 Page 44, line 19, leave out from “prohibition)” to end of line 20 and insert—
 “(a) in paragraph (1) omit “wherever caught”;
 (b) in paragraph (2), after “applies” insert “(wherever caught)”;
 (c) after paragraph (2) insert—
 “(3) The landing in England or Northern Ireland from a foreign fishing boat of any sea fish to which this article applies that were caught in waters lying within British fishery limits is prohibited.””
- 36 Page 45, line 16, leave out “in relation to”
- 37 Page 45, line 19, leave out “in relation to”
- 38 Page 46, line 11, at end insert “, or
 (d) a foreign fishing boat outside British fishery limits.”
- 39 Page 51, line 32, at end insert—

“SCOTLAND

The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999

- 22 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1991 (S.S.I. 1999/88) is amended as follows.
- (2) In article 3 (fishing prohibition) –
- (a) in paragraph (2), for “a relevant British” substitute “any”;
 - (b) in paragraph (3), for “within the Scottish zone or anywhere outside that zone” substitute “outside the Scottish zone”.
- (3) In article 4 (landing prohibition), for paragraph (3) substitute –
- “(3) The prohibition in paragraph (2) does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), for “relevant British” substitute “other”.

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000

- 23 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (S.S.I. 2000/227) is amended as follows.
- (2) In article 3 (application), in paragraphs (1)(b) and (1B)(b), for “relevant British” substitute “other”.

The Prohibition of Fishing for Scallops (Scotland) Order 2003

- 24 (1) The Prohibition of Fishing for Scallops (Scotland) Order 2003 (S.S.I. 2003/371) is amended as follows.
- (2) In articles 3 and 4 (prohibitions of fishing for king scallops) for “a Scottish fishing boat or by any relevant British” substitute “any”.
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “other”.

The Shrimp Fishing Nets (Scotland) Order 2004

- 25 (1) The Shrimp Fishing Nets (Scotland) Order 2004 (S.S.I. 2004/261) is amended as follows.
- (2) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)(b), for “relevant British” substitute “other”.
- (3) In article 4 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “other”.

The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012

- 26 (1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012 (S.S.I. 2012/63) is amended as follows.

- (2) In article 2 (definitions) omit the following definitions –
 “fishing boat”;
 “relevant British fishing boat”;
 “Scottish fishing boat”;
 “third country”;
 “third country fishing boat”.
- (3) Omit article 3 (application).
- (4) In article 4 (prohibition of fishing for tope), for “a boat to which this article applies” substitute “any fishing boat”.
- (5) In article 5 (prohibition of trans-shipment of tope), for “a boat or vessel to which this article applies” substitute “any fishing boat”.
- (6) In article 6 (prohibition of landing tope) –
 (a) the existing provision becomes paragraph (1);
 (b) in that paragraph, for “a boat or vessel to which this article applies” substitute “any fishing boat”;
 (c) after that paragraph insert –
 “(2) The prohibition in paragraph (1) does not apply in relation to tope caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibition of landing specified species of shark, skate and ray) –
 (a) in paragraph (1), for “a boat or vessel to which this article applies” substitute “any fishing boat”;
 (b) after paragraph (1) insert –
 “(1A) The prohibition in paragraph (1) does not apply in relation to a specified species caught by a foreign fishing boat in waters lying outside British fishery limits.”
 (c) in paragraph (2), for “paragraph (1)” substitute “this article”.
- (8) In article 8 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1) –
 (a) in sub-paragraph (b), for “relevant British” substitute “other”;
 (b) omit sub-paragraph (c) and the “and” before it.

The Regulation of Scallop Fishing (Scotland) Order 2017

- 27 (1) The Regulation of Scallop Fishing (Scotland) Order 2017 (S.S.I. 2017/127) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In article 3 (prescribed minimum size for landing king scallops) –
 (a) for paragraph (3) substitute –
 “(3) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”;
 (b) in paragraph (5), omit sub-paragraph (a).

- (4) In article 4 (restrictions on number of scallop dredges), in the opening words, omit “British”.
- (5) In article 5 (exemption from restrictions in article 4), in paragraphs (1), (2), (3)(a) and (4)(a), omit “British”.
- (6) In article 6 (requirement to install a functioning remote electronic monitoring system), in paragraphs (1) and (3), omit “British”.

The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017

- 28 (1) The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017 (S.S.I. 2017/325) is amended as follows.
 - (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “relevant British” substitute “other”.

The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017

- 29 (1) The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (S.S.I. 2017/455) is amended as follows.
 - (2) In article 2 (interpretation), omit the definition of “foreign fishing boat”.
 - (3) In article 3 (prescribed minimum size for landing edible crabs in Scotland), for paragraph (2) substitute—
 - “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
 - (4) In article 4 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs)—
 - (a) in paragraph (4), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
 - (b) for paragraphs (6) and (7) substitute—
 - “(6) The prohibitions imposed by—
 - (a) section 1(1) of the Act, as read with paragraph (1), and
 - (b) paragraphs (4) and (5),
 do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
 - (7) The prohibition imposed by section 1(2) of the Act, as read with paragraph (2), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
 - (5) In article 5 (prescribed minimum size for landing spider crabs in Scotland), for paragraph (2) substitute—
 - “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

- (6) In article 6 (prescribed minimum size for landing green crabs in the Orkney Islands), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (7) In article 7 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters)—
- (a) in paragraph (10), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone,”;
- (b) for paragraphs (12) and (13) substitute—
- “(12) The prohibitions imposed by—
- (a) section 1(1) of the Act, as read with paragraphs (1) to (7), and
- (b) paragraph (10),
- do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.
- (13) The prohibition imposed by section 1(2) of the Act, as read with paragraph (8), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019

- 30 (1) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 (S.S.I. 2019/419) is amended as follows.
- (2) In article 2 (interpretation), in paragraph (1), omit the definition of “British fishing boat”.
- (3) In article 3 (prohibited methods of fishing), in paragraphs (1), (2) and (3), omit “British”.

NORTHERN IRELAND

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993

- 31 (1) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993 (S.R. (N.I.) 1993 No. 155) are amended as follows.
- (2) In regulation 4 (exceptions), omit “to any person who is not a British citizen or”.

The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998

- 32 (1) The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998 (Northern Ireland) 1998 (S.R. (N.I.) 1998 No. 414) are amended as follows.
- (2) In regulation 4 (exceptions), omit paragraph (a).

The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000

- 33 (1) The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000 (S.R. (N.I.) 2000 No. 200) is amended as follows.
- (2) In article 2 (interpretation) –
- (a) omit the definition of “British fishing boat”;
- (b) for the definition of “foreign fishing boat” substitute –
“foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 51 of that Act);”.
- (3) For article 4 substitute –

“Exemptions

- 4 The prohibitions imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Conservation of Scallops Regulations (Northern Ireland) 2008

- 34 (1) The Conservation of Scallops Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No. 430) are amended as follows.
- (2) In regulation 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In regulation 3 (prohibition of fishing and fishing methods) in paragraphs (3), (4), (7)(b) and (8), omit “British”.
- (4) In regulation 4 (exemptions), omit paragraph (a).

The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020

- 35 (1) The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 152) are amended as follows.
- (2) In regulation 2 (interpretation), for the definition of “foreign fishing boat” substitute –
“foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 51 of that Act);”.
- (3) For regulation 5 (exemptions) substitute –

“Exemptions

- 5 (1) The obligations and prohibitions imposed by regulations 3 and 4 do not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.
- (2) The obligations and prohibitions imposed by regulations 3 and 4 do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

The Edible Crabs (Undersized) Order (Northern Ireland) 2020

- 36 (1) The Edible Crabs (Undersized) Order (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 153) is amended as follows.
- (2) In article 2 (interpretation), for the definition of “foreign fishing boat” substitute—
- “foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 51 of that Act);”.
- (3) For article 4 (exemptions) substitute—

“Exemptions

- 4 (1) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.
- (2) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.””

Schedule 3

40 Page 54, line 6, at end insert—

“(4) This paragraph does not confer power on a sea fish licensing authority to make arrangements for a licensing function to be exercised on its behalf by another sea fish licensing authority (see instead section (*Agency arrangements between sea fish licensing authorities*) (agency arrangements between sea fish licensing authorities)).”

41 Page 55, line 41, leave out sub-paragraph (1)

Schedule 4

42 Page 57, line 2, leave out sub-paragraph (3)

43 Page 60, line 30, at end insert—

“(d) in subsection (11)(b), after “approval”, in the second place it occurs, insert “or annulment”.”

44 Page 63, line 14, at end insert—

““temporary foreign vessel licence” means a licence that—

(a) is granted in respect of a foreign fishing boat, and

(b) has effect for a period of no more than three weeks;”

45 Page 63, line 23, after “words” insert—

“(i) after “A licence” insert “, other than a temporary foreign vessel licence,”;

(ii) ”

46 Page 63, line 40, leave out “this regulation” and insert “paragraphs (1) and (2)”.

- 47 Page 63, line 44, leave out from “charterer;” to end of line 47 and insert –
- “(b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.
- (2B) A temporary foreign vessel licence shall be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by –
- (a) transmitting it to the relevant person by means of an electronic communication, and
 - (b) subsequently publishing it on the website of the Welsh Ministers or of a person granting the licence on their behalf.
- (2C) In paragraph (2B), “the relevant person”, in relation to a foreign fishing boat, means –
- (a) if the fishing boat is registered in a member State, the European Commission;
 - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”
- 48 Page 64, line 10, after “licence” insert “, other than a temporary foreign vessel licence,”
- 49 Page 64, line 21, leave out paragraphs (a) and (b) and insert –
- “(a) in the heading, for “Delivery” substitute “Granting”;
 - (b) in paragraphs (1) and (2), for “delivered” substitute “granted”;
 - (c) in paragraph (3) –
 - (i) after “A licence” insert “, other than a temporary foreign vessel licence,”;
 - (ii) for “a nominee’s” substitute “an”;
 - (iii) for “delivered” substitute “granted”;
 - (d) after paragraph (3) insert –
 - “(3A) In relation to a licence or notice transmitted by electronic means at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.
 - (3B) A notice communicated in accordance with regulation 2(2)(b) (publication on website) shall be treated as given immediately it is published in accordance with that provision.
 - (3C) A temporary foreign vessel licence communicated in accordance with regulation 2(2B) shall be treated as granted immediately it is published in accordance with that provision.”;
 - (e) in paragraph (5) (in each place it occurs), for “delivered” substitute “granted”.”
- 50 Page 64, line 27, leave out from “paragraph (a)” to end of line 28 and insert –
- “(i) after “2(1)” insert “or (2B)”;
 - (ii) omit “, and a notice which is communicated in accordance with regulation 2(2)(b),”;
 - (iii) for “delivered or given” substitute “granted”;

- 51 Page 65, line 9, after “zone” insert “only”
- 52 Page 65, line 38, at end insert—
“(e) after that definition insert—
 ““temporary foreign vessel licence” means a licence that—
 (a) is granted in respect of a foreign fishing boat, and
 (b) has effect for a period of no more than three weeks.”
- 53 Page 65, line 40, after “words” insert—
 “(i) after “A licence” insert “, other than a temporary foreign vessel licence,”;
 (ii) ”
- 54 Page 65, line 43, at end insert—
 “(ba) after that paragraph insert —
 “(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
 (a) transmitting it to the relevant person by means of an electronic communication, and
 (b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.
 (1B) In paragraph (1A), “the relevant person”, in relation to a foreign fishing boat, means—
 (a) if the fishing boat is registered in a member State, the European Commission;
 (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”
- 55 Page 66, line 3, leave out from “notices)” to end of line 4 and insert—
 “(a) in the heading, for “Delivery” substitute “Granting”;
 (b) in paragraphs (1) and (2), for “delivered” substitute “granted”;
 (c) in paragraph (3)—
 (i) after “A licence” insert “, other than a temporary foreign vessel licence,”;
 (ii) for “a nominee’s” substitute “an”;
 (iii) for “delivered” substitute “granted”;
 (d) after paragraph (3) insert—
 “(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.
 (3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.”;

- (e) in paragraph (5) (in both places), for “delivered” substitute “granted”.
- 56 Page 66, line 4, at end insert –
 “(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a) –
 (a) after “3(1)” insert “or (1A)”;
 (b) for “delivered” substitute “granted”.”
- 57 Page 66, line 30, at end insert –
 “(ba) for the definition of “notice” substitute –
 ““notice” means a notice of variation, suspension or revocation of a licence;”;
- 58 Page 66, line 44, at end insert –
 ““temporary foreign vessel licence” means a licence that –
 (a) is granted in respect of a foreign fishing boat, and
 (b) has effect for a period of no more than three weeks.”
- 59 Page 66, line 46, leave out paragraph (a) to paragraph (c) on page 67 and insert –
 “(a) in paragraph (1) –
 (i) after “A licence” insert “, other than a temporary foreign vessel licence,”;
 (ii) for the words from “the owner” to the end substitute “an appropriate recipient (“P”)”;
 (b) after that paragraph insert –
 “(1A) In paragraph (1) “an appropriate recipient” means –
 (a) in relation to a licence or notice relating to a relevant fishing boat –
 (i) the owner or charterer of the fishing boat, or
 (ii) a nominee of the owner or charterer;
 (b) in relation to a licence or a notice, relating to a foreign fishing boat, the owner or charterer of the fishing boat.”;
 (c) in paragraph (2), after “A licence” insert “, other than a temporary foreign vessel licence, ”;
 (d) after paragraph (3) insert –
 “(3A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by –
 (a) transmitting it to the relevant person by means of an electronic communication, and
 (b) subsequently publishing it on the website of the Marine Management Organisation or of a person granting the licence on its behalf.
 (3B) In paragraph (3A), “the relevant person”, in relation to a foreign fishing boat, means –
 (a) if the fishing boat is registered in a member State, the European Commission;

- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;

(e) omit paragraph (8).”

60 Page 67, line 10, at end insert –

“(5) In regulation 4 (time at which licences are delivered and notice given) –

(a) in the heading and paragraphs (1), (2), (3) and (4), for “delivered” substitute “granted”;

(b) after paragraph (4) insert –

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence communicated as described in regulation 3(3A) is treated as granted immediately it is published in accordance with that provision.”;

(c) in paragraph (7) (in both places), for “delivered” substitute “granted”.

(6) In regulation 5 (time at which licences and notices have effect), in paragraph (a), for “delivered” substitute “granted”.”

61 Page 68, line 4, at end insert –

“(f) after that definition insert –

““temporary foreign vessel licence” means a licence that –

(a) is granted in respect of a foreign fishing boat, and

(b) has effect for a period of no more than three weeks.”

62 Page 68, line 6, leave out paragraphs (a) to (c) and insert –

“(a) in paragraph (1) –

(i) after “A licence” insert “, other than a temporary foreign vessel licence,”;

(ii) omit “Northern Ireland”;

(iii) for the words from “the owner or charterer of the boat” to the end substitute “an appropriate recipient”;

(b) in paragraph (2), after “A licence” insert “(other than a temporary foreign vessel licence)”;

(c) in paragraph (3), for the words from “the owner or charterer of the boat” to the end substitute “an appropriate recipient”;

(d) after paragraph (4) insert –

“(4A) In paragraphs (1) to (4), “an appropriate recipient” means –

(a) in relation to a licence or notice relating to a Northern Ireland fishing boat –

(i) the owner or charterer of the fishing boat, or

- (ii) a nominee of that owner or charterer;
 - (b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.
- (4B) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by delivering it to the relevant person by –
- (a) transmitting it to the relevant person by means of an electronic communication, and
 - (b) subsequently publishing it on the website of the Department or of a person granting the licence on its behalf.
- (4C) In paragraph (4B), “the relevant person”, in relation to a foreign fishing boat, means –
- (a) if the fishing boat is registered in a member State, the European Commission;
 - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.””

63 Page 68, line 20, at end insert –

“(5) In regulation 4 (time when licences are delivered and notices given), after paragraph (4) insert –

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence delivered as described in regulation 3(4B) is treated as delivered immediately it is published in accordance with that provision.”

(6) In regulation 5 (time when licences, variations, suspensions or revocations have effect), in paragraph (a), after “3(2)” insert “or (4B)”.”

64 Page 68, line 22, at end insert –

“Sea Fish Licensing (Wales) Order 2019

22 The Sea Fish Licensing (Wales) Order 2019 (S.I. 2019/507 (W. 117)) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Wales) Regulations 2019

23 The Sea Fishing (Licences and Notices) (Wales) Regulations 2019 (S.I. 2019/500 (W. 116)) (which have not come into force) are revoked.

Sea Fish Licensing (England) (EU Exit) Regulations 2019

24 The Sea Fish Licensing (England) (EU Exit) Regulations 2019 (S.I. 2019/523) (which have not come into force) are revoked.

Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019

- 25 The Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/87) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019

- 26 The Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/88) (which have not come into force) are revoked.

Fishing Boats Designation (EU Exit) (Scotland) Order 2019

- 27 The Fishing Boats Designation (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/345) (which has not come into force) is revoked.”

65 Page 69, line 21, at beginning insert—

- “(1) Regulations made under section 4B of the Sea Fish (Conservation) Act 1967 (regulations supplementary to sections 4 and 4A of that Act) in relation to licences under section 4 of that Act have effect on and after the coming into force of paragraph 6(2) as if they were made under paragraph 7(1) of Schedule 3 to this Act.”

Schedule 6

66 Page 72, line 19, at end insert—

- “(c) require the Scottish Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

67 Page 73, line 19, at end insert—

- “(c) require the Welsh Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

68 Page 74, line 19, at end insert –

“(c) require the Northern Ireland department, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about –

- (a) the recipient of the financial assistance;
- (b) the amount of the financial assistance;
- (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

Schedule 8

69 Page 80, leave out lines 19 to 23

70 Page 81, line 43, leave out from “State” to “under” in line 44 and insert “, or of any of the sea fish licensing authorities,”

71 Page 84, leave out lines 3 to 7

72 Page 85, line 26, after “of” insert “sea fishing by”

73 Page 85, line 26, at end insert –

“(3A) Provision which does not fall within sub-paragraph (3)(a), but which would do so but for a requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006, may be included in regulations under paragraph 6 or 8 with the consent of the Secretary of State.”

74 Page 85, line 28, leave out from “State” to “under” in line 29 and insert “, or of any of the sea fish licensing authorities,”

75 Page 87, leave out lines 39 to 43

76 Page 89, line 16, leave out from “State” to “under” in line 17 and insert “, or of any of the sea fish licensing authorities,”

After Schedule 8

77 Insert the following new Schedule –

“CONSERVATION OF SEALS

PART 1

AMENDMENT OF THE CONSERVATION OF SEALS ACT 1970

- 1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 2 to 12.
- 2 For section 1 (prohibited methods of killing seals) substitute –
 - “1 **Prohibition of the killing, injuring or taking of seals**
 - A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”
- 3 Omit section 2 (close seasons for seals).
- 4 Omit section 3 (orders prohibiting killing seals).
- 5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.
- 6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute –
 - “(a) any seal or seal skin in respect of which the offence was committed;
 - (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;
 - (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person’s possession at the time of the offence.”
- 7 In section 8 (attempt to commit offence), in subsection (2) –
 - (a) after “poisonous” insert “or explosive”;
 - (b) after “substance” insert “, any explosive article”;
 - (c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.
- 8 In section 9 (general exceptions) –
 - (a) in subsection (1) –
 - (i) for “2 or 3” substitute “1”;
 - (ii) in paragraph (a), omit “otherwise than by his act”;
 - (iii) omit paragraphs (b) and (c);
 - (b) in subsection (2) –
 - (i) omit “, 2 or 3”;
 - (ii) omit “otherwise than by his act”.
- 9 In section 10 (power to grant licences) –
 - (a) in subsection (1), in paragraph (c) –
 - (i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));

- (ii) after sub-paragraph (ii) insert –
 - “(iia) the protection of animal or human health or public safety;”;
 - (b) after subsection (1) insert –
 - “(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 51 of that Act).”
- 10 In section 11 (entry upon land) –
- (a) in subsection (1), omit paragraph (b);
 - (b) in subsection (2), omit paragraph (d);
 - (c) in subsection (4) –
 - (i) omit the words from “, or in the” to “28 days’ notice;”;
 - (ii) omit the words from “; and in the case” to the end;
 - (d) omit subsection (5).
- 11 Omit section 14 (orders).
- 12 In section 15 (interpretation), at the appropriate places insert –
- ““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;
 - ““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is –
 - (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
 - (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;
 - ““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

PART 2

AMENDMENT OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

- 13 The Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) is amended in accordance with paragraphs 14 to 19.
- 14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute –
- “(a) a seal (pinniped), or”.

- 15 In Article 11 (exceptions to Article 10)–
 (a) after paragraph (1) insert –
 “(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if –
 (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
 (b) sub-paragraph (c) were omitted.”;
 (b) after paragraph (3) insert –
 “(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.”
- 16 In Article 18 (power to grant licences), after paragraph (3) insert –
 “(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.”
- 17 In Schedule 5 (animals which are protected at all times), in the table, for the entries for “Seal, common” and “Seal, grey” substitute –
- | | |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 18 In Schedule 6 (animals which may not be killed or taken by certain methods), in the table, for the entries for “Seal, common” and “Seal, grey” substitute –
- | | |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|
- 19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the table, for the entries for “Seal, common” and “Seal, grey” substitute –
- | | |
|-------|------------|
| “Seal | Pinniped”” |
|-------|------------|

Schedule 9

- 78 Page 93, line 12, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”
- 79 Page 96, line 37, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”
- 80 Page 100, line 13, at end insert –
 “(10A) An order under this section that contains provision for the charging of fees for permits (including provision changing the level of fees) is subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10).”
- 81 Page 100, line 14, leave out “An” and insert “Any other”
- 82 Page 100, leave out lines 15 and 16 and insert “that Part of that Act).”

83 Page 100, line 46, at end insert –

- “(5) Where in reliance on subsection (4)(a) the Scottish Ministers do not comply with subsection (1) before making an order under section 137A, that order –
- (a) comes into force on a date specified in the order, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (6) The Scottish Ministers may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 12 months.”

84 Page 102, line 5, at end insert –

- “(4) An order to which this section applies may be amended or revoked by a further order.”

85 Page 102, line 5, at end insert –

“Orders for marine conservation: Northern Ireland offshore region

137E Orders relating to exploitation of sea fisheries resources: Northern Ireland offshore region

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purposes of conserving –
 - (a) marine flora or fauna,
 - (b) marine habitats or types of marine habitat, or
 - (c) features of geological or geomorphological interest.
- (2) An order under this section may be made so as to apply to any area in the Northern Ireland offshore region.
- (3) An order under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) The provision that may be made by an order under this section includes, in particular, provision falling within any of the Heads set out in subsections (5) to (7).
- (5) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including –
 - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
 - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
 - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (6) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the Department, including –
 - (a) provision for the charging of fees for permits;
 - (b) provision enabling conditions to be attached to a permit;
 - (c) provision enabling the Department to limit the number of permits issued by it.

- (7) Head 3 is—
- (a) provision prohibiting or restricting the use of vessels of specified descriptions;
 - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
 - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
 - (d) provision for determining whether such items are items of a specified description.
- (8) An order under this section may be made—
- (a) subject to specified exceptions or conditions;
 - (b) so as to cease to have effect after a specified period.
- (9) An order under this section may make different provision for different cases, including in particular—
- (a) different times of the year,
 - (b) different means or methods of carrying out an activity, and
 - (c) different descriptions of sea fisheries resources.
- (10) In this section “specified” means specified in the order.
- (11) In this section, and in sections 137F to 137H, “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

137F Consultation etc regarding orders under section 137E

- (1) Before making an order under section 137E the Department must—
- (a) consult the Secretary of State,
 - (b) if the order would or might affect the exploitation of sea fisheries resources in the English offshore region, consult the MMO,
 - (c) if the order would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, consult the Scottish Ministers,
 - (d) if the order would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, consult the Welsh Ministers, and
 - (e) consult any other person whom they think fit to consult.
- (2) The Department must publish notice of the making of an order under section 137E.
- (3) The notice under subsection (2) must—
- (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
 - (b) give an address at which a copy of the order may be inspected.
- (4) Where the Department think that there is an urgent need to make an order under section 137E to protect the Northern Ireland offshore region—
- (a) subsection (1) does not apply,

- (b) the notice under subsection (2) must also state that any person affected by the making of the order may make representations to the Department.
- (5) Where in reliance on subsection (4)(a) the Department does not comply with subsection (1) before making an order under section 137A, that order –
 - (a) comes into force on a date specified in the order, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (6) The Department may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 6 months.”

137G Interim orders made by the Department

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purpose of protecting any feature in any area in that region if the Department thinks –
 - (a) that the appropriate authority should consider whether to designate the area as an MCZ, and
 - (b) that there is an urgent need to protect the feature.
- (2) An interim order under this section must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (3) Subsections (4) to (10) of section 137E apply to an interim order under this section.
- (4) An interim order under this section –
 - (a) comes into force on a date specified in the order, and
 - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (5) The Department may by further order extend the period for which the interim order is in force for a period not exceeding 6 months.
- (6) The Department must publish notice of the making of an interim order under this section.
- (7) The notice under subsection (6) must –
 - (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
 - (b) give an address at which a copy of the order may be inspected;
 - (c) state that any person affected by the making of the order may make representations to the Department.
- (8) The Department must keep under review the need for an interim order under this section to remain in force.
- (9) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

137H Further provision as to orders made under section 137E or 137G

- (1) This section applies to any order made under section 137E or 137G.
- (2) The Department must send a copy of any order to which this section applies to the Secretary of State and to any person consulted under section 137F(2).
- (3) The Department must—
 - (a) make a copy of any order to which this section applies available for inspection at such place as the Department thinks fit for that purpose at all reasonable hours without payment;
 - (b) provide a copy of any such order to any person who requests one.”

86 Page 102, line 6, at end insert—

“(1A) In the heading, omit “by Secretary of State or Welsh Ministers”.”

87 Page 102, line 15, at end insert—

- “(2B) This section also applies where the Department of Agriculture, Environment and Rural Affairs in Northern Ireland has the function of—
- (a) deciding whether to make an order under section 137E;
 - (b) deciding whether to make an order under section 137G.”

88 Page 102, line 16, leave out “or Scottish Ministers” and insert “, the Scottish Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland”

89 Page 102, line 22, after “134A,” insert “134B,”

90 Page 102, line 23, leave out “or 137C” and insert “, 137C, 137E or 137G”

91 Page 102, line 41, leave out “or 137A(6)” and insert “, 137A(6) or 137E(6)”

92 Page 103, line 14, at end insert—

- “27A In section 189 (power of Welsh Ministers in relation to fisheries in Wales)—
- (a) in subsection (1), for “Subject to subsection (2), the” substitute “The”;
 - (b) omit subsection (2).”

93 Page 103, line 27, leave out “or 137C” and insert “, 137C, 137E or 137G”

94 Page 104, line 10, at end insert—

- “(15) Where the fisheries exploitation legislation consists of an order made under section 137E or 137G of this Act (orders relating to Northern Ireland offshore region), this section applies as if—
- (a) references to a marine enforcement officer included a person appointed as such by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,
 - (b) for the purposes of subsection (3)(a), the relevant enforcement area were Northern Ireland, the Northern Ireland inshore region and the Northern Ireland offshore region, and
 - (c) subsections (3)(c) and (d) and (4) to (6) were omitted.”

95 Page 104, line 13, leave out “or 137C” and insert “, 137C, 137E or 137G”

96 Page 104, line 15, leave out paragraph 30 and insert—

“30 (1) Section 316 (regulations and orders) is amended as follows.

(2) In subsection (4)(a)—

(a) for “137” substitute “137G”;

(b) after “MCZs” insert “etc”.

(3) In subsection (6), before paragraph (a) insert—

“(za) any order under section 137E that contains provision for the charging of fees for permits (including provision changing the levels of fees),”.

Schedule 10

97 Page 104, line 35, at end insert “, and

(c) paragraph 15 makes consequential amendments.”

98 Page 105, line 39, at end insert—

“*Commission Delegated Regulation (EU) No 1393/2014*

3A (1) Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters is amended as follows.

(2) In Article 1 (subject matter)—

(a) the existing text becomes paragraph 1;

(b) in that paragraph, for the words from “in the north-western” to “that Regulation” substitute “and applies to waters within ICES subarea 5B that are within United Kingdom waters and to waters within ICES subareas 6 and 7 that are not within Union waters”;

(c) after that paragraph insert—

“2 In paragraph 1, “United Kingdom waters” and “Union waters” have the meaning they have in Regulation (EU) No 1380/2013.”

(3) In Article 2 (survivability exemption), in paragraph 6 for “and 2020” substitute “, 2020 and 2021”.

(4) In Article 3a (de minimis exemptions in the years 2018, 2019 and 2020)—

(a) in the heading, for “and 2020” substitute “, 2020 and 2021”;

(b) in points (a), (b) and (c), for “and 2020” substitute “, 2020 and 2021”.

(5) For Article 5 (entry into force) substitute—

“*Article 5*

Expiry

This regulation ceases to have effect at the end of 31 December 2021.”

Commission Delegated Regulation (EU) No 1395/2014

- 3B (1) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea is amended as follows.
- (2) In Article 1 (subject matter) –
- (a) the existing text becomes paragraph 1;
 - (b) in that paragraph, for the words from “in the North” to “that Regulation” substitute “and applies to waters within ICES division 2a and subarea 4 that are within United Kingdom waters”;
 - (c) after that paragraph insert –

“2 In paragraph 1, “United Kingdom waters” has the meaning it has in Regulation (EU) No 1380/2013.”
- (3) In Article 3a (de minimis exemption in the years 2018, 2019 and 2020) –
- (a) in the heading, for “and 2020” substitute “, 2020 and 2021”;
 - (b) in the body, for “and 2020” substitute “, 2020 and 2021”.
- (4) Article 4a (Danish North Sea coast) is revoked.
- (5) For Article 5 (application) substitute –

“Article 5

Expiry

This regulation ceases to have effect at the end of 31 December 2021.””

99 Page 106, line 4, at end insert –

“Regulation (EU) 2017/2403

- 4A Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets is revoked.”

100 Page 111, line 31, at end insert –

“Commission Delegated Regulation (EU) 2019/2238

- 8A (1) Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 is amended as follows.
- (2) In Article 3 (exemptions for Norway lobster) –
- (a) in paragraph 1, omit point (b);
 - (b) omit paragraph 3.
- (3) In Article 6 (exemption for plaice) –
- (a) in paragraph 1, omit point (c);
 - (b) in paragraph 2, in point (b), for “80-99” substitute “80”;
 - (c) omit paragraph 4.
- (4) In Article 8 (exemption for turbot), omit paragraph 2.

- (5) In Article 10 (de minimis exemptions) –
- (a) in point (f) after “6% in 2020” insert “and 2021”;
 - (b) in each of points (f), (h) and (k) to (n), omit the words from “the de minimis” to the end;
 - (c) after point (n) insert –
 - “(o) in fisheries by vessels using bottom trawls (OTB, OTT, TB, TBN) of mesh size 80-99mm in the United Kingdom waters of ICES subarea 4 and ICES Division 2a:
a quantity of Norway lobster below the minimum conservation reference size, which shall not exceed 2% of the total annual catches of that species.”

Commission Delegated Regulation (EU) 2019/2239

- 8B (1) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 is amended as follows.
- (2) In Article 6 (exemption for plaice), omit paragraph (2).
 - (3) In Article 8 (de minimis exemptions) –
 - (a) in paragraph 1, in each of points (d) to (k), omit “in 2020”;
 - (b) omit paragraph 2.

Council Regulation (EU) 2020/123

- 8C In Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, in Article 14 (remedial measures for cod in the North Sea), omit paragraphs 2 to 4.”

101 Page 112, line 11, at end insert –

“Consequential amendments

- 15 (1) In the Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010 (S.S.I. 2010/334) (as amended by the Exit Regulations) –
- (a) in article 2, in paragraph (1) –
 - (i) omit the definition of “Regulation 2017/2403”;
 - (ii) in the definition of “third country recording and reporting requirement” omit paragraph (ii) (and the “or” before it);
 - (b) in that article, for paragraph (5) substitute –
 - “(5) Any expression used, and not defined, in this Order that is used in the Control Regulation or Regulation 404/2011, or that is used in both of those Regulations, has the meaning it has in the Regulation or Regulations in which it is used.”;
 - (c) in article 6, omit paragraph (2);

- (d) in Schedule 2, in the table, omit the entries relating to Regulation 2017/2403.
- (2) In the Sea Fishing (EU Control Measures) (Scotland) Order 2015 (S.S.I. 2015/320) (as amended by the Exit Regulations), in article 2(1) –
 - (a) omit the definition of “Regulation 2017/2403”;
 - (b) in the definition of “third country control measure” –
 - (i) omit “Regulation 2017/2403 or”;
 - (ii) omit paragraph (a).
- (3) In this paragraph “the Exit Regulations” means the Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24).”

Fisheries Bill [HL]

COMMONS AMENDMENTS

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