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Make provision for withdrawal from the Common Fisheries Policy of the European Union; to amend the Fishery Limits Act 1976; to make provision about the exercise of functions under that Act by Scottish Ministers, the National Assembly for Wales, Northern Ireland Ministers and the Secretary of State; to provide that that Act shall have effect regardless of the provisions of the European Communities Act 1972; to define English, Scottish, Welsh and Northern Irish waters; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Effect on Common Fisheries Policy

- (1) At the date on which this Act comes into force (the “commencement date”) the United Kingdom shall withdraw from the Common Fisheries Policy of the European Union.
- (2) The Fishery Limits Act 1976 (c. 86) shall have effect from the commencement date regardless of any provision of community law to the contrary and notwithstanding the provisions of the European Communities Act 1972 (c. 68). 5

2 Amendment of the Fishery Limits Act 1976

- (1) The Fishery Limits Act 1976 is amended as follows.
- (2) In section 2 (access to British fisheries)— 10
 - (a) for subsection (1) there is substituted—
 - “(1) The Ministers may by order designate any country outside the United Kingdom, the Channel Islands and the Isle of Man (“a foreign country”) and, in relation to it, areas within British fishery limits, including English, Northern Irish, Scottish, or Welsh waters, in which, and descriptions of sea fish for which, fishing boats registered in that country may fish provided that they have been licensed under section 2A to do so.”; and 15

- (b) for subsection (5)(a) there is substituted –
 “(a) the owners or operators and master of the boat are liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine or six months imprisonment;”.

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- (3) After section 2 (access to British fisheries), there is inserted –

“2A Licensing of fishing boats

- (1) The Ministers shall make regulations to make provision for them to license fishing boats to fish within English, Northern Irish, Scottish, and Welsh waters respectively.
- (2) In issuing licences under regulations under subsection (1) the Ministers shall have regard to the desirability of –
 (a) preserving fish stocks and protecting the natural environment; and
 (b) ensuring that licensed boats registered in England, Northern Ireland, Scotland and Wales enjoy reciprocal rights to fish in one another’s waters based on established and historic practices.
- (3) The total number of licences so issued shall be at the discretion of Ministers.
- (4) No fishing boat shall fish within English, Northern Irish, Scottish, or Welsh waters without a licence granted under regulations under subsection (1).
- (5) No licence shall be issued to the fishing boat of a foreign country unless in the opinion of the Minister issuing the licence –
 (a) that country has granted reciprocal rights to fish in its waters to United Kingdom fishing boats;
 (b) it observes the same conservation measures in its waters as those applied within British fishery limits, or has conservation measures more stringent; or
 (c) the owner or operators of a fishing boat have bought a licence at a price to be determined by regulations.
- (6) Regulations made under this section shall not come into effect unless –
 (a) in the case of regulations made by the Secretary of State, a draft of the regulations has been laid before, and approved by resolution of, each House of Parliament,
 (b) in the case of regulations made by the Northern Ireland Ministers, a draft of the regulations has been laid before, and approved by resolution of, the Northern Ireland Assembly; and
 (c) in the case of regulations made by the Scottish Ministers, a draft of the regulations has been laid before, and approved by resolution of, the Scottish Parliament.
- (7) A contravention of subsection (4) shall be subject to the same penalties as for a contravention under section 2.

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2B Landing of fish

- (1) All fish caught within English, Northern Irish, Scottish, or Welsh waters or within other waters within British fishery limits by fishing boats of any country shall be—
- (a) landed at a port within the United Kingdom, Isle of Man or the Channel Islands, or 5
 - (b) reported to Ministers and made available for inspection.
 - (c) landed at other ports as may be determined by Ministers.
- (2) Subsection (1) shall not apply to—
- (a) fishing boats registered in countries which have entered into exchange of access agreements with the United Kingdom, and 10
 - (b) pelagic trawlers fishing under a fishery agreement with Nordic Council countries.
- (3) Ministers may by order give permission to factory ships to enter English, Northern Irish, Scottish or Welsh waters, or within other waters within British fishery limits, to land catches at ports within the United Kingdom, Isle of Man or the Channel Islands at prices to be negotiated annually. 15
- (4) A contravention of this section shall be subject to the same penalties as a contravention under section 2 20

2C Consultation

- (1) Ministers shall consult Ministers of states with contiguous waters in respect of—
- (a) all matters concerned with the administration of this Act, and
 - (b) deep sea fishing policy generally.” 25
- (4) In section 8, for the definition of “Ministers” are substituted —
- “Ministers” means —
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Northern Ireland, Northern Ireland Ministers;
 - (c) in relation to Scotland, Scottish Ministers; and
 - (d) in relation to Wales, the National Assembly for Wales.” 30

3 Definition of waters

- (1) For the purposes of this Act, Northern Irish and Scottish waters are defined as follows—
- “Northern Irish waters” have the same meaning as the Northern Ireland zone in the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (S.I., 202, 791); and 35
- “Scottish waters” have the same meaning as “the internal waters or territorial sea of the United Kingdom adjacent to Scotland” in the Scottish Adjacent Waters Boundaries Order 1999 (S.I., 1999, 1126). 40
- (2) The Scottish Adjacent Waters Boundaries Order 1999 is amended by substituting for the table in Schedule 1, Part 1 (Boundary off the east coast of Great Britain), the co-ordinates set out for the boundary in the Continental Shelf Jurisdiction Order (S. I., 891, 1968).

- (3) The Secretary of State shall make regulations to define “English waters”.
- (4) Regulations made under subsection (3) shall not come into effect unless a draft of the regulations has been laid before, and approved, by each House of Parliament.
- (5) “Welsh waters” shall be defined in regulations made by the National Assembly for Wales. 5

4 Consequential amendments

- (1) The Northern Ireland Act 1998 (c. 47) is amended as follows.
- (2) In paragraph 3 of Schedule 2, there is added “(d) negotiating with other states in relation to fisheries.” 10
- (3) In paragraph 19 of Schedule 2, after “boats” there is added “and negotiating with other states in relation to fisheries.”
- (4) The Scotland Act 1998 (c. 46) is amended as follows.
- (5) In section 7(2), there is added—
“ (c) negotiating with other states in relation to fisheries.” 15

5 Citation, extent and commencement

- (1) This Act may be cited as the Fisheries Jurisdiction Act 2004.
- (2) This Act extends to Northern Ireland and Scotland.
- (3) For the avoidance of doubt, this Act shall take effect notwithstanding the Community obligation of the United Kingdom as defined in the 1972 Act and notwithstanding any provisions to the contrary in any Community treaty and section 2(4) of the 1972 Act; and the Government of Wales Act 1998, the Northern Ireland Act 1998 and the Scotland Act 1998 shall be taken to be amended accordingly 20
- (4) This Act shall come into force on 1 January 2005 or on the date on which it is passed, whichever is the later. 25

Fisheries Jurisdiction Bill

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To make provision for withdrawal from the Common Fisheries Policy of the European Union; to amend the Fishery Limits Act 1976; to make provision about the exercise of functions under that Act by Scottish Ministers, the National Assembly for Wales, Northern Ireland Ministers and the Secretary of State; to provide that that Act shall have effect regardless of the provisions of the European Communities Act 1972; to define English, Scottish, Welsh and Northern Irish waters; and for connected purposes.

*Ordered to be brought in by Mr Alex Salmond,
supported by
Mr Roy Beggs, Mr Alistair Carmichael,
Mr Nigel Dodds, Mr Kelvin Hopkins,
Mr Elfyn Llwyd, Mr Eddie McGrady,
Mr Austin Mitchell, Angus Robertson,
Mr Anthony Steen, Mr Michael Weir
and Ann Winterton.*

*Ordered, by The House of Commons,
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