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Make provision for the United Kingdom to withdraw from the Common Fisheries Policy of the European Union; to amend the Fishery Limits Act 1976; to make provision about fishing and the discarding of fish; 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 Withdrawal from Common Fisheries Policy

- (1) On the appointed day the United Kingdom shall withdraw from the Common Fisheries Policy of the European Union.
- (2) The appointed day shall be specified by the Secretary of State by order.
- (3) No order may be made under subsection (2) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament. 5
- (4) The Fishery Limits Act 1976 (c. 86) shall have effect from the appointed day regardless of any provision of community law to the contrary and notwithstanding the provisions of the European Communities Act 1972 (c. 68).

2 Amendment of the Fishery Limits Act 1976 10

- (1) With effect from the appointed day, the Fishery Limits Act 1976 is amended as follows.
- (2) In section 2 (access to British fisheries), for subsection (2) there is substituted—
 - “(2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter British fishery limits. 15
 - (2A) For the avoidance of doubt, Member countries of the European Union must be designated under subsection (1) if fishing boats from those countries are to fish within British fishery limits.

- (2B) No country shall be designated under subsection (1) unless it has granted reciprocal rights to fish in its waters to United Kingdom fishing boats.
- (2C) No country shall be designated under subsection (1) unless it observes the same, or more stringent, conservation measures in its waters as those applied within British fishery limits.” 5
- (3) In section 2, subsection (5), after “indictment to a fine” there is inserted “or six months’ imprisonment”.
- (4) After section 2, there is inserted –
- “2A Licensing of foreign fishing boats 10**
- (1) Ministers shall by regulations make provision for licensing fishing boats to fish within British fishery limits.
- (2) The total number of licences issued shall be at the discretion of Ministers.
- (3) No fishing boat shall fish within British fishery limits without a licence granted under subsection (1). 15
- (4) A contravention of subsection (3) shall be subject to the same penalties as for a contravention under section 2.
- 2B Quotas**
- (1) Ministers may by regulations establish quotas in respect of any species of fish. 20
- (2) In making regulations under subsection (1) Minister shall have regard to the effect on the marine environment.
- 2C Landing of fish**
- (1) All fish caught within British fishery limits by fishing boats of any country shall be – 25
- (a) landed at a port within the United Kingdom, Isle of Man or the Channel Islands, or
- (b) reported to Ministers and made available for inspection.
- (2) Subsection (1) shall not apply to fishing boats registered in the Faeroe Islands, Iceland, Ireland and Norway if those countries enter into exchange of access agreements with the United Kingdom. 30
- (3) A contravention of subsection (1) shall be subject to the same penalties as for a contravention under section 2.
- 2D Consultation 35**
- Ministers shall consult Ministers of the Governments of Iceland, Ireland and Norway in respect of –
- (a) all matters concerned with the administration of this Act, and
- (b) deep sea fishing policy generally.”
- (5) In section 6 (orders), after subsection (1) there is inserted – 40
- “(1A) Regulations made under sections 2A and 2B of this Act shall be made by statutory instrument.

- “(1B) A statutory instrument containing regulations under sections 2A and 2B is not to be made unless –
- (a) in the case of regulations made by the Secretary of State for the Environment, Food and Rural Affairs, a draft of the instrument has been laid before and approved by resolution of each House of Parliament, 5
 - (b) in the case of regulations made by the Scottish Ministers, a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.”
- (6) In section 8 (interpretation), there is substituted – 10
- ““Ministers” means, in relation to England, the Secretary of State for the Environment, Food and Rural Affairs, in relation to Northern Ireland, the Department of Agriculture and Rural Development, in relation to Scotland, Scottish Ministers, in relation to Wales, the National Assembly for Wales.” 15
- 3 Financial provision**
- There shall be paid out of money provided by Parliament –*
- (a) *any expenditure of the Secretary of State in consequence of this Act; and*
 - (b) *any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.* 20
- 4 Citation, extent and commencement**
- (1) This Act may be cited as the Fishery Limits (United Kingdom) Act 2004.
 - (2) This Act extends to England and Wales, Scotland and Northern Ireland.
 - (3) This Act shall come into force on the date on which it is passed.

Fishery Limits (United Kingdom) (No. 2) Bill

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To make provision for the United Kingdom to withdraw from the Common Fisheries Policy of the European Union; to amend the Fishery Limits Act 1976; to make provision about fishing and the discarding of fish; and for connected purposes.

*Ordered to be brought in by
Mr Anthony Steen, Sir Michael Spicer,
Sir Paul Beresford, Mr Austin Mitchell,
Mr David Amess, Mr Alex Salmond,
Mr Andrew Turner, Mr Martin Salter,
Peter Bottomley, Mr James Clappison,
Mr John Horam and Mr Peter Viggers.*

*Ordered, by The House of Commons,
to be Printed, 21st July 2004.*

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