

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

First Sitting

Tuesday 8 September 2020

(Morning)

CONTENTS

Programme motion agreed to.
CLAUSE 1 agreed to, with an amendment.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 12 September 2020

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The Committee consisted of the following Members:

Chairs: † STEVE McCABE, SIR CHARLES WALKER

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| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con) | † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) |
| † Butler, Rob (<i>Aylesbury</i>) (Con) | † Peacock, Stephanie (<i>Barnsley East</i>) (Lab) |
| † Coutinho, Claire (<i>East Surrey</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Fletcher, Katherine (<i>South Ribble</i>) (Con) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | † Wild, James (<i>North West Norfolk</i>) (Con) |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Rob Page, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 8 September 2020

(Morning)

[STEVE McCABE *in the Chair*]

Fisheries Bill [Lords]

9.25 am

The Chair: Good morning. I will make the usual preliminary points. We have been asked to be fairly strict about social distancing, so I ask you to bear that in mind. If you find that you are bit constrained on one side of the room, people are allowed to sit where there is space; it will not affect your vote or anything like that. I also ask you to switch your phones and electronic devices to silent. Mr Speaker does not permit tea, coffee or other drinks to be consumed during the sitting.

We shall start with the programme motion, which was agreed at the Programming Sub-Committee yesterday.

Ordered,

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 8 September) meet—
 - (a) at 2.00 pm on Tuesday 8 September;
 - (b) at 11.30 am and 2.00 pm on Thursday 10 September;
 - (c) at 9.25 am and 2.00 pm on Tuesday 15 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 17 September;
- (2) the proceedings shall be taken in the following order: Clauses 1 to 11; Schedule 1; Clauses 12 and 13; Schedule 2; Clauses 14 to 19; Schedule 3; Clauses 20 to 23; Schedule 4; Clauses 24 to 29; Schedule 5; Clauses 30 to 35; Schedule 6; Clause 36; Schedule 7; Clauses 37 to 44; Schedule 8; Clauses 45 and 46; Schedule 9; Clause 47; Schedule 10; Clauses 48 to 54; new Clauses; new Schedules; remaining proceedings on the Bill;
- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 17 September.—(*Victoria Prentis.*)

The Chair: We are off to a flyer. We now begin line-by-line consideration of the Bill. The selection list for the sitting is available in the room; it shows how the selected amendments have been grouped together. Amendments on the same or a similar issue are generally grouped together, but please note that decisions on amendments take place not in the order they are debated—I know this occasionally confuses all of us—but in the order they appear on the amendment paper. The selection and grouping list shows the order of debate. Decisions on each amendment are taken when we come to the clause that the amendment affects.

Clause 1

FISHERIES OBJECTIVES

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 61, in clause 1, page 1, line 11, at end insert—

“(1A) Any public authority with functions relating to fisheries activities or fisheries management must have regard to the fisheries objectives in the exercise of those functions.”

This amendment would place a duty on public authorities to have regard to the fisheries objectives in exercising their fisheries functions.

The Chair: With this it will be convenient to discuss amendment 62, in clause 2, page 3, line 33, at end insert—

“(3A) The Secretary of State must annually lay a statement before Parliament on progress towards achieving the fisheries objectives.

(3B) The first such statement under subsection (3A) must be laid before Parliament within 12 months of this section coming into force.”

This amendment would add a requirement on the Secretary of State to lay before Parliament an annual statement on progress towards achieving the fisheries objectives.

Luke Pollard: It is good to be back in the Fisheries Bill Committee. A few of us in the room—the hardy few—are alumni of the last time that we had a sitting of the Bill Committee, which was a good debate. We have a Committee that is made up of all political parties and is focused on getting the best deal for our fishers, which is what the Opposition seek to do by proposing a number of amendments that look at how we strengthen our fishing sector, how we make it more sustainable, and how we do so clearly. I know there has been a lot of misdirection around positions on fishing in the past, especially after the Second Reading debate. However, I trust that there will not be any further misdirection by political parties’ press offices, especially the ones responsible for the rather shameful adverts that we saw after Second Reading.

Labour supports the Bill. We support it because we want our fishers to have a sustainable future. We want to see a coastal renaissance that creates more jobs in fishing, lands more fish in British ports and enables us to eat more local fish. It is in that spirit that we have tabled a number of amendments. Amendments 61 and 62 stand in my name and that of the shadow Fisheries Minister, my hon. Friend the Member for Barnsley East. A lot has changed in the past two years, but I hope that we can make some real progress and get a good deal, because time to get a good deal for our fishers is running out, with the hard deadline for our departure from the Brexit transition period the end of the year.

Clause 1 sets the tone for the entire Bill, highlighting the objectives—what they are, and how they will be put into practice—but it also sets the tone for the next 50 years of fishing in Britain. If we get this right, we have the opportunity to create more jobs and that coastal renaissance, but we will need amendments to the Bill to get there. That is the simple challenge that I put to members of this Committee. How sustainable do we want our industry to be—indeed, do we want it to be sustainable or not? Our amendments show clearly that we want fishing to be more sustainable, because there is no future for fishing if it is not sustainable. Sadly, that is not implied by the Government amendments.

The amendments in the House of Lords that made sustainability the prime consideration of fisheries management were a really important statement. It said that Britain will not be overfishing, that Britain values our fish stocks, and that we will support our industry so that it has a sustainable future. Those Lords amendments were a beacon of sustainability and good environmental practice, and we should defend that in this Committee.

I am pleased that the Government took the time to consider the amendments proposed by Labour the last time that this Bill was discussed—indeed, a large number of those amendments have now been made and they

will be defended by the Government. I am grateful to the Minister and her officials for listening to our arguments, if not at the time then subsequently, and for accepting those amendments. But when it comes to sustainability, we need to recognise that more needs to be done.

Fishermen and women are some of the original stewards of our environment. Many of those I have spoken to in Plymouth, which I represent, and in fishing ports across the country know how important it is that fishing is sustainable, that we protect our ecosystems. We must recognise the impact climate change is having on fish stocks and reproduction rates, on the zones where certain species are found, and on the growth of certain species in some fishing areas and the decline of species in other areas.

We have these objectives for the Bill, but the Bill does not explain what will be done about them and how they will be achieved. What is the point of having these objectives that we have all worked so hard on if they are not going to be achieved? Our amendments are very simple. Amendment 61 would oblige any public body that has functions relating to fishing to have regard to the objectives, instantly giving them a practical aspect. There is already a requirement in the Bill for a report to be made, but we should give the Bill some teeth by ensuring that the report is presented to Parliament, as amendment 62 sets out. My hon. Friend the Member for Barnsley East will say more on this when we discuss clause 2.

Both amendments relate to the important idea that fisheries must be our key consideration. Why would anyone not support amendment 61? If Members do not support this amendment, they do not want public bodies to pay due regard to these objectives.

The Chair: Mr Pollard, I am sorry to interrupt you, but I just want to be sure that we have all understood that amendment 62 is also being discussed now.

Luke Pollard: Yes, Mr McCabe. I am still on amendment 61. I beg your pardon; I will get to amendment 62 in just a moment.

Amendment 61 would ensure that public bodies—national Governments, regulatory bodies, science bodies and, in relation to funding arrangements, bodies of the Government that allocate funding to our coastal communities—have due regard for the objectives. If they are not to have due regard for them, why are they there at all? Why have a sustainability or ecosystem objective, or a bycatch objective, if they are just to create lines in the Bill and are not an important part of it?

Turning hurriedly to amendment 62, Mr McCabe, the important part of laying the statement before Parliament is that we want the opportunity to discuss it on an annual basis. In the previous Bill Committee, the transcripts of which I am sure the Minister has read thoroughly, there was a good debate about the frequency with which the Government should report to Parliament. Historically, we had the annual fisheries debate in Westminster, which was designed to strengthen the hand of the Fisheries Minister ahead of the December Fisheries Council, to set out clearly for them the concerns of our fishing sector and coastal communities, and to ensure that they would fight the corner of the species and

sectors that were most at risk. However, the annual fisheries debate has become slightly less frequent, and it has moved around because of the frequency of fisheries Bills. Having an annual report laid before Parliament and therefore discussed by parliamentarians is the key part of amendment 62 that would allow us to look at what progress has been achieved towards the objectives. Amendment 61 states that people must have due regard in the exercise of public functions, and amendment 62 states that there must be decent scrutiny of the progress towards those objectives. Both are important starting points for the Bill. Both set the tone, which is that sustainability must be the prime consideration.

Although there is good, sound logic to say that all the objectives are equal, there is one simple truth: if we overfish our seas, there will not be enough fish left for a fishing industry to exist. That is why sustainability has to be the prime consideration. I want jobs in our coastal communities to continue. That is the argument that Labour Members present. We need to make sure we manage our fish stocks at sustainable levels, that we do not set total allowable catches above maximum sustainable yields, and that we ensure that sustainability is the prime consideration at all times. For that to take place, we need to make sure that all public bodies have due regard to the objectives set out in the Bill. I know that the Minister and her officials have worked very hard on those objectives and will make further proposals to improve them shortly, but what is the point of all the work that has gone into those provisions if no regard is paid to them?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis):

It is a real pleasure to serve under your chairmanship, Mr McCabe, and to speak to this important Bill. I hear what the hon. Member for Plymouth, Sutton and Devonport says about Labour's support for the Bill, and I am grateful for the genuinely consensual way in which Labour and Conservative Members normally work on fisheries. Those negotiating on our behalf with the EU hear how this House speaks as one on fisheries, as we did very strongly on Second Reading. We are all determined to get the very best for our fishermen.

It is fair to say, as the hon. Gentleman did, that the previous Committee worked hard to improve the Bill. Those improvements and those made in the other place are reflected in the Bill before us today. I am grateful to all the people who worked so hard to bring it to its current incarnation.

The blanket requirement that amendment 61 would place on all authorities is not appropriate. It is for the fisheries administrations to determine appropriate policies for meeting the objectives set out in the Bill. Public authorities already have relevant duties under a vast amount of other legislation. A statutory body's objectives and duties will be set out in primary legislation. Inshore fisheries conservation authorities already have a duty under the Marine and Coastal Access Act 2009 to seek to ensure that the,

“exploitation of sea fisheries resources”,

is carried out in a sustainable way. Under that Act, the Secretary of State may give guidance to an IFCA on how it performs the duty, and the IFCA must of course have regard to such guidance. I am worried that the amendment could dilute the accountability of fisheries

[Victoria Prentis]

policy authorities, as clearly established in the Bill, by dividing responsibility for the objectives more broadly across a wide range of public authorities, which might lead to divergent approaches.

A similar argument applies to amendment 62. The Bill already contains a robust framework of reporting and review requirements that will provide sufficient information to inform and drive progress against the fisheries objectives. Clause 11(1) states that the fisheries policy authorities must, every three years, prepare and publish a report on the extent to which the policies set out have been implemented. Clause 11(2) requires the report under subsection (1) to include the extent to which the policies contained in a relevant fisheries management plan have been implemented and how they have affected stocks.

Bearing in mind the number of objectives, we strongly believe that an annual reporting requirement would place a disproportionate burden on fisheries managers and the industry for not a great deal of gain. Not enough would have changed in a year, and the report might have little value. It would divert needed resource away from direct fisheries management, reduce the authorities' ability to move towards co-management with the industry, and potentially hamper the deliverability of the eight objectives.

There is of course nothing to prevent a parliamentary debate—a Government debate, an Opposition day debate or a Back-Bench debate—from taking place if that were considered appropriate as an annual event, or more frequently. I for one am always happy to talk about fisheries policies in Parliament and I am sure that the hon. Member for Plymouth, Sutton and Devonport is, too. However, that does not change my view of this amendment, and I therefore ask him to withdraw it.

Stephanie Peacock (Barnsley East) (Lab): I hear what the Minister says about how we have all sorts of options, including as Back Benchers. Is not the point, though, that we can have lots of debates on this issue but they are not legally binding and will not compel the Government? It is just nice for us to talk about it. The point that the amendment is making is about the need for a legal requirement for the Government to follow.

Victoria Prentis: For the reasons that I have set out, I believe that the reporting requirements that need to be legally binding and are in the Bill are more than sufficient, but I am not in any way denigrating the idea that we might want to talk about fisheries far more often.

Luke Pollard: I am a big fan of having votes on these proposals and putting Labour's positions clearly, but on this amendment, I have listened to what the Minister has said and I am happy not to push it to a vote. I like the commitment that the Minister has given to good scrutiny of fisheries policy in the future. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 71, in clause 1, page 1, line 11, at end insert—

- “(i) the public asset objective;
- (j) the safety and workforce objective.”

This amendment would add to the fisheries objectives the “public asset” and “safety and workforce” objectives, defined in Amendment 72.

The Chair: With this it will be convenient to discuss amendment 72, in clause 1, page 2, line 35, at end insert—

“(10A) The “public asset objective” is to manage fisheries, and the rights to exploit those fisheries, as a shared resource and public asset held in stewardship for the public good.”

(10B) The “safety and workforce objective” is—

- (a) to protect and enhance the safety of workers in fishing activities,
- (b) to set and protect minimum standards for wages, terms and conditions of employment in fishing activities,
- (c) to prevent modern slavery in fishing activities, and
- (d) to ensure the application and enforcement of the national minimum wage by HMRC on fishing vessels within the United Kingdom's Exclusive Economic Zone.”

This amendment defines the “public asset” and “safety and workforce” objectives.

Luke Pollard: For future reference, Mr McCabe, I will be dealing with all the amendments to the first clause.

In amendments 71 and 72, Labour is suggesting that we add two further objectives: a public asset objective and a safety and workforce objective. Each is important, but the safety one is particularly so. I know that there is a good amount of cross-party support for it, and I wish to ensure that that matter is kept separate from the cut and thrust of other political debates around fishing.

I have already spoken about why strengthening the objectives is important, but if we are truly to back our fishers, we need to go further. That is why Labour proposes two new objectives. The public asset objective would deliver on the pledge in the Government's original fisheries White Paper:

“We aim to manage these fisheries—and the wider marine environment—as a shared resource, a public asset held in stewardship for the benefit of all.”

That aim has cross-party support, but it seems to have got lost somewhere along the way between the White Paper and the Bill. In addition, the Conservative manifesto for the recent general election said:

“British farmers and fishermen should be able to profit by producing food and fish that are the envy of the world—both for their quality and the high standards to which they were produced...we want those same farmers and fishermen to act as the stewards of the natural world, preserving the UK's countryside and oceans as they have for generations.”

It is important that we recognise that our oceans are the inheritance of us all, and their fishers need to be their protectors but also their stewards along the way.

9.45 am

Listing fish as a public good in this Bill would allow us to say definitively that fish should be allocated for the benefit of the whole country. Ministers have not set that out clearly enough in the Bill. This is an important point, because this is where UK fisheries management has diverged from the management of fisheries of our European friends during the time when the UK has been in the common fisheries policy. Many of our European friends regard quota as a permission to fish that is allocated by fisheries authorities. The UK has—somewhat confusingly—allocated quota as a property right. That is a very important distinction, because a permission to fish can be based on the policies of the day, the practice, the stock levels, and the greater

understanding that the permission to fish is attached to the good that the quota delivers for the country. A property right of quota is a different beast altogether. I appreciate that—as the Minister will know—some of that definition is a result of court cases and not of primary legislation alone, which is why the Fisheries Bill provides us with an opportunity to clarify the intent of Parliament on the ownership of quota.

If we have quota as a property right, we will experience what we have seen in the past few decades: the aggregation of quota by increasingly larger firms. Much of the quota—up to 50%—is owned by families on the *Sunday Times* rich list. Much of our quota is owned by foreign fishing interests that may have a brass-plate company in the UK or whose fishers fly a flag of convenience. I believe that one of the promises made to the people during the Brexit referendum was a greater connection between the fish in our waters and the benefit to our country. That is why a public asset objective is an important test, because it states that the fish caught in our waters should deliver an economic benefit to the country.

As Government Members know, Lord Gardiner of Kimble, the Minister for Rural Affairs and Biosecurity, set out in the other place that the national benefit objective

“seeks to ensure that a benefit to the UK is felt as a result of UK boats fishing stocks from UK waters”.—[*Official Report, House of Lords*, 11 February 2020; Vol. 801, c. 2168.]

I am sure that Members will agree that a vague promise of a benefit somewhere along the line is not the same as acknowledging that our fish stocks are a public asset and should benefit us all. That specificity is important. I encourage the Minister to accept the amendment so that there can be no doubt, obfuscation or sleight of hand in policy—particularly in the coming days—from this or any subsequent Government, about fish being a public good and benefits being shared by the nation.

If Parliament were able to make that really important statement, it would support not only the redistribution of quota, but the rebirth of fishing in many of our coastal communities. That would also mean that those who own quota under UK law—rather than simply having permission to fish—have a greater responsibility to fish in accordance with objectives based not just on their fishing licence, but on permissions granted by Government.

Unfortunately, we have not had an evidence session because the Bill started in the House of Lords. That process could do with updating, because Members should have had an opportunity to scrutinise the Bill earlier with expert advice. In the evidence session for the last iteration of the Fisheries Bill, we heard from Griffin Carpenter, an economist at the New Economics Foundation. He said:

“When I have spoken to stakeholders, even the quota holders, everyone starts from the same premise that fish is a public good, but from my perspective that has not been followed through in the way we treat the opportunity to fish that public good.”—[*Official Report, Fisheries Public Bill Committee*, 06 December 2018; c. 104, Q200.]

Members on both sides of the Committee will no doubt have had contact with Aaron Brown from Fishing for Leave. He and I disagree on much, but there was a point of agreement when he said:

“Fish always has been a public resource. Various judicial hearings have defined that as well. Indeed, it probably stretches all the way back into Magna Carta, right back through our constitution.”—[*Official Report, Fisheries Public Bill Committee*, 04 December 2018; c. 62, Q134.]

I do not have a copy of the Magna Carta with me, but the fundamental point was a sound one. I see the Minister reaching for her phone; if she is googling the passage about fish in the Magna Carta, I look forward to her response.

The key point is that fish should be a public asset. We should make the case for the fish in our waters to be caught, looked after and cared for to the benefit of our whole country. There is a subtle but important distinction between a permission to fish, which is the method of implementation of the common fisheries policy that our EU friends largely enjoy, and the quota aggregation used in the UK, where quota is owned, especially by the richest and, in many cases, by foreign-owned fishing companies. The Minister may disagree with that form of words and claim that it is not necessary, but it is certainly desirable.

We should ensure that the Bill and all fishers who are governed by it have a sense of the Government’s priorities. Having fishing as a public asset should be high in the Government’s and the Bill’s key priorities. It is fine to mention it in statements, which we will come to in due course, but being clear that fish are a public asset should be on the face of the Bill in the objectives. That is what our fishing communities want. If fishing is not a public asset and if quota is not a public asset, one might be challenged to question what will change if our exit from the common fisheries policy keeps the current ownership models of quota in place.

I said that I would try to keep the two objectives separate and I will now turn to the safety and workforce objective. I hope the Committee will understand that this has a special importance for me. Since being elected in 2017, we have lost two trawlers from Plymouth, with a loss of life on both. I therefore take safety measures for fishing very seriously. I am grateful to the Minister and to the previous maritime Minister, the hon. Member for Wealden (Ms Ghani), who have done an enormous amount to support fishing safety and, in particular, have listened to the campaigns of coastal communities, including the Labour council in Plymouth in supporting our lifejacket scheme—I will return to some elements of that later.

Labour’s safety and workforce objective amendment recognises that fishing is a dangerous career—it is a dangerous profession. Each year, we lose British fishers to the sea. On Second Reading, the Secretary of State was right to pay tribute to the six fishers who died, and I joined him in paying our respects. It is our duty to do everything we can to stop more deaths this year and next. A number of things need to happen to address marine safety. The rules and regulations need to be better and more appropriate to the methods of fishing today. We need better enforcement by authorities and better adoption of those standards and best practice by the industry. There is a job for everyone to improve safety.

We should demand higher safety standards, including wearing lifejackets and personal locator beacons—I suspect we will return to that later. I would like every UK fisher, and every fisher in UK waters, to wear a lifejacket with a personal locator beacon. Of the

opportunities to change the regulatory environment for fishing in our waters that the Minister set out on Second Reading, one of the key ones we should insist on is high safety standards. We want every fisher, when they leave their port to go fishing, to be able to return to their families afterwards. As we have seen to our cost, that has not happened on several occasions, both in the case of British fishers and fishers around the world, including foreign fishers fishing in UK waters.

There seems to be universal agreement that personal locator beacons attached to lifejackets are a good thing. We know to our cost that many fishers are not yet attaching personal local beacons or taking them with them. I know the Minister will be aware of concerns over the summer from Seafish about advice given to the fishing industry that suggested modifying lifejackets and PLBs, rather than having the original manufacturers' products or ones that have been through safety tests. I know that we will liaise with the Minister in correspondence about that, because it is important that Seafish gives accurate advice that keeps fishers safe and there is concern around that. That is one reason why the safety and workforce objective is so important.

I have majored on safety, but the workforce objective, which amendment 72 covers, also includes provision to prevent modern slavery in fisheries activities. Modern slavery is a scourge that affects nearly every sector of the British economy in some shape or form. We should not be blind to the fact that modern slavery exists in our fishing sector. We have seen examples of it and it is especially concerning. Again, the Bill gives us an opportunity to send a signal to the sector that modern slavery will not be accepted and will be specifically addressed in its objectives. That is why amendment 72 includes the provision in proposed new subsection (10B)(c)

“to prevent modern slavery in fishing activities”.

Proposed new subsection (10B)(d) refers to a further activity in relation to workforce to ensure a national minimum wage is paid to fishers who fish in our waters.

Without delving into the complexities of maritime law too much, for fear of boring everyone to death, it is fair to summarise that not everyone who is on the sea is paid a national minimum wage. Indeed, one of the key parts of crewing vessels sometimes with foreign crews is that the levels of pay afforded them can be at a lower rate than for British fishers. The House needs to send a message, as we did with the passing of the National Minimum Wage Act 1998 and subsequent improvements to it, that there is a minimum standard for what we expect fishers to be paid in UK waters.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Is the hon. Gentleman aware that a large number of fishermen are paid a share of the catch? Therefore they may have a good day or a bad day. Were we to impose national minimum wage objectives, that type of payment system could well be disrupted.

Luke Pollard: The right hon. Gentleman is right to highlight the share fishing that many trawlers go with. I think the point is that there should be a base minimum. That debate on the consequences of a national minimum wage was held in Committee Rooms such as this when nearly all the Members now on the Opposition Benches were at school. The consequence of introducing a national

minimum wage in fishing will be that all fishers are paid a basic level. That is especially true for those who are currently paid well below it, not because of a bad day at sea or weather obstructing fishing activity—I believe that that is what the right hon. Gentleman was suggesting—but because of the deliberate pay policy of the fishing organisation in question, to pay below the minimum wage, and in particular to pay foreign crews below the minimum wage.

The signal that the safety and workforce objective would send out in relation to that—although the Minister will no doubt say that subsequent work would be needed to sit behind it—would be a strong message that we expect a certain standard of pay for fishers. As to poverty pay for those fishing at sea, which is a dangerous profession, it would show that we as a newly independent coastal state, to borrow a phrase often used by the Conservative party, will set a high standard. Whether it is a matter of safety or pay, there is a profound case for high standards, especially for the foreign crews who are often paid less, which creates market distortion vis-à-vis the pay for British crews. There is an opportunity to level the playing field and create the basic standards that will say that safety and workforce issues matter. That is why the safety and workforce objective sends a clear message about our intentions.

I suspect that the Minister will disagree with most of what I have said, and I predict she will not want the objective to be in the Bill, but I hope she will be able to set out what measures the Government will take on the issue, recognising that there is a grey zone of responsibility, with safety sitting between the Department for Environment, Food and Rural Affairs and the Department for Transport, while the minimum wage sits between that and fisheries.

Mr Goodwill: No one would doubt the importance of health and safety, but there is already an obligation in the Bill, in clause 35(1)(e), to be able to give help, in terms of health and safety funding. I suggest that the amendment is superfluous, given that the issue is covered elsewhere in the Bill.

Luke Pollard: The right hon. Gentleman highlights a good topic, which I did not touch on, but am happy to, about the optionality of safety. My view and that of the Labour party is that safety should be a minimum standard, not an optional extra. Under the clause 35 financial assistance powers, the Secretary of State has the ability to arrange financial assistance for

“maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities”.

He has the ability to do that: there is not a minimum standard that insists on it.

If the right hon. Gentleman suggests that clause 35(1)(e), on which we can still table amendments as we have not reached it yet, should be a compulsory measure—that the Secretary of State should ensure that there is always funding to create a minimum standard—I would agree. In the absence of a minimum standard, clause 35(1)(e) solely suggests that the Secretary of State can fund such provision if he or she wishes. That is a very different point from a minimum standard, and that is why it is so important that there should be a safety and workforce objective that establishes at a high level the belief that there should be minimum standards.

10 am

Brendan O’Hara (Argyll and Bute) (SNP): It is a pleasure, as always, to see you in your place, Mr McCabe, as well as the hon. Member for Plymouth, Sutton and Devonport. It is a pleasure to get the band back together, with a few notable extras.

We are absolutely in favour of amendments 71 and 72, and if they are put to a vote we will support them. The public asset objective for our fisheries is hugely important and runs parallel with the Scottish Government’s aim of managing Scottish fisheries as a national asset.

The hon. Member for Plymouth, Sutton and Devonport was right to highlight the barriers that have been put in the way of those wishing to join the industry, through the concentration of incredible amounts of quota in the hands of a tiny number of very wealthy individuals. If the fisheries industry is to be a public asset, it has to benefit the public that it should serve. At the moment, it fails to do that.

It is correct that the safety of the workforce has to be paramount. No one in this room with a fishing community in their constituency has not felt the pain of a fishing tragedy. In my own Argyll and Bute constituency we went through something similar a couple of years ago. Every community has a tale to tell. We need to make safety a top priority, as part of the creation of an environment that will encourage more people to join the industry.

Those two issues are closely connected. If we create a safe environment in which young people believe that they can prosper and have a future in the fishing industry, through safety measures and through a change to the quota system, we can make fishing an attractive career of choice. That will help to alleviate a lot of the issues that we currently face in trying to attract people, particularly young people, into the industry.

The hon. Member for Plymouth, Sutton and Devonport is correct when he says that the treatment of many non-EU nationals and non-EEA nationals who have worked in the fishing industry has to be looked at, but I would not go so far. From my experience of speaking to local fishermen in my constituency, they tend to be extremely good employers, but there has to be a minimum standard set and a minimum requirement for anyone wishing to employ people, regardless of where they come from, in the fishing industry.

If amendment 71 is pushed to a vote, we will support it as we are in broad agreement with the hon. Gentleman.

Victoria Prentis: I appreciate the intention behind both amendments 71 and 72. However, as anticipated by the hon. Member for Plymouth, Sutton and Devonport, I feel that the law is already clear on both those points. I do not think it is necessary to amend the Bill in this way and I will go into some detail about why that it is.

As the hon. Member for Plymouth, Sutton and Devonport gets to know me better, he will learn that I am never happier than when discussing older laws. My personal university and legal background make the Magna Carta a fascinating document to me—indeed, I was discussing with the Fisheries Bill team yesterday. He should not set me down trains of thought unless he wants to hear the responses.

On the proposed public access objective, the United Nations convention on the law of the sea—UNCLOS—establishes that the UK has sovereign rights to manage

the marine resources within our exclusive economic zone, which obviously includes fish. I can reassure the hon. Gentleman that UK case law, which is slightly more recent than the Magna Carta, recognises clearly that those fish are a public asset, held by the Crown, for the benefit of the public. The public right to fish was confirmed most helpfully in a case called *Malcolmson v. O’Dea* in 1863. Legally, it is well established that no one individual can own the fish.

In terms of the rights to exploit and fish the fish, most UK fishing opportunities are managed, as the hon. Gentleman set out, through fixed quota allocation units. As he said, the High Court has held those units as a form of property right. Fixed quota allocation holders do not own the fish in the sea, but the FQA units entitle those holders to a share of whatever quota is available in that particular year. That is quite clear in the legal cases.

Mr Goodwill: Will the Minister recognise that there are exceptions to that in terms of royal fish, in that whales, porpoises and sturgeon become the property of the monarch? Indeed, in Scotland, any fish of that type that cannot be pulled on to shore by six oxen pulling a wain would qualify as royal fish, be the property of the Crown and be dealt with by the Scottish Administration on the Crown’s behalf.

Victoria Prentis: It is always a pleasure to give way to the former fisheries Minister, who has knowledge of areas of law I can only dream of.

Fixed quota allocation units do not confer a permanent right to quota, but Government policy, as set out in the fisheries White Paper—a document particularly beloved of the Secretary of State for Environment, Food and Rural Affairs—is to maintain the FQA system, which has provided certainty to the industry for many years. That is important to those who have invested money in FQA units and very important to those who have borrowed money in mortgage form using FQA units as collateral.

Brendan O’Hara: Does the Minister accept that the legal position she is spelling out and the reality in practice are totally different? They are barely nodding acquaintances. Is she saying that she does not see any need to reform the quota system and that she is quite happy for it to continue as it is?

Victoria Prentis: I believe very firmly in the rule of law, and I would never accept that the legal system and reality are in any way in divergence. The Government have made it clear that the current quota system needs to stay in place for the reasons that I am in the middle of giving. However, for future quota allocation we will—and probably should—look at very different ways of doing that. I will go on to explain why that is the case.

To go back to FQA units and the existing law, which is reality as far as I am concerned, this method of allocation has its detractors across the House and in the industry. However, FQA units confer benefits, such as creating a sense of stewardship of the resource and enabling quota to be traded to get into the hands of those who want to fish against it. If amendment 71 were passed, I am concerned that it could undermine the FQA regime and that that would undoubtedly cause instability, prevent investment and, ultimately, have a

[Victoria Prentis]

damaging effect on the jobs and coastal communities that we all want to thrive. For example, I know that in the constituency of the hon. Member for Plymouth, Sutton and Devonport, Interfish is one example of those that fish to FQAs. We propose to keep the existing quota system broadly as it is, while looking at the future system for the extra quota that we will be able to allocate.

Luke Pollard: The Minister mentions Interfish, which is a brilliant fishing company that I am very proud to have in the patch I represent. However, I do not follow her argument. Can she set out how having “public asset” already in UK law, as defined by the court case she has just mentioned, and then having a public asset objective are different? They seem to be very similar. Saying that we already have a public asset within UK law but that we cannot have a public asset objective in UK law because that would be bad seems to be contradictory. Can the Minister clarify that?

Victoria Prentis: There is no contradiction; I just do not feel that the extra amendment is necessary. Another reason for that is that the national benefit objective in the Bill already requires UK fishing activities to bring social or economic benefits to the UK. That means, in effect, that the Bill already recognises the importance of managing fisheries for the public good.

I now move on to the important issue of safety and training requirements. The hon. Member for Plymouth, Sutton and Devonport is right to highlight that the matter was mentioned a great deal by Members across the House on Second Reading. It is right that I should—as I did on Second Reading—pay tribute to the hon. Gentleman’s long campaigning on this important issue. It rightly concerns us all and, as the hon. Gentleman said, it is shared between Departments, but that does not in any way detract from the importance of moving forward. Indeed, it rather strengthens our hand across Government.

Safety at sea is, of course, not just about fishing. It is a maritime vessel issue. The safety of all vessels falls within the remit of the Maritime and Coastguard Agency. Legal requirements for the safety of vessels are already in place in several pieces of legislation, most particularly in the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997. Adding further complexity to an already comprehensive framework of legislation will not do much to improve safety. As the hon. Member for Plymouth, Sutton and Devonport rightly said, training and behaviour change are what is needed. I was particularly glad to hear him mention personal locator beacons, not least because grants are available to fund those at the moment. I encourage all those who could benefit from wearing a personal locator beacon to apply for those grants. I am pleased to see—I think the hon. Gentleman would agree—that positive progress has been made, with the industry taking greater responsibility, with support from the relevant authorities where possible. We should not be complacent, obviously, and I look forward to continued working across the House on that important issue.

On the equally serious issue of modern slavery, working conditions and the general wellbeing of our fishers, the UK has fully implemented the requirements of the

International Labour Organisation’s work in fishing convention. Of course, we have the Modern Slavery Act 2015, which ensures that—from 2016—officers from police forces, the National Crime Agency and Border Force can board and search vessels, seize evidence and arrest offenders. Section 1(2)(b) of the National Minimum Wage Act 1998 already requires that

“all seafarers working on ships within the UK internal waters and ports are entitled to be paid at least the national minimum wage.”

That is

“regardless of where the ship is registered”

or where the worker ordinarily lives or comes from. The legal exception to that is for those paid by crew share. We know that almost three quarters of fishermen are paid that way.

Recent research conducted by Seafish shows that average gross crew shares in the UK range from £1,060 a month for onshore workers to over £4,000 for mates. That is in line with or better than national minimum wage requirements, so we do not feel that the amendments are necessary and I ask the hon. Member for Plymouth, Sutton and Devonport not to press them.

Luke Pollard: I am grateful to the Minister for setting out her reasons for disagreeing with the amendments and for setting out the importance of safety. We will return to safety later. With that in mind, I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Victoria Prentis: I beg to move amendment 1, in clause 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.”

This amendment alters the definition of the “sustainability objective” so as to revert to the definition as it stood before it was substituted at Report stage in the Lords.

The Chair: With this it will be convenient to discuss the following:

Amendment 74, in clause 1, page 2, line 6, after “marine” insert “and aquatic”

This amendment would add the avoidance of the degradation of the aquatic environment to the definition of the “ecosystem objective”.

Amendment 75, in clause 1, page 2, line 7, leave out “minimised and, where possible,”

This amendment changes the definition of the “ecosystem objective” to include the reversal of negative impacts on marine ecosystems in all circumstances.

Amendment 76, in clause 1, page 2, line 8, leave out “minimised and, where possible,”

This amendment changes the definition of the “ecosystem objective” to include the elimination of incidental catches of sensitive species in all circumstances.

Amendment 77, in clause 1, page 2, line 12, at end insert—

“(aa) real-time scientific data is generated from both research vessels and all fishing vessels,”

This amendment would add the generation of accurate real-time scientific data to the definition of the “scientific evidence objective”.

Amendment 78, in clause 1, page 2, line 21, leave out paragraph (c)

This amendment removes the objective for bycatch to be landed where appropriate.

Amendment 79, in clause 1, page 2, line 24, after “area” insert “, fishing opportunity, or entitlement for any resources”

This amendment would extend the definition of the “equal access objective” to cover equal access to fishing opportunities.

Amendment 73, in clause 1, page 2, leave out lines 33 to 35 and insert—

“(a) fish and aquaculture activities achieve net zero carbon emissions by 2030, including in particular through efforts to—

- (i) improve the environmental performance of fishing ports;
 - (ii) promote the decarbonisation of fish and aquaculture activities; and
 - (iii) phase out the use of fossil fuels;
- (b) fish and aquaculture activities adapt to the impact of the climate emergency;
- (c) fisheries policy is compliant with the United Kingdom’s obligations under—
- (i) the United Nations Paris Agreement under the United Nations Framework Convention on Climate Change,
 - (ii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora,
 - (iii) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,
 - (iv) the Convention on the Law of the Sea,
 - (v) the International Covenant on Economic, Social and Cultural Rights (ICESCR),
 - (vi) the United Nations Sustainable Development Goals.”

This amendment expands the “climate change objective”.

Victoria Prentis: I am afraid this will be rather a marathon as there are a number of amendments grouped together, but I am sure we will manage to get through them.

The Government recognise the intent of the other place, and indeed the Labour party, in seeking to focus attention on environmental sustainability in these amendments. However, we feel that the Opposition amendments create serious and, I am afraid, unacceptable legal and devolution constitutional issues and would undermine the Bill, including the important environmental objectives that we are all so keen to see.

The ambiguity of a prime objective creates a significant risk that we will be prevented by law from supporting coastal communities as they transition from the status quo to a new and improved fisheries management regime. For example, in the past two years, if we had not been able to agree with the EU a small quota above scientific advice for cod in the Celtic sea, the issue of choke species would have led to the closure of many valuable fisheries in the south-west, as the hon. Member for Plymouth, Sutton and Devonport knows. In fact, those fishermen target other species, some of which are certified as sustainable by the Marine Stewardship Council. In 2018,

fish caught near the seabed and brought into the south-west ports, plus landings of cuttlefish, were worth about £57 million and were a significant part of the economy in those areas. I am worried that under a prime fisheries objective, that level of appropriate flexibility would not be lawful. Having a prime objective would limit our flexibility in annual negotiations, I am told by the fish team, which conducts those negotiations. For example, it could mean that other parties would know that our negotiating position on quota had to be within a certain environmentally sustainable limit, and we could be tied into accepting an outcome that might disadvantage the UK.

10.15 am

The current hierarchy of objectives in the Bill would give priority to the social and economic parts of the sustainability objective over other objectives, including the five other environmental objectives. Proposing to revert to the original wording is not about the Government going against environmental ambitions—absolutely the opposite. Our amendment reverts to the very carefully drafted original wording, which gives equal weight to environmental, social and economic considerations. That follows the concept of the three pillars of sustainable development, which has been established in international law. To provide reassurance, I draw the Committee’s attention to clause 2(1)(c), which requires us to set out clearly how we have applied the eight fisheries objectives proportionately.

It is also important to remember that actions speak louder than words. I want briefly to draw attention to some of the actions that the Government have and are taking to improve environmental sustainability. We are introducing a hugely ambitious Environment Bill, which covers the marine environment too. We published a 25-year environment plan, and are publishing annual updates on progress. We commissioned Richard Benyon to conduct an independent review of whether and how highly protected marine areas could be introduced, and we are currently considering his report very carefully. We committed in the fisheries White Paper two years ago to an annual statement on our assessment of stocks in the UK and of interest to the UK. We have been at the forefront of efforts to increase the number of stocks fished at maximum sustainable yield. Where that is not possible, we have pressed for other technical measures to be included in the package, most recently in relation to North sea cod. We are working with Seafish and the shellfish industry to begin to develop fisheries management plans for crabs, lobsters and whelks, which have not existed before.

A really good example of where the new approach comes into its own is with scallops. We are working with the Scallop Industry Consultation Group on a package of management measures to improve the sustainability of that highly valuable, but non-quota, stock. It is heartening to see the industry’s recognition of the importance of sustainability, and it is much to its credit that it voluntarily paid a levy to support work on stock assessment. It was actually the industry that recognised that a new fishery on Dogger Bank could be being over-exploited. Following constructive discussions with all four Administrations, we have temporarily closed that area to conduct stock assessments and find out what is going on.

Stephanie Peacock: In answer to one of my written questions, yesterday the Government said that by the end of 2020, of the 67% of total allowable catches set at maximum sustainable yield, only 54 stocks will reach that. That basically means that a third of fish stocks at maximum sustainable yield will not be sustainable. Will the Minister comment on the fact that a whole third is not meeting that?

Victoria Prentis: I think the hon. Lady is possibly slightly unaware that we do not currently have good data for many stocks. We fish, we think, just over 100 stocks—we have 100 stocks available to us to fish in the UK, and we are very fortunate to have a very wide, mixed fishery—but we simply cannot say whether we are meeting MSY because we do not have the data available. That is why it is so important that we do the work where we need to, such as in Dogger Bank, to find out what is happening.

I can answer the hon. Lady more fully as we go through the Bill; we have a whole section on MSY coming up. I know it was not the intention that this amendment, inserted in the other place, should cause difficulties by introducing a hierarchy into the set of interlinked objectives, but I feel that returning clause 1 to its original balance is the best outcome for the environment, our fisheries and our coastal communities.

Amendment 74 would extend the scope of the Bill to the management of fish and aquaculture activities in freshwater ecosystems. Freshwater ecosystems are already managed through a comprehensive suite of legislation, which emanates mostly from the EU water framework directive. The Environment Agency regulates inland waters under the Environment Act 1995. Freshwater fisheries are also regulated under the Salmon and Freshwater Fisheries Act 1975. There are, of course, specific challenges to managing freshwater ecosystems, most of which are unrelated to fishing or angling—for example, those relating to water quality or obstructions in sluices. We are further strengthening our regulation of such issues through both the Agriculture and Environment Bills.

This Bill has been developed to put in place a new sea fisheries management regime and clearly focuses on the marine environment. We recognise that the term “marine and aquatic” is used elsewhere in the Bill where appropriate; we want there to be no doubt, for example, over the scope of an administration’s powers to make grants in relation to inland as well as marine activities. However, this Bill’s core purpose is managing marine and coastal fisheries, and that is why we do not feel that this is a helpful amendment.

Amendment 75 is also well intentioned, but we feel it would have significant unforeseen impacts, which could lead to stopping a great deal of fishing activity and damaging our coastal communities as a result. Requiring our fisheries and aquaculture sector to reverse all the negative impacts of their activities on marine ecosystems, as proposed in the amendment, would simply render many fishing activities impossible.

On amendment 76, we of course agree that we must protect sensitive species from incidental catches in fishing nets. The Government are committed to encouraging the fishing industry to minimise bycatch of sensitive species as much as possible, and we are developing UK plans of action for cetacean and seabird bycatch, working closely with the fishing industry and environmental groups. Our various bycatch monitoring programmes

are essential to inform that work. We will be launching a broader programme of work on protected, endangered and threatened species bycatch to support a more holistic system.

However, the effect of this particular amendment would be that fisheries administrations would have to have policies that would eliminate all bycatch. While our goal is to reduce bycatch to as close to zero as possible, in some situations complete elimination of bycatch will not be possible and some sensitive species will inevitably be caught. The wording that bycatch should be,

“minimised and, where possible, eliminated”,

reflects this intention and ensures that our objective is ambitious but achievable. It is accepted by both environmental organisations and fishermen.

Turning to amendment 77, the Government support extensive monitoring. We already have an extensive data collection programme that uses effective and innovative methods, such as underwater TV surveys. We feel this amendment is unnecessary, as the objective to collect scientific data is already included within paragraph (a) of the scientific evidence objective. It is important, as not all scientific data can be collected or used in real time. There may be a period of several weeks, or indeed months, between samples being taken from a fish on deck and the completion of the scientific processes. We agree—I know we will be discussing this issue further on another day—that the increased use of remote electronic monitoring may well help us to achieve this scientific objective, which is why we have included powers in the Bill that would allow its future roll-out, or further roll-out. Even then, given the volumes of data collected, that data may well not be checked in real time.

Turning to amendment 78, the CFP’s landing obligation, which was fully implemented last year, requires all species subject to catch limits to be landed and counted against quota, rather than discarded at sea. There are a few limited exceptions. Now that we have left the EU, the Administrations are free to develop discard policies that are tailored to the industries. However, as I have noted, even when our fishing practices are highly selective there will be instances in which this unwanted bycatch cannot be avoided entirely, given the high number of mixed fisheries in UK waters. If, for example, that catch is scientifically proven to have high survivability, it will be better for the long-term sustainability of the stock for it to be returned alive, rather than landed dead. There may be some limited instances in which there would be a high economic or safety cost to land bycatch caught unintentionally, so that is the purpose behind the “where appropriate” phrase in the Bill. I am worried that the effect of this amendment would be to undermine our future discards policy.

Amendment 79 would cause significant problems for the industry and the fisheries administrations. The management of fishing opportunities, namely quota, is inherently different from managing access to fishing waters. The equal access objective ensures that all UK fishing boats can continue to access all UK waters. By contrast, the management of quota is devolved. At the start of each fishing year, UK quotas are apportioned between the Administrations by the Secretary of State, and each Administration is then responsible for distributing those quotas to industry: the Scottish Government determine how quota is allocated to Scottish-registered

vessels, and so on. Allowing equal access to fishing opportunities regardless of where vessels are licensed and registered directly conflicts with those devolved arrangements, and implies that each Administration would have to make quota available to boats managed by the other Administrations. It is unclear how that would work, and the uncertainty it would create would threaten the stability of the current quota apportionment system.

Finally, I will make a few points regarding amendment 73. The Government's world-leading commitment to net zero, declaration of a climate emergency, and the inclusion of a climate change objective in this Bill—an improvement on the Bill, in my view—all show how seriously the Government are taking their commitments to climate change mitigation and adaptation. Emissions from fishing vessels count towards national emissions, and are part of national plans to address emissions in the longer term under the Climate Change Act 2008. The unique part of the Bill's existing climate change objective is the focus on mitigating the adverse effect of all fish and aquaculture activities. While part of that mitigation is through decarbonisation, it is important to emphasise that many other potential impacts need to be mitigated, such as impacts on the health of marine habitats that impair their ability to store carbon. I am concerned that the amended wording would limit our options on developing policies for mitigation only through decarbonisation and port improvements.

Fishing activity is already part of the Government's commitment to net zero by 2050. The UK takes its international obligations very seriously, as underlined in the fisheries White Paper. We believe that it would be inappropriate to include in the Bill references to some, but not all, of our international commitments in this area. We feel this amendment is unnecessary, as it restates existing obligations and commitments of the UK under international law. I hope that the Opposition will feel able to support Government amendment 1, and will not press their remaining amendments.

Luke Pollard: I am grateful to the Minister for setting out what is a lengthy, complicated group of amendments. I will also go through each amendment in turn, with specific focus on Government amendment 1 and amendment 73, the key amendments within this group.

Government amendment 1 seeks to remove a line inserted by the House of Lords:

“The sustainability objective is the prime fisheries objective.”

That sends a very poor message to those who want us to manage our fish stocks sustainably. There is no future for fishing unless it is sustainable, which is the clear message of the current wording of the Bill. I disagree with the Minister's argument that the current wording makes things difficult. Indeed, we have to face up to the difficult truth around fishing and sustainability—if fishing is not truly sustainable, there will not be a fishing industry in future.

10.30 am

It is really important that that message is clear, because the changes necessary to protect our fish stocks, including ensuring that total allowable catches are not set above MSY levels—the level at which fish reproduce to replace fish lost through being caught—are really important. Sustainability has to be the future of the Bill. Indeed,

later in Committee, the Minister should be prepared for our now annual amendment to change the Bill's title to the sustainable fisheries Bill, rather than just the Fisheries Bill, because that message about sustainability is important and should be loud and clear.

Mr Goodwill: Does the hon. Gentleman agree that the wording proposed by the Lords would tie the hands of Ministers as they go to the annual fishing negotiations? Stocks are determined within a particular zone, and we could end up with the UK not being able to fish some of that stock because we could not take back to the UK the agreement that we would have made had we not been so encumbered.

Luke Pollard: I am grateful to the right hon. Gentleman for setting that out. Let me be clear: a Labour Government would not set total allowable catches above the maximum sustainable yield. Telling our European friends that we want a sustainable fishing industry is not giving the game away or betraying our fishers. It is setting out, clearly for all to see the fact that we manage our fish stocks sustainably and that we want a sustainable fishing industry, economically and environmentally. That is the level that we would approach this at. That is really important.

The right hon. Gentleman mentions the move to zonal attachment, rather than relative stability, which he knows Labour supports in relation to this. It is therefore important that we set the tone and the objective that our own fisheries waters need to be sustainable at that level. That is what the amendment to the Bill sets out—fisheries sustainability is the primary driver of fisheries management.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): Does the hon. Gentleman agree that the amendment is entirely unnecessary, given that the people most invested and most keen on maintaining sustainable fisheries are the fishermen engaged right now? By virtue of the fact that they need that industry to survive, and therefore need fish to reproduce sustainably, they are most keen on maintaining sustainability in our oceans. The amendment was therefore entirely unnecessary in the first place.

Luke Pollard: I agree that Government amendment 1 is entirely unnecessary, and I wish that the Minister would withdraw it. I fear that the hon. Gentleman was suggesting that the Lords amendment was unnecessary, but to save his blushes I will correct him on that. However, I agree that Government amendment 1 is unnecessary. *[Interruption.]* I will make a wee bit of progress before I take any more interventions.

Opposition Members are pleased that the Government have included a new climate change objective in the Bill, which was discussed when the last Fisheries Bill was in Committee. At that time, the arguments against that were that it would be unnecessary and would make decisions more difficult in future. I am glad that, on reflection, those arguments were shown to be unnecessary themselves. I believe the same should be said about this Government amendment, because we are sending a poor message to fishers, our coastal communities and all concerned about there being more plastic than fish in our oceans if we say that fishing sustainability is not the prime objective of fisheries management, because that needs to be front and centre.

[Luke Pollard]

That is why the Opposition support the Lords amendment to the Bill. Indeed, we note that it was passed with near cross-party support, with many Conservative Lords speaking in support of it. This is not only a view held by those on the left—it is a cross-party view held by those with a concern about the future of our fishing sector. I am concerned about the Government's attempts to water down commitments to sustainability, kicking the climate crisis into the long grass with vague long-term objectives and no reference to any dates. Worryingly, while the Lords amendment guarantees that the environmental standards are not compromised in the long or short term, Ministers are seeking to remove that part of the Bill and replace it with reference only to the long term.

We need to send a clear message. Ministers have been clear in sending a message on their headline political objectives for fishing, but they have not extended that clarity to their headline sustainability objectives. Sustainability should be our prime watchword in the short, medium and long term. It should not be kicked into the long grass with the vague wording, “in the long term”. Our oceans are being irreparably damaged as we speak. We know that there are fish stocks under real pressure in UK waters. We have a wonderful mixed fishery in the south-west, as the Minister acknowledged. It is a real inheritance for our children that we have such diversity in our waters. Preserving that is important.

The Minister mentioned several items that I want to pick up in relation to Government amendment 1, before I turn to the subsequent amendments. I want our European friends to know that our objective is sustainable fishing. I want our European friends' objective to be sustainable fishing. Setting that target along with the move to zonal attachment could be a profound statement of our future fisheries management intention.

The Minister mentioned the Richard Benyon review of highly protected marine areas. I appreciate that the first part of that report was pushed out before. I am concerned that we will not see the second part. I would be grateful if the Minister would set out what comes next. In making the case for highly protected marine areas, Richard Benyon—formerly of this parish—has made a strong case for delivery of the UN 2030 target, the oceans treaty, which the Government have signed up to. Labour argued that the Government should sign up to that. We were pleased when the former Secretary of State made that announcement.

It is important, but neglected, that that treaty says that by 2030, 30% of our waters should be fully protected. The phrase “fully protected”, rather than just “protected”, is important. It relates to the importance of sustainability as the prime directive, because “fully protected” means no-take zones. It means that we are not removing biomass from those waters. I do not believe Ministers have properly explained that to the fishing community. There needs to be greater clarity. Setting that target—to great aplomb and applause from all, including ourselves—dictates clarity as to how we achieve that.

We are just over nine years away from 2030. The plan to achieve that target is important. That is why sustainability must be at the forefront, as must the recommendations from the Benyon review, suggesting that the livelihoods of fishers must also be taken into account in setting any

targets. I am not here to suggest policy to the Minister, particularly on that matter, but I would like to suggest to the Minister that her Department needs to set out what that road map is, if it is not to be a report that sits on a shelf as 2030 draws ever closer.

On amendment 73, the Minister mentioned our desire to achieve net zero for fishing. I raised this point on Second Reading at the Dispatch Box, as did several Labour colleagues. Having set a net zero target of 2050—although I disagree with the 2050 date and would rather it were closer to 2030—it is important that we have a road map as to how we decarbonise every part of our economy.

Amendment 73 requires that

“fish and aquaculture activities achieve net zero carbon emissions by 2030, including in particular through efforts”

in relation to a certain number of items. I am a 2030 believer, as someone who is red on the outside and green on the inside. The important thing is that I want the Minister to set out clearly the plan to decarbonise the fleet.

In *Fishing News* and other fishing publications there are wonderful examples of modern and fuel-efficient forms of propulsion in our fishing fleet, but there is no plan to decarbonise our entire fishing fleet. Indeed, some of our smaller vessels, which tend to be our oldest vessels, can use thousands of litres of diesel for a single fishing trip. We need to make a case for having a plan to enable those fishers to afford to replace their propulsion with a cleaner method by 2030, rather than by the Government's target of 2050. The lifetime expectations of propulsion, and particularly fishing boats, is currently within the planning horizon of many of our fishers.

If the Minister disagrees with that part of amendment 73, I challenge her to tell us what the plan is. Where is the plan? If no plan exists, when can we expect one and how will fishers be involved? There is enormous concern about how we replace propulsion within fishing, which is a really difficult challenge. There is no easy option or easy answer, but we know it must take place. The challenge is how that will be delivered.

The plan to phase out fossil fuels, which is mentioned in proposed new clause 1(10)(a)(iii) in amendment 73, is an important part of that. There is not the same focus on fuels across the full range of maritime uses as there is in the debate on the aviation sector, where there is greater focus on transition fuels, hybrid and other parts. We need to look at where that can be. The Minister will probably say that that is a matter for the Department for Transport rather than her Department, but the financial health of the fishing sector will be a matter for her Department. How fishers invest in that technology, and what technology they are encouraged to invest in, is an important part of that.

I disagreed with the Minister when she said that amendment 73 would only restrict efforts to focus on decarbonisation and the environmental performance of our fishing ports, but let us focus for a moment on the importance of improving the environmental performance of our fishing ports. In some cases our ports could do with investment in the efficiency of ice plants and the market infrastructure, given the importance of decarbonising those efforts. The amendment does not specify that they would be the only parts that Ministers could focus on; indeed, it says “including” those parts. I suggest that they give just a flavour.

Mr Goodwill: Does the hon. Gentleman not agree that there is a certain contradiction between what he is saying now and later amendments that he has tabled, which would indicate that fish destined for, say, the European market should be landed in the UK and then transported on trucks to their main market, rather than being landed closer to the market where they are going to be sold?

Luke Pollard: No, I disagree. I dislike the Conservative position of favouring landing fish in European ports, because we could be creating jobs in British ports. It is bad for our ports, and it betrays the promise that many people made during the Brexit referendum. It is something that we need to reflect on. We should land more fish in our ports, creating more jobs in our communities and, as a corollary, eating more of our own fish. We will return to that in future, but I do not feel that landing more fish in our ports and achieving net zero in fishing are in any way contradictory. Actually, both are necessary to have a fully sustainable fishing industry in the future, because sustainability needs to be economic and environmental—they go hand in hand.

Amendment 73 sends a really simple message: we want to see fishing achieve net zero, and we will require the Government to prepare a plan and to have an idea about how to achieve that. I hope the Minister has a plan for fishing achieving net zero, but I fear that this part of the debate has been wholly absent over the past few years. Outwith the larger debate about every single sector, but specifically on this sector, how will they work? We all know that fishing is not one sector but dozens of sectors operating within the wider remit, with different fishers catching different species of fish with different gear at different times of the year in different fishing zones. How does the plan to achieve net zero work for each of those sectors? There will be different approaches, especially with the carbon impact of certain boats.

I turn to the other amendments in this group, 74 to 79. I will talk only briefly, so that other speakers can contribute. On amendment 76, I suggest to the Minister that one thing she should take from this debate is that Ministers need to act faster than they have to date. In part, our sustainability work by Ministers, as a country, has been too slow and too passive. I hope that the Minister and her officials are hearing loud and clear from the Opposition that we want to see Ministers act faster on this.

10.45 am

The arguments about data collection, which the Minister mentioned, are true—there is a deficiency of data on a large number of our stocks. However, we have had a decade of the same party being in government and in charge of fisheries policy to correct that, yet that excuse is still rolled out. We want the Bill to draw a line under that decade of failure to collect the data we need on all our fish species—a debate in the previous Fisheries Bill was about how to ensure that data-deficient fish stocks are brought up, to see what the plan was—so I challenge the Minister again. What is the plan for data-deficient species? Where is the focus for Ministers, so that they can say, “We will have an understanding of data-deficient species”? That is particularly so for non-quota species, for which overfishing, especially in certain zones, might not be easily recognised in the data, because the data is not there.

On Second Reading, my hon. Friend the Member for Canterbury described every fishing boat as its own “floating...laboratory”. That is a powerful understanding of where fishing should be and, indeed, of where it is, given the amount of data we require our fishers to catch. We will come to remote vessel monitoring, but the idea that we look at data in realtime is one option. The amendment that talks about “real-time scientific data” is therefore important.

We want to strengthen the objectives to enhance the requirement for data collection. Each fishing boat should be its own laboratory. That is not to make every single fisher into a scientist, but to make their practice more data-driven, so that we can better understand it. One of the complaints that I have heard, and that I expect the Minister will have heard plenty of times from fishers, is the argument that says, “There is more fish in the sea than the data says there is. Why can’t we fish more fish? They are there.” In many cases, the data lag between the Ministers’ decisions and discussions with our European friends, and the reality of our fish stocks can be quite far apart. That is a common complaint of fishers.

The solution to that is to address the data imbalance—data deficiency and the gap between data collection and processing, and data usage—in the decisions taken on fish stocks. That is an important element to consider as we see more variation in our fish stocks, including established stocks, due to the climate crisis and the warming of our seas.

Brendan O’Hara: On a point of clarification, amendment 76, to which the hon. Gentleman was referring, is about the elimination of incidental catches in all circumstances. Anyone who has been a recreational fisher, or even guddled about in a pool, will know that incidental catch or bycatch is almost inevitable and almost impossible to eliminate. Surely we should be asking that commercial fishing businesses do an awful lot more to innovate and upgrade their equipment to avoid it. Is he seriously asking us to support an amendment that calls for the elimination of the bycatch in all circumstances? That seems to be an impossible ask. Surely we should be looking at a more innovative solution.

Luke Pollard: One of the difficulties of having so many amendments grouped together is that we cannot get into each one individually. That is a probing amendment to find out what the plan is. I will return to species in a moment, but to answer the hon. Gentleman’s question on bycatch, the discard ban was introduced with good intentions—to borrow the Minister’s phrase from earlier.

There is a real crisis of fish being discarded over the side of boats because people do not have the quota to catch that fish. Fishers are being put in a difficult position by existing regulations—regulations that Ministers themselves may decide on, even if under an EU directive on how things work. In mixed fisheries—which I believe is what is around Scotland, and is certainly around the west country, which I represent—for fishers to target specific species is difficult, resulting in an inevitable bycatch. The difficulty is that the discard ban states that a fisher cannot catch that, discard it or land it.

That poses questions about how a reformed discard ban would work under the new freedoms that the Minister has set out. Greater quota pooling, for instance, might be one way, especially for smaller boats, to make sure there is sufficient quota within a pool to ensure

[*Luke Pollard*]

that bycatch is adequate there. There needs to be a greater understanding of the need to allocate more quota for some of those things, especially in mixed fisheries, to cope with that. The fundamental point—which I think the hon. Member for Argyll and Bute was getting at, and to which I hope the Minister will respond in the spirit in which the amendment was tabled—is that the discard ban currently does not work for our fishers and certainly does not work for our environment. The intention behind it is good. We need to preserve that intention, but also ensure that the fish our fishers are catching get a good price and are preferably landed at their local port.

The hon. Gentleman also noted at the start of his intervention, in relation to the difference between commercial fishing and recreational fishing, that there is a real challenge, which we will come to later, in applying restrictions to recreational fishers who are not taking the volumes of fish out of the water that some of our commercial friends are. There is a tendency to regard the two slightly differently, which I think he hinted at in his intervention.

To briefly return to the amendments, I am grateful to hear the Minister say that the Government have declared a climate emergency. That is very welcome news. My recollection of the debate is that the Government did not oppose the declaration but did not support it either. I am very happy to hear that the climate emergency declaration is now Government policy and not just parliamentary policy. The subtle distinction is important, because if it is a Government declaration of a climate emergency, the Minister has made a bigger announcement today than perhaps she wanted to. It is important, because we are in a climate emergency and there is a climate crisis that affects our fish stocks.

One area that the Minister hinted at, which is important and why Government amendment 1 needs to be looked at again, is the changes in fish and where they reside. As the Minister knows, fish do not follow international boundaries. Laws that seek to govern fish to follow international boundaries are problematic. The Minister set out how she hoped to ensure that those fish with high survivability are returned to the sea and not landed dead—I think she mentioned that in relation to amendment 78. I agree with her, but the Minister's statement is at odds with DEFRA's decision not to grant the bluefin catch-and-release fishery in the south-west, because bluefin tuna, bless them, have very high sustainability and can be caught time and again. The experience for the fish might not be one that many of us would like, but a fish in the sea is worth so much more to our recreational fishing sector that charters boats to recreational anglers than it is from being landed and eaten in our food supply chain. I agree with the Minister when she talks about high survivability and hope she will respond to that point.

The bluefin catch-and-release fishery was something that I mentioned in my remarks, and the hon. Member for North Cornwall (Scott Mann) also made a powerful case in support of it. The catch-and-release bluefin fishery would not only enhance our scientific understanding of the changes causing these wonderful creatures to enter more of our British waters, or to return after a great absence to our British waters, but could create an

enormous number of jobs across the west country, and they could in due course appear in the North sea, where tuna was present before the decline of fish stocks.

I have taken up enough time on this. Suffice it to say that Labour Members disagree with Government amendment 1. We would like to see sustainability as the primary mover of sustainable fisheries. The message that removing that sends to all those that care about our oceans is a poor one. Fishing should be sustainable economically and environmentally, and we should be unafraid of saying that sustainability is the primary driver of fisheries management. If we do not have sustainable fisheries, we will not have jobs in fishing or the fish in the sea that we need. To pre-empt what you might be about to say, Mr McCabe, the amendments sandwiched between that and amendment 73 are designed to probe the Minister for an explanation of the position on each of those points—which she has done in part, with the challenges that I have posed. However, amendment 73, which concerns net zero and decarbonising our industry, is absolutely critical to the future of the sector. I hope the Minister will set out the Department's, and indeed the Government's, plans to decarbonise the industry. She needs to be under no doubt about how seriously we take the importance of hitting net zero for fishing.

Mr Goodwill: I rise in support of Government amendment 1. Nobody so far has talked about the role of the courts. I suspect that if the wording proposed by the Lords stays in the Bill, there will be a field day for the courts and well funded environmental non-governmental organisations, which will be fighting every step of the way to ensure that the prime fisheries objective of sustainability is taken to the nth degree. We have seen that already in how the courts have been used with general licensing.

For example, at the annual fisheries meeting with other independent coastal states such as Norway, we may well decide that, as a one-off, to take account of choke species and mixed fisheries, perhaps some stocks would be fished above maximum sustainable yield, as a short-term measure to sustain our fishing industries. That additional quota could be assigned to the Norwegian waters and EU waters, but the British fishing Minister would say, "I'm sorry, but although there's more quota on offer, we cannot take it because we would be shot down in the courts." There are many other situations in which the suggestions made by the hon. Member for Plymouth, Sutton and Devonport about being flexible and working with the sector would be tracked every inch of the way by environmental NGOs, which would be keen to take them to court.

Luke Pollard: The right hon. Member raises a hypothetical about total allowable catches being set above MSY. He knows well that total allowable catches are routinely set above MSY levels. It is not a once-in-a-moment opportunity; it is a regular occurrence, and it is leading to a decline in fish stocks. Therefore, sending the message to our fisheries that we will have sustainable fishing in our waters is not a bad one, because we are ultimately saying to those fisheries that if we do not set at MSY levels, there will be fewer fish in the sea for the future. Whether we set levels above MSY in conjunction with our European friends or otherwise, that contributes to a decline in fish stocks. Does he agree with that?

Mr Goodwill: I agree with the hon. Member, but where levels are set above MSY levels, it is often for practical reasons to do with the sustainability of a particular fishing industry. It is also to do with choke species. We heard from the Minister how some fisheries would be closed completely were they not to be allowed a degree of choke species to be caught for which a quota is not allocated.

The point I am making is that the law of unintended consequences has not been seen clearly by the Lords. I believe many of our fishing communities would be decimated by action taken not by Ministers but by judges in interpreting the prime fisheries objective as sustainability. That would be an overriding objective and not one that Ministers could reasonably take to fishing communities in the four nations of the United Kingdom sustainably. I am therefore pleased to support the Minister in her amendment, which will prevent such an unintended consequence that even the shadow Minister, I think in his heart of hearts, understands could be a real problem.

Rosie Duffield (Canterbury) (Lab): I echo the words of the shadow Secretary of State, my hon. Friend the Member for Plymouth, Sutton and Devonport. We must set the tone and objectives for the negotiations, so it is critical to retain the cross-party amendment passed in the other place to make environmental sustainability the driving force and priority of the legislation. Removing that objective would put the fisheries sector at risk in the long term.

On Second Reading, the Secretary of State warned against creating a hierarchy of objectives, but the simple truth is that environmental sustainability must go hand in hand with economic sustainability, as we just heard. We cannot have long-term economic sustainability without first prioritising environmental sustainability, and that means prioritising fish stocks. Fisheries businesses cannot operate if there are no fish left for them to catch.

The hon. Member for West Aberdeenshire and Kincardine made the good point that fisheries are striving to get those goals and achieve sustainability, but that must be enshrined in law. If we put environmental sustainability front and centre in the Bill, the rewards in the long term will be there for the fisheries sector to reap sustainably. We want fish stocks to recover and thrive, resulting in a more resilient marine ecosystem. That obviously leads to greater catches over the long term, supporting the fisheries sector and the coastal communities that rely upon it.

11 am

Greener UK, one of those NGOs, has pointed out that the UK is currently not achieving sustainable fisheries management and that decisions are often taken by the Government that end up giving priority to short-term economic factors over environmental factors. UK cod stocks are at a critical level, and the Natural Capital Committee has highlighted a lack of progress on sustainable fisheries. I point out to the Government that other countries, such as Australia, have included sustainability as a prime objective in their fisheries legislation.

I would be grateful, too, for a bit more clarity from the Minister on how the Government intend to prioritise environmental sustainability. She mentioned actions speaking louder than words. We need to protect our marine ecosystems practically. If she seeks to strike the

amendment from the Bill, how will that be achieved? What concrete and measurable policies are going to be put in place to address fish stock recovery and reduce overfishing, in order to fulfil our international commitments under the sustainable development goals, for example?

If we look after the resources of our planet, then our planet will look after us. It is as simple as that. Environmental sustainability is so critical to our future that of course it has to be prioritised. That is why I will vote against the Government's amendment.

Taiwo Owatemi (Coventry North West) (Lab): It is a pleasure to serve under your chairmanship, Mr McCabe. I will speak in support of amendments 75 to 78. Amendments 75 and 76 aim to protect the ecosystem of our marine environment by mitigating the catchment of sensitive species. It is therefore right that amendment 77 allows for better monitoring and enforcement of fishers.

The absence of historical data on catches means that there is no way to gauge how much illegal discarding is taking place in our seas. There has been no way to manage or mitigate overfishing. By ensuring realtime scientific data collection we can go a long way in attempting to protect over-exploited species and the ecosystem of our seas and to better ensure that fishers are more mindful of their catches. Amendment 78 provides much-needed assurance in the Bill that we can account for what is being fished, when and by whom—again, preventing the scourge of overfishing. All of that can only benefit our coastal communities.

Turning to the benefits of putting sustainability at the heart of the Bill, as the Lords amendments made clear, last year just 59% of the UK's fish stocks were fished at or below the sustainable level, down 10% from the previous year. We need sustainable fisheries management to stop overfishing and to safeguard the UK fishing industry's survival. Environmental sustainability, as proposed by the successful amendments in the Lords, which the Government now seek to reverse, is crucial for the survival of our coastal communities post covid-19.

With seafood export markets hit hard, fishing businesses face huge financial hardship. The hospitality and restaurant sectors closing, and supermarkets closing fish counters, has led to a drastic dip in demand, with fishing markets struggling to continue. The sustainability amendment and other amendments tabled to this clause provide long-awaited relief to coastal communities struggling under the weight of the coronavirus and buckling under the financial hardship imposed upon them as lockdown eases.

Opposition amendments to clause 1 will ensure economic, social and employment benefits to coastal areas across the United Kingdom and will contribute to the availability of fish supplies, which in turn will rejuvenate the staggering tourism and hospitality market in those areas. The Fisheries Bill must and can do more for the UK's fishing community and associated markets.

Stephanie Peacock: I would like to add my objections to the Government's decision to remove the sustainability objective as the Fisheries Bill's main objective. I will speak briefly and focus on Government amendment 1. Healthy fish stocks have been proven to create a more resilient and productive marine environment and ecosystem, which leads to increased long-term catches and greater industry profits. For the sake of our coastal communities, which rely on the UK fishing industry and the thousands

[Stephanie Peacock]

of jobs that it creates, not just on the boats but in processing, logistics and food services, we must ensure that sustainability is at the heart of our fishing policy.

I am concerned that the Government are paying lip service to their election promise, as set out in their manifesto, to

“a legal commitment to fish sustainability”.

The Lords amendment put a lens of environmental sustainability over all fisheries management decisions. It required fisheries authorities to consider and demonstrate the impact of their decisions on environmental sustainability, in both the short and long term.

I would like to make it clear that the Lords Bill still granted authorities a degree of flexibility. They could still opt out of the joint fisheries statements in certain circumstances. I refer the Committee to clause 7, which we will come on to later. It states that authorities can amend or replace joint fisheries statements if they can show that there has been a change in circumstances relating to

“available evidence relating to the social, economic or environmental elements of sustainable development.”

The sustainability objective, before it was limited by the Conservative Government, simply required fisheries authorities to put an environmental lens across all decisions, demonstrating that they had put in place provisions intended to avoid any compromising of environmental sustainability in the long and short term. It would have incentivised best practice and ended the type of short-term decision making that we have seen in recent years, whereby, as has been said already today, just for this year quotas are set above scientifically recommended sustainable levels to address short-term economic concerns.

The Government have so far failed to make progress in terms of sustainable fishing, barely scratching the surface of what is needed to achieve environmental targets. Right now, the UK cannot meet 11 of the 15 indicators of marine health that were set out in its marine strategy, and the recent review of the strategy concluded that the 2020 target for good environmental status

“may not be achieved for many years unless there are further improvements to fisheries management measures”.

If we want to protect both our marine environment and the long-term sustainability of our fishing industry—in many ways the two go hand in hand—we cannot stay with the status quo. The Government need to act. Putting sustainability at the heart of the Bill would have meant that we could start to redress the balance towards restoring the health of our fish stocks and helping our marine environment to recover. We should have taken this opportunity to strengthen the Bill and change the way we manage our fisheries going forward, to the benefit of both the industry and the marine environment. Labour Members are disappointed that instead the Government have shown their disregard for environmental sustainability and the health of our seas, the marine environment and our fishing industry.

Amendment 73 sets out the net zero target about which my hon. Friend the Member for Plymouth, Sutton and Devonport has already spoken. It would have placed a requirement on fisheries authorities to ensure that

“fish and aquaculture activities achieve net zero carbon emissions by 2030”.

That is particularly important in the context of the UK’s environmental sustainability targets, which the Government have already committed to. We need action on all fronts and across all industries to deal with the climate and nature emergency.

Brendan O’Hara: The hon. Lady is talking about emissions targets, which are very laudable, but would we not be applying a much stronger emissions reduction approach to fishing than to any other sector, including energy, transport, agriculture and housing? Why should the fishing industry bear the brunt? It is a genuine question; I am not trying to trip her up. It seems that this amendment would apply a much higher standard to fishing than to any other sector.

Stephanie Peacock: I take the hon. Gentleman’s point and I do not believe that the brunt should fall on the fishing industry. This is an issue that every sector of society and the economy has got to deal with. It does not make sense not to seize the opportunity that the Bill presents to ensure that our fishing industry can lead the charge in terms of net zero. We could be pioneers and lead the way for other countries to follow in our footsteps. We could improve the environmental performance of our fishing ports, promoting decarbonisation and phasing out fossil fuels. The end of the CFP and the passage of the Bill through Parliament does represent an opportunity to be bold and ambitious, and now is the time for meaningful change to promote the sort of greener economy that benefits both people and our environment.

Victoria Prentis: I agree, in fact, with a great deal of what is being said. I reiterate that the Government are absolutely committed to leaving the natural environment in a better state than we found it in. There is no watering down of our commitments to sustainability, which are clearly stated in the Bill in the first objective in clause 1. However, I do not feel that the amendment helps to take this further. I am worried that putting the primacy of sustainability in the Bill might—inadvertently, I am sure—cause unnecessary suffering to coastal communities.

To focus on the MSY issue for a moment, I am not going to stand here and suggest that the current position is one we should be proud of. We have undoubtedly made progress on fishing at MSY. We are now fishing at about 67% of MSY. In 1990, we were fishing at 10% of sustainable stocks, so there is no doubt that we are where we want to be, although we are moving slowly in the right direction.

The Government hope that the fisheries management plan, set out in the Bill, will work locally and holistically to make the situation much better, fast, as we must do. However, I am concerned that if we put in the clause which makes the sustainability objective prime, there will be some really serious unintended consequences for coastal communities.

I will give three examples on MSY in particular. If we followed the zero TAC advice for whiting in the Irish Sea, it could close the nephrops fishery that has critical economic importance for Northern Ireland, where landings averaged about 15 million a year over the past five years. Another example, following the zero-catch advice on plaice in the Celtic Sea would close the very valuable anglerfish and megrim fishery and could displace those boats into a more intensely fished area elsewhere, which

could also displace even worse environmental harm. Out at Rockall, latterly, there is a very low quota for cod, although the quality of the scientific advice there has been questioned. Following the advice on cod would close the valuable haddock fishery that might itself be taking some of the pressures off the fishery in the North Sea.

I have been asked repeatedly by Opposition Members for further clarity on the plan. I refer them politely to the fisheries White Paper 2018. Our Secretary of State is particularly proud of this document, having worked on it a great deal himself. It sets out very clearly the direction of travel that the Government are determined to follow as we leave the common fisheries policy and are able to take further steps. We are committed to environmental sustainability, and I hope that working together when this great Bill becomes law we will be able to move forward much more quickly than in the past.

I turn briefly to some of the points raised by the hon. Member for Plymouth, Sutton and Devonport. I remind him that, while this is a framework Bill and touches all areas, it does not, in fact, deal with the Benyon review or some of the specifics that he mentioned. However, I do want to be as helpful as possible. The Benyon review was pushed out on World Oceans Day, which seemed an appropriate time, despite the pandemic. It is important that we get on with this important work. The Government are considering their response at the moment. I think it would be wrong and that this is not the place to go much further than that, but I am happy to take this up with the hon. Gentleman outside the Bill as soon as he likes. We are in a great deal of communication on this at the moment, and a lot of work is being done.

On decarbonising the fleet—I am glad he enjoys *Fishing News* as much as I do—fishing accounts for about 10% of the domestic shipping CO₂ emissions. I am not in any way downplaying that significant amount. The grant-making powers in the Bill could well be used to give grants which would encourage vessels to move to more sustainable types of fuel.

Luke Pollard: Is there a plan?

Victoria Prentis: There is no plan, but there is a very good clause which enables the plan to be made. It is something that should and will be done at local levels, but I would be amazed if decarbonisation of the fuels that vessels use was not the sort of thing to be considered.

11.15 am

Bluefin tuna was raised on Second Reading, and I am also happy to take that offline and discuss it with the hon. Member for Plymouth, Sutton and Devonport. I am aware that bluefin tuna went from a status of “endangered” to “near-threatened” in 2015. It is clearly an improving stock, but “near-threatened” would indicate that a cautious approach is still needed, and I suspect the Government’s priority will be to support the stock’s recovery. I heard what the hon. Gentleman said, as well as what the hon. Member for North Cornwall said on Second Reading, and I am happy to meet him or take the matter up offline in the near future.

We are aware that the discards ban is far from perfect. That is the very reason why we rejigged the objective in the Bill to focus on reducing bycatch. We will set out future discards policy in joint fisheries statements; that

is the tenor of what they are for. I support the Government amendment, but I suggest that the other amendments are not appropriate.

Question put, That the amendment be made.

The Committee divided: Ayes 10, Noes 5.

Division No. 1]

AYES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

NOES

Jones, Fay	Pollard, Luke
Owatemi, Taiwo	
Peacock, Stephanie	Smith, Cat

Question accordingly agreed to.

Amendment 1 agreed to.

Amendment proposed: 73, in clause 1, page 2, leave out lines 33 to 35 and insert—

- “(a) fish and aquaculture activities achieve net zero carbon emissions by 2030, including in particular through efforts to—
- (i) improve the environmental performance of fishing ports;
 - (ii) promote the decarbonisation of fish and aquaculture activities; and
 - (iii) phase out the use of fossil fuels;
- (b) fish and aquaculture activities adapt to the impact of the climate emergency;
- (c) fisheries policy is compliant with the United Kingdom’s obligations under—
- (i) the United Nations Paris Agreement under the United Nations Framework Convention on Climate Change,
 - (ii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora,
 - (iii) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,
 - (iv) the Convention on the Law of the Sea,
 - (v) the International Covenant on Economic, Social and Cultural Rights (ICESCR),
 - (vi) the United Nations Sustainable Development Goals.”—(Luke Pollard.)

This amendment expands the “climate change objective”.

The Committee divided: Ayes 5, Noes 10.

Division No. 2]

AYES

Duffield, Rosie	Pollard, Luke
Owatemi, Taiwo	
Peacock, Stephanie	Smith, Cat

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

Question accordingly negated.

Clause 1, as amended, ordered to stand part of the Bill. 11.20 am

Ordered, That further consideration be now adjourned.
—(*James Morris.*)

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

Second Sitting

Tuesday 8 September 2020

(Afternoon)

CONTENTS

CLAUSES 2 TO 11 agreed to, one with an amendment.

SCHEDULE 1 agreed to.

Adjourned till Thursday 10 September at half-past Eleven o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 12 September 2020

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The Committee consisted of the following Members:

Chairs: STEVE McCABE, † SIR CHARLES WALKER

- | | |
|--|---|
| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con) | † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) |
| † Butler, Rob (<i>Aylesbury</i>) (Con) | † Peacock, Stephanie (<i>Barnsley East</i>) (Lab) |
| † Coutinho, Claire (<i>East Surrey</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Fletcher, Katherine (<i>South Ribble</i>) (Con) | Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | † Wild, James (<i>North West Norfolk</i>) (Con) |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Rob Page, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 8 September 2020

(Afternoon)

[SIR CHARLES WALKER *in the Chair*]

Fisheries Bill [Lords]

2 pm

The Chair: Order! Let us have some discipline in the room, for crying out loud. We are going to proceed in a very nice, straightforward, friendly way, but I am going to say this in a semi-friendly way: we have *Hansard* colleagues here who would really benefit from having your notes. If you are speaking from notes and you could make the notes available to the *Hansard* colleagues before you leave, that would be great. The reason why I have to say that is that we do not have Doorkeepers to pick the notes up from you. [*Interruption.*] By email—covid secure.

Clause 2

JOINT FISHERIES STATEMENT

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): I beg to move amendment 2, in clause 2, page 3, line 37, leave out “18 months” and insert “two years”.

This amendment extends the deadline for publishing the first joint fisheries statement. Under the Bill as it stands the deadline is 18 months after the Bill is passed; the amendment alters it to two years after the Bill is passed.

It is a great pleasure to serve under your chairmanship, Sir Charles. Government amendment 2 extends the timeframe for publication of the joint fisheries statement from 18 months after Royal Assent to 24 months. That is to ensure sufficient time for drafting and sign-off by all the fisheries administrations, as well as for public and parliamentary scrutiny of the proposed policies. The change is unfortunately necessary because of the slippage in proceedings on the Bill, most latterly as a result of the pandemic. That has resulted in key stages of the joint fisheries statement drafting process, including parliamentary scrutiny, falling within the purdah or pre-election and, indeed, election periods for the Scottish and Welsh Parliaments in the spring of next year and the Northern Ireland Assembly in spring 2022. The devolved Administrations have raised the matter with us and, in our view, are rightly concerned that these election processes could significantly delay the ministerial clearances that will be required ahead of public consultation and parliamentary scrutiny. We are concerned that there is a high risk that the deadline will not be met. It would not be appropriate to make potentially new policy decisions during any pre-election period.

This amendment will support the development of a robust joint fisheries statement on the implementation of policies to meet the fisheries objectives that have been subject to appropriately rigorous scrutiny. I therefore ask the Committee to support the amendment.

Stephanie Peacock (Barnsley East) (Lab): The fisheries administrations are required to publish a joint fisheries statement setting out the policies that will achieve or

contribute to the achievement of the objectives listed in clause 1, which we discussed this morning. A common UK framework should be ambitious in scope and aspiration. The recovery of our fish stocks and sustainable management of our fisheries will impact generations to come. We will no doubt agree that the establishment of the first joint fisheries statement is an important moment for the UK fishing industry. I have met representatives from across the fishing industry in recent months, as I am sure the Minister has, and I am sure that the Minister will have heard as much as I have their concerns that the process of the UK leaving the common fisheries policy and becoming an independent coastal state has felt prolonged. Many fishers are keen to make progress on this as quickly as possible—something that I am sure the Minister and I will share. I understand the reasons that the Minister has outlined for the unfortunate but necessary delay, but can she also assure us that any delays in publishing the joint fisheries statements will not impact on the fisheries objectives that we have already discussed and, in particular, on the sustainability objective, albeit we would have preferred it to be stronger?

Victoria Prentis: I agree with almost all of what the hon. Lady has to say. We share her disappointment that the amendment is necessary, but we regretfully say that it is. *Amendment 2 agreed to.*

Stephanie Peacock: I beg to move amendment 63, in clause 2, page 3, line 38, at end insert—

“(5A) The Secretary of State must by regulations establish a system to resolve disputes between fisheries policy authorities that result in no joint fisheries statement being published.

(5B) In establishing the system under subsection (5A), the Secretary of State must in particular ensure that the dispute resolution system makes provision to require the fisheries policy authorities to make use of the system if it appears that no JFS will be published by 1 January 2022 due to disputes between the fisheries policy authorities.”

This amendment would require the Secretary of State to establish a system for resolving a dispute between the fisheries policy authorities which could otherwise result in no joint fisheries statement being published.

As I am sure many members of the Committee will remember, the Second Reading debate on the Bill got quite heated in parts. Fisheries management decisions and approaches can be contentious, and it is clear that disagreements can easily arise. We have only to look at what is happening in Brussels at the moment to see evidence for that. This amendment is therefore designed to ensure that a dispute resolution process is formally established. Such a process would ensure that any disagreements over fisheries management policies could be resolved through a clear framework and in a timely manner before discussions became deadlocked to the point that a joint fisheries statement could not be produced. This provision is supported by the National Federation of Fishermen’s Organisations, which regards it as essential.

The NFFO also said that it would like this provision to be implemented in consultation with each devolved Administration before policies are set out in a Secretary of State’s statement. It is my understanding that the Government are developing a memorandum of understanding with the devolved Administrations that “aims to ensure co-operative ways of working and a mechanism for escalating and resolving disputes should they arise.”

I would like to probe the Minister further on how this mechanism would work in practice, how it would respect

devolution settlements while ensuring an efficient process and how it would ensure that the joint fisheries statements were the product of an equitable and democratic process.

This amendment would provide important certainty to the industry across the UK that, should any disputes arise, a clear and fair dispute resolution process would be in place. I believe that this does have and would have the support of the wider industry.

Brendan O'Hara (Argyll and Bute) (SNP): It is a pleasure to see you in your place this afternoon, Sir Charles. As much as I can see what the hon. Member for Barnsley East is trying to do in proposing this amendment—seeking to establish a dispute resolution mechanism—and while I of course understand that it would be better for the four nations of the United Kingdom to enter into discussions in good faith and to work collaboratively to seek that joint fisheries statement, I cannot accept that this is the best way to take this forward. There should be, I agree, a mechanism to resolve any conflict that might arise between the four nations of the UK, but we do not think that giving power to the Secretary of State to establish such a mechanism is the way forward.

There has been nothing in the last few years, particularly around fishing and agriculture, to suggest that the interests of the devolved nations would be protected if the UK Secretary of State—particularly from the current Administration—was asked to establish a system in which to resolve disputes. Quite simply, we do not trust the Government to produce a mechanism that would not centralise power and decision making at Westminster. We do not think that the needs of the Scottish, Welsh or Northern Irish fishing industries would be adequately protected if a Secretary of State based in Whitehall was given the power to establish that dispute mechanism.

Immediately, questions would arise. What would the system to resolve these disputes look like? How independent of Government would this be? Who would appoint the members of that committee, if it were independent of Government? Would its membership be based on the nation's fishing industry, percentage share of coastline or the size of its population? Who would ultimately decide which side was right and which was wrong, and what criteria would they use to decide that?

I struggle to see how it would be possible for the four nations of the United Kingdom to be put on a fair and equitable footing, and for a transparent dispute mechanism to be put in place, when to all intents and purposes in these matters Westminster acts as the English Parliament, and when the right hon. Member for Camborne and Redruth (George Eustice) doubles as the UK Secretary of State and also the person in political charge of English fisheries.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Having been in the Second Reading debate, does the hon. Gentleman think we should have some sort of dispute resolution system in place for the Scottish National party position in Edinburgh and its position here in the House of Commons?

Brendan O'Hara: I congratulate the right hon. Gentleman. That has taken an awful lot longer than I imagined it would. I was primed for that one at 9.35 am morning. Obviously, clearly not, but I appreciate his sentiment.

Given the circumstances in which these resolution mechanisms have been put in place, there is a massive

potential conflict of interest if the UK Secretary of State, who is also in charge of English fisheries, is the person we charge to found that dispute resolution mechanism. Rather than the Secretary of State having this power, surely any dispute resolution mechanism would have to be created by all four nations, which would be bound by it. It should be something that all four nations and Administrations can agree to. I do not think anything else would work practically or politically.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): The reason why we discussed this mechanism in the previous iteration of the Fisheries Bill Committee was the very real fear that a dispute might arise between the Westminster Government and a devolved Administration in the preparation of the annual fisheries statement. Let me take the Westminster Government and Holyrood as an example, although it could be one of the others. A dispute could become a political game. So the purpose of this mechanism was to say, "What happens in that scenario?" It is not out of the question that there could be a disagreement between the fisheries approaches of the devolved Administrations and the United Kingdom.

This amendment was proposed in the previous iteration of the Committee to challenge the Minister, as my hon. Friend the Member for Barnsley East has done here, to say what would happen in the event of a dispute. The answers that were given in the previous Fisheries Bill Committee were very weak, and there is still no solution to what would happen if a devolved Administration took issue with the Secretary of State's fisheries statement, or if the fisheries management plans, as detailed in the joint fisheries statement, were not compliant with the obligations set under the Secretary of State's joint fisheries statement but were compliant with the devolved Administration's approach. That is an important issue.

Brendan O'Hara: Does the hon. Gentleman accept the premise that the Secretary of State is also the person who is politically in charge of English fishing, and that there would be a potential conflict of interest if that individual was charged with setting up the dispute resolution mechanism? We absolutely agree that there should be a dispute resolution mechanism, but it should not be for the Secretary of State alone to decide what it should be.

Luke Pollard: I am afraid that the remit of the Fisheries Bill affords us only the ability to give certain responsibilities to certain people, and the Secretary of State is responsible for the Secretary of State's fisheries statement, so he seems to be the logical person to look at in that respect. I am pleased that the SNP wants to see a dispute resolution system in place. I say to the Minister that there is a good argument for having a plan before a dispute arises. Given that fishing is so political and important to the livelihoods of our coastal communities, as the shadow Minister said, having a dispute resolution system in place makes good sense, and it is better to design one when the Administrations are not in dispute than to cobble one together when they are.

Victoria Prentis: We do not think this amendment is necessary. As the hon. Member for Barnsley East said, the Bill places a statutory obligation on the Administrations

[Victoria Prentis]

to produce a joint fisheries statement. When it is possible to set out joint policies in the JFS, we will do so. Equally, it is perfectly possible for each Administration to have separate and different policies within the JFS. That is part of devolution, and it is not something that I am resisting. The policies in the JFS do not have to be the same ones. For instance, we were talking about bycatch earlier, and it would be perfectly possible for each Administration to put in place a different policy to achieve the same bycatch objective, as appropriate for the industries in the different parts of the UK, but we would still be working towards the same goal. That means that there should not really be a circumstance in which a JFS cannot be agreed if we are working towards the same goal.

Processes are in place to resolve disputes between the Administrations. They will be strengthened. I accept some of what the hon. Member for Plymouth, Sutton and Devonport said about the need for a memorandum of understanding between the Administrations. In fact, contrary to some of what the hon. Member for Argyll and Bute said, the fisheries administrations have a strong track record of working together for the common good to develop fisheries management policy—as demonstrated by the close working on this Bill—while respecting the individual circumstances of each Administration. Most fisheries issues can be resolved through a strong working relationship at ministerial and official level, because we share an aspiration to maintain sustainable fisheries, as well as the vibrant and profitable fishing industry that the hon. Gentleman mentioned.

2.15 pm

The fisheries concordat currently sets out how the Administrations work together on fisheries management and sits alongside a UK MOU on general devolution. The UK MOU has an intergovernmental dispute resolution process that applies to fisheries issues. In the future, the fisheries administrations have agreed to work collaboratively on developing a new UK fisheries framework, which includes this Bill, jointly drafting the joint fisheries statement and fisheries management plans, where appropriate, and developing a new fisheries specific MOU. That MOU will replace the existing concordat, enshrine existing co-operative ways of working and include a clear dispute resolution mechanism.

These mechanisms will ensure that disputes are resolved at the right level and as quickly as possible, while respecting the devolution settlements. Existing governance structures and agreements, including the overarching UK MOU, will continue to apply. I therefore ask the hon. Member for Barnsley East to withdraw the amendment.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3

JOINT FISHERIES STATEMENT: PROCEDURE

Stephanie Peacock (Barnsley East) (Lab): I beg to move amendment 64, in clause 3, page 4, line 11, leave out “6” and insert “5”.

This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.

The Chair: With this it will be convenient to discuss amendment 65, in clause 3, page 4, line 14, leave out “6” and insert “5”.

This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.

Stephanie Peacock: Amendments 64 and 65 would ensure that fisheries statements are subject to review every five years, instead of the Government’s current preference of six years.

I would like to probe the Minister about the Government’s choice of a six-year review period. Such a long period between reviews of policy is bad for accountability and fundamentally bad for effective policy making. Indeed, on a six-year timescale, one could be a Member of the House for an entire Parliament without fisheries policies being made available for scrutiny. I hope we can all agree that that simply is not right.

Over the years, too little time has been given to debate fish and fisheries management in Parliament. As the right hon. Member for Orkney and Shetland (Mr Carmichael) said on Second Reading:

“It has often been the case that at the end of the year we have struggled to get 90 minutes for an annual fisheries debate.”
—[*Official Report*, 1 September 2020; Vol. 679, c. 94.]

As the EU referendum and negotiations have shown us, people care about fish, fisheries management and fisheries rights. In the earlier part of the Committee I heard the Minister say that she welcomed more time for discussions on fisheries policy, but Backbench Business and Westminster Hall debates are simply not good enough.

As we leave the common fisheries policy and establish our own fisheries policy, as an independent coastal nation, it is more important than ever that we ensure that our fisheries get the time in Parliament that they deserve. I believe that Fishing for Leave called for two years—it certainly was not six years—and that changing the review period from six years to five years will mean that fisheries are included as one of the major policy items under review at the start of the new parliamentary term.

If we are to take back control of our fishing policy, we need to make sure that the Executive is held to account and challenged, where challenge is needed. We must ensure that where policies do not deliver on the objectives set out in clause 1, they can be debated and changed. Given that those policies will be regularly affected by annual international negotiations, and changing scientific advice and data, it would not only be good governance but lead to a better policy and better outcome for us if we chose to make a joint fisheries statement on a more regular timescale.

I do not believe it is too much to ask for that to take place once in a fixed-term Parliament—once every five years. In the context of the current climate crisis and a fishing

industry that is keen to grow in a sustainable way, I hope the Minister will agree that we need more scrutiny of environmental policies and not less.

Victoria Prentis: In answer to the hon. Lady's question about why the period of six years was arrived at, I understand that the six-yearly review period mirrors that found in the requirement in the Marine and Coastal Access Act 2009 relating to marine plans. I recognise that the hon. Lady aims, with her amendment, to ensure that the delivery of the joint fisheries statement is effectively monitored and reviewed, but I do not feel that the amendments are necessary. Similar amendments were tabled in the other place, and the Government's view is unchanged on that.

As Lord Gardiner of Kimble set out in the other place, we have chosen a six-year review period following a great deal of discussion with the devolved Administrations, with whom we work closely. We believe that six years is sufficiently regular to ensure that the joint fisheries statement reflects the current state of fisheries management and the best available scientific evidence, while providing sufficient stability for fisheries managers and the industry. It also reflects the Marine and Coastal Access Act 2009. Six years is enough time to allow policies to have tangible effects, while avoiding placing undue burdens on policy makers and stakeholders.

We will report every three years on progress towards achieving the objectives, which I think is right. That new commitment, which ought further to increase transparency and accountability, has been made in this iteration of the Bill in response to recommendations from the Environment, Food and Rural Affairs Committee. As with the Agriculture Bill, six years is the longest possible review period—clause 3 provides that the JFS can be amended wherever appropriate—so the provisions in the Bill will enable us to respond quickly and as required to changing circumstances or really bad environmental changes, for example, ensuring that the policy remains fit for purpose.

Luke Pollard: Given that the Minister is arguing against a six-year period—

Victoria Prentis: No, I am arguing for a six-year period.

Luke Pollard: Forgive me; I meant against a five-year period. Will she set out in which years she expects the first and second reviews to be produced, as that would allay fears that we will not have an opportunity in this Parliament, and perhaps the next, to ensure that a review is adequately addressed?

Victoria Prentis: I would like to take further soundings on that from the devolved Administrations because, as I said earlier, we are concerned about their purdah and election periods. If I may, I will talk to the hon. Gentleman about that outside the Committee. I do not think it will be possible for me to give him those years now without consulting the devolved Administrations. He knows, because he is aware of the provisions in the Bill, that it will be two months from Royal Assent, and we will then have a two-year period before the first JFS. Following that, the rest of the provisions continue to apply. I would like to reassure him that there is sufficient flexibility in the way the clause is drafted for us to act more urgently if needed.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3 ordered to stand part of the Bill.

Clause 4

SECRETARY OF STATE FISHERIES STATEMENT

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: The clause provides for the Secretary of State to publish details of policies relating to UK quota matters and reserved matters, which are defined in the clause, in a Secretary of State fisheries statement, or SSFS. That is to ensure transparency and accountability in the event that the joint fisheries statement does not include such policies. Again, we have worked closely with the devolved Administrations in the development of this policy. If a situation arose in which we could not reach agreement on a JFS policy that related to UK quota matters or any reserved matter, an SSFS could be created to set out those policies. The statement would be legally binding and would have to go through consultation, scrutiny and reporting requirements. If publication of an SSFS is required, it must take place within six months of publication of the JFS, to ensure that a complete framework of policies is available with minimal delay.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clause 5

SECRETARY OF STATE FISHERIES STATEMENT:
PROCEDURE

Stephanie Peacock: I beg to move amendment 66, in clause 5, page 5, line 38, leave out “6” and insert “5”.

This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.

The Chair: With this it will be convenient to discuss amendment 67, in clause 5, page 5, line 40, after “must” insert “, within 45 calendar days,”.

This amendment introduces a timeframe in which the Secretary of State must prepare and publish amendments to, or replacement of, the SSFS.

Stephanie Peacock: As I have already argued with regard to clause 3, Labour believes that fisheries management and scrutiny of fisheries policy need to take place at least once within a fixed-term parliamentary cycle. We believe that six years is too long a period between reviews and, as I have said, does not aid good governance or policy making. Amendment 66 is intended to bring that in line with our earlier amendment to clause 3.

Fisheries and coastal communities have experienced a great deal of uncertainty over recent years from both Brexit and the covid-19 pandemic. Amendment 67 seeks to place a timeframe of 45 days in the circumstance where the Secretary of State replaces or makes amendments to a published Secretary of State fisheries statement. We believe that that timeframe is adequate to enact changes to an SSFS, while also providing much-needed clarity and certainty for the fishing industry, if such changes were indeed to be made. It is important that

[Stephanie Peacock]

we take steps to improve the confidence of fisheries management and provide certainty for the UK's hardworking fishers.

I hope the Minister will agree that it would be far from ideal for our fishing industry to have a statement withdrawn without the certainty of a replacement's coming in good time. I have no doubt that it would be the Minister's intention to provide that certainty and that they would be working hard to that end, but, as we know, we do not always meet our intentions in a timely fashion. By placing a timeframe on changes to the policies that are not included in the joint fisheries statements, we will ensure that our fishers are not left in limbo and that we can provide certainty to an industry that we all wish to see thrive.

Victoria Prentis: We have chosen a six-year review period to match the review period for the joint fisheries policy statement. That review period, as I have noted previously, is a minimum, and clause 5 allows for the Secretary of State fisheries statement to be amended as the need arises, in accordance with the processes in schedule 1. In addition, we have committed to reporting every three years on progress, in response to recommendations from the EFRA Committee. These provisions should enable us to respond quickly to changing circumstances or environmental needs as required, ensuring that the policies remain fit for purpose.

I turn now to amendment 67, which would require the Secretary of State to develop and publish changes to an SSFS within 45 days. While I appreciate that the intent of this amendment is to ensure that a fisheries statement is updated swiftly, the amendment as proposed could decrease its effectiveness. In order to ensure that any amendments to the Secretary of State fisheries statements achieve their purpose, we need to allow sufficient time for drafting an appropriate consultation, not least with the devolveds, to take account of the best available evidence and ensure suitable scrutiny. That could last longer than 45 days and we do not want to lower our standards to meet an arbitrary deadline.

The Government are committed to delivering sustainable fisheries, and I hope I can reassure hon. Members that the Secretary of State would prepare and publish any required amendments to a Secretary of State fisheries statement as swiftly as is practicable. I therefore ask for the amendments not to be pressed.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 5 ordered to stand part of the Bill.

Clause 6

FISHERIES MANAGEMENT PLANS: DUTY TO COMPLY WITH PROPOSALS IN JFS

Question proposed, That the clause stand part of the Bill

Victoria Prentis: Fisheries management plans will transform our ability to manage our fish stocks holistically on a stock-by-stock or fisheries basis, as appropriate. They will help to move our fish stocks towards healthy,

sustainable levels and allow us to move away from the damaging, one-size-fits-all approach of the common fisheries policy.

Stephanie Peacock: I welcome what the Minister has said. The Opposition welcome the introduction of fisheries management plans and hope that they will set out how stocks will be fished sustainably.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Clause 7

FISHERIES MANAGEMENT PLANS: POWER TO DEPART FROM PROPOSALS IN JFS

2.30 pm

Stephanie Peacock: I beg to move amendment 68, in clause 7, page 7, line 45, before 'available' insert 'best'.

This amendment changes the reference to 'available scientific evidence' to the "best available". This term is used elsewhere in the Bill.

The amendment refers to what is meant by a "relevant change of circumstances" that would allow a fisheries policy authority to depart from proposals in the joint fisheries statement. We acknowledge that a level of flexibility will always be required when circumstances change, but clause 7 is viewed by some environmental groups as an opt-out or loophole clause. Essentially, opting out must happen for the best scientific reasons, not just any scientific reasons.

The clause would make it possible to redraft a new plan should a change in circumstances occur. However, there are fears that its broad terms could undermine much of the important environmental and sustainability work that must take place to secure the long-term future of the industry and marine environment. Changes in circumstances include international obligations, action by a Government outside the UK, scientific evidence and evidence related to the social, economic or environmental objectives.

Greenpeace said that

"a loophole in the wording allows for these plans to be 'amended, replaced or revoked' under a wide range of 'relevant' circumstances. As long as national fisheries authorities publish a document to justify their decision, the Bill could enable them to carry on as normal, without delivering their sustainability plans."

I share concerns about the breadth of circumstances that would allow a departure from the joint fisheries statement to happen without effective scrutiny, and in particular the reference to "available" science rather than "the best available" science.

The amendment would tighten up the relevant circumstances. If scientific evidence points towards the creation of a different fisheries management plan, it should be the best scientific evidence that guides the process. The scientific evidence objective in clause 1 requires fisheries authorities to draw on the "best available" scientific evidence. The amendment would bring clause 7 into line with that definition. Up-to-date independently produced peer-reviewed science should form the basis of all fisheries management decisions. We cannot allow poor-quality research to dictate fisheries policies and undermine progress towards achieving the objective discussed earlier. Only the best scientific advice will yield the world-leading sustainable fisheries management practices that will allow our country's fisheries and marine environment to thrive.

Victoria Prentis: Of course we understand the need to base decision making on accurate science, but Administrations may need to act promptly as a precautionary matter when emerging evidence indicates that there is a problem. An example is the one I gave this morning about scallops on Dogger Bank. The fishing industry recently expressed concern about stock levels on Dogger Bank. We acted on industry calls to close the fishery so that we could commission scientific evidence on which scientists could then base their best advice on the state of stock. That is one example of a closure that might have seemed to be a pre-emptive act. However, it seemed sensible, to get proper evidence from the site.

Science is always evolving and sometimes what constitutes the best can be contested, particularly when data and evidence are collected by different parties using different techniques; so it is in our interest to allow our excellent scientists to make use of all available evidence, including that provided by the industry, to produce the best available scientific advice as referenced in the scientific evidence objective in clause 1. I therefore ask that the amendment be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8

FISHERIES MANAGEMENT PLANS: PROCEDURE

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: Fisheries management is complex and constantly changing, as the stocks are a wild natural resource. Further, fisheries science and technology is developing quickly and we must be able to respond appropriately to new findings and developments. It is important that policies within a fisheries management plan are reviewed regularly to ensure that they are fit for purpose. The clause ensures that fisheries management plans are reviewed at least every six years. As with the timing of the review of the joint fisheries statements, that follows the approach in the Marine and Coastal Access Act 2009. If, after review, the relevant fisheries administrations find that changes are required, they may amend, replace or revoke the plan. The clause also introduces part 3 of schedule 1, which sets out the administrative process for the preparation of fisheries management plans. It includes all the requirements for consultation.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

FISHERIES MANAGEMENT PLANS: TRANSITIONAL PROVISION

Stephanie Peacock: I beg to move amendment 69, in clause 9, page 8, line 45, at end insert—

“(2) In preparing and publishing a fisheries management plan under subsection (1), a fisheries policy authority acting alone must—

- (a) consult any other fisheries policy authorities that it deems appropriate, and
- (b) have regard to their responses before publishing the fisheries management plan.”

This amendment ensures that when a fisheries policy authority acts alone to introduce transitional provision, it must first consult with other fisheries policy authorities to ensure joined-up policymaking.

The amendment requires fisheries policy authorities to consult other fisheries authorities when preparing a fisheries management plan if a joint fisheries statement has not already been agreed to and published. That will ensure joined-up policy making, while also ensuring that the devolution settlement across the UK is respected. A co-development process will ensure that fisheries management plans are compatible with one another and work towards the best and most effective management of our fisheries. That will prevent gaps in management, monitoring and enforcement, and protect the health of shared fish stocks if a joint fisheries statement is not already in place. Management measures that are consistent with one another across fisheries policy authorities have the best chance of being successful in replenishing declining fish stocks.

Victoria Prentis: The amendment would place a duty on a fisheries policy authority to consult other fisheries policy authorities if it is preparing a fisheries management plan ahead of the joint fisheries statement being published. Part 3 of schedule 1 already sets out the broad consultation and publication obligations placed on the authority in these circumstances. They must consult interested persons, who may well be other fisheries policy authorities, but it might not always be an appropriate or worthwhile use of resources for a fisheries policy authority to consult all its equivalents on plans that may be located far from the jurisdiction of another authority. The existing schedule 1 has been drafted to give that flexibility.

Fisheries policy authorities will be sighted on the proposed fisheries management plan, since those plans will be listed in the joint fisheries statement. Our fisheries White Paper also makes clear our intention to work in much closer partnership with industry. We are beginning to do so as we develop the pilot fisheries management plans with, for example, the shellfish industry and with Seafish on plans for crabs, lobster and whelks. I therefore ask that the amendment be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 9 ordered to stand part of the Bill.

Clause 10

EFFECT OF FISHERIES STATEMENTS AND FISHERIES MANAGEMENT PLANS

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: The clause makes clear that the relevant fisheries authorities will be legally bound by the fisheries statements and fisheries management plans when exercising their functions. The UK fisheries administrations and the Marine Maritime Organisation are national fisheries authorities for the purposes of the clause. These fisheries authorities must act in accordance with the policies in the statement, unless a relevant change in circumstance indicates otherwise.

[Victoria Prentis]

If there is a relevant change in circumstance, the authority may need to diverge from the policies set out in the statement for the fisheries management plans. That could, for example, be to ensure flexible management measures are implemented in the event of a really sudden decline in a stock, or it could be because new evidence suggests that a different approach to managing a stock should be taken. A non-exclusive list of examples of changes in circumstances is included in subsection (4). If that happens, the authority must prepare and publish a document to explain its action and the relevant change of circumstances that led to its decision to follow an alternative course of action.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

REPORTS ON FISHERIES STATEMENTS AND FISHERIES MANAGEMENT PLANS

Stephanie Peacock: I beg to move amendment 70, in clause 11, page 10, line 25, at end insert—

‘(b) any other person whom the Secretary of State deems appropriate.’

This amendment adds a requirement for the Secretary of State to consult with any other person they deem appropriate, as well as devolved Ministers.

Over the last few months I have spoken to many people who are passionate about the management of our UK fishing industry, from environmentalists to industry representatives, and I feel it is important that they get a voice and a chance to contribute to any reports made on the extent to which policies have achieved the fisheries objectives set out in clause 1. The amendment simply gives the Secretary of State powers to consult qualified fishing experts, which would give a say to those who know the industry best and have its best intentions at heart.

Victoria Prentis: The amendment seeks to require the Secretary of State to consult any appropriate person when preparing a report on an SSFS. It is of course

important to ensure that we have sufficient evidence and data to establish the extent to which policies have been successful, but the amendment is not needed to achieve that. DEFRA already collects information from a wide range of sources, including scientific bodies, regulators, statutory advisers and industry in preparing its reports and we are committed to using robust evidence in all areas related to fisheries.

We would of course seek to follow a similar evidence-based approach to developing a report under the clause, including engaging with the fishing industry and non-governmental organisations. Any report on an SSFS must also be published and laid before Parliament, which would provide us with an opportunity for scrutiny.

Luke Pollard: Could the Minister set out whether the list of people she expects to be consulted on such statements includes organisations representing recreational fishing? There is a concern among many fishers in that sector that recent decisions, and especially those in relation to bass, for instance, were taken without adequate consultation with that part of the sector.

Victoria Prentis: The hon. Gentleman, you, Sir Charles, and I all share an interest and understanding of the importance of recreational fishing to the fishing sector. I assure him that, where appropriate—it might not always be appropriate—the recreational fishing community will be included in any consultation necessary under the SSFS. As a consequence, it is not necessary to legislate for what is already our standard way of working, so I ask the hon. Member for Barnsley East to withdraw the amendment.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 11 ordered to stand part of the Bill.

Schedule 1 agreed to.

Ordered, That further consideration be now adjourned.
—(James Morris.)

2.44 pm

Adjourned till Thursday 10 September at half-past Eleven o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

Third Sitting

Thursday 10 September 2020

(Morning)

CONTENTS

Written evidence (Reporting to the House) motion agreed to.

CLAUSES 12 AND 13 agreed to.

SCHEDULE 2 agreed to, with amendments.

CLAUSES 14 TO 17 agreed to, some with amendments.

CLAUSE 18 disagreed to.

Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 14 September 2020

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The Committee consisted of the following Members:

Chairs: † STEVE McCABE, SIR CHARLES WALKER

- | | |
|--|---|
| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con) | † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) |
| † Butler, Rob (<i>Aylesbury</i>) (Con) | † Peacock, Stephanie (<i>Barnsley East</i>) (Lab) |
| † Coutinho, Claire (<i>East Surrey</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Fletcher, Katherine (<i>South Ribble</i>) (Con) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | † Wild, James (<i>North West Norfolk</i>) (Con) |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Rob Page, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Thursday 10 September 2020

(Morning)

[STEVE McCABE *in the Chair*]

Fisheries Bill [Lords]

11.30 am

The Chair: Morning. Before we begin, I will make the usual preliminary points. I ask hon. Members to respect the social distancing guidance and to switch to silent—or switch off—their phones and electronic devices. I remind Members that Mr Speaker does not allow tea or coffee to be consumed in Committee. If possible, please email your speaking notes to hansardnotes@parliament.uk for our *Hansard* colleagues.

We will have a short procedural motion this morning, which I hope will be very straightforward, to allow the publication of written evidence—copies are available if Members want them.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): On a point of order, Mr McCabe, a few people have contacted me to inquire about why they cannot watch proceedings, because no visuals are being broadcast. I know that with social distancing, there is a good reason, but for the benefit of those who are listening but not watching, could you explain why they are getting an audio feed alone, rather than a visual feed?

The Chair: I am grateful to the hon. Gentleman for that point of order. Obviously, given that we have such a telegenic cast, it is a severe blow to me as well. The answer—as you rightly point out, Mr Pollard—is that we are in a slightly larger room because of the social distancing rules, and the room does not have camera facilities. It is that straightforward.

Resolved,

That subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Victoria Prentis.*)

The Chair: We now move to line by line consideration of the Bill. As usual, the selection list for the sitting is available in the room. Amendments on similar issues are generally grouped. Please note that decisions on amendments do not necessarily take place in the order that they are debated, but in the order in which they appear on the amendment paper. Decisions on each amendment are taken when we come to the clause that the amendment affects.

Clause 12

ACCESS TO BRITISH FISHERIES BY FOREIGN FISHING
BOATS

Luke Pollard: I beg to move amendment 80, in clause 12, page 11, line 5, at end insert—

“(3A) The master, the owner and the charterer (if any) are not each guilty of an offence if a fishing boat contravenes subsection (1) or (2) as a result of—

(a) danger to life or property, or

(b) any other reason prescribed by the Secretary of State in regulations.”

This amendment makes clear that a foreign fishing boat is not committing an offence if it enters or remains in British waters due to conditions presenting a danger to life or property.

Luke Pollard: This is a probing amendment. I want fisheries to be sustainable, as we discussed on Tuesday, but I also want them to be safe for British fishers, foreign fishers and all those in our waters. We have tabled the amendment to hear from the Minister what would happen in scenarios in which a foreign fishing boat is in trouble near our waters, and the only way for them seek help or to address their concerns is to enter our waters, where they may not normally have a licence to operate.

I hope that the Minister will say that under our international commitments to safety on the high seas, those boats would receive aid and, because of the close working relationship that I hope we will have with our European neighbours, we will be able to co-ordinate rescue efforts if required, and so the authorities will not need to prosecute in those circumstances. Furthermore—as the Minister will know from her legal past—should any prosecution take place for such a scenario, which I doubt it would, the public interest test to evaluate whether there were a case would probably not be passed if the vessel were genuinely seeking help.

Moreover, the Bill must specify that if a foreign fishing vessel enters UK fishing waters for the purpose of fishing, but erroneously claims that it is because they are in distress, they would be committing an offence in that circumstance as they would not have a licence to operate in our waters, and could face prosecution. This is a probing amendment, tabled mainly to enable the Minister to clarify that scenario on the record.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): It is nice to serve under your chairmanship again, Mr McCabe. It is always a pleasure to set out this situation, which already exists under the law in this important area. We all agree that the safety of fishermen and seafarers is critical. The amendment is not necessary, as the hon. Gentleman possibly surmised.

The Merchant Shipping Act 1995 already contains special provisions for vessels in distress, allowing any UK or foreign vessel that is wrecked, stranded or in distress in any place on or near the coast of the UK, or in any tidal water within UK waters, to receive assistance, quite rightly. Articles 17 and 18 of the United Nations convention on the law of the sea allow the right of innocent passage, applying to all ships of all states in territorial seas, an exclusive economic zone or the median line. For example, in poor weather, foreign vessels can stop fishing and shelter behind a headland to escape the worst of the storm. I understand from the Marine Management Organisation that that happens fairly often, particularly in the east and south-west.

Vessels are allowed safe navigation and passage, and we already allow shelter in our waters and ports so that foreign vessel owners can deal with, for example, injuries,

repairs to their vessels, replenishing their provisions or refuelling. Foreign vessels can also safely transit through our waters to reach more distant fishing grounds. None of that will change. Any further exceptions will be agreed in international arrangements and set out in vessel licensing conditions. This is already provided for in subsection (1) of the clause, so I therefore ask that the amendment be withdrawn.

Luke Pollard: I am grateful for the Minister's clarifying that situation, and on the basis of that clarity, I am happy to withdraw the amendment. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13

REGULATION OF FOREIGN FISHING BOATS

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: This clause introduces schedule 2, which extends to foreign vessels a wide range of secondary legislation made by the UK Government and, at their request, Welsh Ministers and the Northern Irish Department. It will make it clear that foreign fishing boats are bound by the same regulations as UK fishing boats. Under the common fisheries policy, the UK was prevented in most cases from applying its local rules to vessels from other EU member states. The clause and schedule 2 seek to rectify that, ensuring a fairer approach to foreign vessels that—subject to negotiations, of course—are granted access to fish in UK waters.

Luke Pollard: The set of amendments to the clause and the schedule relate an awful lot to the Undersized Velvet Crabs Order 1989. There will be some concern, after only a cursory glance at the amendments and the schedule, that the Government are permitting the taking of undersized crabs, which would obviously be contrary to the principles of sustainability that we have spoken about. I will be grateful if the Minister sets out the intent behind the undersized velvet crabs amendments in a wee bit more detail.

Victoria Prentis: Mr McCabe, would you like me to deal with this now or when we deal with the amendments?

The Chair: It is probably better to deal with it when we get to the amendments.

Clause 13 ordered to stand part of the Bill.

Schedule 2

REGULATION OF FOREIGN FISHING BOATS

Victoria Prentis: I beg to move amendment 11, in schedule 2, 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”.”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

The Chair: With this it will be convenient to discuss Government amendments 12 to 16, 18, 22 and 23.

Victoria Prentis: These are very technical amendments, and it is difficult to get our order and our arguments in the same place. Amendments 11 to 16 make changes to paragraph (2) of schedule 2, which amends the Undersized Velvet Crabs Order 1989 and indeed extends it to foreign vessels, in answer to the hon. Gentleman's question. The amendments remove unnecessary references to Scottish fishing boats, so that the order applies effectively to Northern Ireland. The amendments also ensure that the restrictions in the order do not apply to foreign vessels when they catch fish outside British fishery limits.

Similarly, amendment 18 exempts foreign vessels from restrictions in the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 in relation to fish caught outside British fishery limits. Amendments 22 and 23 just remove some superfluous words in relation to that. I therefore commend the amendments to the Committee.

Luke Pollard: I am grateful to the Minister for setting that out. For the sake of clarity, the Undersized Velvet Crabs Order 1989 was not previously on my reading list; however, it was yesterday. I am grateful to those people who got in touch asking whether this would put further pressure on those species. From my understanding of what the Minister has just said, it does not relate to any further risk to the stock levels; it relates only to access. I am grateful for what she has said on that.

Amendment 11 agreed to.

Amendments made: 12, in schedule 2, 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’.”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 13, in schedule 2, page 43, line 13, leave out “Scottish or”.

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Amendment 14, in schedule 2, page 43, line 13, leave out “or a foreign vessel”.

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 15, in schedule 2, 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).”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 16, in schedule 2, page 43, line 23, leave out “Scottish or”.—(*Victoria Prentis.*)

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Victoria Prentis: I beg to move amendment 17, in schedule 2, page 43, line 29, at end insert—

“(5A) After article 4 insert—

‘Fishing by Faroe Islands-licensed foreign vessels

4A (1) Nothing in article 2, 3 or 4 applies in relation to fish that were caught by a Faroe Islands-licensed foreign vessel in waters lying within the Special Area unless, at the time they were

[Victoria Prentis]

caught, the vessel was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

‘Faroe Islands-licensed’;

‘the Special Area’.”

This amendment exempts foreign vessels from certain provisions of the Undersized Velvet Crabs Order 1989 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

The Chair: With this it will be convenient to discuss Government amendments 19 to 21, 24 to 26, 3 and 4.

Victoria Prentis: These amendments are necessary to ensure that we comply with the provisions of the treaty entered into with Denmark in 1999. The treaty concerns maritime delimitation between the UK and the Faroe Islands. The 1999 agreement, or for the purposes of the Bill the Faroe Islands treaty, provides for a special area in the UK exclusive economic zone, exclusively in Scottish waters, over which both parties exercise jurisdiction for fisheries management purposes. A bespoke approach is required to manage that shared area in the right way.

The amendments provide the legal framework for who is able to regulate fishing in that special area from 1 January. They provide the Faroese authorities with the ability to license foreign vessels in that area, as well as providing the option for the appropriate UK licensing authority to license foreign vessels if that is required. Were the amendments not made, we would not be able to implement the Faroe Islands treaty, which might put us in breach of our international obligations. The amendments to schedule 2 exempt vessels licensed by the Faroe Islands fishing in a special area from some secondary legislation that is applicable in Scottish waters.

This is a technical area. We make the amendments in the knowledge that we have a very positive relationship with the Faroe Islands on fisheries management, and we remain committed to collectively improving the way the sea is managed and governed. Indeed, it is through our working on a new future fisheries agreement with the Faroe Islands throughout this year that we have been able to agree the approach to this issue.

11.45 am

Mr Robert Goodwill (Scarborough and Whitby) (Con): Would my hon. Friend further agree that the Faroe Islands are an exemplar of how to maintain a sustainable fishery, using technology such as long lining, for example?

Victoria Prentis: I am very happy to agree with the former fisheries Minister on this point. I know he did a great deal of work with the Faroe Islands, and we have had a very constructive working relationship with them throughout the course of this year. The issue has now been resolved properly, as it should be, in the Bill.

International negotiations are reserved but implementing international agreements, for example by licensing fishing boats, is a devolved matter, so this is a complex area to legislate for. We have worked very closely with our Scottish Government colleagues, who I would like to

thank, and colleagues across Government, to come to an agreed approach that respects both reserved and devolved competences. I am grateful that Scottish Ministers were prepared to and will play an active role in the delivery of this amendment. I commend the amendment to the Committee.

Luke Pollard: I welcome the Government legislating to comply with international treaties, which I am sure the Minister will agree with—I know she is a fond supporter of the rule of law. Until very recently, I did not think that complying with international law or international treaties was a point of contention in this House, but perhaps I am just being old-fashioned in that respect.

We support the amendments to comply with the 1999 agreement with Denmark and the Faroe Islands—that was something else I did not expect to have on my reading list last night, but none the less a thrilling treaty to have a read of. We think there should be no question when it comes to complying with international law, so we support the amendments, but I would like to press the Minister slightly on one aspect.

The Minister will know that when the 200-metre EEZ became the norm, the UK and Denmark on behalf of the Faroes sought to delimit their maritime zones. However, they disagreed at the time on the method and that produced areas of overlap. Those grey areas or special zones, which the Minister referred to in her remarks, are basically a no man’s water subject to special provisions.

For fishing in the special zones, each country can fish and regulate its own vessels. As the Faroes are not in the EU, the measure has not had much impact to date. However, it does now, potentially. As the Minister will no doubt be aware, we are seeing an increase in RIG activity—that is, Russia, Iceland and Greenland—in the areas around the Faroe Islands and the surrounding high seas. The RIG countries are not signatories to the sharing of coastal states agreements, in particular the North East Atlantic Fisheries Commission. I would be grateful if the Minister could offer some clarity on whether the measure only applies to Faroese boats and not those from Russia, Iceland and Greenland—countries that the Faroe Islands may grant permissions to fish. How does that apply to the approach the Government are taking?

The stocks in this zone are big business and I am anxious to ensure that we are not leaving a back door here for fishing in this joint area to become over-exploited by others under Faroese permissions. It is of particular importance that we safeguard our distant water fleets. I do not want to see British fishers undermined in this way. I would be grateful if the Minister could set out some clarity, in particular in relation to RIG activity.

Victoria Prentis: This is a highly technical area, and while the hon. Gentleman was kind enough to mention my legal background, I am not sure that I am able to provide him with a complete answer now. I am going to try, but I would like to caveat that, as all experienced lawyers would, with the fact that I will write to him afterwards if I am found to have been wrong.

It is interesting that this special area is quite a unique legal entity. The conflict with the licensing provisions already in the Bill had not come to light until it got to

the point of negotiations with the Faroe Islands, when it became clear that there might be some points of conflict.

The 1999 treaty permits either party to license foreign vessels, so both the Faroe Islands and the UK authorities—in this case, the Scottish Government—are able to do that. I think that probably answers the hon. Gentleman's concerns. That certainly does not mean that there are no rules in this area of the sea. Many of the licence conditions will be very similar for whichever party issues the licence, and the UK will of course still exercise standard controls and enforcement in the area. Both parties already have a commitment in the 1999 treaty, I believe, to co-operate on marine protection measures, which will further preserve this area. I feel that that is probably an answer to the hon. Gentleman's question, but if there is more to say, I will say it to him in writing.

Luke Pollard: I am grateful to the Minister, and I appreciate that this is a very difficult area. My key concern is about overfishing. From what I gather from the Minister, because the UK and Faroese fisheries authorities will be issuing licences, that would include RIG activity within those waters. Is her understanding that there is sufficient data transfer between those two licences and a scientific basis to ensure that those waters are being fished sustainably?

Victoria Prentis: That is what I believe to be the case, but I want to check that. This special marine area is a fascinating area of law. I cannot pretend that I know all the answers at the moment, so I will get back to the hon. Gentleman if I have told him the wrong thing. Otherwise, we will leave it as stated.

Amendment 17 agreed to.

Amendments made: 18, in schedule 2, 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.”

This amendment exempts foreign vessels from restrictions in the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 in relation to fish caught outside British fishery limits.

Amendment 19, in schedule 2, page 44, line 22, at end insert—

“(4A) After article 4A insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

4B (1) Nothing in article 3(2) or 4A(1) (fishing prohibition) applies in relation to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at that time, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) Nothing in article 4(3) (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 20, in schedule 2, page 44, line 36, at end insert—

“(3A) After article 4 insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

4A (1) Nothing in article 4 (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Undersized Edible Crabs Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 21, in schedule 2, page 45, line 13, at end insert—

“(2A) In article 3, in paragraph (3), at the end of sub-paragraph (c) insert “; or

(d) carried in, or used by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or used, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (3) insert—

“(4) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Sea Fish (Specified Sea Areas) (Regulation of Nets and other Fishing Gear) Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 22, in schedule 2, page 45, line 16, leave out “in relation to”

This is a minor amendment removing superfluous wording.

Amendment 23, in schedule 2, page 45, line 19, leave out “in relation to”

This is a minor amendment removing superfluous wording.

Amendment 24, in schedule 2, page 45, line 26, at end insert—

“(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert—

“(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included

[Victoria Prentis]

in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 25, in schedule 2, page 46, line 11, at end insert “, or

(d) a foreign fishing boat outside British fishery limits.

(4) The prohibition in this article does not apply in relation to a net carried in, or deployed by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or deployed, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(5) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Shrimp Fishing Nets Order 2002 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands. The amendment also clarifies that the Order only applies to foreign fishing boats when they are within British fishery limits.

Amendment 26, in schedule 2, page 46, line 34, at end insert—

(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert “, or

(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.” —(Victoria Prentis.)

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2003 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Question proposed, That the schedule, as amended, be the Second schedule to the Bill.

Victoria Prentis: This schedule amends a wide range of secondary legislation, covering issues such as prohibitions on fishing at certain times of the year, rules on gears that may be used in certain fisheries, and a prohibition on catches of certain species that currently applies only to UK vessels. The purpose of the schedule is to amend the relevant secondary legislation so that it will, in the future, apply to all vessels fishing in UK waters regardless of nationality. That should ensure an equitable approach

towards our treatment of foreign vessels, if access is negotiated, of course. Extending these statutory instruments will mean foreign vessels will be bound by the same sustainability regulations as UK boats for the first time. That is a major win for this Bill. At the Welsh Government’s request, the schedule also includes an equivalent amendment to secondary legislation made by them.

Question put and agreed to.

Schedule 2, as amended, accordingly agreed to.

Clause 14

BRITISH FISHING BOATS REQUIRED TO BE LICENSED

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: This clause sets out the conditions under which British fishing boats are prohibited from fishing anywhere without a licence except for very special exemptions. It consolidates existing provisions in the Sea Fish (Conservation) Act 1967. The Secretary of State may make regulations to add, remove or vary the exceptions listed in this section. Scottish and Welsh Ministers and the Northern Ireland Department must consent prior to any such regulations being made. If British fishing boats carry out unexempted fishing activities under this clause without a licence, the owner, charter and master will be guilty of an offence.

Luke Pollard: I have a simple question for the Minister. I think that many fishers would welcome clarification, especially in relation to later amendments about electronic licences, of what the licence is. Can it be an electronic licence, or does it need to be held in hard copy on a fishing boat?

The pre-covid regulations required a hard copy to be held on board a fishing boat while it was at sea. However, the covid regulations published by the Department made it an electronic one. Presumably for consistency with other covid-related regulations that requirement will be removed once the pandemic is over, creating a distinction between the holding of a hard or electronic copy.

Clearly, there is a subtle difference between a bit of paper or an electronic file on an email server. Particularly with reference to enforcement activities, what definition is the Minister using of the form of the licence?

Victoria Prentis: Do you know, Mr McCabe, I do not think that is covered in the Bill. What I do know is that the licence must name the fishing vessel to which it is attached, and is granted to the boat’s owner or charterer. I do not know that we need to specify in legislation whether it needs to be in hard copy or electronic form. As to what is probably the best way to deal with it, clearly covid exemptions still apply and we do not know what trajectory we are on with the pandemic at the moment, so I think we should carry on considering the Fisheries Bill and take the conversation elsewhere and deal with it in the context of the pandemic, if that is acceptable.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15

POWER TO GRANT LICENCES IN RESPECT OF BRITISH FISHING BOATS

Question proposed, That the clause stand part of the Bill.

Luke Pollard: I note that the National Federation of Fishermen's Organisations—not an organisation that I always agree with about its fishing lobbying, although I respect the energy and enthusiasm with which it pursues its purposes—puts forward some questions about the different classifications of boats in its brief, which I am sure the Minister and her officials have seen.

The NFFO is concerned that the clause gives powers to the Marine Management Organisation to grant licences for

“any other British fishing boat”.

The clause gives the power to grant a licence to Scottish Ministers in respect of a Scottish fishing boat, Welsh Ministers in respect of a Welsh fishing boat, and the Northern Ireland Department in respect of a Northern Ireland fishing boat. However, for any other British fishing boat the MMO has the power to grant a licence. My question is about the imbalance of the wording about the remits of the MMO and the devolved Administrations.

I understand that the MMO grants licences to English fishing boats, but I appreciate that the Minister and the Bill are at pains to avoid saying “English fishing boats”. Is it, however, to be understood that, for the purpose of the provision, a “British fishing boat” is an English fishing boat rather than a British fishing boat that may also simultaneously include a Scottish, Welsh or Northern Irish fishing boat? I think that the NFFO would be grateful for clarity on that from the Minister.

Victoria Prentis: It is no problem at all. We hoped the clause clarified the existing law and it reflects in fact the status quo. Each UK fisheries administration licences its own boats, wherever it is they actually fish. The Bill consolidates legislation that has been in force since 1967 and amended many times, not just at UK level but at devolved level. With agreement from the devolved Administrations, the provisions in the Bill are merely to carry on with the status quo, but to tidy up the statute book and try to help to deliver a coherent licensing regime for British fishing boats.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

Amendments made: 3, in clause 16, page 12, line 32, at end insert—

“(b) by a Faroe Islands-licensed fishing boat in waters lying within the Special Area.

“(2A) The exception in subsection (2)(b) does not apply in relation to a foreign fishing boat that is for the time being included in a list maintained and published for the purposes of this subsection by the Scottish Ministers.”

This amendment excepts foreign fishing boats from the requirement to be licensed under the Bill where they are fishing in the Special Area and have a Faroe Islands licence. It also gives the Scottish Ministers power to remove this exception from particular foreign fishing boats by putting them on a published list. These changes are in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 4, in clause 16, page 13, line 3, leave out subsection (8) and insert—

“(8) For the purposes of this section a fishing boat is “Faroe Islands-licensed” if 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.

(9) In this section—

(a) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;

(b) “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;

(c) “licence” (except in subsection (8)) means a licence granted under section 17.” —(*Victoria Prentis.*)

This amendment inserts definitions into clause 16 in connection with Amendment 3.

Clause 16

FOREIGN FISHING BOATS REQUIRED TO BE LICENSED IF WITHIN BRITISH FISHERY LIMITS

Question proposed, That the clause, as amended, stand part of the Bill.

Victoria Prentis: The clause sets out the arrangements under which foreign vessels must be licensed to fish in UK waters, if, of course, such access is negotiated. These arrangements mirror those for British boats.

12 pm

The only exemption from the licensing requirement for foreign fishing vessels is if they are allowed to fish in the waters of the Isle of Man, for which there is a separate licensing regime.

The Secretary of State, following agreement with the devolved Administrations, may make affirmative resolution regulations to provide further exemptions for foreign fishing vessels to hold licences. The UK Government consider that it is appropriate for these regulations to require the consent of the devolved Administrations, because the clause replaces existing powers that had allowed them to make their own regulations. However, the Secretary of State would propose removing the Isle of Man exemption only at the request of the Isle of Man Government.

The clause also makes it an offence for the owner, charterer or master of a foreign fishing boat to operate in UK waters without the relevant UK fishing licence.

Luke Pollard: Clause 16 should require an appropriate assessment, which is a form of environmental impact assessment, before the licences for these foreign boats can be issued for fishing in sites protected by the offshore habitats regulations. The Minister will be aware of my fondness for impact assessments, having heard me speak about them in many debates on statutory instruments, as I take the radical view that we should think about actions before we take them.

[Luke Pollard]

Regarding the assessments in relation to this clause, only if the appropriate assessment can demonstrate that any vessel will not adversely affect the integrity of a marine site, as the case may be, can the licence be issued. There is a concession for overriding this requirement for reasons of public interest, but I understand that allowing foreign trawlers into UK waters will not automatically qualify for that concession.

For sites such as the Dogger Bank, which we agree is a special area of conservation, this requirement will likely make it difficult to justify continued beam trawling and especially pulse trawling on such sites, including on much of the Dogger Bank.

The Minister will know that with the last iteration of the Fisheries Bill Labour was very determined to see an end to electro-pulse beam trawling, which I know is a view shared by many Government Back Benchers. An SI followed in relation to that issue, but we understand that electro-pulse beam trawling is potentially still taking place around that measure. So I will come back to the question of enforcement; I mention it now just to give the Minister time to find her relevant notes.

Katherine Fletcher (South Ribble) (Con): This clause is almost at the heart of what the people of South Ribble are really passionate about—not only the control of our waters and the right to license fishing boats, but the right to make sure that any fisherman or fisherwoman is using our natural resources in a sustainable way. I have received a lot of correspondence about pulse trawling in particular, as well as correspondence about beam trawling. Does the hon. Gentleman agree that the cross-party agreement on this matter should be welcomed?

Luke Pollard: I am grateful to the hon. Member for that intervention and I share her concerns and those of her constituents about electro-pulse beam trawling in particular. It was an area where, sadly, the last time we debated the Fisheries Bill there was not cross-party agreement. Indeed, the proposals to ban electro-pulse beam trawling in British waters were voted down by the Government party at the time, and further voted down when the Bill was debated in the main Chamber.

Having control of who fishes in our waters is really important; I agree with the hon. Member on that. Indeed, that is the position that my hon. Friend, the shadow Fisheries Minister, set out yesterday.

What happens to electro-pulse beam trawling within UK waters is technical, but it still really matters. I use the example of Dogger Bank because there is an assumption at the moment among many fishers and environmentalists that foreign fishing vessels equipped with electro-pulse beam trawling gear are using that gear on the Dogger Bank, partly because of the nature of the seabed in relation to that, while simultaneously having other gear on board, so that they can claim they are using one type of fishing gear when in fact they are using a different type of fishing gear.

I see no justifiable reason for electro-pulse beam trawling in British waters. It ravages our seabed, causes enormous ecological destruction and is not something that the constituents I represent in Plymouth want to see—nor, by the sounds of it, those whom the hon. Member for South Ribble represents. That is why the enforcement question is important.

If an assessment is required under the Conservation of Offshore Marine Habitats and Species Regulations 2017 before a new fisheries licence is granted for foreign fishers, especially in special areas of conservation, and there is a concern out there—I believe there is—how is that requirement correctly enforced? Will that additional appropriate assessment prevent foreign fishers from using gear that we regard as environmentally damaging in our own waters?

Victoria Prentis: This brings us to the heart of the Bill. If the Bill goes through, as we hope it will in the next few months, we will be able to manage these issues through our licence conditions. That is the whole point of what we are doing.

Katherine Fletcher: I am a biologist and have done a huge amount on marine ecophysiology. The hon. Member for Plymouth, Sutton and Devonport makes a strong case about pulse fishing. The point is that we will have control of it and be able to react to changes in scientific evidence and to changes in Dogger Bank, its uses and our desire for it. At the heart of the Bill, which is welcomed cross-party, is what the Minister articulated. Does she agree that the best bit of the Bill is that we will be able to control and evaluate the scientific evidence?

Victoria Prentis: Yes, of course. We are fortunate to have many people on the Committee who are genuinely passionate about these issues and bring a wealth of experience to the table. I am grateful to everyone sitting on the Committee. In the future, these issues will be managed through licence conditions, sometimes on the basis of sophisticated scientific evidence and sometimes—while we are on the subject of Dogger Bank—on the basis of the industry saying it is concerned and that we should temporarily close a fishery while we find out what is going on and take a view on licensing following the evaluation of scientific evidence.

I believe we will discuss a further amendment on pulse fishing later. There are currently five vessels able to pulse-trawl under the control of UK authorities, of which four are English. The licences have been withdrawn from the English vessels, which will not be pulse trawling from the end of the year. That is a win for all of us who are concerned about that form of fishing.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17

POWER TO GRANT LICENCES IN RESPECT OF FOREIGN FISHING BOATS

Luke Pollard: I beg to move amendment 99, in clause 17, page 13, line 29, at end insert—

‘(3A) No licence may be granted under this section unless conditions are attached to that licence so as to require the foreign fishing boat to comply with any standards in relation to environmental protection and marine safety that would apply to the same boat if it were a British fishing boat.’

Under this amendment, licences granted to foreign fishing boats would require those boats to comply with the same environmental protection and marine safety standards as British fishing boats.

The Chair: With this it will be convenient to discuss amendment 103, in clause 17, page 13, line 32, at end insert—

‘(5) A licence may not be granted under this section unless the fishing boat meets safety standards that are at least equivalent to those applicable to British fishing boats.’

This amendment prevents a licence being granted to foreign fishing boats unless the applicant can demonstrate that their vessel meets the standards required of British fishing boats.

Luke Pollard: The amendments seek to apply the same marine safety standards to foreign boats as to British boats. The Minister will know from our debate on Tuesday how important it is that we have similar and equivalent safety standards for everyone fishing in UK waters. In the previous iteration of the Fisheries Bill Committee we had considerable debates about the minimum standard that should be applied to any boat under whatever flag fishing in our waters.

The premise that many fishers voted for Brexit to ensure that level playing field and access is an important one, because the concern is that the cost of implementing regulations for UK fishers—albeit well-intentioned regulations to save lives—is not carried in the same way by some of our European friends, who enjoy lower costs, albeit with a greater risk from lower standards. Amendments 99 and 103 look at whether there should be a more explicit provision in the Bill to say that foreign fishing boats should have the same level of safety as UK fishing boats. That is about not only saving lives, but the economic cost that goes along with that in terms of the regulatory burden for businesses involved.

It is important to make sure that people stay safe. Amendment 103, in the name of my hon. Friend the shadow fisheries Minister, contains the phrase

“at least equivalent to those applicable to British fishing boats.”

Although we have been governed by the same common fisheries policy as our European friends for many years, and by similar obligations under the International Maritime Organisation, they have implemented their safety standards slightly differently. The amendment would therefore ensure that there is equivalence of safety standards and a similar basis, because any fishing boat going down or getting into trouble should worry us all.

Marine safety is not only about the behaviour of the crew onboard in terms of wearing lifejackets. As the Minister knows, I welcome the support of the Department for Transport and her predecessor in the roll-out of the Plymouth lifejacket scheme, which was pioneered in Plymouth. It includes a personal locator beacon on the lifejacket and moves the clasp from the middle of someone’s chest to being lower, which enables them to use filleting knives more easily on board a boat, so it is easier to operate, do their job and stay safe. That roll-out is important, but it is not compulsory and is not being applied to our European friends in the same way.

It is also important to make sure that stability testing is the same, particularly for small boats. The biggest risk to our small boat fleet is of capsize from the change of gear, where stability tests have not proven that boat to be stable in the way that we would all want it to be. There is no suggestion that they are breaching their licence by doing that but, to borrow a plea from the hon. Member for South Ribble in the last debate, there is cross-party support for a high level of marine safety.

I would be grateful if the Minister could respond as to how fishing licences will ensure that there is an equivalence of marine safety between foreign fishing boats and UK fishing boats, and how that will be checked during the implementation of the new regulations to ensure compliance. There is sometimes a sense among British fishers that the enforcement agencies, which for English fisheries is the Royal Navy, look at UK boats more than foreign boats. Whether that is true or not, I am sure the Minister will have heard that in her conversations with fishers. I would be grateful if she could set out the enforcement side as well as the safety side in her response.

Victoria Prentis: I am concerned about the unhelpful unintended consequences of the amendments. As I mentioned in the debate on amendments 71 and 72, schedule 2 already extends regulations to foreign boats, so the Bill clearly provides powers to deliver the environmental aspects present in amendment 99, as we discussed earlier.

Ensuring compliance with safety regulations is more challenging. I will set out the current regime for foreign vessels and then explain why it might not be desirable to require compliance with our safety regulations. Powers exist to allow foreign boats to be inspected in UK ports by the Maritime and Coastguard Agency. If problems are found, the MCA will send a report to the flag state or, if sufficiently serious—to the hon. Gentleman’s enforcement point—detain the vessel until such time as the issues are rectified, which seems reasonable and proportionate.

Regulation 28 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, which applies to foreign vessels, sets out in detail that where conditions are

“clearly hazardous to health and safety”,

the inspector may take measures to “rectify those conditions” or to “detain the ship”. However, I should add that inspectors are under duty not to detain the ship unreasonably. Foreign vessels are expected to meet the same standards as UK vessels while in UK waters.

12.15 pm

Turning to the desirability of this amendment, we are all concerned for the safety of all fishing crews wherever they come from, but I am not sure that it is right to impose our safety regimes on other states. The flag state should and, indeed, does have responsibility for the health and safety rules for their own industry.

For example, EU and EEA vessels of 24 metres and over must comply with directive 97/70 of the harmonised safety regime. This also requires vessels of 24 metres and over to comply with the International Maritime Organisation Cape Town protocol. There are further EC requirements for vessels of different sizes. There is also the work in fishing convention, which has entered into force internationally. Owners, skippers and crew have a heavy responsibility for safety.

Most of the vessels that may fish in our waters, should we decide to grant access, will be covered by EU law, which we have in our codes and has been implemented through the Fishing Vessels (Codes of Practice) Regulations 2017, so they cover UK vessels as well. The practical impact of this amendment would be to place the onus

on the UK for checking compliance of foreign vessels. We would probably need to make changes to the powers of the MCA to be able to inspect foreign vessels under this requirement. It would also be a hugely resource-intensive exercise to check whether foreign vessels complied.

There are other more serious practical concerns, too. Most foreign vessels fishing in our waters will not do so exclusively. They will fish in the waters of many other states, including their own. If our health and safety rules differed from those of their flag state, it would cause a conflict between different requirements. This sort of confusion could cause safety issues that we are trying to avoid. I am also concerned by, though I have not investigated fully, the issues around insurance and licensing for flag states.

In conclusion, though I believe this is a well-intentioned amendment, which covers important issues, I believe that it is unnecessary because of the existing international law.

Luke Pollard: I am grateful for that explanation, but I want to press the Minister, so that I understand her a bit more on enforcement. I am concerned that it seems that we are setting a higher regulatory cost for UK fishers than we are allowing for foreign fishers fishing in the same waters.

When it comes to enforcement, can the Minister clarify something? The Marine and Coastguard Agency does not inspect boats at sea. She suggested that, therefore, as a corollary, it will only inspect boats when they are on land. Therefore, unless they are landing their fish at UK ports, they will not be inspected. It falls, therefore, upon the safety, search and rescue, the Royal Navy and the Royal National Lifeboat Institution, to go to support boats of lower standards that get into trouble, because the regulatory regime that she has just said is sufficient means that they are only inspected at port and not while at sea.

Does the Minister understand fishers' concerns that this suggests that the regulatory burden on British fishing boats is different from that on foreign fishing boats and, as a result, that there is a different enforcement probability? A UK boat is more likely to be subject to enforcement than a foreign boat, even if it does not adhere to the same standards.

Victoria Prentis: I do believe that, under the laws that regulate the way that vessels fish internationally, it is right that flag states should be responsible for the licensing conditions and health and safety regulations of their own vessels. It may assist the hon. Gentleman to learn that under the Merchant Shipping (Registration of Ships) Regulations 1993, regulation 56(1), a foreign-owned UK flag vessel can be removed from the register like any UK vessel. What we cannot do is interfere in the licensing regimes of other flag states.

Mr Goodwill: I am not only a former Fishing Minister, but a former Shipping Minister. Is it not the case that if a vessel docks in a UK port, it could be subject to a port state control inspection, which would inspect safety equipment, as well as the welfare of staff? Indeed, following on from the point that the hon. Member for Plymouth, Sutton and Devonport made, if we are going

to have to inspect boats at sea for safety equipment, that is going to take pressure away from inspecting them for illegal fishing.

Victoria Prentis: I am grateful to the former Minister for making those points. They are points I had attempted to make earlier, but clearly not as succinctly.

Luke Pollard: On the basis that the Minister is not setting out a level playing field between UK fishers and foreign fishers, I am concerned that this sends the wrong message to fishers. However, I understand that we will be revisiting the issue of safety a number of times during this process, so I will not be pushing any of these amendments to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 17 ordered to stand part of the Bill.

Clause 18

NATIONAL LANDING REQUIREMENT

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): I beg to move amendment 87, in clause 18, page 13, line 34, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment would ensure that regulations establishing a national landing requirement for the devolved nations are made by the devolved administrations rather than by the Secretary of State.

The Chair: With this it will be convenient to discuss the following:

Amendment 88, in clause 18, page 13, line 38, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment is consequential on Amendment 87.

Amendment 89, in clause 18, page 13, leave out lines 41 to 43, insert ", and" at the end of line 40.

This amendment is consequential on Amendment 87.

Amendment 105, in clause 18, page 13, leave out lines 41 to 43.

This amendment removes the requirement for the Secretary of State to consult the devolved administrations before determining the national landing requirement.

Amendment 90, in clause 18, page 14, line 1, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment is consequential on Amendment 87.

Amendment 91, in clause 18, page 14, line 2, leave out "the UK fishing industry" and insert "their respective fishing industries".

This amendment is consequential on Amendment 87.

Amendment 106, in clause 18, page 14, line 16, after "limits", insert

"and outside of Scotland, the Scottish zone, Wales, the Welsh zone, Northern Ireland and the Northern Ireland zone".

This amendment changes the definition of 'landing requirement' into an England-only one.

Amendment 107, in clause 18, page 14, line 17, leave out

"the United Kingdom, Isle of Man, Guernsey or Jersey" and insert "England".

This amendment changes the definition of 'landing requirement' into an England-only one.

Steven Bonnar: We in the SNP are concerned about Government amendment 5, which would possibly remove clause 18 from the Bill in its entirety. We oppose that in

the strongest terms, and I encourage right hon. and hon. Members to do likewise. If they respect the sentiments of devolution, they will support the amendments we have tabled, which we do intend to put to a vote.

A landings target is currently the policy of the governing party in Scotland, and it is a policy that Scottish Ministers are keen to progress. The UK Government, on the face of it, have simply refused to engage in any way—far less in a meaningful way—with the reasonable and rational intent of the amendments from the other place. The Conservatives, in my opinion, are again showing their true colours: they have no respect for devolved national parliamentary matters, and it is highly disappointing that ensuring the economic value and benefits of sea fishing for coastal communities, and for labour markets and livelihoods in constituencies such as mine, is not high enough on their agenda.

The amendments made in the other place that the Government are seeking to remove are relevant and considered. They would have aided the delivery of the aims in clause 1, and would also have followed through on the Government's pledge of levelling up. However, we now know—if some of us did not beforehand—that a pledge by this Government or their Ministers means virtually nothing when they can break laws left, right and centre, willy-nilly. The amendments would have safeguarded employment in the processing and distribution sections of the sector, which are so important to my constituents in Coatbridge, Chryston and Bellshill, and to Scotland as a whole.

One job at sea is widely regarded as being equivalent to 10 on dry land, and coastal communities are crying out for investment and support. They currently have higher rates of unemployment and lower wages than other parts of their countries; they face the additional challenges of social isolation; they have fewer training and apprenticeship prospects; and ultimately, they are in poorer health. A minimum landings requirement for fish caught in our own waters could have provided a long-overdue stimulant and a renaissance for these communities. It could have breathed new life into many of the smaller or less used ports and harbours across Scotland and the other countries of the UK. The opportunity to do so is being passed up.

The other major concern we have—I cannot emphasise this enough—is the tampering with, and erosion of, devolution. I will not often agree with folk draped in ermine cloaks, nor will many of the folk I represent, but those in the other place identified the flaws in the original drafting of this Bill when it came to respecting the devolved Administrations. It was both striking and disappointing in equal measure that this was not reflected in the original amendment and is something we seek to remedy.

I am not sure why the Government have refused point blank to engage with the amendment with any good faith, and I seek answers from the Minister about that. She may claim that the Government already have powers to do this, but where are those and in what legislation? Why will they not use this legislative opportunity to update those measures?

The Scottish Government are already creating a voluntary monitoring approach to vessels under 12 metres participating in inshore Scottish waters, and have plans in place to extend that pilot to larger vessels in different fisheries too. Again, the devolved nature of the responsibility

was not reflected in the original drafting, which is why the other place sought the amendment. It is a matter that needs to be remedied so that the power to make regulations on the matter is devolved to the fisheries public authorities.

I urge colleagues to safeguard our fisheries, to support the position of the devolved Governments and to allow opportunities to revitalise our coastal and sea-linked communities by supporting our amendments, which are designed to do that. I commend them to the Committee.

Brendan O'Hara (Argyll and Bute) (SNP): I thank my hon. Friend for laying out clearly why we think these amendments are important. I will add a few thoughts, particularly those that relate to remote rural communities such as my own, in Argyll and Bute.

It is surely common sense to want to encourage as many vessels as possible to land as much catch as they can in UK ports. I know, because we have talked about it often enough in this place, that it is often our remote, rural, poor communities that get left behind when there is talk of regeneration and investment. Across the UK, formerly thriving fishing communities are losing population and are struggling to see a long-term future for themselves. Those communities are exactly the ones we can seek to help, in some measure, by supporting this amendment.

Landing more catch in UK ports will attract investment, help create jobs and encourage people not just to stay but to actively come and live in those communities. Areas such as Argyll and Bute, with its dependence on shellfish, have been particularly badly hit by the impact of coronavirus. There was a 68% decrease in the value of the shellfish catch in March 2020 compared with March 2019, and I understand the figures for April were even worse. Communities need our help.

There is a direct link to what we discussed in the Committee on Tuesday, about fishing being a national asset. Surely, if it is—

The Chair: Mr O'Hara, I am sorry to interrupt you, but I want to make this clear to everyone. I have already allowed some latitude to Mr Bonnar because it is his first time moving an amendment in Committee. At this stage, people should be speaking specifically to the amendments. There will be space for a clause stand part debate on clause 18 if people have wider observations that they want to make. Can I draw you back to the amendments?

Brendan O'Hara: Thank you, Mr McCabe. I will take your advice and catch your eye at the stand part debate.

Our amendment 87 makes this clause devolution friendly and recognises that the Government should, by now, understand and accept devolution. Amendment 87 would allow the devolved Administrations to establish their own national landing requirements, rather than having those set by a UK Secretary of State. Throughout the debate, we have returned to the idea that the person in political charge of English fisheries is also the Secretary of State, and that it cannot be left to a UK Secretary of State to apply laws and rules where there are clearly devolved areas of competence. Yet again, the Government have missed that and our amendment 87 seeks to resolve that.

[Brendan O'Hara]

Mr McCabe, I apologise again, and I will seek to catch your eye in the stand part debate.

The Chair: Thank you.

Luke Pollard: Those listening to this debate will need to listen to the stand part debate and then the amendment debate separately so that this part of the debate makes sense to those not following parliamentary procedure.

12.30 pm

The amendments tabled by the SNP and those tabled by the Labour party seek to make the clause devolution-friendly and devolution-compliant. That means respecting the devolution agreements. The amendment drafted by our friends in the House of Lords was intended to put the concept within the Bill. Again, it enjoyed cross-party support. However, the precise wording of the amendment did not take into account the devolution settlements in the way that I think we need to at this stage. The Welsh Labour Government support it as a concept. However, they have some concerns about the precise wording proposed in the amendments. Labour Members therefore cannot support the SNP amendments, although we are aligned with the principles of them. It is important that the devolution settlement is baked into the clause. The devolved Administrations are willing, and perhaps even desire, to judge by the words of the hon. Member for Coatbridge, Chryston and Bellshill, to use the powers currently in the Bill—and which we hope will remain in the Bill—while respecting the devolution settlement in each devolved nation. I hope that in the stand part debate we will speak about the wider importance of the national landing requirement and how that could work in each devolved nation.

Victoria Prentis: I will try to deal with the amendments now and discuss wider matters later, although I accept it is very confusing for everybody.

The amendments are unnecessary. Clause 18 was added by our friends in the other place. I will set out my concerns about it in detail later. First, I would like to reassure the Committee. We said in the fisheries White Paper that we would reform the economic link. The Government intend to hold a public consultation very shortly that will seek views on proposals to strengthen the economic link licence condition in England. The proposal will look to increase the benefit, from the current 50%, to the UK of fishing by English-registered foreign vessels.

In answer to the hon. Member for Coatbridge, Chryston and Bellshill, who asked where the powers for any change come from, schedule 3 allows us to place conditions on licences, including conditions about an economic link, so that we need no further regulation-making powers. If the Bill is passed, it is there in the Bill. I acknowledge that amendments 87, 89, 90 and 91 seek to address one of the issues with the new clause, which was raised by the Government in the other place. The clause as a whole retains an inflexible and narrow approach to ensuring that the UK benefits from fish caught in its waters.

Similarly, amendments 105 to 107 seek to amend clause 18 so that it is compatible with the devolution settlements, but we are concerned that they still fail to do so. The regulation of vessels registered in one Administration is largely a matter for that Administration, with each Administration licensing its vessels wherever they fish. The amended clause would allow the Secretary of State to regulate Scottish, Welsh and Northern Irish vessels in English waters, and so would be regulating within areas of devolved competence.

Where previously the clause allowed regulation in devolved competence to be done without the devolved Administration's consent but after consultation, these amendments remove even the need to consult the devolved Administrations on the regulation of their boats. This is contrary to the constructive and collaborative approach that we have taken so far. I do not recognise the hon. Gentlemen's readout of how we have managed this; we have managed fisheries in a very collaborative way. We have sought to legislate for the devolved Administrations only in areas where we have been asked to. Again, the amendments do not reflect the other ways that boats can show an economic link to the UK and which benefit the country in different ways, not just through landing fish. I therefore ask that the amendments be withdrawn.

The Chair: I remind hon. Members again that we are dealing with amendment 87. Once we have worked through the various amendments, there will be time for a clause stand part debate.

Steven Bonnar: I wish to press the amendment to a vote.

The Committee divided: Ayes 2, Noes 10.

Division No. 3]

AYES

Bonnar, Steven

O'Hara, Brendan

NOES

Bowie, Andrew

Jones, Fay

Butler, Rob

Morris, James

Coutinho, Claire

Prentis, Victoria

Fletcher, Katherine

Wild, James

Goodwill, rh Mr Robert

Young, Jacob

Question accordingly negatived.

Brendan O'Hara: I beg to move amendment 85, in clause 18, page 13, line 36, leave out "or 16(1)".

This amendment would mean that regulations establishing a national landing requirement would not apply to foreign boats.

The Chair: With this it will be convenient to discuss amendment 86, in clause 18, page 14, line 9, leave out "or 16(1)".

This amendment is consequential on Amendment 85.

Brendan O'Hara: This is a similar argument to the one we heard before; the amendment seeks to make the clause as devolution-friendly as possible, and it is important that we have right to do so. It is really a probing amendment to ask the Minister about the licensing of

foreign vessels. We are concerned that there would be tit-for-tat reprisals as a result of requiring licensed foreign vessels to land their catch in the UK. Many foreign vessels land in UK harbours already, but the clause could result in other coastal states' requiring UK-licensed vessels to land catches in their harbours. That would defeat the purpose. We absolutely want to encourage landings in the UK to help processing and, of course, for the landing fees, but we fear that, as the clause is worded, forcing people to do so will lead to tit-for-tat reprisals and compound the problem.

Victoria Prentis: I agree that any landing requirement should not apply to foreign vessels, which will need to demonstrate a link to their own flag states. We would not want to see reciprocal measures put in place against UK vessels that fish outside UK waters—I very much agree with that. The Government believe, however, that the clause should be removed from the Bill because it is inflexible, does not respect the devolution settlements, and will not achieve what its supporters believe. A landing requirement already exists for all UK vessels as part of the economic licence condition. The power to attach such conditions to vessel licences is provided in schedule 3, as I said earlier. Ensuring that vessels that use UK fishing opportunities bring benefit to the UK is of course very important. That is why we have included the national benefit objective in clause 1. I ask the hon. Gentleman to withdraw the amendment.

Brendan O'Hara: I thank the Minister for her reply. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Brendan O'Hara: To nobody's surprise, I rise to argue that—at the risk of repeating myself, which I have tried not to do—clause 18 is important. It is important because it gives hope to our remote, rural fishing communities littered along the length and breadth of the United Kingdom, who need help. The clause goes some way to help them. I know the Government have indicated their desire to remove the clause, but I urge them at this stage to think again. Communities such as mine in Argyll and Bute, which depends particularly on shellfish, are being decimated. They need hope, and I ask the Government not to extinguish clause 18.

On Tuesday we talked about fishing being a national asset, and about how it can be a catalyst for change and can benefit the wider community. As a national asset, surely it should not be there just to make very rich people even richer; it should be there for the economic wellbeing of the constituent parts of the United Kingdom. Landing fish into communities means jobs in transport, fish processing, environmental health, retail, hospitality, tourism and construction. Hopefully, it will also mean that more and more young people will want to take advantage of working at sea on the boats.

As my hon. Friend the Member for Coatbridge, Chryston and Bellshill said, it is reckoned that one job at sea creates 10 onshore jobs. That in itself should be reason enough for the Government to encourage as many boats as possible to offload into UK ports. It is because landing fish into communities is such an important

economic driver that the Scottish Government have been pursuing for a number of years a policy of landing targets, which is something that I know Scottish Ministers are keen to progress.

I implore the Government not to extinguish the hope, because our coastal communities need hope. In many places, it is all that they have. Embattled, formerly thriving fishing communities need our support, and this is one way to do it. It is not just about boats landing in harbours, but about the associated jobs in processing, construction and transport, and it becomes a magnet for tourism and hospitality. It is that important, and I implore the Government to reconsider and to give our communities a bit of hope.

Taiwo Owatemi (Coventry North West) (Lab): Once again, it is a pleasure to serve under your chairmanship, Mr McCabe. I wish to speak against the Government's ambition to remove clause 18.

The clause makes job creation a major priority. Labour's "jobs in coastal communities" clause was part of the laws to ensure that at least two-thirds of fish caught in UK waters must be landed at our ports. As we hurtle ahead into a no-deal Brexit situation, it is imperative that we give our coastal communities a chance to recover and thrive. That is most important in the light of the current coronavirus pandemic.

The successful amendment, which the Government now seek to reverse, protects jobs at sea, creates numerous jobs on land and at sea, and will provide a much-needed and anticipated boost to our coastal communities. As hon. Members know, such communities have been hit hard by the pandemic and subsequently locked down, and they have been decimated by austerity over the past 10 years.

The British Ports Association was right to say that the Fisheries Bill

"should be strengthening the economic link between our fisheries and our ports and coastal communities".

There is currently no requirement for boats exploiting UK fishing quota opportunities to land fish caught in our waters in the UK. As a result, 40% of UK quota is landed in Europe, where much of the economic value is realised. That leaves our own British fishing businesses sidelined, unable to benefit from the fish caught in our own seas. That is not right. Increased landing in the UK would mean that our coastal communities would benefit from fish caught in the UK seas. That would mean more jobs and more prosperity and would provide better and increased benefits to our coastal communities.

12.45 pm

Just yesterday afternoon, in the Opposition day debate on the protection of jobs and businesses, we spoke of the need to safeguard British jobs. This Government seem to feel as though British jobs at sea and other associated jobs in the sector do not deserve fair state protection and support or opportunity. Now is the time to support coastal communities to grow in jobs, which would be beneficial to the United Kingdom as a whole, as well as to those communities. Now is not the time to snatch away opportunities, as the Government's reversing the gains made in the House of Lords would attempt to do. Now is the time to allow coastal businesses to flourish. We want more fish landed in coastal towns

across the country, which will directly lead to more jobs being created in fish markets, processing and distribution. In removing the clause, the Government are indicating that job creation and job protection in coastal communities is not a priority for them, and that the survival of British coastal communities does not matter.

Cat Smith (Lancaster and Fleetwood) (Lab): I am proud to represent the coastal town of Fleetwood, which is part of the fishing industry in Lancashire—or at least it was, before the last deep sea trawler left Fleetwood in 1982. After almost 40 years of fishing decline in the town, I have seen the knock-on effect on people's earnings and on economic prosperity, and the struggles that we have in the town.

The decline of the deep sea fishing industry cannot be held solely accountable for the fortunes of the town that I am proud to represent in this House, but it is no doubt part of the wider picture, alongside other issues such as the Beeching cuts and the rise of cheaper and package holidays. The reality is that those in coastal communities have a lower wage than people who live inland—people earn around £1,600 a year less. The Bill could offer a framework by which coastal communities such as Fleetwood could really benefit from the kind of change they have been telling me they have wanted for a very long time.

My constituency voted leave. When my constituents voted to take back control, it was not just about fishing; it was also about the regeneration of coastal communities. The clause offers a framework by which we could see not just the economic benefits of fish landed in ports such as Fleetwood, but also the knock-on effects for jobs in fish processing. We still have hundreds of jobs in that sector. It would be of economic benefit to the wider town.

I represent one coastal community, but the clause would benefit isolated and rural fishing communities up and down the United Kingdom, including those communities that perhaps used to have a connection to fishing. The clause should stand part of the Bill.

Mr Goodwill: I understand the reasoning of those who support the clause. However, British fishermen land fish abroad because that is the market for which it is destined; the majority of fish caught by British fishermen is exported to those lucrative markets. While that is not an option for those catching crab and lobster off Scarborough and Whitby, when that is landed it is put on trucks—more often than not French or Spanish trucks—that transport it back there. I worry that the provisions in clause 18 would result in fishermen getting less for their fish because they have to add transportation costs. It would create jobs for French lorry drivers and for ferry workers and those who work on the tunnel, but it could have a negative consequence in terms of the income for our fishers.

Brendan O'Hara: On that point, the right hon. Gentleman knows we are on polar opposite sides of the Brexit debate, but if this idea is about taking back control and this sea of opportunity, as the hon. Member for Lancaster and Fleetwood said, who is that sea of opportunity for? Is it purely for those who own the quota? Is it purely for those who own the boats? Is it purely for those who work in the industry? Or is that sea of opportunity not meant to include the regeneration of

the United Kingdom, and particularly its ports? The clause would do that, and by throwing it out, the Government are surely singularly failing to do that.

Mr Goodwill: The UK intends to establish itself as a global trading nation, and part of that global trade is trade with the European Union, our most important neighbour in terms of trade. Many of the most valuable species that fishermen catch are valuable because they have such a premium in markets abroad. We are once again seeing the law of unintended consequences. When we look at our carbon footprint, we need to look at the carbon cost of a ship in, say, the channel that was intending to land in France having to steam back to the UK, put that fish on a truck and then take it back, possibly to the same port where it intended to go for that market. While I understand the sympathies behind the clause, the unintended consequences, both for value for our fishermen and the carbon footprint of the fishing industry, are both very negative.

Luke Pollard: Government amendment 5 goes against the very heart of what was promised to coastal communities in the referendum. It is a betrayal of our coastal communities that the Conservatives are supporting jobs in foreign ports. The clause, which was a Labour amendment, was deliberately designed to create jobs in our coastal communities, in ports from Newlyn, Plymouth, Portavogie in Northern Ireland, Peterhead, Fraserburgh, Fleetwood and Grimsby. It was designed to inject more energy and economic activity into those places.

I disagree with Government amendment 5, which seeks to remove clause 18, but more than that, I believe it betrays a promise made to many of those communities that Brexit would deliver more jobs and a revival of the fishing community. When I speak to fishers and the community around the fish quay in Plymouth, their model for whether Brexit is a success for fishers and fishing is whether they see more boats in our port, more fish being landed and more jobs created. That is what the clause, passed in the Lords, will do—create more jobs in our ports. The former fishing Minister, the right hon. Member for Scarborough and Whitby, described it as perhaps only creating distribution jobs. At a time when our coastal communities have been hit hard by 10 years of austerity, and by under-investment for far too long, creating more jobs in our coastal communities is something that we should welcome and go for.

The debate on the clause in the House of Lords was good, with Conservative and Labour peers and those from the devolved Administrations of all parties making the case that we should be creating more jobs in our coastal communities. It was promised that Brexit would deliver that for fishing. It is bizarre that we now see the Government arguing against that very thing, supporting jobs in foreign ports and not in our own country. It is an odd reversal of a promise given to those communities, and why I cannot support the Government amendment.

The clause would create a jobs boom because, as has been said by several Members, every job in the catching sector creates 10 on shore. That is true. Those jobs are created in fish markets, in distribution—I do not pooh-pooh that at all; these are important jobs—and in processing. It will create an economic stimulus and an incentive to process more fish at the point of landing, rather than to have those processing jobs in foreign ports at the point of landing elsewhere, because it would mean fresher fish

processed in our ports. It will create greater value from the processing of that fish. That is why all those are important.

Mr Goodwill: Does the hon. Gentleman agree that if Iceland imposed a similar restriction on the processing of fish, it would decimate places such as Grimsby, which relies on processing fish imported to the UK?

Luke Pollard: Indeed, and if clause 18 were about processing fish, perhaps the right hon. Gentleman would have a point, but—I am sure he has read it—it is about landing fish, rather than processing them. That is a good cul-de-sac to try to take us down, but that is not what the clause actually says. I went to Grimsby recently and spoke to people on the fish quay, and they hark back to the days when there were 800 fishing boats in their port. They want more fish to be landed in their port, so it is bizarre in the extreme that the Government are arguing against more fish being landed there.

Having more fish processed in Britain will create more jobs. Interfish in Plymouth creates an enormous number of jobs from landing the fish that it catches in Plymouth and processing them there, supplying our supermarkets. I want to see more British supermarkets buying British fish. That would be greatly helped by this clause, because more British fish would be available in our markets.

A number of points have been raised about why the clause does not work, so let me briefly address them. First, the former fishing Minister, the right hon. Member for Scarborough and Whitby, mentioned the increased carbon footprint. At a point when Conservative MPs voted against the net zero objective in the Fisheries Bill, I think that does not apply in the same way. We want fishing to be carbon free, and we want more fish to be landed in our ports. I agree that it is often argued that fishers chase the higher price that is delivered in foreign markets, and that if they if they landed in a UK port, the price would be lower. I hope the same arguments are used about any departure from any regimes in the European Union that make travel across borders easy. Delays at the border put an extra focus on this. I hope the argument that has been applied to this clause is applied equally to the Government's policy, but I fear that it will not be. None the less, it was a good attempt.

As we said in the debate on Tuesday, fish should be a public asset. The economic link between the fish in our waters and the United Kingdom should be strengthened. That is what clause 18 does: it strengthens the economic link. I fear, on this point, that the arguments of Government MPs will need to be reversed when the licence conditions change.

I welcomed the consultation that the Minister has set out, but I disagree with her that the figure is 50% currently. As she knows, landing 50% of fish in the UK is potentially one of the licence conditions, but it is not the only one, and it is important to state that if a company has a brass plaque in the UK and employs UK crew, it can get out of that. That is why many fishers catching fish in UK waters land nearly all their catch in foreign ports. One trawler in Wales lands barely any of its catch in British ports; it lands 84% in foreign ports. That fish should be supporting the Welsh economy. There are examples of that in English and Scottish waters. That is why this matters so much. We will be betraying those coastal communities if we do not support job creation.

I hope the Minister, when she comes to her consultation, cuts and pastes this clause, as Ministers did for Labour's last set of amendments to the Fisheries Bill, and makes it her own. I am a big fan of Louis Walshisms in politics. The Government should make it their own. I hope they copy this clause and put it into their consultation, because we need to create jobs in coastal communities, and that is what the clause seeks to do.

When this clause comes to a vote—surely it will do—and Labour and SNP Members vote in favour of the jobs in coastal communities clause and in favour of landing at least two thirds of fish in our coastal ports, I hope that every single Conservative MP who represents a coastal community will be able to explain to their electorates in those communities why they chose to support ports on the continent, rather than the port that they represent, why they chose to create and preserve jobs in foreign ports, not in their communities, and why they chose not to give the young people in their communities the opportunity that would come from enhanced employment not only in the catching sector but in processing, and the engineering jobs that accompany this. I hope they have a decent argument for that, because this flies in the face of everything that has been promised to coastal communities. That is why Labour will be supporting keeping clause 18 in the Bill to protect jobs in coastal communities, and opposing the Government's plan to continue the export of those jobs to our European friends.

Victoria Prentis: The hon. Gentleman has done his job; I am now going to do mine, which is to bring us back to this Bill. I do not believe that anybody in this room is not equally passionately in favour of having more jobs in coastal communities, but this is not a jobs in coastal communities clause. It requires the Government to consult on landing a 15% higher proportion of fish in this country. My argument is that the Government are equally as passionate as the hon. Gentleman, and indeed everyone who has spoken well, about coastal communities and their needs, but the Bill already allows us to meet the clause's aim in a more appropriate way through the objective in clause 1 and the powers, which I have already gone into, in schedule 3.

1 pm

The clause as it stands is not compatible with devolution. As I have said, the Government intend to undertake a formal public consultation on economic link reform, which would have been impossible were we still a member of the EU. We will launch the consultation in England very shortly.

The clause does not deliver what its supporters believe it does, and I am concerned that it would end up damaging the part of the sector it seeks to help. The quota donation condition, for example, has brought in an average of £3 million-worth of quota per annum for use by English under-10 metre vessels in recent years. Removal of that condition without looking very carefully at the knock-on effects could harm the sector that Opposition Members seek to support. To give another example, different circumstances across the UK nations require different approaches, and it is not currently possible for Northern Ireland's largest registered vessel to land its catch directly in Northern Ireland. I am also concerned that agreeing to the clause could result in

inefficient processes that are not environmentally friendly, as the former Minister, my right hon. Friend the Member for Scarborough and Whitby, said earlier. With that explanation, I hope hon. Members will agree that the clause should not stand part of the Bill.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 7, Noes 10.

Division No. 4]

AYES

Bonnar, Steven
Duffield, Rosie
O'Hara, Brendan
Owatemi, Taiwo

Peacock, Stephanie
Pollard, Luke
Smith, Cat

NOES

Bowie, Andrew
Butler, Rob
Coutinho, Claire
Fletcher, Katherine
Goodwill, rh Mr Robert

Jones, Fay
Morris, James
Prentis, Victoria
Wild, James
Young, Jacob

Question accordingly negatived.

Clause 18 disagreed to.

1.3 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

Fourth Sitting

Thursday 10 September 2020

(Afternoon)

CONTENTS

CLAUSE 19 agreed to.
SCHEDULE 3 agreed to, with an amendment.
CLAUSES 20 TO 23 agreed to.
SCHEDULE 4 agreed to, with amendments.
CLAUSES 24 TO 26 agreed to.
CLAUSE 27 disagreed to.
CLAUSES 28 AND 29 agreed to.
SCHEDULE 5 agreed to.
CLAUSES 30 TO 34 agreed to.
Written evidence reported to the House.
Adjourned till Tuesday 15 September at twenty-five minutes past
Nine o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 14 September 2020

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The Committee consisted of the following Members:

Chairs: STEVE McCABE, † SIR CHARLES WALKER

- | | |
|--|---|
| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con) | † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) |
| † Butler, Rob (<i>Aylesbury</i>) (Con) | † Peacock, Stephanie (<i>Barnsley East</i>) (Lab) |
| † Coutinho, Claire (<i>East Surrey</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Fletcher, Katherine (<i>South Ribble</i>) (Con) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | † Wild, James (<i>North West Norfolk</i>) (Con) |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Rob Page, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Thursday 10 September 2020

(Afternoon)

[SIR CHARLES WALKER *in the Chair*]

Fisheries Bill [Lords]

2 pm

The Chair: Order. There is far too much jollity in the Room. We will put an end to that.

I have a few announcements. Colleagues may remove their jackets, if they so wish. I am looking at a colleague who obviously knew I was going to say that—that is an admonishment by the way, but a very gentle one. Before we begin, I will make a few preliminary points. Most of you want to get back to your constituencies this evening. I do not know how we will proceed, but I am sure there will be a clip to it. Members will understand the need to respect social distancing guidance; I shall intervene, if necessary, to remind everyone. I remind hon. Members to switch electronic devices to silent. Tea and coffee are not allowed during sittings, and *Hansard* colleagues would be grateful if hon. Members could email their speaking notes to hansardnotes@parliament.uk.

Clause 19

FURTHER PROVISION ABOUT LICENCES

Question proposed, That the clause stand part of the Bill.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): The clause sets out the meaning of a “sea fishing licence”.

The Chair: Brilliant. Would you like to speak, Mr Pollard?

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Very briefly—not to interrupt your pace.

I am sure the Minister has had time to reflect on the question that I asked in this morning’s session about the difference between a hard and soft copy licence. I wonder whether this might be an opportunity to clarify that situation.

Victoria Prentis: I am afraid I do not have that clarity yet. I anticipate that it is something I will have to talk to the team about over the next few days and, indeed, probably weeks, given the state of the pandemic.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Schedule 3

SEA FISHING LICENCES: FURTHER PROVISION

Luke Pollard: I beg to move amendment 104, in schedule 3, page 52, line 7, at end insert—

“(2A) A sea fishing licensing authority must attach to any sea fishing licence appropriate conditions with respect to the safety of the boat and its crew.”

This amendment would require the licensing authority to set appropriate conditions regarding safety when granting a sea fishing licence.

This amendment continues the theme that we have had for a number of amendments: safety. I am grateful that the efforts of the Departments for Transport and

for Environment, Food and Rural Affairs have contributed to an improvement in safety and, importantly, the involvement of more fishers in making decisions about safety—not just regulation of them for safety purposes—but I think we all agree that more work still needs to be done.

I mentioned earlier the need to have more fishers wearing lifejackets that come as standard with personal locator beacons, which take the “search” out of the search and rescue when boats go down or fishers are washed overboard. I want to see more stability work, especially for our smaller boats that I mentioned earlier. Having remote vessel monitoring and CCTV on board, which was proposed in amendment 1 in the Lords, helps ensure that fishing stays within the law, but it also incentivises fishers to wear a lifejacket and come home safely to each other. I know there is cross-party concern about this issue, and I want to reiterate the support for cross-party working that I gave the Minister earlier. I will not say any more about remote vessel monitoring, because that comes later in the Bill, but the amendment was an attempt to probe the Government position on this issue.

Victoria Prentis: While being very sympathetic to the intent behind the amendment and, indeed, all attempts to improve safety at sea, I feel that it is unnecessary. These are complex areas that, as the hon. Gentleman knows, are the responsibility of both the Department for Transport and the Maritime and Coastguard Agency, as well as being our responsibility. Fishing vessel owners are responsible for ensuring their vessels comply with the regulations on construction and how they are operated. All fishing vessels are surveyed or inspected. If the Maritime and Coastguard Agency is not satisfied with the safety standards around a vessel’s construction, or if it discovers an emerging safety issue, the safety certificate will not be issued. If the vessel has a certificate, it may be detained and able to leave port only to enable repairs to be carried out.

As I mentioned earlier, maritime safety is already extensively covered in legislation and accompanied by comprehensive guidance, and I do not think that adding another layer of bureaucracy would make any tangible difference to safety. Education and behaviour change are what we know will make a difference. With that explanation, I ask the hon. Gentleman to withdraw the amendment.

Luke Pollard: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: I now call the Minister to move amendment 100. [*Interruption.*] Sorry, the shadow Minister—this is not a good performance from your Chair. I apologise. I shall up my game.

Luke Pollard: I am grateful for the confidence that you have in me and my party. It is consistent with some of your comments in the media recently. Thank you very much, Chair.

The Chair: Order! [*Laughter.*]

Luke Pollard: I beg to move amendment 100, in schedule 3, page 52, line 15, at end insert—

‘(6) Conditions attached to any sea fishing licence must include a prohibition on the use of any form of electric pulse beam trawl fishing.’

This amendment would require sea fishing licences to prohibit electric pulse beam trawl fishing.

The amendment that has been tabled in my name and that of the shadow fisheries Minister relates to pulse beam trawling, which is an area that we briefly touched on earlier, and I know that colleagues have similar views on this issue. What we are attempting to do with this amendment is to prohibit the use of electro-pulse beam trawling in any form. I suspect that the Minister will say that the amendment is not needed because of the statutory instrument that was passed last year. However, I hope to press her further on enforcement in this area.

Parliament initially rejected Labour’s proposal to ban pulse beam trawling but then saw the light and passed a statutory instrument to put into action the intention behind the original amendment that we tabled the last time we discussed the Fisheries Bill. However, I am concerned that the scientific derogation is too large, allowing 5% of a fleet—up to 200 vessels, potentially—to use this gear.

I am grateful that the Minister set out earlier her intent that the English fisheries Minister should effectively remove the licences from those boats that have electro-pulse gear in English waters. However, what this amendment seeks is a prohibition on the use of any form of electro-pulse beam trawling on any boats with any flag in our waters. There is a very strong environmental case for doing so. Electro-pulse beam trawling is utter vandalism of our seabed. It is indiscriminate—in particular, it kills many smaller fish that might otherwise grow and reproduce. Therefore, it poses a greater threat of stock damage than other methods of fishing. In particular we are concerned, as I mentioned earlier, about the risk of this technology in certain locations around our waters, where the use of electro-pulse beam trawling methods and gear can be disguised by the claim that other gear is being used.

The Minister will know that I and other Labour Members have strong views on how we need to protect our marine protected areas, and about the gear used in those areas. We believe that such protection should be part of the nine-year journey that we effectively have between now and 2030, when our marine protected areas will effectively need to become no-take zones. Again, I will reiterate what I said on Tuesday about that issue, namely that it would do the Government credit and do the debate a lot of good if they could start the conversation with our coastal communities about how that will happen, because I do not think there is awareness of that situation among our coastal communities and I think that, when they find out about it, it will come as quite a shock to them.

So, to support the work of the Minister and to help her to have an easy life by not having to respond to angry fishers when they find out about that change, there is a debate to be had around this issue. I think that debate can be softened somewhat by clearly saying that we do not support in any way the use of this method of fishing—electro-pulse beam trawling—and that, as an independent coastal state, we will outlaw it in our waters.

Importantly, the amendment seeks to remove the scientific derogation that was in the SI by saying that we do not want this technology in our waters at all. I am concerned about the scientific derogation being used, as other countries have sometimes used it, to disguise commercial fishing activities. Indeed, if we look at our friends over in the Netherlands, how much of their fleet was using this particular gear and disguising it behind a scientific purpose is a cause for concern.

So, in support of the amendment, I will say again that there is both cross-party concern and concern in all our fishing communities. A statutory instrument was delivered to put into practice what Labour proposed last time, but I do not think that it is working to the extent that we had initially intended it would. I remember that when we discussed this issue then, there was a concern about how enforcement would work. I encourage the Minister to work with her officials to look again at enforcement in this area, because it seems that environmental groups and some fisheries have a legitimate concern about the potential damage being done to specific marine areas by this method of fishing.

Victoria Prentis: We have rehearsed some of these arguments already today and I know that the hon. Gentleman had this debate several times with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs before he became Secretary of State.

As the hon. Gentleman knows, the statutory instrument made under the European Union (Withdrawal) Act 2018 prohibits foreign fishing boats from fishing with electric current in UK waters. As I said earlier, the four English-registered vessels using it have been informed by the Maritime Management Organisation that their authorisations will be withdrawn at the end of this year. The authorisation for the single electro-pulse beam trawler registered in Scotland will be reviewed by Scottish Ministers in advance of July 2021, when the EU prohibition comes into force.

Pulse fishing will be prohibited, so its enforcement will be dealt with in the same way as any other type of illegal or unlawful fishing. I will continue to keep in touch with the Marine Management Organisation as to the position at sea. I would be grateful if the hon. Gentleman would send us details of any specific instances and concerns he has. I remind him that the MMO can check any vessel fishing in our waters at any time, so it will be dealt with in the normal way. I ask him to withdraw the amendment.

Luke Pollard: The concern put out there is specifically about enforcement. I realise that the Minister does not have figures to hand on the scope of enforcement, which would be useful for the debate. However, I will seek those through a parliamentary question. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 101, in schedule 3, page 52, line 15, at end insert—

‘(6) Conditions attached to any sea fishing licence must include a prohibition on using a fishing boat greater than 100 metres in length in any of the protected areas specified in subsection (7).

[Luke Pollard]

(7) The protected areas to which the prohibition in subsection (6) applies are marine conservation zones and marine protected areas as defined in the Marine and Coastal Access Act 2009.

(8) The list of protected areas in subsection (7) may be added to by the Secretary of State by means of regulations.⁷

This amendment would include in the sea fishing licence conditions a prohibition on using a fishing boat longer than 100 metres in protected areas.

The amendment seeks to address the concern received from constituents by nearly every single Member of the House about supertrawlers and the activities of fishing boats larger than 100 metres fishing in marine protected areas. Until recently, Britain did not have a single supertrawler larger than 100 metres, but one that previously flew a foreign flag has been reflagged in the last few weeks—I believe to help with quota aggregation, which is a practice used in particular by larger foreign-owned companies for moving more quota around their different boats—which means we have one. Regardless of whether we have one supertrawler over 100 metres fishing in marine protected areas or more, we as a Parliament must take a view about whether we want such supertrawlers fishing in our marine protected areas.

The Greenpeace campaign on this issue has attracted the signatures of not only a large number of Back Benchers, but a number of Ministers. I appreciate that it is difficult for DEFRA Ministers to sign up for a campaign about the Department they look after, but it is good to see that there is support within Government for banning supertrawlers over 100 metres in our marine protected areas. That is why, reflecting widespread public concern, we tabled the amendment to ban those fishing boats in excess of 100 metres from fishing in the UK's MPAs.

A Greenpeace investigation revealed that in the first six months of 2020, supertrawlers spent 5,500 hours fishing in marine protected areas. Those are areas meant to safeguard vulnerable marine habitats; instead, they are being threatened by highly destructive industrial fishing methods, including those deployed by these boats that can harvest huge quantities of fish from our oceans.

The Secretary of State already has the power to ban supertrawlers over 100 metres and indeed the Minister and her Department could choose to deploy that licence condition. I note that, to date, the Government have not done so. Now that this issue has been brought to the public's attention, a positive Government response is important. The amendment seeks to do so by amending the primary legislation. If the Minister chooses to oppose this sensible amendment, subsequent secondary legislation or confirmation of alterations in fishing licences would be required.

2.15 pm

There is a good case for banning supertrawlers over 100 metres from fishing in marine protected areas. It should have happened already. The UN oceans treaty, which was signed up to following encouragement from Labour by the previous Secretary of State, the right hon. Member for Surrey Heath (Michael Gove), with much applause, sets out the ambitious target of having 30% of the world's oceans fully protected by 2030. That

is a very good ambition, which supports a number of UN policies and fragile fisheries right across the world. Indeed, actually the Government should be praised for the way in which they have worked with our overseas territories to create marine reserves around those territories, and especially those in the south Atlantic.

However, there is much more to be done. We cannot simply deliver such a policy by creating marine reserves around overseas territories. We need a policy for UK waters. That is what the Benyon review into highly protected marine areas effectively did. This amendment is a first step on the nine-year process that I spoke about at the start of my remarks that basically says that the Government have committed to make 30% of the world's oceans fully protected with no-take zones, and as part of that they are taking the first step by banning supertrawlers. This is a very difficult debate. I say that knowing how hard this will be to discuss with fishers.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I understand how contentious this is. Is it not the case that the marine protected areas are there to protect the seabed, and that most of the trawlers fish mid-water and catch species that move well beyond those protected areas? I am not seeking to defend them; I am simply saying that we need to understand exactly the impact that the trawlers have on the marine protected areas.

Luke Pollard: The former Minister raises a good question. Marine protected areas do not exclusively protect the seabed, although that is a clear part of the validity of any marine protection. Such areas also protect species mix and can also deal with bird life and other forms of ocean-going life. The issue is complicated by the diversity that we seek to protect. Marine protected areas protect the seabed, but they also apply in other ways as well. None the less, the commitment that the Government have made around the UN oceans treaty is one that the Labour party fully supports. I say in all candour to the Minister that it will be a difficult sell and a difficult journey between now and 2030 to pitch that to fishers, but we need to have that honest conversation with them.

The Benyon review's remarks about how highly protected marine protected areas can be designated, which effectively make MPAs no-take zones, need to include fishers. There is huge support among British fishers, particularly among the small boat fleet, for the banning of supertrawlers. Apart from the supertrawler that I mentioned earlier that currently flies a British flag, but did not until very recently, all the supertrawlers that fish in UK waters, especially in marine protected areas, are foreign-owned boats. There is a huge advantage to our sustainability and our support for our domestic fishing industry if we make the case now to ban supertrawlers over 100 metres and if we start the conversation about how we move the Benyon review recommendations into a greater awareness with a plan as to how that comes about. I hope the Minister—no doubt she objects to this particular amendment—will set out how she intends to implement a similar ban, because I think a ban is coming. I cannot see that the Government's position is sustainable if they do not ban supertrawlers over 100 metres, if only due to the very sincere and heartfelt public opposition to that method of fishing.

Victoria Prentis: I do recognise the huge interest and concern from across the House and from many of our constituents in the campaign against supertrawlers. However, once again, I do not consider the amendment necessary. There is a devolution issue with it, and I politely say again that the Bill is deliberately a framework Bill to enable the Government to take powers that would enable them not to license supertrawlers in future. Although the amendment is well intentioned, it is simply not necessary.

I agree with the hon. Gentleman that we are continuing to lead diplomatic efforts to protect at least 30% of the world's ocean by 2030, and 357 marine protected areas already protect about 25% of UK waters. Of course, protecting those areas is only the first step towards achieving protected waters. When we were in the EU, we had to get agreement from other member states with an interest to bring forward management measures in MPAs. Owing to the level of fishing interest in our waters from others in the EU, we were not able to reach agreement in the way that we wanted to on these measures. Now that we have left, the Bill already gives us the powers in schedule 9 to protect English waters, both inshore and offshore. We anticipate that this programme of work and new licences will begin as soon as possible in the new year.

As well as the new management measures that we will be able to introduce, paragraph 1(1) of schedule 3 to the Bill provides for the relevant licensing authority to attach conditions to a licence where necessary. The licensing conditions in the Bill are wide and flexible, and should be a suitably flexible way of managing our fisheries in the future. When the transition period ends, we will be able to restrict the activities of foreign vessels in our waters and decide, for the first time in 40 years, who can come in to fish. The Bill's licensing regime already gives us the powers to do that.

I understand completely that the thought of large boats hoovering up fish in protected areas of the sea is concerning for many; however, the impact of a vessel on an MPA is determined by how damaging the method used is, rather than the size of the vessel. Pelagic fishing, which is the method usually used by vessels of this size, and which takes place within the water column, is unlikely to affect the seabed features that most marine protected areas are designed to protect.

As I said earlier, an added complexity is that the regulation of sea fishing is devolved. The amendment, in seeking to legislate for a blanket approach across all the Administrations, would be a problem for the devolution settlements. I hope that I have sufficiently reassured the hon. Gentleman that mechanisms to manage and restrict the activities of supertrawlers are already in the Bill, if that is the route we choose to take. I hope that I have also reassured him by reiterating the Government's commitment to further protecting our sea, and I ask that he withdraw the amendment.

Luke Pollard: If the Minister had given a commitment to ban supertrawlers over 100 metres with the licence conditions, I would have happily withdrawn the amendment, but as she has said only that the Government are taking powers, with no commitment to ban supertrawlers, I am afraid that we could be waiting for a very long time for those powers to be used. As such, and because the issue is so pressing and of such public concern, I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 5]

AYES

Bonnar, Steven	Peacock, Stephanie
Duffield, Rosie	Pollard, Luke
O'Hara, Brendan	Smith, Cat
Owatemi, Taiwo	

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

Question accordingly negated.

Luke Pollard: I beg to move amendment 95, in schedule 3, page 55, line 4, leave out “negative” and insert “affirmative”.

This amendment would make the relevant regulations subject to the affirmative procedure.

This is a very simple amendment, which seeks to move from a negative process to an affirmative one. We have seen that good parliamentary scrutiny improves Government legislation and that, when things are rushed or not given scrutiny, faults and things that even those pushing the devices may not be aware of emerge. That is why we are seeking, as standard in such matters, to move negative procedures to affirmative ones, to ensure that the Government can achieve their objectives by having improved legislation, rather than rushed legislation that they then seek to change subsequently.

Later amendments that remove lots of the statutory instruments that we spent many hours working on show that good scrutiny lends itself to the delivery of Government objectives and better policy making, and offers more people the chance to contribute to policy making. That is why we are seeking to have an affirmative resolution policy here, rather than a negative one.

Victoria Prentis: Much as I enjoy our exchanges, the difficulty with this amendment is that it would mean that every time the Government wanted to change a highly technical rule about the licensing of fishing boats, it would be subject to debate.

The change of procedure would apply to two powers. First, paragraph 7(1) of schedule 3 restates an existing power to make regulations about how licensing functions should be exercised. In our view, the existing regulation-making power is necessary so that the UK's licensing authorities may make provision about the operation of their licensing regimes—such as in relation to the manner in which they issue and notify licences. The nature of those matters does not warrant the affirmative procedure.

Secondly, paragraph 7(3) of schedule 3 provides the power to authorise the making of charges in relation to licenses. The procedure followed in this paragraph is the same as that for provisions that we are replacing in the Sea Fish (Conservation) Act 1967. The use of the negative procedure continues the status quo in that case. I ask the hon. Gentleman to withdraw the amendment.

Luke Pollard: In the debate on landing fish in coastal communities and banning supertrawlers, the Minister said that the salvation to those causes lies in the licence restrictions. She cannot argue on those controversial issues that the future needs to be trusted to the licence conditions and then deny Parliament's scrutiny of those licence conditions. However, recognising that she probably will take this as an opportunity for greater consultation, perhaps with stakeholders, before such decisions are made, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Victoria Prentis: I beg to move amendment 27, in schedule 3, page 56, line 3, leave out paragraph (a) and insert—

'(a) sections 15 to 17,'

This amendment updates the definition of "licensing function" so that it includes functions under clause 16.

This is a technical amendment that updates the definition of licensing function. It will allow licensing authorities to transfer the licensing functions in clause 16 to another licensing authority if required.

I have one bit of good news for the hon. Member for Plymouth, Sutton and Devonport, which is that I have just had confirmation that licences in England can continue to be emailed. That is not entirely relevant to this amendment, Chair—I am sorry.

Luke Pollard: Briefly, it is good to hear that licences can be emailed. I will come back to that point.

This technical amendment relates to how foreign boats and UK boats could be regarded in different regulatory environments, so I do not think it is as slight as the Minister is suggesting. How British boats and foreign boats are judged and regulated is at the heart of the Bill, because I am concerned that there is not a level playing field. It is good news that the licence can be emailed and I will pick that up in due course, but we will not be opposing this amendment.

Amendment 27 agreed to.

Question proposed, That the schedule, as amended, be the Third schedule to the Bill.

Victoria Prentis: The schedule replicates the powers in section 4 of the

Sea Fish (Conservation) Act 1967. Those powers are given to the licensing authorities and are necessary to implement a vessel licensing regime. Paragraph 1(1) includes powers to attach conditions to a licence. The schedule provides that licensing authorities may add, vary or remove a licence. The licensing authorities will have the power to require a master owner or charterer who is named to provide any information they ask for. Failure to do so will constitute an offence.

The schedule allows licensing authorities to apply licence conditions to restrict the number of boats fishing in any one area or restrict fishing for specified species at certain times of the year. The licensing authorities have the ability to make arrangements for any licensing functions to be carried out by others on their behalf.

Question put and agreed to.

Schedule 3 accordingly agreed to.

Clause 20

PENALTIES FOR OFFENCES

Question proposed, That the clause stand part of the Bill.

2.30 pm

Victoria Prentis: The purpose of the clause is to set out the penalties that can be applied for access and licensing offences in the Bill.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21

OFFENCES BY BODIES CORPORATE ETC

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: The clause sets out the offences that apply to bodies corporate and the officers that have committed them through consent, connivance or negligence. It makes it clear that "officer" means a director, manager, secretary or similar officer of the body corporate, or a person purporting to act in one of those capacities.

Question put and agreed to.

Clause 21 accordingly ordered to stand part of the Bill.

Clause 22

JURISDICTION OF COURT TO TRY OFFENCES

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: The effect of the clause is that, where an offence under the Bill has been committed, proceedings can be taken against individuals in any part of the UK.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23

MINOR AND CONSEQUENTIAL I

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: This clause introduces schedule 4, which sets out the consequential I arising from the new access and licensing provisions introduced in the Bill.

Question put and agreed to.

Clause 23 accordingly ordered to stand part of the Bill.

Schedule 4

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL I

Victoria Prentis: I beg to move amendment 28, in schedule 4, page 57, line 2, leave out sub-paragraph (3). *This amendment removes the power to extend section 2 of the Fishery Limits Act 1976 (which is repealed by paragraph 3(1) of this Schedule) to the Channel Islands or the Isle of Man.*

The Chair: With this it will be convenient to discuss Government amendment 10.

Victoria Prentis: These are technical I. Schedule 4 repeals the current regime that would manage access of foreign fishing boats to British waters through the use of designation orders. These I ensure that that regime

and the designation orders are also repealed in the Channel Islands and the Isle of Man—with their agreement, of course. I commend the I to the Committee.

Luke Pollard: This is a completely uncontroversial amendment, which we are happy to support. However, I am keen to understand from the Minister why the measure was not included in the original Bill and is being proposed as a Government amendment, because that removes the ability for others to have time to consider the implications.

Victoria Prentis: I am afraid I do not know the answer to that question—I was not involved in the creation of the Bill—but I am very happy to write to the hon. Gentleman with further details. I suspect that it was not spotted.

Amendment 28 agreed to.

Victoria Prentis: I beg to move amendment 29, in schedule 4, 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;”.

This amendment is one of a group of I that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

The Chair: With this it will be convenient to discuss Government I 30 to 47.

Victoria Prentis: This group of I enables the four UK fishing administrations to issue licences to foreign vessels in a shortened timespan, if it should prove necessary to do so.

The preferred system of licensing is that, should access be granted, the UK and the EU, Norwegian or Faroese licensing authorities would exchange lists of vessels wishing to fish in each other’s waters. Following relevant checks, the lists would be validated and the UK would issue licences to individual vessels. That process would be undertaken by the Marine Management Organisation, acting as our single issuing authority.

That will necessarily take some time and there is a risk that the delivery of fishing licences to vessel owners will be delayed. The impact would be that vessels from the EU, Norway and the Faroe Islands would not be able to fish in our waters at the start of any fishing agreement.

I stress that this is very much a contingency solution to provide maximum flexibility for the UK licensing authorities. The aim would be to have full licences ready to issue for all individual vessels at the start of the fishing year, if a negotiated outcome on access has been reached. As a contingency, accepting that that will not always be possible, we have devised the new mechanism. It in no way undermines the principle that any foreign vessels that we allow to fish in our waters must be licensed and must follow the same rules as our vessels.

The only difference between the systems is about who is informed about the granting of a licence and the time in which it can be processed.

Luke Pollard: The I pick up on one theme I have raised with the Minister around the difference between a hard copy and an electronic licence. That relates to the experience of British fishers in particular and the MMO’s licensing arrangements. As we discussed earlier, arrangements have changed in relation to the covid procedures, particularly in relation to the carrying of a hard copy versus an electronic copy. My reading of the amendment is that it provides a different service and puts a different requirement on foreign fishers than on UK fishing boats.

Current UK fishing licence conditions, including conditions 6.1a and 6.1b, require UK fishing boats to carry a hard copy of their licence on board, or to be able to produce it at a time and place requested by the regulator or their agent, which in most cases in England is the Royal Navy, within five days. This amendment seeks to make an electronic version a permanent solution for foreign boats, but not for UK boats.

I understand that we have seen changes with the covid situation. I hope the Minister has effectively announced that the licence will now be electronic for all UK boats. She may need to bring forward a statutory instrument to adjust the regulations after the covid regulations are removed. My understanding of the covid regulations is that they will all go and we will revert back to the pre-covid regulations, which would require a new statutory instrument to be brought forward. That would be a welcome move because it would put UK fishers on a level playing field with foreign fishers.

With this amendment, foreign fishers get a better service than UK fishers, outside the current covid regulations. I am concerned about that, so I shall be grateful if the Minister will set out how that would work, particularly regarding enforcement and the difficulties of obtaining signal while at sea, in order to demonstrate to an enforcement vessel during a stop that a vessel has an electronic licence if it does not have a hard copy.

We know there have been difficulties in the past with foreign boats fishing in our waters without a licence and not being checked. The Minister will probably be aware of the case of the Dutch-registered Friesian that was scalloping and landing in and out of UK ports without a licence, before it was finally checked by the French, who took it to task. That was a number of years ago and it is extraordinary that steps have not been taken to address that level of enforcement since then. There is a point to make about both UK and foreign fishing boats being regulated in a similar way.

I realise that the approach that the Minister has taken in the past is to say that other nations regulate their own boats. However, when fishing in our waters, using permissions granted by the UK Government or UK fisheries authorities, there should be a similar approach, whether the boat is British-based or foreign-based.

Victoria Prentis: To answer the point directly about whether we are making it easier for foreign boats than for UK boats, that it is not the case. If access is granted, all the facts in the list will be checked and validated by the single issuing authority, devolved Administration or

[Victoria Prentis]

Crown dependency. That would happen regardless of the licensing mechanism used. That is a temporary solution. Permanent licences will be needed, and will be issued to individual licence holders as soon as they can be processed.

I have had confirmation that the MMO does not require physical licences, but the licence is required to be available to be shown on a boat, either on a phone, by email or by whatever is easiest for the licence holder. I do not believe that further legislation is required. For the purposes of the Fisheries Bill, we need to crack on. When I get back to the office I will check whether further legislation is required, but I do not believe that that is the case.

Amendment 29 agreed to.

Amendments made: 30, in schedule 4, page 63, line 23, after “words”, insert—

- “(i) after ‘A licence’ insert ‘, other than a temporary foreign vessel licence.’;
- (ii) ”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 31, in schedule 4, page 63, line 40, leave out “this regulation” and insert “paragraphs (1) and (2)”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 32, in schedule 4, 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.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 33, in schedule 4, page 64, line 10, after “licence”, insert

“, other than a temporary foreign vessel licence.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 34, in schedule 4, 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’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 35, in schedule 4, 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’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 36, in schedule 4, 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.’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 37, in schedule 4, page 65, line 40, after “words”, insert—

- “(i) after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
- (ii) ”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 38, in schedule 4, 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.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 39, in schedule 4, 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’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 40, in schedule 4, 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’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 41, 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;”;

This amendment updates the definition of “notice” in the Sea Fishing (Licences and Notices) (England) Regulations 2012 to reflect other changes to those regulations made in this Schedule.

Amendment 42, in schedule 4, 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.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 43, in schedule 4, 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).”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 44, in schedule 4, 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’.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 45, in schedule 4, 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.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 46, in schedule 4, 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.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 47, in schedule 4, 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)’.—(*Victoria Prentis.*)

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis: I beg to move amendment 48, in schedule 4, 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.”

This amendment revokes various statutory instruments that have not come into force, and were made as part of contingency planning in case the Bill was not passed before IP completion day.

The amendment, which was mentioned earlier by the hon. Member for Plymouth, Sutton and Devonport, revokes contingency legislation made in March 2019—wasn’t that fun?—in the absence of the Fisheries Bill and in anticipation of leaving the EU on 29 March 2019, as was originally expected. I do not think I need to say anything further at this point. I commend the amendment to the Committee.

Luke Pollard: We spent a lot of time on these fisheries statutory instruments, and concerns were raised by Labour at the time as to whether we would need to revisit them—a point that the Minister at the time, although not this Minister, refuted. It turns out that the Government were incorrect and the Opposition were correct, as we are repeating activities here. This again

underlines the importance of proper time for scrutiny and getting things right before pushing through a legislative programme. Taking greater care would have improved the outcomes and avoided our needing this Government amendment to revoke the SIs.

Indeed, the question is: why were the SIs not revoked in the original Bill, rather than as a result of a Government amendment? That pattern of behaviour—last-minute changes to things that were rushed—is concerning and makes me worry about the effectiveness of the legislation being passed if things are rushed in this way.

Victoria Prentis: I do not think I need to respond to that in detail. The SIs are not different from the provisions of the Bill. As I said, I am sure that the work of the earlier Committees has in fact fed into this excellent Bill, which I have absolutely no doubt about commending to the House.

Amendment 48 agreed to.

Victoria Prentis: I beg to move amendment 49, in schedule 4, 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.”

This is a technical amendment clarifying the transitional provisions applying on the transition from the licensing regime in the Sea Fish (Conservation) Act 1967 to the licensing regime in the Bill.

This is another technical amendment. In clarifying the licensing regime as it applies to foreign vessels, parliamentary counsel were of the view that a specific transitional provision might be sensible. The amendment clarifies the transitional provisions applying on the transition from the licensing regime in the Sea Fish (Conservation) Act 1967—my favourite—to the licensing regime in the Bill. It is a technical amendment, and I commend it to the Committee.

Luke Pollard: I just note for the record that this change has been included as a Government amendment, not as part of the original Bill. I am concerned that other things have been missed and not included.

Victoria Prentis *indicated dissent.*

Luke Pollard: The Minister is shaking her head. It is good to have that on the record. When we come to future SIs that take out bits that have been missed, because of the pace at which the Government are going, that can be correctly quoted back at whichever Minister is in the role at the time.

The Chair: I am not sure whether a shaking of the head puts the Minister in jail, but I will leave that to be decided in a future debate.

Amendment 49 agreed to.

Question proposed, That the schedule, as amended, be the Fourth schedule to the Bill.

2.45 pm

Victoria Prentis: I think what we are all learning, Sir Charles, is the extraordinarily complex and interrelated nature of the legislation in this area. I am sure we can always continue to improve on it, but I am very proud of the Bill.

The schedule amends UK legislation in consequence of the access and licensing provisions introduced in the Bill. The matters covered are access to British fisheries by foreign fishing boats, the licensing of British fishing boats and transitional provisions. In particular, section 2 of the Fishery Limits Act 1976, which sets out the current law on access by foreign boats, is repealed, as is the secondary legislation made under that section.

Question put and agreed to.

Schedule 4, as amended, accordingly agreed to.

Clause 24

POWER OF SECRETARY OF STATE TO DETERMINE FISHING OPPORTUNITIES

Stephanie Peacock (Barnsley East) (Lab): I beg to move amendment 111, in clause 24, page 16, line 14, leave out “may determine” and insert “must determine”.

This amendment makes it compulsory for the Secretary of State to make a determination relating to fishing opportunities.

Labour’s amendments to clause 24 relate to the Secretary of State’s function of setting the maximum quantity of sea fish that may be caught by fishing boats, both British and foreign, and the days that they may spend at sea during a specified period. Further to the argument made by my hon. Friend the Member for Plymouth, Sutton and Devonport, this amendment seeks to make that an affirmative rather than a negative process.

Victoria Prentis: The current drafting of clause 24 gives a statutory power to the Secretary of State to determine UK fishing opportunities. The power may be exercised only where necessary to comply with the UK’s international obligations. Although most determinations are likely to be made to implement any obligations resulting from negotiations with other states, the Secretary of State could also make a determination to implement the UK’s sustainable fishing duties under international law. A determination may cover fishing effort as well as quota.

Amending the power would make the scope of the Secretary of State’s function uncertain. If it became obligatory to make a determination, would that duty apply to non-quota stocks or to stocks that are wholly located within devolved areas? I am concerned that my colleagues in the devolved Administrations would not welcome that. I assure the hon. Lady that, through the Fisheries Bill, there will be greater transparency of how we manage and allocate quota in the UK through the publication of the Secretary of State’s determination of UK fishing opportunities, which will be laid before Parliament. Given that explanation, I ask that the amendment be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 113, in clause 24, page 16, leave out lines 16 to 19 and insert—

“(a) the maximum quantity of sea fish that may be caught by British fishing boats or foreign fishing boats holding rights to use the British catch quota;

[Stephanie Peacock]

- (b) the maximum number of days that British fishing boats or foreign fishing boats holding rights to use the British catch quota may spend at sea.”

This amendment would add foreign fishing boats to the determination made by the Secretary of State of the maximum quantity of sea fish caught, or of the maximum number of days at sea.

I believe that the amendment brings us one step closer to taking back control of our waters. We should have control over what non-UK boats do in our waters, including how much fish they can catch. As hon. Members know from our lengthy discussions on these matters, the Opposition are keen to ensure that the sustainability of our environment and our fish stocks are fundamental to fisheries management, and that our small British fishers and their coastal communities see the greatest possible benefit from fishing opportunities and redistributed quotas.

The amendment would add foreign fishing boats to the determination made by the Secretary of State for the maximum quantity of sea fish that can be caught and the maximum number of days that can be spent at sea. It seeks to ensure that foreign fishing vessels are not exempt from the Secretary of State’s jurisdiction. In our efforts to ensure that we have a sustainable and growing UK fishing industry, the British Government should be able to set limits for all boats operating in our waters to protect UK fish stocks and ensure the survival of our UK fishing industry.

Victoria Prentis: We do not think that this amendment is necessary, as foreign fishing boats do not hold any rights to use British catch or effort quota. UK quota is allocated only to vessels registered and licensed in the UK. It is, of course, true that the ultimate beneficial owners of some UK fishing businesses are foreign. This is because UK fishing companies and their assets can be bought and sold like any other company in any other industry, but no foreign-registered fishing boat has the right to use our quota, nor will they in future. Any foreign fishing boat permitted to fish in UK waters in future would fish against its own state’s quota. Given that the amendment would not be effective in practice, I ask that it be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 114, in clause 24, page 16, line 19, at end insert—

“(1A) No determination of effort quota under subsection (1)(b) may be made until the completion of a trial for the relevant area of sea, stocks fished, fishing methods used, documentation methods used and any other relevant considerations that demonstrates that there is no evidence that such a determination—

- (a) might cause a detriment to the achievement of any of the fisheries objectives;
- (b) might cause the maximum sustainable yield of any stock to be exceeded;
- (c) might reduce the accuracy of the recording of catches;
- (d) might increase the risk of danger to the crew of fishing boats.”

This amendment would prevent the Secretary of State making a determination of effort quota until it has been shown not to cause adverse impacts through a days at sea trial.

Amendment 114 would require the Secretary of State to commit to a days at sea trial to ensure the effort quota is not harmful to the fisheries objectives, the state of fish stocks or boat crew members. Days at sea or effort quotas should be the result of careful planning and consideration. As my hon. Friend the Member for Bristol East (Kerry McCarthy) said on Second Reading:

“Fish stocks are a finite resource, yet fishing quotas are being set above scientifically recommended sustainable levels year on year. Estimates suggest that restoring fish populations would not only safeguard our marine life, but lead to £244 million a year for the industry and create more than 5,000 jobs.”—[*Official Report*, 1 September 2020; Vol. 679, c. 96.]

I cannot stress enough the need for quotas to closely follow scientific guidance so that fish stocks are not depleted further. With this amendment, the Opposition are calling on the Secretary of State to complete trials on

“the relevant area of sea, stocks fished, fishing methods”

and “documentation methods used” before making a determination of fishing opportunities. This would ensure that effort quotas do not negatively impact the achievement of any of the fisheries objectives under clause 1 of the Bill, exceed the maximum sustainable yield of any stocks, reduce the accuracy of the recording of catches, or put the lives of fishers at risk. I do not believe it is too much to ask of the Government that they commit to a trial that ensures the sustainability of our stocks and the industry.

If the Minister is confident that the trial would find that an effort quota is not harmful, there is nothing to fear or oppose in having it take place, and ensuring the matter can be concluded with its findings. Conversely, if it is the case that the effort quota is harmful to the fisheries objectives, the state of the fish stocks or the boat crew members, I am sure the Minister would not want that harm to continue. As I have said, the amendment simply commits the Secretary of State to undertake a days at sea trial to ensure that we are not causing long-term harm to the industry and our fish stocks. I hope the Government will take this opportunity to do so.

Victoria Prentis: There is already a long-standing effort scheme in place for some shellfish and all demersal fish in the western waters, which will become retained UK law. To effectively manage the western waters effort regime in future, we may need the Secretary of State determination to vary effort baselines in response to the latest scientific evidence or, of course, the outcome of annual fisheries negotiations. I am concerned that the amendment would hamper our ability to improve the western waters regime. Requiring no evidence to be found seems unlikely to be achieved through the pilot, so I suggest that the effect of this amendment would be to stop the effective use of effort as a way of determining fishing opportunities in future.

Luke Pollard: We have not spent as much time discussing effort during the passage of this Bill as we did during the course of the last Bill. One reason for that is that Ministers subsequently committed to undertake days at sea trials, and there have been discussions among various ports as to which ones would undertake those trials. As the Minister will know, Plymouth is one of those ports; it is keen to undertake the trials, and with a very active

council on fisheries matters and the shadow Secretary of State representing the area, that would be the perfect opportunity to prove or disprove whether this works. Is it still the Government's intention to hold those days at sea trials, and if so, would they be a substitute for what the amendment seeks to provide?

Victoria Prentis: Given the specific nature of this clause, I am not sure that I can answer the hon. Gentleman's question in the way he would like me to. What we are talking about here is the effort trial involving some quota stocks, and without further time to check what is envisaged in any Plymouth trial, I do not want to categorically rule it in or out.

Luke Pollard: I am grateful to the Minister for giving way again. Whether it is a Plymouth trial, a Fraserburgh trial or a Grimsby trial, the concept is of a series of trials to look at days at sea and effort-based fishing, beyond the stocks that already have effort-based regimes in place. That was an important concession that the Government made after the pausing of the last Fisheries Bill. If the Minister does not know the status of those trials, perhaps she could write to the Opposition to set out those details. It is important that we have clarity on that.

Victoria Prentis: As far as I am concerned, we are very keen to make the scientific evidence and the baselines that we use as good as possible. I think the hon. Gentleman is aware of the work that is carrying on in that regard. However, we do need the flexibility to respond to changing science. I am in no way denigrating the pilot schemes, which are important and ongoing. This is probably, again, not a matter for this amendment, but something that we will continue to discuss for many years.

The problem with the amendment is that it would stop the effective use of effort as a way of determining fishing opportunities. I am not saying that we do not need the science—of course we do, and we need pilots to give us that science—but I do not want this to prevent us from using a precautionary approach to fisheries management where that is appropriate.

I am concerned that the amendment would put fisheries and their management at risk up and down the country, so I expect it will be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 115, in clause 24, page 16, line 26, at end insert—

“(3A) The Secretary of State must ensure that a baseline stock assessment has been made for all non-quota species by 2030 and must report on progress on an annual basis.”

This amendment would require the Secretary of State to gather a baseline stock assessment for those stocks that are not subject to catch limits.

Amendment 115 calls for a baseline stock assessment to be made for all non-quota species by 2030, and requires an annual report on progress. I believe the amendment is vital to ensuring the environmental and economic sustainability of our non-quota fish stocks. As I hope we all acknowledge, the absence of comprehensive

data, even on quota species, has led to considerable issues that could threaten the long-term future of the industry and the marine environment itself. Overfishing is only one of the problems caused.

To ensure that the objectives in the Bill are met, the amendment calls for a baseline stock assessment to be made for all non-quota species by 2030 and an annual report on progress.

Katherine Fletcher (South Ribble) (Con): The hon. Lady is talking about a specific point in the trophic pyramid of the ecosystem. She is asking for an assessment of all non-stock species, but is that down to the nudibranchs on the rocks? I can see certain practical challenges with that, even though it is just fish.

The Chair: This needs to be a short intervention.

Katherine Fletcher: Okay. The trophic pyramid does not allow—just because it has a backbone—for it to be at that point in the ecosystem because it is called a fish in biology. I wonder whether there are unintended consequences of the amendment.

Stephanie Peacock: We hope that there will not be unintended consequences, but the amendment speaks to those fish that we actually go out and fish. I hope that clarifies the point.

As such, it seems that baseline stock assessments and annual reporting of progress on this matter are essential if we are to ensure that informed decisions can be made to protect the future of all non-quota species and the fishers who catch them. We know that many of these species are under great pressure. A deficiency in the data can be an excuse for fishing unsustainably. We cannot allow ourselves to plead ignorance, when the important step within this amendment has the potential to prevent such mistakes being made, which we know would be an environmental and economic disaster for the communities that rely on our fish stocks.

The Chair: Is it your pleasure that the amendment be withdrawn? Sorry, I call the Minister. I am sure it would be the Minister's pleasure for the amendment to be withdrawn.

Victoria Prentis: It would indeed be our pleasure that the amendment be withdrawn, because we think it is disproportionately burdensome, though we agree it is well-intentioned and we absolutely agree that good data is key to making good fisheries management decisions. We also accept that we have too many data-poor stocks, particularly for non-quota stocks, but there are a number of practical issues with the amendment that we think would cause us difficulties.

Fisheries management plans in the Bill require fisheries authorities to specify the actions to assess the status of the stocks covered, or explain how the stocks will be managed sustainably in the absence of sufficient data. Our progress with those plans will be reported on every three years. Many non-quota stocks occur in the waters managed by the devolved Administrations. Most of the functions of gathering that information will be for the

[Victoria Prentis]

DAs, not the Secretary of State. I am concerned about that aspect of this amendment, and I again ask that the amendment be withdrawn.

3 pm

Stephanie Peacock: I will withdraw it.

The Chair: We got there in the end. I do apologise.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 116, in clause 24, page 16, line 43, at end insert—

“(7A) The Secretary of State may also determine, for such year or other period as may be specified in the determination, the maximum number of different descriptions of sea fish that may be caught, tagged and released, for the purposes of gathering data to aid scientific study, by those engaged in recreational fishing.”

This amendment would give the Secretary of State the power to determine a ‘catch, tag and release’ quota for recreational fishing for the purposes of gathering data to aid scientific study.

As outlined with reference to amendment 115, the absence of comprehensive data on our fish stocks inhibits our ability to ensure that we manage our fisheries in a way that is environmentally and economically sustainable. Amendment 116 would give the Secretary of State the power to determine a catch, tag and release quota for our recreational fishers. On Second Reading, my hon. Friend the Member for Canterbury, who is serving on the Committee, referred to each fishing boat as a “floating science laboratory”. I could not agree more. Fishers are, absolutely, experts in their industry. We must not ignore their knowledge and ability to gather data. In fact, I would argue that they should have a much bigger role in the formation of policy decisions, because they bring to the table not only expertise but an unparalleled passion for ensuring the future survival of the UK fishing industry.

In bringing recreational fishers into much-needed work gathering data on our fish stocks, the amendment would provide the Secretary of State with the opportunity to allow recreational fishers to assist in the gathering of data on the state of our fish stocks and help scientists to provide up-to-date information and advice to fisheries authorities. In doing so, the Secretary of State would be providing a boost to recreational fishing, while allowing it to play its role in ensuring the sustainability of our fish stocks and better fisheries management for our commercial operators.

Since 2015, huge Atlantic bluefin tuna have appeared late each summer in UK waters. That is an exciting new development for UK fishers. Until the 1950s, we had a thriving recreational bluefin tuna fishery that operated out of Whitby and Scarborough. In the early 1960s, however, those fish disappeared completely from the far north-east Atlantic. That was down to a combination of factors, including long-time climatic cycle shifts and commercial overfishing of their prey species. But as of five years ago, long-term climatic cycles and recovery efforts had helped the Atlantic bluefin to become once

again a regular seasonal visitor to our waters. Recreational fishers could take part in its global stock recovery programme. No longer do they have to travel to faraway places to fish that big game fish. Instead, catch and release would enable recreational fishers to aid scientific data gathering on non-quota species that are starting to be found in UK waters.

We have a real opportunity here to create world-class, sustainable and valuable live-release recreational fisheries. The amendment is not just about protecting fish stocks for environmental and conservationist reasons, although that is important. It is about the future prosperity of our fishers and coastal communities, whom we want to see grow in the long as well as the short term.

The Chair: My alertness just improved during the discussion of this amendment. I am so sad that I cannot involve myself in this debate.

Victoria Prentis: As I know you know, Sir Charles, recreational angling within the UK is not currently subject to quota limitations, which the Government are concerned could incorrectly be interpreted as a reference to equivalent measures currently in place for commercial fishers. Discussions with the recreational sector have repeatedly highlighted the fact that it is not particularly interested in being subject to quota restrictions. Its interest is in restoring stocks and improving physical access, so that more successful recreational trips can take place. Indeed, the current industry proposal for a recreational scientific catch, tag and release bluefin tuna fishery is based on the premise that quota would not be required.

The amendment pre-empts the outcome of engagement with stakeholders and careful consideration of the best way to develop a regime, if we believe that that is the right way to go, for recovering species such as bluefin tuna. I have undertaken to meet the shadow Minister, the hon. Member for Plymouth, Sutton and Devonport, and other colleagues who are interested, at some point before too long, to discuss bluefin tuna specifically. The Government feel that the amendment is unnecessary, as we already have broad powers in relation to scientific trials, data collection and quota allocation.

Luke Pollard: I am grateful to the Minister for giving way at the last minute and for agreeing to meet me, the hon. Member for North Cornwall (Scott Mann) and, perhaps in a different capacity, the Chair to discuss bluefin tuna. Will she address the point about the role of recreational fishers in helping to provide science? That was at the heart of what the shadow fisheries Minister, my hon. Friend the Member for Barnsley East, was saying. For data-deficient stocks in particular, and for stocks for which data is held but is poorly applied, recreational fishers—a group of people who love their fish and have really strong opinions on making fishing more sustainable—could provide an enormous benefit to Government science.

Victoria Prentis: I could not have put it better myself.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 112, in clause 24, page 17, line 8, leave out “negative” and insert “affirmative”.

This amendment would make the relevant regulations subject to the affirmative procedure.

The amendment would make the regulations subject to the affirmative procedure. On the first day of the Committee, I spoke at length about the need for more parliamentary scrutiny. Since 2013, no significant progress has been made towards achieving maximum sustainable yield figures, which have languished at about 57% to 68% of stocks fished sustainably in the last seven years.

The powers granted under clause 24(10) give the Secretary of State the power to determine the number of days in a specified period that a boat may spend at sea. Regulations under that power will be affected by the varying technical conditions—from the stowing of fishing gear to entering the UK’s inshore waters or leaving a port—that may affect when a boat should be regarded as fishing. The calculation of what is meant by “a day at sea” is highly technical, so I firmly believe that we need more parliamentary scrutiny to ensure that effort quotas do not exceed scientific advice and damage the sustainability of our fish stocks.

Victoria Prentis: The Government consider that we have struck the right balance between the need for parliamentary scrutiny and the need to react quickly, with secondary legislation, to make what are often technical amendments. The Delegated Powers and Regulatory Reform Committee considered the procedures for the delegated powers in the Bill, and said:

“Of the Bill’s 15 delegated powers that have a parliamentary procedure, only four are solely governed by the negative procedure, and justifiably so.”

That Committee also published a report about the Bill on 26 February, and it did not change its views. It should also be noted that an identical amendment was debated and withdrawn in the other place. I therefore invite the hon. Lady to withdraw the amendment.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, *That the clause stand part of the Bill.*

Victoria Prentis: The clause provides the Secretary of State with the power to determine the UK’s fishing opportunities, to comply with its international obligations. The Secretary of State will be able to set the maximum amount of seafood that may be caught by British fishing boats and the maximum number of days that they can spend at sea. The power would be used to set the level of total allowable catch for UK shared stocks, reflecting anything that we manage to negotiate. It could also be used to ensure our compliance with article 61 of the United Nations convention on the law of the sea.

The power relates therefore to the high-level function of determining UK fishing opportunities as a whole; it does not relate to the subsequent allocation of those opportunities to the different fisheries administrations, or indeed to their distribution to industry. Under the clause, the Secretary of State would also have the power

to make negative resolution regulations about when time will be counted as time at sea for the purposes of the determination.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill.

Clause 25

DUTIES RELATING TO A DETERMINATION OF FISHING OPPORTUNITIES

Stephanie Peacock: I beg to move amendment 117, in clause 25, page 17, line 19, at end insert—

“(e) the public.”

This amendment would require the Secretary of State to conduct a public consultation prior to making or withdrawing a determination under section 24.

The Chair: With this it will be convenient to discuss amendment 118, in clause 25, page 17, line 24, at end insert—

“and stating what published scientific advice was used as the basis of the decision,”

This amendment would require the Secretary of State to state what scientific advice was used when making or withdrawing a determination under section 24.

Stephanie Peacock: I will speak to both amendments. Amendment 117 calls for public consultation prior to the Secretary of State making or withdrawing a determination of fishing opportunities under clause 24. Members on both sides of the House have mentioned that we need to restore public trust in fisheries management decisions and policy. For too long, the British public have had little say in what happens, with decisions made behind closed doors in Brussels. The feeling that decisions that affected the public were made by people far away who knew little about their lives and were not willing to listen has been incredibly powerful, and the frustration that that democratic deficit causes is real.

A public consultation would give the public, and particularly our coastal communities, a say in the fishing opportunities in UK waters. It would show that the Government want to give the public an opportunity to have their say and that they are committed to listening.

Mr Goodwill: The hon. Lady talks about a democratic deficit, but do not many Members of Parliament represent coastal ports, and indeed are there not councillors on the inshore fisheries and conservation authorities? Do not we already have quite strong democratic accountability for the fishing industry and environmental concerns within Parliament and local authorities?

Stephanie Peacock: I am grateful to the right hon. Gentleman, who speaks with great authority on the subject. I guess that that argument could be applied to pretty much any public consultation. The idea of the amendment is that although, of course, people can come to their local MPs, who can make the case for them, they would be able to feed in directly on the specifics of fishing opportunities.

A public consultation would also, I believe, bring to light the current inequalities in the UK fishing fleet and give the public an opportunity to have their say on how to address bringing back prosperity to coastal communities. It would also give people the opportunity to ensure that

[Stephanie Peacock]

the Government and fisheries authorities stay true to the objectives outlined in clause 1—most importantly, the sustainability objective. The British public are increasingly concerned about the climate emergency and the efforts being made to protect our environment. If we are to restore the confidence of the public that the British Government are in complete control not only of our maritime future, but of the conservation and protection of our marine environment, we must involve them in our fisheries management decisions. I believe we should give them a voice, and commit to listening.

Amendment 118 would require the Secretary of State to state what scientific advice was used when making or withdrawing a determination under clause 24. As discussed earlier, the scientific evidence objective requires fisheries authorities to draw on

“the best available scientific advice”

in making their decisions. The Opposition have argued that only that evidence will lead to world-leading sustainable fisheries management.

For the purposes of accountability and effective scrutiny, it seems clear that when making such determinations under clause 24 the Secretary of State should identify the scientific evidence on which the decisions are based. Such decisions by the Secretary of State will have significant impacts on operators and coastal communities, and I do not believe that it would be improper for the Secretary of State to confirm the scientific basis of a decision.

Independent peer-reviewed science must form the basis of all fisheries management decisions. Sadly, we live a world where a minority scientific opinion—the opinion of those who deny the existence of a climate crisis, for example—can cast doubt on the majority of scientific data and advice. It is important that we know who the Government are turning to when they determine the allocation of fishing opportunities under clause 24.

Victoria Prentis: We are concerned about the practical implications of the amendment, as it could result in an unacceptable loss of time in getting access to fishing opportunities at the start of the calendar year. If public consultation were required it would have to take place after international negotiations, which could cause a significant delay. Fishermen would not be able to fish, because they would still be waiting for confirmation of quotas. For fisheries that operate primarily in the early part of the year, such as the mackerel fishery, that could be serious.

It is unclear what benefit public consultation at that stage would bring. The scientific advice, which the hon. Lady is right to mention as important, and which informs negotiation and quota setting, would have been published by the International Council for the Exploration of the Sea some months earlier. Discussions with industry and other stakeholders about quota setting would ordinarily take place in advance of negotiations, not afterwards.

Turning to amendment 118, the advice on the health and sustainability of fish stocks is already publicly available and is published each year. It is good international advice on the health of fish stocks and total allowable catches each year, and is available to all those who are interested in it. I am afraid I do not see what benefit the two amendments will bring, and I therefore ask that neither be pressed to a vote.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 25 ordered to stand part of the Bill.

3.15 pm

Clause 26

DISTRIBUTION OF FISHING OPPORTUNITIES

Stephanie Peacock: I beg to move amendment 119, in clause 26, page 17, leave out line 38.

This amendment would remove historical catch levels as a basis for distributing catch quotas and effort quotas.

Amendment 119 removes historical catch as a basis for allocating quotas. National authorities would no longer consider historical catch levels when distributing catch and effort quotas to fishing boats. Instead, they would prioritise environmental and local economic criteria. Removing historical catch levels as a criterion would help to end the unfair arrangement that British fishers suffered under the common fisheries policy.

This new system under which quotas are distributed on the basis of environmental and local economic criteria is likely to benefit small-scale sustainable fishers who belong to the UK small fishing fleet, because smaller boats provide more job opportunities to local communities. For every fish caught, small-scale fleets create far more jobs than their larger counterparts. In 2016, they landed 11% of fish by value in the UK but employed nearly half of all fishers. They are also better for the environment.

We have already discussed the impact of destructive fishing methods, including pulse beam trawling, which cause huge damage to the UK marine environments and ecosystems. In contrast to supertrawlers and larger boats, the vast majority of boats within the small-scale fleet use passive gears, which are more environmentally friendly. By removing historical catch from the list of criteria that a national authority must consider when allocating fishing opportunities, we would send a message to smaller boats that we believe in their economic potential and recognise the positive impact of job opportunities in coastal communities and the marine environments in which such boats operate.

I am aware that some colleagues will be concerned about the legality of removing historical catch as a basis for allocating quotas, but I reassure them that a challenge to a new system of quota allocation enshrined in an Act of Parliament would be unlikely to succeed. I have been assured that the new scenario of mandating quota re-allocation in UK law would be compatible with domestic and international law.

Under this new approach, foreign-owned companies that control UK quota would have to work to keep it on the UK's terms. They would have to fulfil the environmental and local economic criteria, demonstrating their commitment to sustainability and local employment. Our smaller fishing fleets remain the backbone of coastal communities across the country. It is time that they got their fair share of fishing opportunities.

Victoria Prentis: In Committee earlier this week, I explained that although fixed quota allocation units do not represent a permanent right to quotas, the High Court has recognised them as a property right, and it is

not the Government's intention to undermine the legal status of the existing quota regime at this stage. I therefore ask that the amendment be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 120, in clause 26, page 17, line 44, at end insert—

“(3A) When distributing English fishing opportunities, the Secretary of State may redistribute any fishing opportunities made available before IP completion day, and any such distribution and redistribution must be carried out according to social, environmental and local economic criteria following national and regional consultation from relevant stakeholder advisory groups, including representative groups from across the fishing fleet, scientists, and environmental groups.”

This amendment would allow the redistribution of existing fishing opportunities in England and would mean that such distribution and redistribution had to be carried out in accordance with certain criteria, following consultation.

Amendment 120 would allow the redistribution of existing English fishing opportunities. I stress that Labour's amendments to clause 26 would not leave our largest fishing boats and those that are bigger than 10 metres in a position where they could no longer operate—far from it. We are calling for a redistribution of a small proportion of opportunities to the under-10 metre fishing fleet. Even a single-digit percentage redistribution of quotas would make a monumental difference to the lives of small fishers, who have been hit particularly hard by the covid-19 pandemic. If just 1% or 2% of the total catch was re-allocated, that could increase by 25% what small boats can catch.

As I outlined earlier, for every fish caught, a small-scale fleet creates more jobs than their larger counterparts do. Despite landing only a tenth of the fish by value, they employ nearly half of all fishers. Of course, as we discussed, they create far more jobs on land than at sea. These small fishers are the backbone of the British fishing fleet. The future prosperity of our coastal communities is fundamentally dependent on these small-scale fishers. A small redistribution of the quota, which is clearly within the Government's gift, would not cause significant damage to large-scale fishers, but it would fundamentally transform the prospects of our small fishers and their coastal communities. It would give them a platform to invest in new gear and boats and to hire more crew.

Labour is not calling for the redistribution of the quota to happen immediately. A phased drawdown period would ensure that fishers could build up their capacity to meet the new quota allowances. As my hon. Friend the Member for Plymouth, Sutton and Devonport said on Second Reading:

“Such rebalancing could easily be absorbed by the big foreign-owned boat operators within the current range of variation of total allowable catch”.—[*Official Report*, 1 September 2020; Vol. 679, c. 73.]

The amendment calls on the Secretary of State to consider the social, environmental and local economic criteria when distributing or redistributing existing English fishing opportunities, as well as to consult stakeholder advisory groups. As I mentioned in the debate on amendment 119, Labour believes that considering environmental and local economic criteria would benefit

our small fishing fleet and, consequently, the seaside towns and villages they rely on. Amendment 120 asks the Government to grasp this opportunity to support our small English fishers and their communities.

Luke Pollard: I rise in support of the case that has just been laid out by my colleague the shadow fisheries Minister. There is an opportunity here to support our small boat fleet and to send a message about what type of fisheries we want to have after we leave the Brexit transition period at the end of the year. I believe the British public and those in our coastal communities where fishing has a presence want to see our small boat fleet supported in particular. That is the sentiment that comes from fishers and coastal communities in Plymouth and across the south-west and, indeed, when I visited Grimsby and Hull recently. They want to see the small boats in particular benefiting.

As the Minister knows, I am sceptical about whether more fish will appear in any negotiations, and that is why, regardless of whether more fish come or not, now or later or not at all—I hope they do, through zonal attachment rather than relative stability—the ability to redistribute even a small percentage of our current quota to the benefit of our smaller fishers could have a profound and positive impact on our coastal communities. It would support our small fishers, create more jobs and, in particular, provide an economic foundation for fishers to expand the number of boats, expand the workforce and invest in our port infrastructure.

I anticipate that the Minister will be less keen on this measure. However, the sentiment that has been articulated is sound and good and would deliver on much of the promise that many of our coastal communities want to see from a revised fisheries regime.

Victoria Prentis: I have absolutely no doubt that more fish will appear, or that we will be entitled to more fish at the end of this year. I absolutely agree with the sentiment of much of what the hon. Gentleman said, but I have an issue with the amendment.

The fisheries White Paper 2018 set out the Government's policy on our existing quota—I rehearsed that point in the debate on the previous amendment. It is not our intention to undermine the legal status of the existing quota regime. We have also made it very clear, not least on Tuesday, that we will allocate additional quota differently. We will shortly consult on proposals for allocating English additional quota. I look forward to hearing from the hon. Gentleman at length when we do so.

There are some drafting issues with the amendment. For example, it is unclear what is meant by “fishing opportunities made available before IP completion day”. Obviously, fishing opportunities vary from year to year as stock conditions go up and down. It is unclear what is expected to be used as the baseline here. I am also concerned that the amendment seems to duplicate earlier parts of clause 26. Given that the Government have made absolutely clear that we do not intend to redistribute our existing share of FQA and that it is uncertain how the amendment would operate, I ask that it be withdrawn.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 121, in clause 26, page 17, line 44, at end insert—

“(3A) When distributing catch quotas for use by fishing boats, the national fisheries authorities may make provision for the pooling of catch quotas by two or more boats.

(3B) Before making provision for the pooling of catch quotas under subsection (3A), the national fisheries authorities must be satisfied that any pooling will lead to a reduction in the discard of catch, including bycatch.”.

This amendment would allow the national fisheries authorities to enable catch quota to be pooled by two or more boats in cases where doing so would avoid discards.

This probing amendment is intended to investigate the Government’s plans to deal with discards and bycatch. We know that in mixed fisheries in particular, there is the real problem of small boats not having a quota for the fish they are catching because of their inability to target species in a 100% accurate manner. The amendment argues for a greater pooling of an element of quota to avoid fishers getting into trouble, through no fault of their own, despite best efforts to avoid bycatch when catching species they have neither quota for nor the ability to discard over the side or land in an economic manner. It is intended not as the preferred solution but rather as an opportunity for the Minister to set out the options, because I am concerned that the current discards regime, introduced for all the right reasons with a huge amount of public support, does not support our fishers in achieving the right outcomes in support of their businesses or the regime’s intended environmental objectives.

I expect the Minister to take much issue with the wording of the amendment. I am less fussed about its wording and more fussed about the clarity of where she intends to take discard policy in the future.

Victoria Prentis: I am always fussed about the wording of amendments, but I would like to emphasise the important point that the Government remain fully committed to managing our stocks of fish sustainably and indeed to ending the wasteful practice of discarding.

Now that we have left the EU, we will develop a discards policy more tailored to us. It will have an emphasis on reducing the level of unintentional and unwanted bycatch through sustainable and selective fishing. The amendment is unnecessary because we already use quota pools in the way the amendment sets out. Most quota in England is managed by producer organisations. The exact management arrangements vary, but many do choose to operate with a quota pool, as set out in the amendment. The rest of the English fleet, which includes most of the smaller inshore vessels, fish from one of two quota pools that are managed by the MMO.

Luke Pollard: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock I beg to move amendment 82, in clause 26, page 17, line 44, at end insert—

‘(c) access for the purpose of recreational fishing, including by means of boats chartered for that purpose, to increased stock levels of recovering species.’

This amendment would add access by recreational fishing to increased stock levels of recovering species to the list of things that national fisheries authorities must seek to incentivise when distributing catch quotas and effort quotas.

The Chair: With this it will be convenient to discuss the following:

Amendment 81, in clause 35, page 23, line 44, at end insert—

‘(1A) Prior to giving financial assistance under subsection (1)(i), the Secretary of State must conduct a public consultation on how best to promote sustainable public access to recreational fishing opportunities, taking socioeconomic factors into account.

(1B) The consultation in subsection (1A) must include consideration of the use of boats that are chartered for recreational fishing.’.

This amendment would require the Secretary of State to conduct a consultation on recreational fishing prior to providing financial assistance.

New clause 2—*Recreational fishing*—

‘(1) When any provision of this Act, including provisions inserted into other Acts by this Act, requires or permits the Secretary of State to consult with any person considered appropriate, the Secretary of State must consult with persons representing the practice of recreational fishing, including those who charter boats for the purpose of recreational fishing.

(2) The Secretary of State shall publish an annual report providing an assessment of the extent to which the provisions of this Act have—

(a) promoted recreational fishing, and

(b) had economic benefits attributable to the promotion of recreational fishing.

(3) The first report under subsection (2) shall be published no more than 12 months after this section comes into force.’

This new clause would require the Secretary of State to consult on providing financial assistance for the promotion of recreational fishing, and to include representatives of recreational fishing when conducting a consultation under any other provisions of the Bill.

Stephanie Peacock: Amendments 81 and 82 and new clause 2 are all about recreational fishing. Amendment 82 recognises the importance of recreational fishing to local economies across the UK and would call on national fisheries authorities to add access to recreational fishing to increase stock levels of recovering fish species in the distribution of catch and effort quotas.

As my hon. Friend the Member for Plymouth, Sutton and Devonport outlined on Second Reading, recreational fishing matters to people’s identities and it now competes economically with commercial fishing in GDP terms. In oral evidence to the Public Bill Committee for the previous iteration of the Bill, Dr Carl O’Brien said:

“In future, we need to have a better understanding of recreational fishing. We cannot ignore it, but we have to come up with a policy where you balance commercial and recreational anglers”

and that

“regardless of whether they are selling their catch, they are competing with a commercial fishery...for the western Baltic cod, the catches of the recreational anglers are far in excess of the commercial fleet.”—[*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 117, Q228.]

The amendment asks the Secretary of State to consider the interests of the recreational fishing fleet alongside commercial fishing interests when distributing extra quota that has come about through the efforts to restore fish stock. New clause 2 would require the Secretary of State to consult on providing financial assistance for the promotion of recreational fishing and to include representatives of the recreational fishing industry when conducting a consultation under any of the provisions of the Bill.

As I mentioned, recreational fishing makes a huge contribution to local economies across the UK. It is an incredibly popular activity enjoyed by hundreds of thousands of people. Research recently published from surveys of sea anglers during 2016 and 2017 shows that about 800,000—1.6% of UK adults—went sea angling at least once a year, fishing for a total of 7 million days. Anglers spend on average more than £1,000 a year on their sport, resulting in sea angling having a total economic impact of between £1.5 billion and £2 billion. Sea angling supports about 15,000 jobs in the UK. It is important that we give the public and the industry an opportunity to have their say. Recreational angling and its contribution to coastal communities deserves more recognition in the Bill.

New clause 2 would ensure that the Bill supports our recreational industry. In a Committee evidence session on the previous iteration of the Bill, the Angling Trust argued that one of the great failures of the common fisheries policy was the failure to recognise recreational angling as a legitimate stakeholder in European fisheries. The new clause tries to correct that failure. As we take back control of our waters, we could do right by our sea anglers. We could recognise recreational sea angling as a direct user of, and a legitimate stakeholder in, fishing.

Amendment 81 would require the Secretary of State to conduct a consultation on recreational fishing before providing financial assistance. Clause 35 creates new powers for the Secretary of State to make grants or loans to the fishing and aquaculture industries. Labour welcomes the inclusion in the Bill of recreational fishing among the list of purposes for which the Secretary of State may give assistance. Our amendment would bring the Bill in line with new clause 2 and ensure that consultation on recreational fishing takes place prior to the provision of financial assistance.

3.30 pm

Sustainable public access to recreational fishing should be promoted. I will not repeat the points that I have already made about the importance of the recreational fishing sector to coastal communities and sustainable fisheries management. However, I urge the Minister to support our amendments and new clause on recreational fishing, to recognise the good that the industry does for our country and ensure that it thrives in the future.

Victoria Prentis: DEFRA absolutely recognises the benefits of recreational fishing to the nation's health and economy; I know you do too, Sir Charles. I myself enjoy sea angling, as do other members of my family.

However, I will note at the beginning of this discussion that references to “fish activities” include both commercial and recreational fishing in this iteration of the Bill. So, it is fair to say that the Bill has been improved and it is good to see those activities being viewed as equal partners in what we are trying to do.

Quota is one of several possible mechanisms that could be explored in order to increase recreational anglers' access to fish; we talked about that earlier. Other mechanisms could include technical measures, through which recreational fishers saw a significant increase in their access to sea bass between 2019 and 2020. We can also enable anglers and fishermen to play a greater role in scientific research, as we also discussed earlier, and that has been proposed with regard to bluefin tuna.

Clause 26 relates generally to the distribution of fishing opportunities. It is not just about the distribution of quota to commercial boats. It already ensures that environmental, social and economic factors are considered. On that basis, I believe that the current wording of clause 26, combined with the other work that we are doing on recreational access to fish, is sufficient to meet the hon. Lady's objectives.

Turning to amendment 81, DEFRA's recreational sea fishing forum brings together the recreational sector, regulators and policy makers to shape sea fishing policy. This forum met for the third time two days ago and it is providing a really useful mechanism for those in the sector to share their ideas and evidence.

DEFRA is also committed to engaging with stakeholders on the design and implementation of any future grant scheme, to ensure that we can best meet domestic priorities as well as Government objectives. On that basis, I do not think that it is necessary to include the express consultation requirement when consulting on future grant schemes.

Turning to new clause 2, by default in the Bill all provisions apply to recreational fishing as well as to commercial fishing, unless it is explicitly specified otherwise. Given the importance of recreational fishing, the Government will include policies on recreational fishing in the joint fisheries statement. Of course, fisheries management plans can take recreational fishing into account, where appropriate.

On that basis, I believe that we have sufficient existing provisions in the Bill and I ask that the amendment be withdrawn.

Stephanie Peacock: I have heard what the Minister says. However, it is really important that we make sure that recreational fishing is seen as a valid and equal stakeholder. So I will not withdraw the amendment and I will press for a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 6]

AYES

Duffield, Rosie	Pollard, Luke
Owatemi, Taiwo	
Peacock, Stephanie	Smith, Cat

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

Question accordingly negated.

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: The clause was amended in the other place to set out the criteria for distributing UK fishing opportunities in the Bill, rather than by reference to retained EU law. The wording of the provision has been updated slightly to reflect UK drafting style, but

[Victoria Prentis]

the provision includes the same requirement for transparent and objective criteria that take into account environmental, social and economic factors.

Question put and agreed to.

Clause 26 accordingly ordered to stand part of the Bill.

Clause 27

RESERVATION OF ENGLISH FISHING OPPORTUNITIES FOR
NEW ENTRANTS AND BOATS UNDER 10 METRES

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: As with many of the amendments made in the other place, the Government agree with the intention behind the clause, but disagree with the manner in which that intention is proposed to be delivered, therefore I seek for the clause not to stand part of the Bill.

The clause refers to new entrants, but it is not clear exactly what that means. A new entrant could refer to a new fishing boat owner, a new skipper or a new crew on board an existing boat, and those different groups may have different needs on joining the industry. New crews on fishing boats do not need any quota, but might need some training. Many under-10 metre vessels target non-quota stock such as shellfish, rather than quota species, so of course they will not need quota either. The lack of clarity about the scope of the clause makes it difficult to establish a baseline for deciding how much quota to give new entrants and, indeed, what data we need to collect and analyse.

Secondly, the clause does not consider the wider issues affecting new entrants. For example, to fish commercially against UK quota, a new entrant needs a British-registered fishing boat and a licence, of which there are a fixed number. Fishing requires a significant capital investment before someone can even go to sea; the cost of an average under-10 metre boat is significant. Reserving a proportion of quota for new entrants does not address that issue. No time limit has been set for how long someone would be classified as a new entrant, which also presents challenges about whether vessels would ever lose access to the reserve quota, how long before that happened and what quota they would then fish against if it was removed.

The Government and Seafish are working in partnership with a range of training partners to offer apprenticeships across the UK on a range of subjects relevant to the seafood industry and maritime occupations. Apprenticeships and vocational qualifications in shellfish and fish processing are available, as are introductory courses on working in the commercial fishing industry, which I am pleased to say include mandatory training on safety at sea.

It is our intention to consult on using some of the additional quota that I am convinced is coming to us to provide increased fishing opportunities for under-10 metre vessels. That is absolutely an intention we share and feel passionately about. There will be more benefits for our fishing ports and coastal communities, but I am afraid, because of the drafting difficulties, I cannot support the clause.

Stephanie Peacock: Labour opposes the Minister's proposal to remove clause 27, which was passed in the other place. We have not moved our amendments to the clause, given the Government's intention to remove it, but we had hoped to encourage them and the Secretary of State to consider the impact on communities with high unemployment and on small and medium-sized enterprises when deciding fishing opportunities under clause 24 of the Bill.

We support the campaign by the Blue Marine Foundation, whose executive director said:

"The distribution of quota is long overdue for reform; it was a botched privatisation which is unfair to the majority of fishermen, who fish inshore, and has perverse environmental consequences. Now it must be unpicked."

For too long the UK fishing quota has been dominated by huge, often foreign-owned, vessels that land their catch abroad. In May, a report by the BBC found that £160 million-worth of English quota is in the hands of vessels owned by companies based in Iceland, Spain and the Netherlands. That is more than half of the value of the English quota. The status quo needs to be changed to give smaller boats the lion's share of the quota, and we do not need new powers to affect real change for our coastal communities. The Government have always had the power to redistribute share of the UK's quota, but have chosen not to, despite small vessel owners facing severe financial hardship over the years.

Some 50% of the English quota is held by companies based overseas. At the same time, the small-scale fleet holds only 6%. It is a damning fact that the five largest quota holders control more than a third of the UK fishing quota. Four of them can be found on the *Sunday Times* rich list. It is clear that the current distribution of fishing opportunities is outdated and unfair. We should take this opportunity and the powers that we have to ensure that it is our small fishers and the UK coastal communities that benefit. If the Minister is seeking to remove the clause, how do the Government intend to deal with such inequality and give smaller fishers a fairer share of quota? The fishers who would benefit from a redistribution were some of the loudest voices during the Brexit referendum, who have long felt that their communities have been ignored. They are also the ones that have been hardest hit by the covid-19 pandemic. Many could not leave port, but their fixed costs remained the same. For some, the Government covid-19 grant came too late, and for many it was not enough to cover maintenance of their boats and port fees.

Our small fishing fleet deserves support from the Government. There has been a lot of talk about how leaving the EU is an opportunity for the UK to secure a fairer share of fishing opportunities for our own fleets. I ask that that principle of fairness is extended within our own fleets. As has already been mentioned, it would not only benefit the owners of under-10 boats, but our coastal communities, as for every fish caught the small-scale fleet creates more jobs than larger boats do. I firmly believe our UK small-scale fleet has the potential to lead the way towards the creation of a greener economy that is not only good for the environment, but creates more jobs at home.

Right now, the barriers for new entrants into the sector, and for small fishers struggling to make a living, are too high. Clause 27 would help to rejuvenate our fishing sector, encouraging more small fishers to join

the industry, which, admittedly, has a relatively older profile than others, and would create more opportunities for people with exciting ideas about how to make UK fishing more sustainable, innovative and profitable. The Bill has the potential to become a vehicle for a fair redistribution of quota allocations, which would be transformational for many of England's small fishers and their communities. Are the Government creating a system that would encourage new entrants into the sector, and redistributing fishing opportunities to the under-10 metre fleet to the benefit of not only small fishers but the communities they rely on?

I also want to probe the Minister and ask her to explain in greater detail what she has said about the proportion of quota that is already guaranteed to the under-10 metre fleet. Will the Government commit to reviewing the current allocation of quota and from here on consider the case for increasing allocations of fishing opportunities to the under-10 metre fleet on a yearly basis?

Last week the Northern Ireland Fish Producers' Organisation gifted an extra quota to the under-10 metre fleet. This was referenced on Second Reading by the hon. Member for Strangford (Jim Shannon), who said the Northern Ireland Department of Agriculture, Environment and Rural Affairs supported this distribution to help keep the Northern Irish fleet economically viable. Will the Minister consider supporting a similar allocation to English fishers who own under-10 metre boats to help them get back on their feet after the past year of uncertainty?

The clause seeks to create a better, fairer framework of quota allocation. Better quota decisions will support our fishing industry, widening employment and making fishing an attractive career to young people. Simply put, in supporting our small fishers, we will support our coastal communities. This is a once in a generation chance to shape our fishing industry for the better. Labour Members will therefore oppose the Government's attempt to remove clause 27.

Luke Pollard: I rise in support of this argument and also to pick up on something that the Minister said in her remarks. She argued that it is expensive to invest in new boats and used that as a reason against the Bill. She argued against the amendment, and then went on to argue that she expects more fish. She cannot have it both ways. She is arguing in support of more quota for under-10s, but that is the intention behind the clause. It gives more quota, which is the ability for fishers to invest in their new fleet. Rather than it being a reason not to invest, it actually supports the smaller fleet.

3.45 pm

Investing in our small boats is delivering on the promise that was made to our coastal communities. I hope the Minister can clarify the point about more quota for the under-10s, whether via this clause or via hopes of more fish in the future. I hope she will find ways of supporting the under-10 fleet to invest in new gear, training and boats.

Victoria Prentis: I am not sure I entirely follow the hon. Gentleman's train of thought, but I hope I can reassure him and answer some of the questions of the hon. Member for Barnsley East. In England, no decisions have yet been taken about how to allocate any additional

fishing opportunities, but consideration will certainly be given to whether that can be used to assist new entrants to enter the profession. The point that I made about fishing vessels was that the boats themselves are very expensive and are a significant barrier to new fishermen coming through.

I said earlier that we feel that a minimum quota allocation would not be the best approach to alleviate the challenges faced by new entrants. I also said that new entrants might not need quota, depending on what they intend to fish. Shellfish, for example, which is a very profitable species, is non-quota. I am concerned that minimum quota could cause other unintended problems. Setting a blanket minimum quota means that other fishers will receive less than they currently do.

We are extremely keen to safeguard the industry's future by encouraging new entrants. We will be looking carefully at how we can best work with the industry to encourage that as part of our work to reform our fisheries management regime as the transition period comes to an end.

The Government recognise the importance of the under-10 fleet. Since 2012, quota that has not been fished, leased, gifted or swapped by producer organisations has been realigned, and we have managed to deliver a 13% increase in quota for the under-10 fleet. As I said earlier, a significant proportion of the catch caught by the sector is made up of non-quota species such as lobster and crabs. We are very keen to support industry initiatives to help that fleet, and I look forward to working with Members from across the House to do that in the future.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 7, Noes 10.

Division No. 7]

AYES

Bonnar, Steven	Peacock, Stephanie
Duffield, Rosie	Pollard, Luke
O'Hara, Brendan	Smith, Cat
Owatemi, Taiwo	

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, Mr Robert	Young, Jacob

Question accordingly negated.

Clause 28

DUTIES TO ENSURE FISHING OPPORTUNITIES NOT EXCEEDED

Stephanie Peacock: I beg to move amendment 125, in clause 28, page 18, line 43, at end insert—

‘(3A) The national fisheries authorities must publish, on at least an annual basis, a comparison of the number of each species of sea fish caught and—

- the catch quota for that species for that year, and
- the maximum sustainable yield (FMSY) reference point for that species for that year.

[Stephanie Peacock]

(3B) The publication under subsection (3A) must, where the number of sea fish caught in a calendar year has exceeded the figures in paragraphs (3A)(a) or (3A)(b), note the impact on fish stocks that exceeding that figure is thought to have had.”

This amendment would require the publication of the quantity of fish caught, by species, to enable the impact on the sustainability of fish stocks to be assessed.

Amendment 125 would require fisheries authorities to publish annually data on the state of fish stocks. As hon. Members from both sides of the Committee have often said, the deficiencies in data about our UK fish stocks must be improved. A lack of information results in the over-setting of quota limits, which directly leads to over-fishing. That harms not just our marine ecosystems but the future prosperity and survival of our UK fishing industry. I do not doubt that the Secretary of State shares my concerns about that and shares our aspiration to ensure that the deficiencies in our data are addressed.

Annually publishing the data on the state of fish stocks would mean that we are better able to ensure the effective monitoring of the progress being made in addressing those deficiencies. That would inform and enable greater scrutiny of decisions. We would be better able to publicly assess the sustainability of our fish stocks and understand the effect that they are having on each species and what that means for our marine environment and coastal communities. As we discussed earlier, we should not fear greater transparency or scrutiny. That would lead to greater progress and better decisions about our fisheries management, which will only benefit our fishers and their communities.

In his speech on Second Reading, the Secretary of State said that the UK is

“a world leader in promoting sustainable fisheries”
and that we

“can show the world that a better approach can deliver more balance, profitable fisheries and an enhanced marine environment.”—
[*Official Report*, 1 September 2020; Vol. 679, c. 70.]

If we are to demonstrate the success of the UK fisheries management regime, it must be done in a format that allows for careful scrutiny and public debate, to celebrate where we succeed and to challenge and change where things should be improved.

Victoria Prentis: I am afraid I am going to behave like a Government lawyer again and say the intent behind the amendment is absolutely clear, but the wording is

ambiguous. It is not clear what sort of comparison is expected. The amendment focuses on consideration of species, but this does not make sense where different stocks of the same species are managed separately in different sea basins.

The MMO publishes the UK sea fisheries annual statistics report, which provides detailed information on our fisheries, including data on catches, quota uptake and value. The ICES publishes its annual advice on stocks, including advice on sustainable harvest rates. The advice indicates the status of stocks, taking into account previous harvesting. The Government routinely report on the outcome of annual fisheries negotiations, which includes providing figures for the number of TACs set at or below their maximum sustainable yield, and this is absolutely something that I undertake to continue to do in the future.

Our fisheries management plans will have indicators to assess their performance, and every three years the joint fisheries statement will report on how our plans have been implemented and how the stocks have been affected. The Government’s intention is to provide the necessary information through the new and existing mechanisms, so that everybody is clear about how we are getting on with delivering sustainable fisheries. I therefore say that the amendment is unnecessary.

Stephanie Peacock: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 28 ordered to stand part of the Bill.

The Chair: I think we are going to go from a trot to a canter now.

Clause 29 ordered to stand part of the Bill.

Schedule 5 agreed to.

Clause 30 ordered to stand part of the Bill.

The Chair: Even the Whip on the Treasury Bench is beginning to smile, so we are approaching a denouement.

Clauses 31 to 34 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.
—(*James Morris.*)

3.54 pm

Adjourned till Tuesday 15 September at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

FB01 National Federation of Fishermen's Organisations (NFFO)

FB02 Angling Trust

FB03 Sustainable Inshore Fisheries Trust (SIFT)

FB04 South Devon and Channel Shellfishermen Ltd

FB05 Anglo-North Irish Fish Producers Organisation (ANIFPO) and Sea Source

