

## **EXPLANATORY MEMORANDUM TO**

### **The Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019**

#### **SR 2019 No. 65**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 4B of the Sea Fish (Conservation) Act 1967.

#### **2. Purpose**

- 2.1. The principal purpose of this Rule is to make a minor amendment to the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014 about the manner in which a licence to fish in the Northern Ireland zone is granted after the UK leaves the EU.

#### **3. Background**

- 3.1. UK fisheries are currently managed under the EU's Common Fisheries Policy (CFP) which sets out the objectives for the conservation and sustainable exploitation of European fisheries resources. Article 5 of Regulation (EU) No 1380/2013 sets out general rules on access to EU waters. EU vessels have equal access to all union waters and resources from 12-200 nautical miles of member state baselines, and are licensed by their respective Member State to fish within Union Waters.
- 3.2. When the UK leaves the EU and the CFP, article 5 of Regulation (EU) No 1380/2013 will not apply in relation to UK waters, meaning foreign vessels will not have automatic access rights, or licences, to fish. As an independent coastal state the UK will be responsible for managing its fisheries and marine environment sustainably. New powers are required to control and manage access by foreign vessels within UK waters after the UK leaves the EU.
- 3.3. Vessel licensing is an effective method for managing fisheries sustainably, and is currently applied to the domestic fishing fleet. Prohibiting foreign vessels from fishing within the Northern Ireland zone post EU exit without the authority of a licence issued by Ministers (or Departments as the case may be), will effectively regulate their activity and ensure fishing opportunities are managed fairly across both fleets, and that wider sustainability objectives are met.

- 3.4 Section 4B of the Sea Fish (Conservation) Act 1967 provides that regulations may provide for the manner in which a sea fishing licence may be granted, varied, revoked or suspended and when these shall have effect. This section also provides for documents to be delivered, or notice given to the nominees of persons to whom licences are granted.
- 3.5 These Regulations amend the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014, updating the definition and communication of a fishing licence as a consequence of the Sea Fish (Licensing) Order (Northern Ireland) 2019 and the withdrawal of the UK from the EU. The amendments provide that a recipient in relation to another Northern Ireland fishing boat is the owner or charterer of a fishing boat or a nominee of that owner or charterer, whereas for any other vessel it is the owner or charterer.

#### **4. Consultation**

- 4.1. As there is no statutory requirement to do so, the Department has not consulted on the provisions in this Rule.

#### **5. Equality Impact**

- 5.1. There are no NI equality issues associated with the Statutory Rule as it prohibits foreign boats from fishing within the NI zone without a licence provided by the Department and does not have any adverse impact on persons in Section 75 of the Northern Ireland Act 1998.

#### **6. Regulatory Impact**

- 6.1. This Statutory Rule does not have any material impact on small businesses nor the community or voluntary sector in Northern Ireland.

#### **7. Financial Implications**

- 7.1. There are no financial implications associated with the making of this Statutory Rule.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. This Statutory Rule complies with the provisions set out in Section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. The UK will be an independent coastal state upon leaving the EU and the Common Fisheries Policy (CFP). EU vessels will no longer have automatic access to fish within the Northern Ireland zone and future access by vessels from the EU27 and other foreign countries will be controlled by this Statutory Rule.

## **10. Parity or Replicatory Measure**

10.1. This Statutory Rule replicates equivalent legislation in England, Scotland and Wales.

## **11. Additional Information**

11.1. For further information contact Paddy Campbell (02844618007) or Patrick Smith (Tel. 028448618111) at the Department of Agriculture, Environment and Rural Affairs or e-mail [patrick.smith@daera-ni.gov.uk](mailto:patrick.smith@daera-ni.gov.uk) or [seafisheries@daera-ni.gov.uk](mailto:seafisheries@daera-ni.gov.uk).