

<p>Title: The Sea Fishing (Points for Masters on Fishing Boats) Regulations 2014</p> <p>PIR No: N/A</p> <p>Original IA/RPC No: 2014 No. 3345</p> <p>Lead department or agency: Department for Environment Food and Rural Affairs</p> <p>Other departments or agencies: Marine Management Organisation, Welsh Government, NI DAERA</p> <p>Contact for enquiries: Ryan Govin 07863547846</p>	Post Implementation Review
	Date: 02/01/2024
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 12/01/2015
	Recommendation: Amend
RPC Opinion: N/A	

1. What were the policy objectives of the measure? (Maximum 5 lines)

- Article 92 of the fisheries Control Regulation (1224/2009) as retained in UK law sets out a penalty points system applicable to the holder of a fishing licence. Art. 92 (6) requires fishery administrations to establish a points system whereby the masters of a fishing vessels are additionally assigned points. This regulation was created to meet that requirement for England, Wales and NI. Separate regulations are in force for Scotland.
- Points are allocated for serious infringements of fisheries regulations. An accumulation of a certain numbers of points over a prescribed period results in a ban on the convicted person acting as the master of a commercial fishing vessel for varying lengths of time from two months to a lifetime ban. Guidance and summary is available at <https://www.gov.uk/government/publications/points-for-masters>
- The policy objective of these Regulations is to provide an additional sanction on serious and repeat offenders to discourage repeat offending and to stop those who repeatedly disregard the rules from being the master of a fishing vessel.
- It also creates a public register that details the points allocated to convicted UK masters, this enables members of the public and employers to check the list and provides transparency.

2. What evidence has informed the PIR? (Maximum 5 lines)

- Evidence from the Marine Management Organisation (MMO) shows that up until October 2023, 42 investigations have resulted in 509 points served on masters. In relation to this regulation, a master means a British national who is the master of a fishing boat.
- The live list of current points allocated within three years of a serious offence being carried out shows a total of 0 points.
- Consideration of the fact that five masters have exceeded the points requirement for a ban, but none of these masters have been banned.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

- We believe the policy objectives have not been achieved. The MMO's register of points has limitations, the lists of points have not been consistently published, and no bans have been applied when the points requirement for a ban has been reached. These limitations were exacerbated by the Covid-19 pandemic causing delays in the justice system, meaning prosecutions did not occur until after points had expired.
- Issues with implementing this legislation include:
 - a. No definition in fisheries legislation of what the parameters of a master's duties in relation to a fishing vessel are.

- b. Points are not added until after a successful prosecution, with points then applying from the date of the offence. For complex prosecutions, which can take over three years to reach a conclusion, this means the points are removed by the time the case is resolved in court.
- For the regulation to become enforceable and effective, we would need to:
 - a. Consider options for amending these Regulations as part of the wider reform project reviewing the Control Regulation (1224/2009) which will take place by the end of 2026.
 - b. Consider establishing a definition for the term 'master' in relation to these regulations which sets out the master's duties and functions.
 - c. Consider applying points from the date of conviction, rather than the date of offence, working in collaboration with MMO to achieve a system which is more easily enforced.
 - d. Agree within the UK (and third countries) on how to enforce any ban.

The recommendation is to **amend** this piece of legislation. We aim to include consideration of reforming these Regulations as part of the wider reform proposal relating to the Control Regulation. We do not propose to consider this reform in isolation. This legislation has not achieved what it was meant to. We will consider how to amend the Regulations to make it more fit for purpose and more effective.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: ***Alastair Johnson***

Date: 11/01/2024

A handwritten signature in blue ink that reads "Alastair Johnson". The signature is written in a cursive style.

Date: 11/01/2024

Minister Spencer

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions? (Maximum 5 lines)

It was assumed it would take all owners 10 minutes to read a letter familiarising them with the new system at a cost of £14,634 across industry.

Of approximately 3973 licensed vessels in England, Wales, and NI it was estimated that 70% have owners who are also masters, and in those situations, in the event of points being awarded, points will be added to the vessel licence itself due to separate legislation as well as to the master.

Therefore, applying points to a master as well as a vessel licence was assumed to have an additional impact on 30% or around 1200 vessels in cases where masters are not also vessel owners.

Turnover of owners was estimated to be 25% per year. Ongoing costs for owners of vessels where the owners were not the masters was £1098pa (cost of checking) across industry in total.

5. Were there any unintended consequences? (Maximum 5 lines)

No evidence available to suggest there have been any unintended consequences.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The financial implications for business are minimal as this measure relates to actions that occur as a result of illegal activity.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements? (Maximum 5 lines)

These measures are limited to EU and the UK as an additional sanction to masters for serious infringements and are not directly required as part of an international agreement.

EU and UK approach is broadly similar, a review carried out by the EU and published in 2020 notes substantial differences in the way EU MS allocate points, to resolve this issue, changes are being made in the 2024 update to the control regulation.