

**2019 No. 523**

**EXITING THE EUROPEAN UNION, ENGLAND**

**SEA FISHERIES, ENGLAND**

**CONSERVATION OF SEA FISH**

**The Sea Fish Licensing (England) (EU Exit) Regulations 2019**

*Made* - - - - *5th March 2019*

*Laid before Parliament* *8th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State in exercise of the powers conferred by sections 4(1), 4B(1) and (3) and 20(1) of the Sea Fish (Conservation) Act 1967(a), and now vested in the Secretary of State(b), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Sea Fish Licensing (England) (EU Exit) Regulations 2019 and come into force on exit day.

**Interpretation**

2.—(1) In these Regulations, “the English zone” means the sea within British fishery limits(c) other than—

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- (a) 1967 c. 84; section 4 was substituted by section 3 of the Fishery Limits Act 1976 (c. 86) and subsequently amended by: section 20 of the Fisheries Act 1981 (c. 29); section 1 of the Sea Fish (Conservation) Act 1992 (c. 60); paragraph 3(a) of the Schedule to the Aquaculture and Fisheries (Scotland) Act 2007 (asp 12); sections 4(6), 196(1) and 197 of the Marine and Coastal Access Act 2009 (c. 23) and S.I. 1999/1820. The Secretary of State’s function of granting licences under section 4 was transferred to the Marine Management Organisation by section 4 of the Marine and Coastal Access Act 2009. Section 4B was inserted by section 4 of the Sea Fish (Conservation) Act 1992 (c. 60). See section 4(12) for the definitions of “relevant British fishing boat” and “foreign fishing boat”; see section 22(1) (as amended by paragraph 38(c) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21) and S.I. 1999/1820) for the definitions of “British-owned”, “relevant British fishery limits”, “Scottish fishing boat” and “sea fish” and section 22(2)(a) (as amended by section 45(b) of the Fisheries Act 1981) for the definition of “the Ministers”.
  - (b) The functions of the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales under sections 4(1) and 4B(1) were transferred to the Minister of Agriculture, Fisheries and Food by S.I. 2000/1812. The functions of the Minister of Agriculture, Fisheries and Food under those sections were transferred to the Secretary of State and the functions of the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, under those sections were transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, by S.I. 2002/794. The functions of the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, under those sections were transferred to the Secretary of State by S.I. 2012/2747.
  - (c) By virtue of section 1(1) of the Fishery Limits Act 1976, “British fishery limits” are designated by S.I. 2013/3161; section 1 of the Fishery Limits Act 1976 was amended (in relation to England and Wales) by paragraph 2(2) and (3) of Schedule 4, and Part 1 of Schedule 22, to the Marine and Coastal Access Act 2009 (c. 23).

- (a) the Scottish zone,
- (b) the Welsh zone,
- (c) the Northern Ireland zone, and
- (d) the sea within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.

(2) In paragraph (1)—

“the baselines” means the baselines established by the Territorial Sea (Baselines) Order 2014(a);

“mile” means an international nautical mile of 1,852 metres;

“the Northern Ireland zone” has same meaning as in the Northern Ireland Act 1998(b);

“the Scottish zone” has the same meaning as in the Scotland Act 1998(c);

“the Welsh zone” has the same meaning as in the Government of Wales Act 2006(d).

### **Prohibition on fishing in the English zone by non-British-owned Crown Dependency fishing boats**

3.—(1) Fishing in the English zone by a fishing boat registered under the law of Jersey, Guernsey or the Isle of Man that is not British-owned is prohibited unless authorised by a licence granted by the Marine Management Organisation.

(2) Paragraph (1) does not apply to fishing—

- (a) for salmon or migratory trout;
- (b) for common eels (*Anguilla anguilla*) by a boat whose length is 10 metres or less;
- (c) by a boat whose length is 10 metres or less and which does not have an engine to power the boat;
- (d) by a boat used wholly for the purpose of conveying persons wishing to fish for pleasure.

(3) In paragraph (2), “length”, in relation to a fishing boat, means the length calculated in accordance with the rules specified in Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels.

### **Prohibition on fishing in the English zone by foreign fishing boats**

4.—(1) Fishing in the English zone by a foreign fishing boat is prohibited unless authorised by a licence granted by the Marine Management Organisation.

(2) In paragraph (1), “foreign fishing boat” means a fishing boat that—

- (a) is not registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(e),
- (b) is not registered under the law of Jersey, Guernsey or the Isle of Man, and
- (c) is not British-owned.

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(a) S.I. 2014/1353.

(b) 1998 c. 47; see section 98(1) and (8). S.I. 2002/791 determines the extent of the area of the sea which is to be treated as adjacent to Northern Ireland for the purposes of the definition of the Northern Ireland zone.

(c) 1998 c. 46; see section 126(1) and (2). S.I. 1999/1126 determines the extent of the area of the sea which is to be treated as adjacent to Scotland for the purposes of the definition of the Scottish zone.

(d) 2006 c. 32; see section 158(1) and (3). Section 158(1) was amended by section 43(2) of the Marine and Coastal Access Act 2009. S.I. 2010/760 determines the extent of the area of the sea which is to be treated as adjacent to Wales for the purposes of the definition of the Welsh zone.

(e) 1995 c. 21.

## **Amendment of the Sea Fishing (Licences and Notices) (England) Regulations 2012**

**5.**—(1) The Sea Fishing (Licences and Notices) (England) Regulations 2012(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “electronic communication” insert—

““English fishing boat” means a fishing boat—

(a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, and

(b) whose entry in the register specifies a port in England as the port to which the boat is to be treated as belonging;”;

(b) in the definition of “nominee”, in paragraph (b), for the words from “in a member” to “business” substitute “, and having a place of business,”;

(c) for the definition of “relevant fishing boat” substitute—

““relevant fishing boat” means—

(a) an English fishing boat, or

(b) a fishing boat that is not registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995.”.

(3) In regulation 3 (communication of licences and notices)—

(a) in paragraph (1), for the words from “the owner” to the end substitute “an appropriate recipient (“P”).”;

(b) after that paragraph insert—

“(1A) In this regulation, “an appropriate recipient” means—

(a) in relation to a licence or notice relating to an English fishing boat or a fishing boat that is registered under the law of Jersey, Guernsey or the Isle of Man—

(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 any other fishing boat, the owner or charterer of the fishing boat.”.

*Thérèse Coffey*

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

5th March 2019

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision about the licensing of fishing boats from outside the United Kingdom when fishing in the part of the sea within British Fishery Limits defined as “the English zone” in regulation 2.

Regulation 3 requires non-British-owned boats registered in the Crown Dependencies that are fishing within the English zone to have a licence. The requirement does not apply to fishing boats registered in the Crown Dependencies which are British-owned as these are already required to be licensed under the Sea Fish Licensing Order 1992 (S.I. 1992/2633). The requirement in regulation 3 is subject to a number of exceptions.

Regulation 4 requires foreign fishing boats that are fishing in the English zone to have a licence.

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(a) S.I. 2012/827.

Regulation 5 amends the Sea Fishing (Licences and Notices) (England) Regulations 2012 (S.I. 2012/827) in consequence of the other provisions of these Regulations and the withdrawal of the United Kingdom from the European Union.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen.

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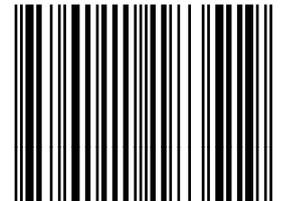
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