
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Common Fisheries Policy (Amendment
etc.) (EU Exit) Regulations 2020**

PART 4

OTHER AMENDMENTS TO EU EXIT REGULATIONS

The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019

11.—(1) The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 3—

- (a) in paragraph (2), in the new Article 1 to be substituted by that paragraph, for “exit day” in each place it occurs, substitute “IP completion day”; and
- (b) in paragraph (4)(1), in the new point (40) to be inserted by that paragraph, for “has the same meaning as “British Fishery Limits” as contained in section 1 of the Fishery Limits Act 1976” substitute “means the sea within British fishery limits⁽²⁾ but excluding the territorial sea adjacent to the Isle of Man”.

(3) In regulation 4—

(a) in paragraph (8)—

(i) in sub-paragraph (c)—

- (aa) at the end of paragraph (i) omit “and”,
- (bb) for the semicolon at the end of paragraph (ii) substitute “, and”, and
- (cc) after paragraph (ii) insert—
“(iii) omit “in accordance with Article 45(4) of Regulation (EC) No 1005/2008”,”; and

(ii) in sub-paragraph (d)—

- (aa) at the end of paragraph (i) omit “and”, and
- (bb) after paragraph (ii) insert—
“(iii) omit “in accordance with Article 45(4) of Regulation (EC) No 1005/2008”; and”; and

(b) in paragraph (82), for sub-paragraph (b) substitute—

“(b) in paragraph 2—

- (i) for “Member States shall” substitute “A fisheries administration must”, and

(1) [S.I. 2019/739](#), amended by [S.I. 2019/1312](#).

(2) By virtue of section 1(1) of the Fishery Limits Act 1976 (c. 86), “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).

- (ii) omit “the range of sanctions and measures provided for in”;
- (4) In regulation 19—
 - (a) in paragraph (7), for sub-paragraph (b) substitute—
 - “(b) in paragraph (2)—
 - (i) in point (a), for “Member States” substitute “a fisheries administration”, and
 - (ii) omit point (c).”;
 - (b) in paragraph (31)—
 - (i) in sub-paragraph (b)(ii), for “exit day” substitute “IP completion day”, and
 - (ii) in sub-paragraph (c)(ii), for “exit day” substitute “IP completion day”; and
 - (c) after paragraph (33) insert—
 - “(34) Omit Annex 2.”.
- (5) Omit Part 9.
- (6) In the Schedule, omit paragraphs (n) to (q) and (s) to (z).

The Fisheries (Amendment) (EU Exit) Regulations 2019

- 12.**—(1) The Fisheries (Amendment) (EU Exit) Regulations 2019⁽³⁾ are amended as follows.
- (2) In regulation 4—
- (a) in paragraph 2(b), in the new definition of “retained EU restriction” to be inserted by that paragraph, for “exit day” substitute “IP completion day”;
 - (b) in paragraph 4(b)(ii), in the new definition of “retained EU restriction” to be inserted by that paragraph, for “exit day” substitute “IP completion day”; and
 - (c) in paragraph 5(b), in the new definition of “retained EU restriction” to be inserted by that paragraph, for “exit day” substitute “IP completion day”.
- (3) For regulation 13 substitute—

“The Grants for Fishing and Aquaculture Industries Regulations 2015

13. In regulation 2 of the Grants for Fishing and Aquaculture Industries Regulations 2015⁽⁴⁾, in paragraph (a), for “as amended from time to time” substitute “as it had effect in EU law immediately before IP completion day”.

The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019

- 13.**—(1) The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019⁽⁵⁾ are amended as follows.
- (2) In regulation 4—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), in the new first paragraph to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014”,
 - (ii) omit sub-paragraph (c),

(3) [S.I. 2019/746](#).

(4) [S.I. 2015/1711](#).

(5) [S.I. 2019/785](#), amended by the Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020 (S.I. 2020/XXX).

- (iii) in sub-paragraph (d), omit paragraph (iii), and
- (iv) for sub-paragraph (e) substitute—
 - “(e) for the fifth paragraph substitute—

“Part Two of this Regulation applies to support for rural development except when it explicitly allows for derogations. The Fund-specific Regulations may establish complementary rules to Part Two of this Regulation. The complementary rules in the Fund-specific Regulations must be read consistently with Part Two of this Regulation. In case of doubt about the application between provisions, Part Two of this Regulation prevails over the Fund-specific Regulations.”;” and
- (b) in paragraph (2)—
 - (i) in sub-paragraph (b), in the new point (4) to be substituted by that sub-paragraph, omit—
 - (aa) “Part Four of this Regulation or”, and
 - (bb) “or Regulation (EU) No 508/2014”,
 - (ii) in sub-paragraph (d), in the new point (6) to be substituted by that sub-paragraph, for “an ‘operational programme’ as referred to in Part Four of this Regulation and in Regulation (EU) No 508/2014, and” substitute “a”,
 - (iii) in sub-paragraph (e), in the new point (8) to be substituted by that sub-paragraph—
 - (aa) for “Parts Two and Four” substitute “Part Two”, and
 - (bb) omit “or a priority for support under Regulation (EU) No 508/2014”,
 - (iv) in sub-paragraph (g), in the new point (15) to be substituted by that sub-paragraph, omit “or the European Maritime and Sustainable Fisheries Fund”,
 - (v) in sub-paragraph (o), omit “or priority for support under Regulation (EU) No 508/2014”,
 - (vi) in sub-paragraph (q), in the new point (36) to be substituted by that sub-paragraph, omit “or support under Regulation (EU) No 508/2014”,
 - (vii) in sub-paragraph (r), in the new point (37) to be substituted by that sub-paragraph, omit “or support under Regulation (EU) No 508/2014”,
 - (viii) omit sub-paragraph (s),
 - (ix) in sub-paragraph (t)—
 - (aa) in the new point (43) to be inserted by that sub-paragraph, omit the words from “and, in the context of support under Regulation 508/2014” to the end,
 - (bb) in the new point (44) to be inserted by that sub-paragraph, omit paragraph (b), and
 - (cc) omit the new point (46) to be inserted by that sub-paragraph.
- (3) In regulation 5—
 - (a) in paragraph (1) omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (2) omit “and support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (3)—
 - (i) in sub-paragraph (a), in the new paragraph 1 to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014”,
 - (ii) in sub-paragraph (b), in the new paragraph 2 to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014”,

- (iii) in sub-paragraph (e), omit “and support under Regulation (EU) No 508/2014”, and
 - (iv) in sub-paragraph (g)(ii), omit “and support under Regulation (EU) No 508/2014”;
 - (d) in paragraph (5), in the new Article 6 to be substituted by that paragraph, omit “and support under Regulation (EU) No 508/2014”; and
 - (e) in paragraph (7)—
 - (i) in sub-paragraph (a)(i), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (b), in the new second paragraph to be substituted by that sub-paragraph, omit—
 - (aa) “and support under Regulation (EU) No 508/2014”, and
 - (bb) “and in the case of support under Regulation (EU) No 508/2014 to measures set out in that Regulation”.
- (4) In regulation 6—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), in the new first paragraph to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014”,
 - (ii) in sub-paragraph (b), omit the words from “and for “(for the EMFF)”” to the end,
 - (iii) in sub-paragraph (c), omit “and support under Regulation (EU) No 508/2014”, and
 - (iv) in sub-paragraph (d), omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), in the new paragraph 1 to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014,”, and
 - (ii) in sub-paragraph (b), in the new paragraph 2 to be substituted by that sub-paragraph, omit “and support under Regulation (EU) No 508/2014,”; and
 - (c) in paragraph (3)(b), omit “and support under Regulation (EU) No 508/2014”.
- (5) In regulation 7—
- (a) in paragraph (1), in the new Article 26 to be substituted by that paragraph, omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (b), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (c)(i), omit “and support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (6)—
 - (i) in sub-paragraph (a), in the new paragraph 1 to be substituted by that sub-paragraph, omit the words from “The relevant authority may provide support” to the end,
 - (ii) in sub-paragraph (b), for “the support concerned” substitute “support for rural development”, and
 - (iii) in sub-paragraph (d), for “the support concerned” substitute “support for rural development”;
 - (d) in paragraph (7), in sub-paragraph (a)(ii), for “the support concerned” substitute “support for rural development”; and
 - (e) in paragraph (10), for “The support concerned” substitute “for rural development”.
- (6) In regulation 8—
- (a) in paragraph (1)—

- (i) in sub-paragraph (b), omit “and support under Regulation (EU) No 508/2014”;
 - (ii) in sub-paragraph (c), omit “and support under Regulation (EU) No 508/2014”, and
 - (iii) in sub-paragraph (e), omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (2)(d)—
 - (i) in paragraph (i), in the new point (a) to be substituted by that paragraph, omit “and support under Regulation (EU) No 508/2014,”, and
 - (ii) in paragraph (ii)(dd), omit “and support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (5), omit “and support under Regulation (EU) No 508/2014”;
 - (d) in paragraph (6)(a), omit “and support under Regulation (EU) No 508/2014”;
 - (e) in paragraph (7)(a)(i), omit “and support under Regulation (EU) No 508/2014”;
 - (f) in paragraph (8)—
 - (i) in sub-paragraph (a), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (b), omit “or support under Regulation (EU) No 508/2014”;
 - (g) in paragraph (9)(b), omit “and support under Regulation (EU) No 508/2014”; and
 - (h) in paragraph (10)(b), omit “and support under Regulation (EU) No 508/2014”.
- (7) In regulation 9—
- (a) in paragraph (3)(b), omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (4)(d), omit “and support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (6)(a)(i), omit “and support under Regulation (EU) No 508/2014”; and
 - (d) in paragraph (8)(c)(i), omit “and support under Regulation (EU) No 508/2014”.
- (8) In regulation 10(2)(a)—
- (a) in paragraph (ii), omit “and support under Regulation (EU) No 508/2014”; and
 - (b) in paragraph (iii), omit “and support under Regulation (EU) No 508/2014”.
- (9) In regulation 11—
- (a) in paragraph (2)—
 - (i) in sub-paragraph (a), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (f)(ii), omit sub-paragraph (bb);
 - (b) in paragraph (3), omit “or support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (4)(b), omit “or support under Regulation (EU) No 508/2014”;
 - (d) in paragraph (5)(a)(i), omit “and support under Regulation (EU) No 508/2014”;
 - (e) in paragraph (6)—
 - (i) omit sub-paragraph (a),
 - (ii) in sub-paragraph (b)(i), omit “or support under Regulation (EU) No 508/2014”,
 - (iii) in sub-paragraph (c), for “3, 5 and 7” substitute “3 and 5”,
 - (iv) after sub-paragraph (c) insert—
 - “(ca) in paragraph 6, for “the ESI funds” substitute “support for rural development”;
 - (cb) omit paragraph 7;”,
 - (v) in sub-paragraph (d)—
 - (aa) in paragraph (i), omit “or support under Regulation (EU) No 508/2014”,

- (bb) in paragraph (ii), omit sub-paragraph (bb),
- (vi) in sub-paragraph (e), omit paragraph (iii), and
- (vii) in sub-paragraph (g), in the new paragraph 11 to be substituted by that sub-paragraph, omit “or support under Regulation (EU) No 508/2014 or both of them”;
- (f) in paragraph (7)(a), omit “and support under Regulation (EU) No 508/2014”;
- (g) in paragraph (8), omit sub-paragraph (a);
- (h) in paragraph (12)—
 - (i) in sub-paragraph (a)(i)(aa), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (b)(i), omit “and support under Regulation (EU) No 508/2014”;
- (i) in paragraph (13)—
 - (i) in sub-paragraph (a)(i), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (b)(ii), in the new point (b) to be substituted by that sub-paragraph, omit “or support under Regulation (EU) No 508/2014”; and
- (j) in paragraph (14)—
 - (i) in sub-paragraph (a), omit “and support under Regulation (EU) No 508/2014”, and
 - (ii) in sub-paragraph (d), in the new paragraph 3 to be substituted by that sub-paragraph, omit “or support under Regulation (EU) No 508/2014”.
- (10) Omit regulations 15 and 16.
- (11) In regulation 18—
 - (a) in paragraph (2), omit “and support under Regulation (EU) No 508/2014”;
 - (b) in paragraph (3), omit “and support under Regulation (EU) No 508/2014”;
 - (c) in paragraph (4), in the new paragraph 1 to be substituted by that paragraph, omit “and support under Regulation (EU) No 508/2014”;
 - (d) in paragraph (6)(c)(iv), in the new point 4 to be substituted by that paragraph, omit “and, where appropriate, in its programme for support under Regulation (EU) No 508/2014”; and
 - (e) in paragraph (9)(b)(i), omit “and priorities for sustainable fisheries”.
- (12) In regulation 20—
 - (a) in paragraph (2)(d), omit “and support under Regulation (EU) No 508/2014”; and
 - (b) in paragraph (3), omit “and support under Regulation (EU) No 508/2014”.
- (13) In regulation 22(3)—
 - (a) in sub-paragraph (a), omit “and support under Regulation (EU) No 508/2014”; and
 - (b) in sub-paragraph (c), omit “or support under Regulation (EU) No 508/2014”.

The Agriculture (Legislative Functions) (EU Exit) Regulations 2019

- 14.** In regulation 74 of the Agriculture (Legislative Functions) (EU Exit) Regulations 2019(6)—
 - (a) in the new point (47) to be inserted by that regulation, omit paragraph (a); and
 - (b) omit the new point (48) to be inserted by that regulation.

(6) [S.I. 2019/748](#), to which there are amendments not relevant to these Regulations.

The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

15.—(1) The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019(7) are amended as follows.

(2) In regulation 26, for paragraph (2) substitute—

“(2) In Article 15 for paragraph 6 substitute—

“6. A fisheries administration may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

6A. Subject to paragraph 6B, the Secretary of State may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

6B. Where the exercise of the power to make regulations under paragraph 6 would be outside the jurisdiction of the Secretary of State under Article 1(7), before making such regulations under the power in paragraph 6A the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3);
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4);
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5).”.

(3) Omit Chapter 8 of Part 5.

The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019

16. In regulation 5 of the Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019(8)—

(a) in paragraph (3)(a), for paragraph (ii) substitute—

“(ii) omit point (b),”;

(b) in paragraph (4), for “5” substitute “6”; and

(c) omit paragraph (5).

The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019

17.—(1) The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019(9) are amended as follows.

(2) In regulation 5(34)(b), for paragraph (i) substitute—

“(i) in point 1.1, omit “or at least 90mm in Skagerrak and Kattegat”.”.

(3) In regulation 6(13)—

(a) omit “and” at the end of sub-paragraph (b); and

(b) after sub-paragraph (b) insert—

(7) [S.I. 2019/753](#), amended by [S.I. 2019/1312](#).

(8) [S.I. 2019/848](#), amended by [S.I. 2019/1312](#).

(9) [S.I. 2019/1312](#).

“(ba) after paragraph 1 insert—

“**1A.** Subject to paragraph 1B, for all stocks of species in the Western Waters to which the landing obligation applies under Article 15(1) of Regulation (EU) No. 1380/2013, the Secretary of State may make regulations in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

1B. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 1A the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.”; and”.

(4) In regulation 7(5)—

- (a) omit “and” at the end of sub-paragraph (b); and
- (b) after sub-paragraph (b) insert—

“(ba) after paragraph 1 insert—

“**1A.** Subject to paragraph 1B, for all stocks of species in the North Sea to which the landing obligation applies under Article 15(1) of Regulation (EU) No. 1380/2013, the Secretary of State may make regulations in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

1B. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 1A the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.”; and”.

(5) In regulation 8, omit paragraph (7).