

EXPLANATORY MEMORANDUM TO
THE FISHERIES ACT 2020 (SCHEME FOR FINANCIAL ASSISTANCE)
(ENGLAND) REGULATIONS 2021

2021 No. [XXXX]

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument establishes a scheme for financial assistance in relation to England for the purposes specified in section 33(1) of the Fisheries Act 2020. The instrument specifies that the Marine Management Organisation (“the MMO”) may consider grant applications under the scheme and provides the MMO with the power to make grant payments. It specifies the application procedure, lists specific areas which are ineligible for funding and provides the MMO with powers to attach conditions to grants, require the repayment of grants if certain conditions are not satisfied and confers enforcement functions in relation to potential offences linked to applications (for example, fraudulent applications). This instrument will allow for the funding of grant activities defined in the Fisheries Act relating to commercial aquaculture activities, commercial fish activities, fisheries management plans, the marine and aquatic environment and processing.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 This entire instrument applies to England only.
- 3.3 In the view of the Department, for the purposes of House of Commons Standing Order No. 83P of the Standing Orders of the House of Commons relating to Public Business, the subject-matter of this instrument would not be within the devolved legislative competence of any of the Northern Ireland Assembly as a transferred matter, the Scottish Parliament or the National Assembly for Wales if equivalent provision in relation to the relevant territory were included in an Act of the relevant devolved legislature.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is set out in Section 3 under “Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)”.

5. European Convention on Human Rights

- 5.1 The Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs, Victoria Prentis MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Fisheries Act 2020 (Scheme for Financial Assistance) (England) Regulations 2021 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 Section 33 of the Fisheries Act 2020 provides a power for the Secretary of State to establish a scheme for financial assistance via regulations. Financial assistance may be provided for any of the purposes specified in section 33(1), namely: (a) the conservation, enhancement or restoration of the marine and aquatic environment; (b) the promotion or development of commercial fish or aquaculture activities; (c) the reorganisation of businesses involved in commercial fish or aquaculture activities; (d) contributing to the expenses of persons involved in commercial fish or aquaculture activities; (e) maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities; (f) the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals; (g) the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out; (h) improving the arrangements for the use of catch quotas or effort quotas; and (i) the promotion or development of recreational fishing. Currently, general funding powers in the Natural Environment and Rural Communities Act 2006 are being used to deliver schemes of financial assistance to the seafood sector. This instrument is being made under the new financial assistance scheme powers in the Fisheries Act to provide the MMO with a long-term funding power which can be used for the continuation of current schemes and for future support schemes.

7. Policy background

What is being done and why?

- 7.1 Prior to the United Kingdom leaving the European Union, support to the fisheries, aquaculture and seafood sector was primarily delivered through the EU-wide “European Maritime and Fisheries Fund”. Now that the UK has left the EU we are able to establish and administer replacement schemes and this instrument puts in place a new long-term funding power for the MMO to deliver support, in relation to England, to the fisheries, aquaculture and seafood sector. The power for the Secretary of State to establish schemes for financial assistance in the Fisheries Act only extends to financial assistance in relation to England and not in conjunction with the devolved administrations (as such, this instrument will apply to England only). However, each administration has a comparable power in the Act and can deliver independent legislation where required.
- 7.2 The first intended use of the new funding power and scheme for financial assistance established by this instrument will be for the purposes of the “Fisheries and Seafood Scheme” (“FaSS”). Funding under FaSS will support the long-term sustainability and success of seafood businesses throughout England and will help safeguard our marine environment. The scheme will drive meaningful change to increase sustainability, provide world-class fisheries management, and support decarbonisation of the sector

and a thriving marine environment. This instrument provides the MMO with the authority to consider applications for support and make grant payments as well as conferring necessary powers to administer such a scheme.

- 7.3 The fisheries, aquaculture and seafood sector will benefit from the introduction of this new scheme as it will provide the long-term power to provide grants to support the sector. There will be benefits for coastal communities across England and it is hoped the scheme will contribute towards the Government's levelling up objectives in order to increase the economic prosperity of coastal and rural communities, as well as encouraging environmental sustainability and increasing scientific awareness/training to those working in the sector.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 No consolidation of legislation is being carried out.

10. Consultation outcome

- 10.1 No formal consultation has taken place as this instrument is not changing policy but supporting an existing policy. Informal engagement during the development of the scheme provided for by this instrument has been undertaken to ensure stakeholders have had appropriate input.

11. Guidance

- 11.1 Guidance for the FaSS scheme is available from the Marine Management Organisation and can be found here <https://www.gov.uk/guidance/fisheries-and-seafood-scheme>

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because this instrument does not impose costs or restrictions on businesses or other entities. This instrument instead allows for a scheme of financial assistance which will benefit the sector but is voluntary to apply for.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The instrument does not include a statutory review clause.

15. Contact

- 15.1 Georgia Ricketts, at the Department for the Environment, Food and Rural Affairs, Tel: 0208 415 2920, email: georgia.ricketts@defra.gov.uk can answer any queries regarding the instrument.
- 15.2 Simon Brockington, Deputy Director for Fisheries Funding and Evidence, at the Department for the Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Victoria Prentis MP, the Parliamentary Under Secretary of State for Farming, Fisheries & Food at the Department for the Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.