
DRAFT STATUTORY INSTRUMENTS

2024 No.

**The Sea Fisheries (International Commission
for the Conservation of Atlantic Tunas)
(Amendment) Regulations 2024**

Amendment of Regulation 2016/1627

6.—(1) [Regulation \(EU\) 2016/1627](#) of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean⁽¹⁾ is amended as follows.

(2) In Article 1 (subject matter and scope)—

(a) in paragraph 1 for the words from “lays” to the end, substitute “specifies rules in relation to the management of bluefin tuna (*Thunnus thynnus*) fishing by fishing boats in waters of the United Kingdom zone and by UK fishing boats in waters of the ICCAT Convention area”, and

(b) omit paragraph 2.

(3) Omit Article 2 (objective).

(4) For Article 3 (definitions) substitute—

“Article 3

Definitions

In this Regulation—

“bluefin tuna catch document” has the same meaning as in Article 2 of [Regulation \(EU\) No640/2010](#) of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus*⁽²⁾;

“catch quota” has the same meaning as in section 52 of the Fisheries Act 2020 but where the term is used in relation to a specific UK fishing boat it is to be interpreted as a reference to the particular amount of catch quota available for use by that fishing boat either as a result of the distribution of catch quota to a specific fishing boat by the boat’s fisheries authority or as a result of catch quota being available to a particular group of fishing boats or to fishing boats fishing with particular gear;

“contracting party” means a contracting party to the International Convention for the Conservation of Atlantic Tunas, other than the United Kingdom, or a non-contracting cooperating party to the Convention;

“designated port” means a port or place close to the shore designated under Article 30(1) or designated by a contracting party;

(1) EUR 2016/1627; amended by [S.I. 2019/753](#).

(2) EUR 2010/640, amended by [S.I. 2019/753](#).

“fisheries authority” means either the Marine Management Organisation⁽³⁾, the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (collectively “the fisheries authorities”) and where the term is used in respect of—

- (a) a particular port or place, it means, for a port or place—
 - (i) in Scotland or in the Scottish zone, the Scottish Ministers,
 - (ii) in Wales or in the Welsh zone, the Welsh Ministers,
 - (iii) in Northern Ireland or in the Northern Ireland zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, or
 - (iv) in England or in the United Kingdom zone excluding any of the zones mentioned in paragraphs (i), (ii) or (iii), the Marine Management Organisation;
- (b) a UK fishing boat, it means the fisheries authority that granted the boat’s licence under section 15 of the Fisheries Act 2020 (and the term “licensed” is interpreted accordingly) which, for a UK fishing boat registered to a port—
 - (i) in England, means the Marine Management Organisation;
 - (ii) in Scotland, means the Scottish Ministers;
 - (iii) in Wales, means the Welsh Ministers;
 - (iv) in Northern Ireland, means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,

and any reference to a fisheries authority carrying out a particular function is to be interpreted as including any person or body to whom the fisheries authority has delegated the function in question;

“fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020⁽⁴⁾;

“ICCAT” means the International Commission for the Conservation of Atlantic Tunas⁽⁵⁾;

“ICCAT authorised fishing boat” means a fishing boat which is included on the ICCAT record of fishing vessels fishing actively for bluefin tuna in the ICCAT Convention area, as amended from time to time⁽⁶⁾, and “ICCAT authorised UK fishing boat” means a UK fishing boat which is included on that record;

“ICCAT Convention area” means the area covered by the International Convention for the Conservation of Atlantic Tunas;

“the Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998⁽⁷⁾;

“purse seiner” means a fishing boat that uses a purse seine and “purse seine” has the same meaning as in Article 6 of Regulation 2019/1241;

“recreational fishing boat” means a fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure;

“Regulation 1224/2009” means Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy⁽⁸⁾;

(3) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009.

(4) 2020 c. 22.

(5) The Commission was established by the International Convention for the Conservation of Atlantic Tunas.

(6) The ICCAT record of fishing vessels is published on the ICCAT website: www.iccat.int/en/vesselsrecord.asp.

(7) 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.

(8) EUR 2009/1224, amended by S.I. 2019/739 and 2019/753.

“Regulation 2019/1241” means [Regulation \(EU\) 2019/1241](#) of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures⁽⁹⁾;

“Regulation 1380/2013” means [Regulation \(EU\) No1380/2013](#) of the European Parliament and of the Council on the Common Fisheries Policy⁽¹⁰⁾;

“season” means the bluefin tuna fishing season specified in the relevant bluefin tuna fishing plan submitted by the Secretary of State to, and endorsed by, ICCAT⁽¹¹⁾;

“the Scottish zone” has the same meaning as in the Scotland Act 1998⁽¹²⁾;

“UK fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020;

“the United Kingdom zone” means the sea within British fishery limits⁽¹³⁾ but excluding the area of the sea within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured;

“the Welsh zone” has the same meaning as in the Government of Wales Act 2006⁽¹⁴⁾.

Article 3A

General prohibitions: UK boats, bluefin tuna traps and farming

1. In waters of the ICCAT Convention area, it is prohibited for a UK boat to be used for the purposes of the commercial exploitation of bluefin tuna resources unless the boat is a UK fishing boat which is—

- (a) in possession of a valid licence granted under section 15 of the Fisheries Act 2020, and
- (b) not—
 - (i) a processing boat,
 - (ii) used for the purposes of towing a live bluefin tuna cage or for transporting bluefin tuna to or from a live bluefin tuna cage, or
 - (iii) used for the purposes of operating a bluefin tuna trap or transporting bluefin tuna from a bluefin tuna trap.

2. The use of bluefin tuna traps is prohibited in waters of the United Kingdom zone.

3. Bluefin tuna farming is prohibited in waters of the United Kingdom zone.

4. In this Article—

“bluefin tuna trap” means fixed gear anchored to the sea bed, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting;

“the commercial exploitation of bluefin tuna resources” does not include the transportation of bluefin tuna products by container vessels;

(9) EUR 2019/1241; amended by [S.I. 2019/1312](#).

(10) EUR 2013/1380, amended by paragraph 2 of Schedule 11 to the Fisheries Act 2020, [S.I. 2019/739](#) and [2019/753](#).

(11) The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

(12) [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.

(13) By virtue of section 1(1) of the Fishery Limits Act [1976 \(c. 86\)](#) “British fishery limits” are designated by [S.I. 2013/3161](#).

(14) [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.

“farming” means the caging of bluefin tuna in farms and the subsequent feeding with the aim of increasing their total biomass; and for this purpose “farm” means an installation used for farming bluefin tuna caught by fishing boats or by bluefin tuna traps;

“a processing boat” means a boat where fisheries products caught by other vessels, or by bluefin tuna traps, are subject to one or more of the following operations on board: filleting or slicing, freezing and/or processing; and for this purpose “processing” has the same meaning as in section 52 of the Fisheries Act 2020;

“UK boat” means a powered boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(15), or
- (b) which is British-owned (within the meaning of section 52 of the Fisheries Act 2020).

Article 3B

ICCAT / UK bluefin tuna research programmes

The provisions of this Regulation do not apply to a fishing boat whilst it is actively participating in a bluefin tuna scientific research programme where—

- (a) the programme has been formally approved by ICCAT and the fishing boat—
 - (i) is specified by ICCAT as participating in the programme,
 - (ii) has obtained prior permission from the fisheries authority responsible for the waters in which it intends to carry out the research activities, for the dates, times and research activities in question, and
 - (iii) complies with all requirements placed on it by the fisheries authority referred to in paragraph (ii) as a condition of the permission granted under that paragraph, or
 - (b) the programme is a tag and release programme for recreational fishing boats adopted by one of the fisheries authorities and the fishing boat—
 - (i) is authorised by the fisheries authority for the dates, times and research activities in question, and
 - (ii) complies with all requirements placed on it by the fisheries authority in question.”.
- (5) For Article 5 (conditions associated with management measures) substitute—

“Article 5

Prohibition on chartering for bluefin tuna fishing

1. A chartered UK fishing boat must not target bluefin tuna in the ICCAT Convention area.

2. The prohibition in paragraph 1 does not apply in relation to a chartered recreational fishing boat which is used in accordance with any requirements set out in Chapter IV.”.

(6) In Article 6 (submission of annual fishing plans, fishing capacity management plans and farming management plans)—

- (a) in the heading—
 - (i) for the comma substitute “and”, and
 - (ii) omit “and farming management plans”;
- (b) in paragraph 1—

- (i) for “31 January” substitute “15 February”,
- (ii) for the words from “each Member” to “Commission” substitute “the Secretary of State must transmit to the ICCAT Secretariat”,
- (iii) in point (a)—
 - (aa) omit “the catching vessels and traps fishing”,
 - (bb) after “tuna” insert “fishing by UK fishing boats in the ICCAT Convention area”, and
 - (cc) omit “in the eastern Atlantic and the Mediterranean”, and
- (iv) in point (b)—
 - (aa) for “ensuring that the Member State’s” substitute “detailing the United Kingdom bluefin tuna”,
 - (bb) after “capacity” in the second place it occurs, insert “and how this”,
 - (cc) for “its” substitute “the United Kingdom’s ICCAT”, and
 - (dd) before “quota” insert “bluefin tuna”;
- (c) omit paragraphs 2 and 3.
- (7) For Article 7 (annual fishing plans) substitute—

“Article 7

Annual fishing plans

Where the Secretary of State has submitted a bluefin tuna fishing plan to ICCAT in respect of a particular fishing season, the fisheries authorities must, jointly, manage their fisheries and the UK fishing boats they have licensed in a manner which is consistent with the plan, once endorsed by ICCAT⁽¹⁶⁾.”

- (8) Omit Articles 8 to 10.
- (9) Omit Section 1 (fishing seasons) of Chapter 3.
- (10) In Article 13 (the landing obligation)—
 - (a) for “The provisions of this Section shall be” substitute “Unless otherwise stated, the provisions of this Regulation are”;
 - (b) omit “(EU) No”.
- (11) In Article 14 (minimum conservation reference size)—
 - (a) in paragraph 1 for the words from “caught” to the end, substitute “specified in Part A of Annexes 5, 6 and 7 of Regulation 2019/1241 (north sea, north western waters and south western waters) also applies to all UK fishing boats fishing anywhere in the ICCAT Convention area”;
 - (b) omit paragraphs 2, 3 and 4;
 - (c) after the omitted paragraph 4 insert—

“5. In derogation from Article 15(1) of Regulation 1380/2013 (landing obligation) and subject to paragraph 6, it is prohibited for any fishing boat fishing in waters of the United Kingdom zone or for a UK fishing boat fishing in waters of the ICCAT Convention area to target, retain on board, tranship or land any bluefin tuna which is below the minimum conservation reference size applied by Regulation 2019/1241 or by paragraph 1.

⁽¹⁶⁾ The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

6. Paragraph 5 applies to an ICCAT authorised fishing boat with the exception that such a boat may retain on board, tranship or land incidental catches of bluefin tuna below the minimum conservation reference size referred to in that paragraph provided—

- (a) no single bluefin tuna is retained on board which is below 8kg or which has a fork length of less than 75cm, and
- (b) no more than 5%, in number of fish, of the total number of bluefin tuna retained on board the fishing boat at any time during each fishing trip are below that minimum conservation reference size.

7. Whether bluefin tuna caught below the minimum conservation reference size are discarded or retained on board, they must all be counted against catch quota.

8. In this Article “fork length” is measured in accordance with Annex 4 of Regulation 2019/1241.”.

(12) Omit Article 15.

(13) For Article 16 (by-catches) substitute—

“Article 16

By-catches

1. By-catches of bluefin tuna caught by fishing boats in waters of the United Kingdom zone or by UK fishing boats in waters of the ICCAT Convention area must—

- (a) where reasonably possible, in derogation from Article 15(1) of Regulation 1380/2013 (landing obligation), be returned alive unharmed to the sea, or
- (b) for dead bluefin tuna retained on board, be stored clearly separate from any other fish species.

2. In derogation from Article 15(1) of Regulation 1380/2013, fishing boats fishing in waters of the United Kingdom zone or UK fishing boats fishing in waters of the ICCAT Convention area must not retain on board by-catches of bluefin tuna in excess of 20% of the live weight of total catches retained on board the fishing boat at the end of each fishing trip.

3. By-catches of bluefin tuna caught by UK fishing boats in the ICCAT Convention area which are retained on board must not be used for direct human consumption unless the boat is authorised to sell by-catches of bluefin tuna in its licence granted under section 15 of the Fisheries Act 2020 and sufficient catch quota is still available

4. Whether by-catches of bluefin tuna are discarded or retained on board, they must all be counted against catch quota.”.

(14) In Article 17 (use of aerial means)—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph, for “shall be” substitute “in waters of the United Kingdom zone in order to assist a fishing boat with the targeting of bluefin tuna is”;
- (c) after that paragraph insert—

“2. The use of such aerial means in waters outside of the United Kingdom zone but within the ICCAT Convention area is prohibited where such use is intended to assist a UK fishing boat with the targeting of bluefin tuna.”.

(15) Omit Article 20 (record of vessels).

(16) In Article 21 (relationship with Regulation [\(EC\) No 1224/2009](#)), omit “(EC) No”.

- (17) Omit Articles 22 and 23.
(18) For Article 24 (joint fishing operations) substitute—

“Article 24

Joint fishing operations

1. It is prohibited for a UK fishing boat to take part in a joint fishing operation for bluefin tuna in the ICCAT Convention area—

- (a) with any other fishing boat other than one or more UK fishing boat(s); and
- (b) without the prior consent of the boat’s fisheries authority in accordance with this Article.

2. A UK fishing boat wishing to take part in a joint fishing operation with one or more other UK fishing boat(s) in the ICCAT Convention area must, using the form specified in Annex 6, apply to its fisheries authority at least 14 days prior to the commencement of the bluefin tuna fishing season with the following information—

- (a) the duration of the proposed joint fishing operation,
- (b) the details of each UK fishing boat intending to take part in the operation and each boat’s bluefin tuna catch quota, and
- (c) the allocation agreement between the UK fishing boats for any catches.

3. In this Article “joint fishing operation” means any operation between two or more purse seiners where the catch of one purse seiner is attributed to one or more other purse seiners in accordance with an allocation agreement.”.

- (19) In Section 2 (catches), before Article 25 (recording requirements) insert—

“Article 24A

Separate recording and reporting requirements for recreational fisheries

The provisions of this Section do not apply to recreational fishing boats.”.

- (20) In Article 25—
- (a) in paragraph 1—
 - (i) omit “(EC) No”;
 - (ii) for “Union catching vessel shall” substitute “UK fishing boat must”;
 - (b) omit paragraph 2.
- (21) In Article 26 (catch reports sent by masters and trap operators)—
- (a) in the heading omit “and trap operators”;
 - (b) in paragraph 1—
 - (i) for “catching vessels” substitute “UK fishing boats”;
 - (ii) for “the authorities of the flag Member State” substitute “the boat’s fisheries authority”;
 - (iii) before “Convention” insert “ICCAT”;
 - (iv) for the words from “set out in Annex V” to the end, substitute “requested by the relevant fisheries authority”;
 - (c) for paragraph 3 substitute—

- “3. The reports referred to in paragraphs 1 and 2 must be transmitted to the relevant fisheries authority
- (a) in the case of purse seiners and boats over 24 metres in length, on a daily basis by 9:00am for the preceding day, and
 - (b) in the case of any other fishing boats, on a weekly basis by midday on Tuesday for the preceding week ending at midnight on Sunday.”;
- (d) Omit paragraphs 4 and 5.
- (22) Omit Articles 27, 28 and 29.
- (23) In Article 30 (designated ports)—
- (a) in paragraph 1, for “A fisheries administration” substitute “Each fisheries authority”;
 - (b) in paragraph 2—
 - (i) for “a port to be determined as a” substitute “each”;
 - (ii) for “a fisheries administration” substitute “the fisheries authority”;
 - (iii) at the end insert “and establish appropriate inspection and surveillance procedures in relation to such times and places”;
 - (c) omit paragraph 3;
 - (d) for paragraph 4 substitute—

“4. It is prohibited for—

 - (a) a fishing boat to land or tranship any quantity of bluefin tuna at any place in the United Kingdom or the United Kingdom zone other than at a designated port;
 - (b) a UK fishing boat to land or tranship any quantity of bluefin tuna at any place other than at a designated port.”.
- (24) In Article 31 (landings)—
- (a) in paragraph 1—
 - (i) omit “(EC) No” in both places it occurs;
 - (ii) for “shall apply” substitute “applies”;
 - (iii) for “Union fishing vessels” substitute “ICCAT authorised UK fishing boats”;
 - (iv) omit the words from “included” to the end of the first sentence;
 - (v) for “shall” in the second place it occurs, substitute “must”;
 - (vi) for “competent authority of the Member State (including the flag Member State)” substitute “fisheries authority for the port”;
 - (vii) for “CPC” substitute “the competent authority of the contracting party”;
 - (b) in paragraph 2—
 - (i) for “Union fishing vessels” substitute “ICCAT authorised UK fishing boats”;
 - (ii) for the words from “included” to “shall” substitute “must”;
 - (iii) for “competent authority of the Member State (including the flag Member State)” substitute “fisheries authority for the port”;
 - (iv) for “CPC” substitute “competent authority of the contracting party”;
 - (c) in paragraph 3—
 - (i) for the words from “Member States” to “1 and 2,” substitute “a fisheries authority applies a shorter notification period by virtue of regulations made under Article 17(6)

- of Regulation 1224/2009, instead of the notification periods specified in paragraphs 1 and 2”;
- (ii) for “at the thus applicable time of notification” substitute “in accordance with the shorter notification period”;
- (d) for paragraph 4 substitute—
- “4. The fisheries authority for a United Kingdom port must keep a record of all prior notifications for a period of at least one year from the date of the notification.”;
- (e) in paragraph 5—
- (i) for “shall” in the first place it occurs, substitute “of bluefin tuna at United Kingdom designated ports must”;
- (ii) for “relevant control authorities of the port Member State” substitute “fisheries authority for the port”;
- (iii) for “shall” in the second place it occurs, substitute “must”;
- (iv) for “involving quota, fleet size and fishing effort” substitute “specified in the relevant bluefin tuna fishing plan submitted by the Secretary of State to, and endorsed by, ICCAT prior to the start of the annual fishing season(17)”;
- (v) omit the words from “Full details” to the end;
- (f) in paragraph 6—
- (i) omit “(EC) No”;
- (ii) for “masters of a Union catching vessel” substitute “the master of an ICCAT authorised UK fishing boat”;
- (iii) for “shall” substitute “must”;
- (iv) for the words from “the competent” in the first place it occurs, to the end, substitute—
- “—
- (a) the boat’s fisheries authority or the fisheries authority for the port of landing, or
- (b) if the landing has taken place in a port of a contracting party, the boat’s fisheries authority and to the competent authority of the port State.”;
- (g) for paragraph 7 substitute—
- “7. The fisheries authority for a UK designated port must ensure that all catches of bluefin tuna landed at the port are weighed upon landing”.
- (25) In Article 32 (transhipment)—
- (a) in paragraph 1
- (i) for “Transhipment at sea of” substitute “It is prohibited for a UK fishing boat to tranship”;
- (ii) before “Convention” insert “ICCAT”;
- (iii) for “shall be prohibited in all circumstances” substitute “unless at a designated port”;
- (b) omit paragraphs 2 and 3;
- (c) after the omitted paragraph 3, insert—

(17) The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

- “3A. It is prohibited for a UK fishing boat to tranship bluefin tuna at a designated port without the prior authorisation of the boat’s fisheries authority”;
- (d) in paragraph 4—
- (i) for “Prior to entry into any port” substitute “For any transhipment operations at a UK designated port or involving a UK fishing boat at a designated port outside of the UK”;
 - (ii) for “shall” substitute “must”;
 - (iii) for “48” substitute “72”;
 - (iv) for “competent authorities of the CPC” substitute “fisheries authority for the designated port or the competent authority of the contracting party”;
 - (v) for “following:” substitute “information required by the transhipment declaration set out in Annex 3.”;
 - (vi) omit points (a) to (e);
- (e) omit paragraphs 5 and 6;
- (f) in paragraph 7—
- (i) for “shall” substitute “at a designated port in the United Kingdom must”;
 - (ii) for the words from “competent authorities” to “shall” substitute “fisheries authority for the port which must”;
- (g) in paragraph 8—
- (i) omit “(EC) No”;
 - (ii) for “masters of a Union fishing vessel shall” substitute “the master of a UK fishing boat which has transhipped any quantity of bluefin tuna must”;
 - (iii) for the words from “competent” to “flying” substitute “boat’s fisheries authority in the format specified in Annex 3 and within 5 days of the date of the transhipment”;
 - (iv) for the final sentence substitute “The master must link the transhipment declaration with the relevant electronic bluefin tuna catch document for the bluefin tuna in question.”.
- (26) Omit Sections 4 (transfer operations) and 5 (caging operations).
- (27) For Article 49 (vessel monitoring system) substitute—

“Article 49

Vessel monitoring system

Where an ICCAT authorised UK fishing boat is required under Article 9(2) of Regulation 1224/2009 to have installed on board a vessel monitoring system (“VMS”), in addition to any requirements specified in relation to the VMS of that boat under Regulation 1224/2009 the following requirements apply—

- (a) the boat must begin transmission of VMS data at least 5 days prior to the start of the season for which it is an ICCAT authorised fishing boat and continue such transmission until at least 5 days after the end of that season;
 - (b) the boat must not interrupt transmission of VMS data when in port;
 - (c) where the boat is a purse seiner, the frequency of transmission of VMS data must be at least once every hour.”.
- (28) In Article 50 (national observer programme)—

- (a) for paragraph 1 substitute—

“1. A fisheries authority which has one or more ICCAT authorised UK fishing boat in the fleet of UK fishing boats it has licensed must, jointly with any other fisheries authority that has such a fishing boat in its licensed fleet, establish a United Kingdom observer programme for ICCAT authorised UK fishing boats. Those authorities must jointly put in place the provisions necessary to ensure appropriate observer coverage is maintained across the fleet of ICCAT authorised UK fishing boats in any given fishing season having regard to minimum observer requirements specified by ICCAT”;

- (b) omit paragraphs 2 to 6;

- (c) after the omitted paragraph 6 insert—

“7. An ICCAT authorised UK fishing boat must, when requested by the boat’s fisheries authority in relation to a specific fishing trip, allow a UK observer on board for the duration of the trip.

8. Where a UK observer is on board a UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the observer to enable the observer to carry out their duties. The master, owner or crew of a UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe a UK observer in relation to the performance of their duties.

9. In this Article “a UK observer” means an observer appointed by a fisheries authority for the purpose of monitoring the compliance of a UK fishing boat with the requirements of this Regulation.”.

- (29) In Article 51 (ICCAT regional observer programme)—

- (a) omit paragraph 1;

- (b) for paragraphs 2 and 3 substitute—

“2. Where a fisheries authority has licensed an ICCAT authorised UK fishing boat and that boat is also a purse seiner, the fisheries authority must take steps to ensure that an ICCAT regional observer is present on board the boat for all fishing operations in the ICCAT Convention area.

3. An ICCAT authorised UK fishing boat which is also a purse seiner is prohibited from fishing in the ICCAT Convention area without an ICCAT regional observer on board.”;

- (c) omit paragraphs 4 and 5;

- (d) for paragraph 6 substitute—

“6. Where an ICCAT regional observer is on board a UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the observer to enable the observer to carry out their duties. The master, owner or crew of a UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an ICCAT regional observer in relation to the performance of their duties.

7. In this Article “ICCAT regional observer” means an observer appointed by ICCAT under the terms of the ICCAT regional observer programme.”.

- (30) For Article 52 (ICCAT Scheme of Joint International Inspection) substitute—

“Article 52

ICCAT scheme of Joint International Inspection

1. Where an ICCAT authorised UK fishing boat is fishing for bluefin tuna in the ICCAT Convention area but outside British fishery limits, the boat may be inspected by an ICCAT inspection vessel.

2. Where an ICCAT inspection vessel requests an inspection under paragraph 1, the master of the UK fishing boat must, where it is safe to do so, comply with all reasonable requests of the ICCAT inspection vessel in order to facilitate an inspection of the boat.

3. Where an inspector from an ICCAT inspection vessel boards an ICCAT authorised UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the inspector to enable the inspection. The master, owner or crew of an ICCAT authorised UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an inspector from an ICCAT inspection vessel in relation to the performance of their duties.

4. In this Article an “ICCAT inspection vessel” means a vessel designated by ICCAT as an inspection vessel under the ICCAT scheme of joint international inspection.”.

(31) Omit Articles 53 and 54.

(32) In Article 55 (cross-check)—

(a) in paragraph 1—

- (i) for “Member State shall” substitute “fisheries authority must”;
- (ii) for “VMS” substitute “vessel monitoring system”;
- (iii) for “its fishing vessels” substitute “any ICCAT authorised UK fishing boat it has licensed”;
- (iv) for “transfer or” substitute “as well as any”;
- (v) for “BCDs” substitute “bluefin tuna catch documents”;
- (vi) omit the words from “, in accordance” to the end;

(b) in paragraph 2—

- (i) for “Member State shall” substitute “fisheries authority must”;
- (ii) for “, transhipments or cagings” substitute “and transhipments of bluefin tuna at United Kingdom designated ports”;
- (iii) omit “fishing vessels”;
- (iv) omit “transfer or”;
- (v) omit “or caging declaration”;
- (vi) omit the words from “, in accordance” to the end.

(33) Omit Section 8 (marketing).

(34) After Chapter 5 (control measures) insert—

“CHAPTER 5A OFFENCES, PENALTIES AND ENFORCEMENT

Article 56A

Offences

1. A person who—

- (a) contravenes a restriction or prohibition in Article 3A(2) or (3), 16(3), 17, 50(8), 51(6) or 52(3);
- (b) fails to comply with an obligation in Article 25(1), 26(1) or (2), 31(1) or (2), 32(8), 50(8), 51(6) or 52(2) or (3),

is guilty of an offence.

2. Where—

- (a) a UK boat is used for the commercial exploitation of bluefin tuna in contravention of Article 3A(1);
- (b) a fishing boat—
 - (i) is used in contravention of a restriction in Article 3A(2), 5(1), 14(5) or (6), 16(2) or (3), 24(1), 30(4), 32(1) or (3A) or 51(3);
 - (ii) fails to comply with an obligation in Article 16(1), 31(6), 32(4), 49 or 50(7),

the master, the owner and the charterer (if any) are each guilty of an offence.

Article 56B

Offences by bodies corporate etc

1. Where an offence under this Regulation is committed by a body corporate and it is proved that the offence—

- (a) was committed with the consent or connivance of a person falling within paragraph 2, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

2. The persons are—

- (a) a director, manager, secretary or similar officer of the body corporate;
- (b) any person purporting to act in such a capacity.

3. Where the affairs of a body corporate are managed by its members, paragraph 1 applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.

4. Where an offence under this Regulation has been committed by a Scottish partnership and it is proved that the offence—

- (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the partnership) is guilty of an offence and liable to be proceeded against and punished accordingly.

Article 56C

Penalties for offences

1. A person who commits an offence under this Regulation is liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
2. The court by or before which a person is convicted of an offence under this Regulation may order the forfeiture of any fish in respect of which the offence was committed and any fishing gear used in committing the offence.
3. Where the court does not order the forfeiture of fish under paragraph 2, the court may instead impose a fine on the person not exceeding the value of the fish in respect of which the offence was committed. Any fine to which a person is liable under this paragraph is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of that offence under this Regulation or under any other enactment.
4. In paragraph 3 ‘enactment’ has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018.

Article 56D

Enforcement

1. A British sea-fishery officer may seize any fish in respect of which an offence has been committed under this Regulation where the fish are on the fishing boat on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat.
2. For the purpose of enforcing the provisions of this Regulation, section 8 of the Sea Fisheries Act 1968⁽¹⁸⁾ (general powers of British sea-fishery officers) has effect as it has effect in relation to the provisions mentioned in subsection (1) of that section.
3. A marine enforcement officer has an enforcement function in relation to any offence or suspected offence by any person under this Regulation.
4. Section 238 of the Marine and Coastal Access Act 2009⁽¹⁹⁾ (enforcement of the fisheries legislation) applies in relation to the enforcement function conferred by paragraph 3 as it applies in relation to the enforcement of “the fisheries legislation” (as defined in that section).
5. In this Article—

‘British sea-fishery officer’ means any person who by virtue of section 7 of the Sea Fisheries Act 1968⁽²⁰⁾ is a British sea-fishery officer;

‘marine enforcement officer’ has the same meaning as in section 235(1) of the Marine and Coastal Access Act 2009.”.

(35) Omit Chapter 6 (final provisions).

⁽¹⁸⁾ 1968 c. 77. Section 8 was amended by paragraph 17(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and section 26(2) and (3) of the Fisheries Act 1981 (c. 29).

⁽¹⁹⁾ 2009 c. 23.

⁽²⁰⁾ Section 7 was amended by Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36), Part 2 of Schedule 5 to the Fisheries Act 1981, section 239 of the Marine and Coastal Access Act 2009 and by S.I. 1999/1820.

- (36) Omit Annex 1 (specific conditions applicable to the fisheries referred to in Article 14(2)).
- (37) In Annex 2 (logbook)—
 - (a) in Part A (catching vessels), omit the section titled “Minimum information for fishing logbooks in case of transfer into cages”;
 - (b) omit Parts B, C and D.
- (38) Omit Annexes 4 (ICCAT transfer declaration) and 5 (catch report form).
- (39) In Annex 6 (joint fishing operation), in the form, for “CPC” substitute “UK”.
- (40) Omit—
 - (a) Annex 7 (ICCAT regional observer programme),
 - (b) Annex 8 (ICCAT scheme of joint international inspection),
 - (c) Annex 9 (minimum standards for video recording procedures),
 - (d) Annex 10 (standards and procedures for the programmes and reporting obligations referred to in Article 46(2) to (7) and Article 47(1)),
 - (e) Annex 11 (release protocol),
 - (f) Annex 12 (treatment of dead fish), and
 - (g) Annex 13 (correlation table).