



# Fisheries Act 2020

## 2020 CHAPTER 22

An Act to make provision in relation to fisheries, fishing, aquaculture and marine conservation; to make provision about the functions of the Marine Management Organisation; and for connected purposes. [23rd November 2020]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Fisheries objectives, fisheries statements and fisheries management plans*

#### **1 Fisheries objectives**

- (1) The fisheries objectives are—
  - (a) the sustainability objective,
  - (b) the precautionary objective,
  - (c) the ecosystem objective,
  - (d) the scientific evidence objective,
  - (e) the bycatch objective,
  - (f) the equal access objective,
  - (g) the national benefit objective, and
  - (h) the climate change objective.
- (2) The “sustainability objective” is that—
  - (a) fish and aquaculture activities are—
    - (i) environmentally sustainable in the long term, and
    - (ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
  - (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.

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- (3) The “precautionary objective” is that—
- (a) the precautionary approach to fisheries management is applied, and
  - (b) exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing maximum sustainable yield.
- (4) The “ecosystem objective” is that—
- (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed, and
  - (b) incidental catches of sensitive species are minimised and, where possible, eliminated.
- (5) The “scientific evidence objective” is that—
- (a) scientific data relevant to the management of fish and aquaculture activities is collected,
  - (b) where appropriate, the fisheries policy authorities work together on the collection of, and share, such scientific data, and
  - (c) the management of fish and aquaculture activities is based on the best available scientific advice.
- (6) The “bycatch objective” is that—
- (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced,
  - (b) catches are recorded and accounted for, and
  - (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.
- (7) The “equal access objective” is that the access of UK fishing boats to any area within British fishery limits is not affected by—
- (a) the location of the fishing boat's home port, or
  - (b) any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.
- (8) The “national benefit objective” is that fishing activities of UK fishing boats bring social or economic benefits to the United Kingdom or any part of the United Kingdom.
- (9) The “climate change objective” is that—
- (a) the adverse effect of fish and aquaculture activities on climate change is minimised, and
  - (b) fish and aquaculture activities adapt to climate change.
- (10) In this section—
- “ecosystem-based approach” means an approach which—
- (a) ensures that the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status (within the meaning of the Marine Strategy Regulations 2010 (S.I. 2010/1627)), and
  - (b) does not compromise the capacity of marine ecosystems to respond to human-induced changes;

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“precautionary approach to fisheries management” means an approach in which the absence of sufficient scientific information is not used to justify postponing or failing to take management measures to conserve target species, associated or dependent species, non-target species or their environment.

## 2 Joint fisheries statement

- (1) The fisheries policy authorities must prepare and publish a document, to be known as a joint fisheries statement (a “JFS”), that—
  - (a) sets out the policies of the fisheries policy authorities (or any of them) for achieving, or contributing to the achievement of, the fisheries objectives,
  - (b) contains a statement explaining the use the fisheries policy authorities (or any of them) propose to make of fisheries management plans in order to achieve, or contribute to the achievement of, the fisheries objectives, and
  - (c) contains a statement explaining how the fisheries objectives have been interpreted and proportionately applied in formulating the policies and proposals mentioned in paragraphs (a) and (b).
- (2) The policies for achieving, or contributing to the achievement of, the fisheries objectives required to be set out in a JFS by subsection (1)(a) include, in particular, the policies of the fisheries policy authorities relating to the distribution, in accordance with section 25, of catch quotas and effort quotas for use by fishing boats.
- (3) The statement under subsection (1)(b) must, in particular—
  - (a) contain a list of fisheries management plans that are already in force;
  - (b) contain a list of fisheries management plans that the fisheries policy authorities (or any of them) propose to prepare and publish;
  - (c) specify, in relation to each proposed fisheries management plan—
    - (i) the fisheries policy authority or authorities by whom it is to be prepared and published;
    - (ii) if it is to be prepared and published otherwise than by all of the fisheries policy authorities acting jointly, the reasons for that;
    - (iii) the stock or stocks of sea fish, the type or types of fishing and the geographical area or areas to which the plan will relate;
    - (iv) a timetable for preparation and publication;
  - (d) set out the fisheries policy authorities' reasons for deciding which stocks of sea fish, types of fishing and geographical areas should be subject to fisheries management plans and which should not.
- (4) A JFS must contain a statement that it has been prepared for the purposes of this Act.
- (5) The fisheries policy authorities must comply with subsections (1) to (4) before the end of the period of two years beginning with the day on which this Act is passed.
- (6) In this Act “fisheries management plan” means a document, prepared and published under this Act, that sets out policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels.
- (7) For provision under which certain policies of the Secretary of State that would otherwise be required by subsection (1)(a) to be set out in a JFS may be set out instead in a separate document, see section 4.

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### 3 Joint fisheries statement: procedure

- (1) The fisheries policy authorities may at any time prepare and publish a replacement JFS or amendments of a JFS.
- (2) Part 1 of Schedule 1 contains provision applying in relation to the preparation and publication by the fisheries policy authorities of a JFS or amendments of a JFS.
- (3) A JFS or an amendment of a JFS comes into effect when it is published in accordance with that Part of that Schedule.
- (4) The fisheries policy authorities must review a JFS whenever they consider it appropriate to do so and in any event—
  - (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of a JFS that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the fisheries policy authorities conclude that changes are required to the JFS they must—
  - (a) prepare and publish amendments of the JFS, or
  - (b) prepare and publish a replacement JFS.
- (6) For the purposes of this section, a review of a JFS ends—
  - (a) if the fisheries policy authorities conclude in the light of the review that no changes are required to the JFS, at the time they reach that conclusion;
  - (b) if the fisheries policy authorities conclude in the light of the review that changes are required to the JFS, at the time the document mentioned in subsection (5) is published.

### 4 Secretary of State fisheries statement

- (1) The fisheries policy authorities may, under section 2 or 3, prepare and publish a JFS that omits a relevant Secretary of State policy that would (apart from this subsection) be required by section 2(1)(a) to be set out in it.
- (2) The fisheries policy authorities may, under section 3, prepare and publish an amendment of a JFS the effect of which is that the JFS omits a relevant Secretary of State policy that would (apart from this subsection) be required by section 2(1)(a) to be set out in it.
- (3) Subsections (4) and (5) apply where, in accordance with subsection (1) or (2), one or more relevant Secretary of State policies are omitted from a JFS.
- (4) The Secretary of State must (subject to subsection (5)) prepare and publish a document, to be known as a Secretary of State fisheries statement (“SSFS”), that sets out the policy or policies omitted from the JFS.
- (5) Where an SSFS has already been prepared and published, the Secretary of State must either—
  - (a) prepare and publish amendments of that SSFS so that it sets out the policy or policies omitted from the JFS, or
  - (b) prepare and publish a replacement SSFS that sets out the policy or policies omitted from the JFS.

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- (6) An SSFS must contain a statement that it has been prepared for the purposes of this Act.
- (7) The Secretary of State must comply with subsections (4) to (6) before the end of the period of 6 months beginning with the day on which the JFS mentioned in subsection (1) is published or (as the case may be) the amendment of the JFS mentioned in subsection (2) is published.
- (8) For the purposes of this section “relevant Secretary of State policy” means a policy of the Secretary of State that involves the exercise of—
  - (a) a UK quota function, or
  - (b) a function not within paragraph (a) that relates to a reserved matter.
- (9) In subsection (8)—
  - “UK quota function” means—
    - (a) a function under section 23 (determination of catch quotas and effort quotas), or
    - (b) a function of determining how much of a catch quota or effort quota is to be available for distribution by the Marine Management Organisation, the Scottish Ministers, the Welsh Ministers or the Northern Ireland department;
  - “reserved matter” means a matter which—
    - (a) is a reserved matter within the meaning of the Scotland Act 1998 (see Schedule 5 to that Act),
    - (b) is a reserved matter within the meaning of the Government of Wales Act 2006 (see Schedule 7A to that Act), or
    - (c) is an excepted or reserved matter within the meaning of the Northern Ireland Act 1998 (see section 4(1) of that Act).

## **5 Secretary of State fisheries statement: procedure**

- (1) The Secretary of State may at any time prepare and publish a replacement SSFS or amendments of an SSFS.
- (2) Part 2 of Schedule 1 contains provision applying in relation to the preparation and publication by the Secretary of State of an SSFS or amendments of an SSFS.
- (3) An SSFS or an amendment of an SSFS comes into effect when it is published in accordance with that Part of that Schedule.
- (4) The Secretary of State must review an SSFS whenever the Secretary of State considers it appropriate to do so and in any event—
  - (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of an SSFS that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the Secretary of State concludes that changes are required to the SSFS the Secretary of State must—
  - (a) prepare and publish amendments of the SSFS, or
  - (b) prepare and publish a replacement SSFS.

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- (6) For the purposes of this section, a review of an SSFS ends—
  - (a) if the Secretary of State concludes in the light of the review that no changes are required to the SSFS, at the time the Secretary of State reaches that conclusion;
  - (b) if the Secretary of State concludes in the light of the review that changes are required to the SSFS, at the time the document mentioned in subsection (5) is published.
- (7) Where, at any time after an SSFS has come into effect, a replacement JFS comes into effect or amendments of a JFS come into effect, and—
  - (a) the policies in the SSFS are included in the new JFS, or
  - (b) the Secretary of State considers that the policies in the SSFS are superseded by the policies in the new JFS,
 the Secretary of State may publish a document revoking the SSFS.
- (8) In subsection (7) “the new JFS” means the replacement JFS or the JFS as amended.
- (9) The revocation comes into effect when the document is published.

## **6 Fisheries management plans: duty to comply with proposals in JFS**

- (1) The relevant authority or authorities must, in relation to each proposed fisheries management plan in the list contained in a JFS under section 2(3)(b), prepare and publish a fisheries management plan that relates to the matters specified in relation to it under section 2(3)(c)(iii).
- (2) A fisheries management plan must—
  - (a) specify the relevant authority or authorities,
  - (b) specify each stock of sea fish, type of fishing and geographical area to which the plan relates,
  - (c) specify an indicator or indicators to be used for monitoring the effectiveness of the plan, and
  - (d) comply with subsection (3) in relation to each stock of sea fish to which the plan relates.
- (3) The plan must specify whether the available scientific evidence is sufficient to enable the relevant authority or authorities to make an assessment of the stock's maximum sustainable yield and—
  - (a) if it is, must specify policies of the relevant authority or authorities for restoring the stock to, or maintaining it at, sustainable levels or for contributing to its restoration to, or maintenance at, sustainable levels;
  - (b) if it is not, must—
    - (i) specify policies of the relevant authority or authorities for maintaining or increasing levels of the stock,
    - (ii) specify the steps (if any) that the relevant authority or authorities propose to take to obtain the scientific evidence necessary to enable an assessment of the stock's maximum sustainable yield to be made, and
    - (iii) where no such steps are proposed, state the reasons for that.
- (4) In determining the policies to be specified under subsection (3)(b)(i), the relevant authority or authorities must adopt the precautionary approach to fisheries management (within the meaning of section 1).

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- (5) A fisheries management plan must contain a statement that it has been prepared and published for the purposes of this Act.
- (6) The relevant authority or authorities must comply with subsections (1) to (5) in accordance with the timetables specified in the JFS under section 2(3)(c)(iv).
- (7) In this section “the relevant authority or authorities”, in relation to a fisheries management plan, means the fisheries policy authority or authorities by whom the JFS specifies the plan is to be prepared and published.

## **7 Fisheries management plans: power to depart from proposals in JFS**

- (1) Subsection (2) applies where—
  - (a) one or more fisheries policy authorities prepare and publish a fisheries management plan,
  - (b) the fisheries policy authority or authorities decide that, in view of a relevant change of circumstances, the plan should be amended, replaced or revoked, and
  - (c) the decision is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (2) The fisheries policy authority or authorities may prepare and publish—
  - (a) amendments of the fisheries management plan that take account of the relevant changes of circumstances,
  - (b) a replacement fisheries management plan that takes account of the relevant change of circumstances, or
  - (c) a document revoking the fisheries management plan in order to take account of the relevant change of circumstances.
- (3) Subsection (4) applies where—
  - (a) one or more fisheries policy authorities decide that, in view of a relevant change of circumstances, they should prepare and publish a fisheries management plan, and
  - (b) the decision is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (4) The fisheries policy authority or authorities may prepare and publish a fisheries management plan that takes account of the relevant change of circumstances.
- (5) A document under subsection (2) or (4) must contain a statement explaining the ways in which, and the reasons why, it is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (6) Subsections (2) to (5) of section 6 (required contents of fisheries management plans) apply in relation to a fisheries management plan under this section (reading references to the relevant authority or authorities as references to the fisheries policy authority or authorities that prepare and publish the plan).
- (7) For the purposes of this section the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
  - (a) the international obligations of the United Kingdom,
  - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment,

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- (c) available scientific evidence, or
- (d) available evidence relating to the social, economic or environmental elements of sustainable development.

## 8 Fisheries management plans: procedure

- (1) The relevant authority or authorities may at any time prepare and publish a replacement fisheries management plan, or amendments of a fisheries management plan, in relation to the same stock or stocks of sea fish, type or types of fishing and geographical area or areas.
- (2) Part 3 of Schedule 1 contains provision applying in relation to the preparation and publication by the relevant authority or authorities of a fisheries management plan, amendments of a fisheries management plan or a document under section 7(2)(c) revoking a fisheries management plan.
- (3) A fisheries management plan, or an amendment or revocation of a fisheries management plan, comes into effect when it (or, in the case of a revocation, the document containing it) is published in accordance with that Part of that Schedule.
- (4) The relevant authority or authorities must review a fisheries management plan whenever they consider it appropriate to do so and in any event—
  - (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of a fisheries management plan that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the relevant authority or authorities conclude that changes are required to the fisheries management plan, they must—
  - (a) prepare and publish amendments of the fisheries management plan,
  - (b) prepare and publish a replacement fisheries management plan, or
  - (c) (if section 7(2) applies) prepare and publish a document under section 7(2)(c) revoking the fisheries management plan.
- (6) For the purposes of this section, a review of a fisheries management plan ends—
  - (a) if the relevant authority or authorities conclude in the light of the review that no changes are required to the fisheries management plan, at the time they reach that conclusion;
  - (b) if the relevant authority or authorities conclude in the light of the review that changes are required to the fisheries management plan, at the time the document mentioned in subsection (5) is published.
- (7) In this section “the relevant authority or authorities”, in relation to a fisheries management plan, means the fisheries policy authority or authorities that prepare and publish it.

## 9 Fisheries management plans: transitional provision

At any time before the fisheries policy authorities have complied with section 2(1) to (4), a fisheries policy authority acting alone, or two or more fisheries policy authorities acting jointly, may prepare and publish a fisheries management plan that relates to



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any stock or stocks of sea fish, any type or type of fishing, and any geographical area or areas.

## **10 Effect of fisheries statements and fisheries management plans**

- (1) A national fisheries authority must exercise its functions relating to fisheries, fishing or aquaculture in accordance with the policies contained in a JFS, SSFS or fisheries management plan that are applicable to the authority, unless a relevant change in circumstances indicates otherwise.
- (2) If, in view of a relevant change of circumstances, a national fisheries authority takes a decision in the exercise of its functions relating to fisheries, fishing or aquaculture otherwise than in accordance with the policies contained in a JFS, SSFS or fisheries management plan that are applicable to the authority, the authority must prepare and publish a document—
  - (a) describing the decision and the relevant change of circumstances, and
  - (b) explaining how the relevant change in circumstances affected the decision.
- (3) For the purposes of this section—
  - (a) a policy in a JFS is “applicable to” a national fisheries authority within any paragraph of subsection (5), unless the JFS states that it is not applicable to that authority;
  - (b) a policy in an SSFS is “applicable to” a national fisheries authority within paragraph (a) or (b) of subsection (5), unless the SSFS states that it is not applicable to that authority;
  - (c) a policy in a fisheries management plan is “applicable to”—
    - (i) a national fisheries authority within paragraph (a), (c), (d) or (e) of subsection (5) if the plan is prepared and published by that authority, unless the plan states that it is not applicable to that authority, and
    - (ii) the Marine Management Organisation if the plan is prepared and published by the Secretary of State, unless the plan states that it is not so applicable.
- (4) For the purposes of this section the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
  - (a) the international obligations of the United Kingdom,
  - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment,
  - (c) available scientific evidence, or
  - (d) available evidence relating to the social, economic or environmental elements of sustainable development.
- (5) In this section “national fisheries authority” means—
  - (a) the Secretary of State,
  - (b) the Marine Management Organisation,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, or
  - (e) the Northern Ireland department.

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## 11 Reports on fisheries statements and fisheries management plans

- (1) The fisheries policy authorities acting jointly must, in relation to each reporting period, prepare and publish a report on the extent to which the policies set out in a relevant JFS—
  - (a) have been implemented, and
  - (b) have achieved or contributed to the achievement of the fisheries objectives.
- (2) A report under subsection (1) must also report on the extent to which the policies contained in a relevant fisheries management plan—
  - (a) have been implemented, and
  - (b) have affected the levels of stocks of sea fish.
- (3) A copy of a report under subsection (1) must be laid —
  - (a) before Parliament by the Secretary of State,
  - (b) before the Scottish Parliament by the Scottish Ministers,
  - (c) before Senedd Cymru by the Welsh Ministers, and
  - (d) before the Northern Ireland Assembly by the Northern Ireland department.
- (4) For the purposes of subsection (1) the following are reporting periods—
  - (a) the period of three years beginning with the day on which the first JFS is published, and
  - (b) each subsequent three year period.
- (5) The Secretary of State must, in relation to each reporting period, prepare and publish a report on the extent to which the policies set out in a relevant SSFS—
  - (a) have been implemented, and
  - (b) have achieved or contributed to the achievement of the fisheries objectives.
- (6) In preparing a report under subsection (5) the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (7) A copy of a report under subsection (5) must be laid before Parliament by the Secretary of State.
- (8) For the purposes of subsection (5) the following are reporting periods—
  - (a) the period of three years beginning with the day on which the first SSFS is published, and
  - (b) each subsequent three year period;
 but a period is not a reporting period if no SSFS is in force at any time during the period.
- (9) For the purposes of this section a JFS , SSFS or fisheries management plan is “relevant” if it is in force at any time during the period.

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VALID FROM 31/12/2020

*Access to British fisheries and regulation of foreign fishing boats*

**12 Access to British fisheries by foreign fishing boats**

- (1) A foreign fishing boat must not enter British fishery limits except—
  - (a) for the purpose of fishing in accordance with a sea fishing licence, or
  - (b) for a purpose recognised by international law or by any international agreement or arrangement to which the United Kingdom is a party.
- (2) A foreign fishing boat that enters British fishery limits for a purpose mentioned in subsection (1) must return outside British fishery limits as soon as the purpose has been fulfilled.
- (3) Where a fishing boat is used in contravention of subsection (1) or (2), the master, the owner and the charterer (if any) are each guilty of an offence.
- (4) For further provision about an offence under subsection (3) (including provision as to penalties), see—
  - (a) sections 19 to 21, and
  - (b) section 12 of the Sea Fisheries Act 1968 (recovery of fines) and section 13 of that Act (compensation in Scotland for damage caused by offence).

**13 Regulation of foreign fishing boats**

Schedule 2 contains amendments of subordinate legislation relating to the regulation of foreign fishing boats.

VALID FROM 31/12/2020

*Licensing of fishing boats*

**14 British fishing boats required to be licensed**

- (1) Fishing anywhere by a British fishing boat is prohibited unless authorised by a licence.
- (2) Subsection (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;
  - (e) in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands

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respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.

- (3) The Secretary of State may by regulations amend this section so as to add, remove or vary exceptions to the prohibition in subsection (1).
- (4) Regulations under subsection (3) may not be made without the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (5) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (6) Where a boat is used in contravention of subsection (1), the master, the owner and the charterer (if any) are each guilty of an offence.
- (7) For further provision about an offence under subsection (6) (including provision as to penalties), see sections 19 to 21.
- (8) In this section—
  - “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 of 14 June 2017 defining characteristics for fishing vessels;
  - “licence” means a licence granted under section 15.

## **15 Power to grant licences in respect of British fishing boats**

- (1) A licence may be granted—
  - (a) in respect of a Scottish fishing boat, by the Scottish Ministers;
  - (b) in respect of a Welsh fishing boat, by the Welsh Ministers;
  - (c) in respect of a Northern Ireland fishing boat, by the Northern Ireland department;
  - (d) in respect of any other British fishing boat, by the Marine Management Organisation.
- (2) A licence granted under this section may be granted so as to confer limited authority by reference, in particular, to—
  - (a) the area in which fishing is authorised,
  - (b) the periods, times or particular voyages during which fishing is authorised,
  - (c) the descriptions and quantities of fish which may be caught, or
  - (d) the method of sea fishing.
- (3) A licence granted under this section—
  - (a) must name the fishing boat in respect of which it is granted, and
  - (b) is granted to the boat's owner or charterer.

## **16 Foreign fishing boats required to be licensed if within British fishery limits**

- (1) Fishing within British fishery limits by a foreign fishing boat is prohibited unless authorised by a licence.

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- (2) Subsection (1) does not apply to fishing in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.
- (3) The Secretary of State may by regulations amend this section so as to add, remove or vary exceptions to the prohibition in subsection (1).
- (4) Regulations under subsection (3) may not be made without the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (5) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (6) Where a boat is used in contravention of subsection (1), the master, the owner and the charterer (if any) are each guilty of an offence.
- (7) For further provision about an offence under subsection (6) (including provision as to penalties), see sections 19 to 21.
- (8) In this section “licence” means a licence granted under section 17.

## **17 Power to grant licences in respect of foreign fishing boats**

- (1) A licence may be granted in respect of a foreign fishing boat by—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, or
  - (d) the Marine Management Organisation.
- (2) A licence granted under this section—
  - (a) if granted by the Scottish Ministers, does not authorise fishing anywhere outside Scotland and the Scottish zone;
  - (b) if granted by the Welsh Ministers, does not authorise fishing anywhere outside Wales and the Welsh zone;
  - (c) if granted by the Northern Ireland department, does not authorise fishing outside Northern Ireland and the Northern Ireland zone;
  - (d) if granted by the Marine Management Organisation, does not authorise fishing within—
    - (i) Scotland or the Scottish zone,
    - (ii) Wales or the Welsh zone, or
    - (iii) Northern Ireland or the Northern Ireland zone.
- (3) A licence under this section may be granted so as to impose limits on the authority it confers (in addition to the limits imposed by subsection (2)) by reference, in particular, to—
  - (a) the area in which fishing is authorised,
  - (b) the periods, times or particular voyages during which fishing is authorised,
  - (c) the descriptions and quantities of fish which may be caught, or
  - (d) the method of sea fishing.
- (4) A licence granted under this section—

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- (a) must name the fishing boat in respect of which it is granted, and
- (b) is granted to the boat's owner or charterer.

## 18 Further provision about licences

- (1) In this Act “sea fishing licence” means a licence granted under section 15 (licensing of British fishing boats) or section 17 (licensing of foreign fishing boats).
- (2) Schedule 3 contains further provision about sea fishing licences.

VALID FROM 31/12/2020

### *Access and licensing: offences and consequential amendments*

## 19 Penalties for offences

- (1) A person who commits an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland—
    - (i) in the case of an offence under paragraph 3(2) or (3) of Schedule 3, to a fine not exceeding the statutory maximum, and
    - (ii) in any other case, to a fine not exceeding £50,000;
  - (c) on conviction on indictment, to a fine.
- (2) The court by or before which a person is convicted of an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) of Schedule 3 may—
  - (a) order that the owner or charterer (if any) of the fishing boat used to commit the offence or, as the case may be, of the fishing boat named in the licence of which a condition is broken, be disqualified for a specified period from holding a sea fishing licence in respect of that fishing boat;
  - (b) (subject to subsection (4)) order the forfeiture of any fish, or any net or other fishing gear, in respect of which the offence was committed and of any net or other fishing gear used in committing the offence.
- (3) A person who commits an offence under section 14(6) or 16(6) or paragraph 1(4) of Schedule 3 is (subject to subsection (4)) liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.
- (4) A person is not liable to a fine under subsection (3) if, under subsection (2)(b), the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3), the court may not under subsection (2)(b) order the forfeiture of the fish in respect of which the offence was committed.
- (5) A fine to which a person is liable under subsection (3) is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of the same offence (whether under this section or under any other enactment).

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## **20 Offences by bodies corporate etc**

- (1) Where a relevant offence is committed by a body corporate and is proved—
  - (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to the neglect of any such person,that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer” means—
  - (a) a director, manager, secretary or similar officer of the body corporate, or
  - (b) a person purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.
- (4) Where a relevant offence is committed by a Scottish partnership and is proved—
  - (a) to have been committed with the consent or connivance of a partner or a person purporting to act as a partner, or
  - (b) to be attributable to any neglect on the part of any such person,that person (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3.

## **21 Jurisdiction of court to try offences**

Proceedings for an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

## **22 Minor and consequential amendments**

Schedule 4 contains—

- (a) in Part 1, consequential amendments relating to the provision made by section 12;
- (b) in Part 2—
  - (i) minor amendments relating to the licensing of fishing boats, and
  - (ii) consequential amendments relating to the provision made by sections 14 to 21;
- (c) in Part 3, transitional provision relating to the provision made by sections 14 to 21.

## *Fishing opportunities*

## **23 Power of Secretary of State to determine fishing opportunities**

- (1) The Secretary of State may determine, for such year or other period as may be specified in the determination—

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- (a) the maximum quantity of sea fish that may be caught by British fishing boats;
  - (b) the maximum number of days that British fishing boats may spend at sea.
- (2) A determination under subsection (1) may be made only for the purpose of complying with an international obligation of the United Kingdom to determine the fishing opportunities of the United Kingdom.
- (3) Different maxima may be determined under subsection (1)—
  - (a) for, or for fishing boats fishing for, different descriptions of sea fish,
  - (b) for different areas of sea, or
  - (c) (subject to subsection (4)) for different descriptions of fishing boat.
- (4) Different maxima may not be so determined by reference to—
  - (a) the location of a British fishing boat's home port, or
  - (b) any other connection of a British fishing boat, or any of its owners, to any place in the United Kingdom.
- (5) In this Act—
  - (a) “catch quota” means a quantity of sea fish determined under subsection (1)(a);
  - (b) “effort quota” means a number of days at sea determined under subsection (1)(b).
- (6) The Secretary of State may—
  - (a) exercise a power in subsection (1) so as to—
    - (i) determine a maximum quantity of sea fish, or maximum number of days at sea, of zero, or
    - (ii) make a determination replacing a determination already made;
  - (b) withdraw a determination already made.
- (7) A determination under subsection (1) may not be made or withdrawn after the end of the period to which it relates.
- (8) The Secretary of State may by regulations make provision for determining, for the purposes of this Act, the number of days in a period that a fishing boat is to be regarded as spending at sea in any area of sea.
- (9) Regulations under subsection (8) may make provision by reference to provision made under paragraph 1(3) of Schedule 3 (provision included in sea fishing licence as to the circumstances in which time is, or is not, to count as time spent at sea for the purposes of the licence).
- (10) Regulations under subsection (8) are subject to the negative resolution procedure.
- (11) References in retained direct EU legislation to fishing opportunities (however expressed) are, in relation to British fishing boats, references to catch quotas and effort quotas or (as the context requires) to either.

## **24 Duties relating to a determination of fishing opportunities**

- (1) Before making or withdrawing a determination under section 23, the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,



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- (c) the Northern Ireland department, and
  - (d) the Marine Management Organisation.
- (2) As soon as reasonably practicable after making or withdrawing a determination under section 23, the Secretary of State must—
  - (a) publish, in such manner as the Secretary of State considers appropriate, a notice stating that the determination has been made or (as the case may be) withdrawn,
  - (b) lay a copy of that notice before Parliament, and
  - (c) send a copy of that notice to the Scottish Ministers, the Welsh Ministers and the Northern Ireland department.

VALID FROM 31/12/2020

## **25 Distribution of fishing opportunities**

- (1) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must use criteria that—
  - (a) are transparent and objective, and
  - (b) include criteria relating to environmental, social and economic factors.
- (2) The criteria may in particular relate to—
  - (a) the impact of fishing on the environment;
  - (b) the history of compliance with regulatory requirements relating to fishing;
  - (c) the contribution of fishing to the local economy;
  - (d) historic catch levels.
- (3) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must seek to incentivise—
  - (a) the use of selective fishing gear, and
  - (b) the use of fishing techniques that have a reduced impact on the environment (for example that use less energy or cause less damage to habitats).
- (4) In this section “the national fisheries authorities” means—
  - (a) the Secretary of State,
  - (b) the Marine Management Organisation,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, and
  - (e) the Northern Ireland department.

## **26 Duties to ensure fishing opportunities not exceeded**

- (1) The national fisheries authorities must exercise their functions relating to fisheries so as to secure (so far as possible) that, in any period—
  - (a) no sea fish are caught by British fishing boats in excess of a catch quota for that period;
  - (b) no days are spent at sea by British fishing boats in excess of an effort quota for that period.

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- (2) In determining under subsection (1) whether a catch quota is exceeded, only count sea fish caught that are required to be counted against it under—
  - (a) Article 15 of the Common Fisheries Policy Regulation (landing obligation), or
  - (b) any other provision of retained direct EU legislation.
- (3) In determining under subsection (1) whether a catch quota or effort quota is exceeded, ignore any sea fish caught, or days spent at sea, that are referable to fishing opportunities of a territory outside the United Kingdom.
- (4) In this section “the national fisheries authorities” means—
  - (a) the Secretary of State,
  - (b) the Marine Management Organisation,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, and
  - (e) the Northern Ireland department.

VALID FROM 23/01/2021

## **27 Sale of English fishing opportunities**

- (1) The Secretary of State may by regulations make provision for the sale of—
  - (a) rights to use one or more English catch quotas;
  - (b) rights to use one or more English effort quotas.
- (2) A right to use an English catch or effort quota that is sold in accordance with the regulations is exercisable in relation to such fishing boats, by such persons, in such manner, and subject to such conditions, as may be specified in or in accordance with the regulations.
- (3) The regulations may include provision—
  - (a) for rights to be sold by competitive tender or auction;
  - (b) for a competitive tender process or auction to be run by such person as the regulations may designate;
  - (c) conferring functions (including functions involving the exercise of a discretion) on a person running a competitive tender process or auction, or on any other person;
  - (d) specifying persons, or descriptions of person, who are eligible or ineligible to buy rights;
  - (e) requiring a person to pay a deposit, or do any other thing, in order to be eligible to buy rights;
  - (f) requiring or prohibiting the repayment of a deposit;
  - (g) setting, or conferring power to set, limits on the rights that may be bought by a person or description of person;
  - (h) requiring or permitting rights to be sold, or not to be sold, to a person who meets such conditions (whether relating to the price offered for the rights or otherwise) as may be specified in or in accordance with the regulations;
  - (i) for terminating a competitive tender process or auction where there has been, or appears to the person running the competitive tender process or auction to have been, a failure to comply with the regulations;

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- (j) about how and when—
    - (i) payments for rights are to be made, and
    - (ii) payments received are to be dealt with;
  - (k) allowing or requiring rights sold in accordance with the regulations to a person to be transferred to, or be exercised by, another person;
  - (l) prohibiting rights sold to a person in accordance with the regulations from being transferred to, or being exercised by, another person;
  - (m) for extinguishing or limiting rights sold in accordance with the regulations where any amount due in respect of them is not paid, or any condition attached to the exercise of the rights is not met;
  - (n) for the payment of compensation to a person who holds but does not use rights sold in accordance with the regulations;
  - (o) about appeals relating to eligibility for, or the outcome of, a tender process or auction;
  - (p) requiring a person running a tender process or auction to issue guidance.
- (4) The Marine Management Organisation must exercise its functions so as to secure (so far as possible) that—
- (a) fishing boats are not used in contravention of section 14(1) (prohibition on fishing without authority of licence), and
  - (b) conditions attached to sea fishing licences under paragraph 1 of Schedule 3 are not broken,
- as a result of the exercise of rights sold in accordance with the regulations.
- (5) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State thinks appropriate.
- (6) Regulations under this section are subject to the affirmative resolution procedure.
- (7) In this section—
- “English catch quota” means so much of a catch quota as would (if not sold in accordance with the regulations) be available for distribution by the Secretary of State or the Marine Management Organisation for use by English fishing boats;
  - “English effort quota” means so much of an effort quota as would (if not sold in accordance with the regulations) be available for distribution by the Secretary of State or the Marine Management Organisation for use by English fishing boats.
- (8) Schedule 5 contains provision conferring power on the Welsh Ministers corresponding to that conferred on the Secretary of State by this section.

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VALID FROM 23/01/2021

### *Discard prevention charging schemes*

## **28 Discard prevention charging schemes**

- (1) The Secretary of State may by regulations establish a scheme (“a charging scheme”) under which chargeable persons are required to pay a charge in respect of unauthorised catches of sea fish.

For the meaning of “chargeable person” and “unauthorised catch of sea fish”, see section 29.

- (2) A charging scheme must include provision about—
- (a) how a charge is to be calculated, and
  - (b) when payments of a charge are due.
- (3) A charging scheme may provide for a charge to be calculated (to any extent) by reference to a matter specified in the scheme, for example—
- (a) the quantity of fish caught;
  - (b) the description of fish caught;
  - (c) the value of fish caught;
  - (d) the method by which fish are caught;
  - (e) the area in which fish are caught.
- (4) A charging scheme—
- (a) may only require a chargeable person to pay a charge in respect of an unauthorised catch of sea fish caught while the person is registered under the scheme, and
  - (b) may not require a chargeable person to register under the scheme.
- (5) A charging scheme may provide that—
- (a) only a chargeable person in relation to whom prescribed conditions are met is eligible to be registered under the scheme, or
  - (b) a chargeable person in relation to whom prescribed conditions are met is ineligible to be registered under the scheme.
- In this subsection “prescribed” means prescribed by or in accordance with the scheme.
- (6) A charging scheme may make further provision about registration or de-registration under the scheme, including provision about the effect of a person's de-registration.
- (7) Regulations under this section are subject to the affirmative resolution procedure.

## **29 Meaning of “chargeable person” and “unauthorised catch of sea fish”**

- (1) In the charging scheme provisions, “chargeable person” means—
- (a) the holder of an English sea fishing licence, or
  - (b) a producer organisation that has at least one member who is the holder of an English sea fishing licence.

- (2) In the charging scheme provisions, “unauthorised catch of sea fish” means—
- (a) in relation to a chargeable person who is the holder of an English sea fishing licence, an amount of sea fish caught in any period by the fishing boat named in that licence that exceeds the amount which that boat is authorised by the Marine Management Organisation to catch in that period;
  - (b) in relation to a chargeable person who is a producer organisation, an amount of sea fish caught in any period by the fishing boats named in the English sea fishing licences held by its members that exceeds the total amount which those boats are authorised by the Marine Management Organisation to catch in that period.
- (3) A charging scheme may make provision about whether, for the purposes of subsection (2), the catching in any period of an amount of sea fish by a fishing boat is authorised by the Marine Management Organisation.
- (4) In this section “the charging scheme provisions” means sections 28 to 32.

### **30 Catches subject to a charge ignored for certain regulatory purposes**

- (1) A charging scheme may provide that if—
- (a) a charge is payable in respect of an unauthorised catch of sea fish, and
  - (b) such other conditions as may be prescribed by or in accordance with the scheme are met,
- the catch is to be ignored in determining (for any purpose) whether a relevant regulatory breach has occurred.
- (2) For this purpose “a relevant regulatory breach” means the catching by a fishing boat of a quantity of sea fish which—
- (a) by virtue of a limit imposed under section 15(2) on the authority conferred by the fishing boat's sea fishing licence, constitutes a contravention of the prohibition in section 14(1), or
  - (b) constitutes a breach of a condition attached under paragraph 1 of Schedule 3 to the fishing boat's sea fishing licence.
- (3) The conditions which may be prescribed by virtue of subsection (1)(b) include any condition that could be contained in an English sea fishing licence.

### **31 Charge collectors**

- (1) A charging scheme may include provision—
- (a) for the appointment by the Secretary of State of one or more persons (“charge collectors”) to administer the scheme;
  - (b) about the terms on which a charge collector holds office;
  - (c) conferring functions on a charge collector, including functions involving the exercise of a discretion;
  - (d) about the termination of a charge collector's appointment.
- (2) The functions that may be conferred on a charge collector under subsection (1)(c) include functions relating to—
- (a) the keeping, for the purposes of the scheme, of registers of chargeable persons;

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- (b) the imposition of, or monitoring of compliance with, conditions prescribed by virtue of—
    - (i) section 28(5) (conditions relating to eligibility to be registered), or
    - (ii) section 30(1)(b) (conditions relating to availability of regulatory action);
  - (c) the collection or management of payments received under the scheme;
  - (d) the keeping, disclosure or publication of accounts, records or other documents or information relating to the scheme.
- (3) The provision that may be made under subsection (1)(d) includes—
- (a) provision imposing duties on a person who has ceased to be a charge collector;
  - (b) provision under which a person is treated as de-registered on the termination of the appointment of the charge collector who registered that person.
- (4) A charging scheme may make provision about appeals from decisions of charge collectors under the scheme.
- (5) The Secretary of State may make payments to charge collectors to cover expenditure incurred in the carrying out of their functions.
- (6) Payments may be made under subsection (5) subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).

## **32 Discard prevention charging schemes: supplementary provision**

- (1) A charging scheme may provide that, where the holder of an English sea fishing licence is liable to pay a charge, the master of a fishing boat that catches the fish in respect of which the charge is due is liable for the payment jointly and severally with the licence holder.
- (2) A charging scheme may provide that a payment due to be paid to a person under the scheme is recoverable by that person as a debt.
- (3) A charging scheme may make provision about the application of payments received under the scheme, including provision—
  - (a) permitting or requiring charge collectors to pay such receipts to the Secretary of State;
  - (b) permitting or requiring charge collectors to use such receipts to cover expenditure incurred by them in carrying out their functions under the scheme;
  - (c) permitting or requiring charge collectors or the Secretary of State to use such receipts for such charitable or conservation purposes as may be specified in the scheme.
- (4) A charging scheme may—
  - (a) confer functions on the Secretary of State, including functions involving the exercise of a discretion;
  - (b) provide for the Secretary of State to appoint a person to exercise any of the Secretary of State's functions under the scheme.
- (5) In this section “conservation purpose” has the meaning given by section 36(2).

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## *Grants and charges*

### **33 Financial assistance: powers of Secretary of State**

- (1) The Secretary of State may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
  - (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;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, subsection (1) must be given in accordance with a scheme established by regulations made by the Secretary of State.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to England,
  - (b) in relation to an area that is, or areas that are—
    - (i) within the UK marine area, but
    - (ii) not within the Scottish zone, the Welsh zone or the Northern Ireland zone, or
  - (c) in relation to English fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Secretary of State, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In subsection (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
  - (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.

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- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
  - (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this section are subject to the affirmative resolution procedure.
- (9) In this section—
  - “family member”, in relation to an individual (“P”), means—
    - (a) P's spouse or civil partner,
    - (b) a child or grandchild of P or of P's spouse or civil partner, or
    - (c) a parent or grandparent of P or of P's spouse or civil partner;
  - “financial assistance” means grants or loans;
  - “UK marine area” has the meaning given by section 42(1) of the Marine and Coastal Access Act 2009.
- (10) Schedule 6 contains—
  - (a) provision conferring power on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to that conferred on the Secretary of State by this section, and
  - (b) consequential amendments and transitional provision relating to this section and the provision mentioned in paragraph (a).

VALID FROM 23/01/2021

### **34 Charges: powers of Marine Management Organisation**

- (1) The Secretary of State may by regulations make provision for the Marine Management Organisation (“the MMO”) to impose charges in respect of the exercise by the MMO of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
  - (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
  - (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
  - (a) who is liable to pay a charge;



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- (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the MMO.
- (6) A power conferred on the MMO under this section does not affect, and is not affected by, any other power of the MMO to impose charges.
- (7) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (8) Regulations under this section are subject to the negative resolution procedure.
- (9) In this section—
- “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
- (a) a catch quota or an effort quota, or
  - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.
- (10) Schedule 7 contains provision conferring power on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to that conferred on the Secretary of State by this section.

VALID FROM 31/12/2020

### **35 Sea Fish Industry Authority: fees for services provided for industry in EU**

In the Fisheries Act 1981, in section 3 (powers of the Sea Fish Industry Authority), in subsection (5)(a), omit “in the case of a country which is not a member State,”.

#### *Powers to make further provision*

### **36 Power to make provision about fisheries, aquaculture etc**

- (1) The Secretary of State may by regulations make provision—
- (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see subsection (2)), or
  - (c) for a fish industry purpose (see subsection (3)).
- (2) “A conservation purpose” means any of the following—
- (a) the purpose of conserving, improving or developing marine stocks;

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**Changes to legislation:** There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)

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- (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
  - (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under subsection (1) may only include provision about—
  - (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;
  - (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;
  - (l) the use to which the Secretary of State may put information obtained in the exercise of the Secretary of State's functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;
  - (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of the matters mentioned in the preceding paragraphs of this subsection.
- (5) In subsection (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
  - (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.
- (6) Without prejudice to the generality of section 51(1)(b), regulations under this section may make different provision in relation to—
  - (a) different descriptions of sea fish or other animal,

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- (b) different descriptions of fishing boat, or
- (c) different areas of the sea or inland waters.

### 37 Section 36: interpretation

- (1) In section 36 and this section—

“regional fisheries management agreement” means an international agreement (including an international agreement to which the United Kingdom is not a party) the sole or main purpose of which is the conservation or management of—

- (a) straddling stocks,
- (b) stocks of highly migratory species, or
- (c) any other marine stocks;

“regional fisheries management organisation” means an organisation (including an organisation of which the United Kingdom is not a member) established pursuant to a regional fisheries management agreement;

“sea fishing equipment” means—

- (a) fishing nets or any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
- (b) equipment used to monitor sea fishing;

“traceability”, in relation to fishery products, means the ability of any person to discover information about how, where or when the fishery products were—

- (a) caught, harvested or made, or
- (b) transported, stored or sold.

- (2) In the definition of “regional fisheries management agreement” in subsection (1)—

- (a) “the high seas” has the same meaning as in the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) (“UNCLOS”);
- (b) “straddling stocks” means stocks to which Article 63(2) of UNCLOS (stocks both in, and in an area beyond and adjacent to, an EEZ) applies;
- (c) “highly migratory species” means a species listed in Annex 1 to UNCLOS.

- (3) For the purposes of section 36, an aquatic organism is a member of an “alien species” if—

- (a) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
- (b) it is a polyploid organism, or
- (c) it is a member of a fertile artificially hybridised species or subspecies.

- (4) For the purposes of section 36, an aquatic organism is a member of a “locally absent species” if it is located—

- (a) within the known natural range of the species or subspecies of which it is a member, and
- (b) in an area in which that species or subspecies is absent (in a wild state).

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### **38 Power to make provision about aquatic animal diseases**

- (1) The Secretary of State may by regulations make provision for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals.
- (2) Regulations under this section may, in particular, include provision regulating the importation, exportation, movement, storage or handling of—
  - (a) fish or other aquatic animals;
  - (b) products derived from fish or other aquatic animals;
  - (c) any other thing that the Secretary of State considers may carry, or otherwise affect the prevalence of, a disease of fish or other aquatic animals.

### **39 Scope of regulations under section 36 or 38**

- (1) Regulations under section 36 or 38 may—
  - (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.
- (2) Regulations under section 36 or 38 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under section 36 or 38 may not include provision which—
  - (a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament,
  - (b) would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006), or
  - (c) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly,unless the provision is merely incidental to, or consequential on, provision which would be outside that legislative competence.
- (4) Subsection (3) does not prevent the inclusion of provision in regulations under section 36 or 38 if and to the extent that the provision relates to the regulation of sea fishing by—
  - (a) Scottish fishing boats within British fishery limits but outside the Scottish zone,
  - (b) Welsh fishing boats outside the Welsh zone,
  - (c) Northern Ireland fishing boats within British fishery limits but outside the Northern Ireland zone, or
  - (d) British fishing boats that are not Scottish fishing boats, Welsh fishing boats or Northern Ireland fishing boats.
- (5) Regulations under section 36 or 38 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (6) A reference in subsection (5) to “modifying” a function of a person under an enactment includes—
  - (a) abolishing the function;

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- (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (7) A power to make regulations under section 36 or 38 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, Schedule 8, and section 52 so far as it applies for the purposes of those enactments).
- (8) In subsection (7) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

#### **40 Scope of regulations under section 36 or 38 where consent obtained**

- (1) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(a) may be so included with the consent of the Scottish Ministers.
- (2) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(b) or may be so included with the consent of the Welsh Ministers.
- (3) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(c) may be so included with the consent of the Northern Ireland department.
- (4) Provision which could be included in regulations under section 36 or 38 but for section 39(5) may be so included with the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.

#### **41 Procedural requirements for regulations under section 36 or 38**

- (1) Before making regulations under section 36 or 38, the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Secretary of State considers appropriate.
- (2) Regulations under section 36 or 38 are subject to the affirmative resolution procedure if they contain provision—
  - (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to subsection (2), regulations under section 36 or 38 are subject to the negative resolution procedure.

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## 42 Powers of Scottish Ministers, Welsh Ministers and NI department

Schedule 8 contains provision conferring powers on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to those conferred on the Secretary of State by sections 36 and 38.

### *Miscellaneous*

## 43 Agency arrangements between sea fish licensing authorities

- (1) A sea fish licensing authority may make arrangements for—
  - (a) any of its fisheries functions, or
  - (b) any of its product movement functions that are not fisheries functions, to be exercised on its behalf by another sea fish licensing authority.
- (2) Arrangements made by a sea fish licensing authority under subsection (1) in relation to a function do not affect that authority's responsibility for the exercise of the function.
- (3) A sea fish licensing authority that exercises functions on behalf of another sea fish licensing authority under subsection (1) may charge that other authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) Subsection (1) does not authorise the making of arrangements in relation to any function of making, confirming or approving subordinate legislation.
- (5) The power of a sea fish licensing authority to make arrangements under subsection (1) does not affect, and is not affected by, any other power of the authority to make arrangements relating to the exercise of its functions by other persons on its behalf.
- (6) In this section—
 

“fisheries function” means a function relating to fisheries, fishing or aquaculture;

“product movement function” means a function relating to the movement of fishery products—

  - (a) into or out of the United Kingdom, or
  - (b) within the United Kingdom.

VALID FROM 31/12/2020

## 44 Foreign fishing boats that are exclusively Faroe Islands-regulated

- (1) No prohibition, restriction or obligation relating to sea fishing imposed by any enactment applies to—
  - (a) anything done or not done by or in relation to a foreign fishing boat at a time at which the fishing boat is in waters lying within the Special Area and is exclusively Faroe Islands-regulated, or
  - (b) anything done or not done in relation to sea fish that were caught by a foreign fishing boat in waters lying within the Special Area at a time at which the fishing boat was exclusively Faroe Islands-regulated.
- (2) For the purposes of this section a foreign fishing boat is “exclusively Faroe Islands-regulated” if—

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- (a) there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area, and
  - (b) the fishing boat is not on a list maintained and published by the Scottish Ministers for the purposes of this subsection.
- (3) In this section—
- (a) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018 and includes an enactment contained in or made under this Act;
  - (b) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
  - (c) “the Faroe Islands Treaty” means the agreement between—
    - (i) the Government of the United Kingdom, and
    - (ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,
 relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999.

VALID FROM 23/01/2021

#### **45 Legislative competence of Senedd Cymru**

- (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 108A (legislative competence), after subsection (4) insert—
- “(4A) References in subsections (2)(b) and (3) to Wales include, in relation to a relevant provision of an Act of the Senedd, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A provision of an Act of the Senedd is “relevant” if it relates to fishing, fisheries or fish health.”
- (3) In section 157A (devolved Welsh authority), after subsection (8) insert—
- “(9) References in this section to Wales include, in relation to a relevant function of a public authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.”
- (4) In Schedule 3, in paragraph 9 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 2006), after sub-paragraph (6) insert—
- “(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

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(5) In Schedule 7A (reserved matters)—

(a) in paragraph 9, after sub-paragraph (4) insert—

“(4A) References in this paragraph to Wales include, in relation to a relevant function of a tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a tribunal is “relevant” if it relates to fishing, fisheries or fish health.”

(b) in paragraph 195, after sub-paragraph (3) insert—

“(3A) References in this paragraph to Wales include, in relation to a relevant function of an authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.”

(6) In Schedule 11, in paragraph 33 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 1998), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

VALID FROM 23/01/2021

## 46 Interpretation of Welsh legislation

(1) In the Interpretation Act 1978, section 23B (application of Interpretation Act 1978 to Welsh legislation), as substituted by paragraph 1 of Schedule 2 to the Legislation (Wales) Act 2019 (anaw 4), is amended in accordance with subsections (2) and (3).

(2) In subsection (6), for “and “Wales”” substitute “, “Welsh zone” and (subject to subsection (7)) “Wales””.

(3) After subsection (6) insert—

“(7) In relation to a provision that—

(a) relates to fishing, fisheries or fish health, and

(b) is contained in an instrument made after section 45 of the Fisheries Act 2020 comes into force,

“Wales” includes the area of the Welsh zone beyond the seaward limit of the territorial sea.”

(4) The Legislation (Wales) Act 2019 (anaw 4) is amended in accordance with subsections (5) to (8).

(5) In section 1(3)(d) (duty to keep accessibility of Welsh law under review)—



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- (a) in the English language text, omit “applies in relation to Wales and relates to subject matter which”;
- (b) in the Welsh language text, omit “y mae'n gymwys o ran Cymru ac y mae'n ymwneud â phwnc”.
- (6) In section 3 (legislation to which Part 2 of the Act applies), after subsection (3)—
- (a) in the English language text, insert—
- “(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 22) comes into force, the reference in subsection (2)(b)(iii) to Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.”;
- (b) in the Welsh language text, insert—
- “(4) Mewn perthynas ag is-ddeddfwriaeth sy'n ymwneud â physgota, pysgodfeydd neu iechyd pysgod ac a wneir ar ôl i adran 45 o Ddeddf Pysgodfeydd 2020 (p. 22) ddod i rym, mae'r cyfeiriad yn is-adran (2)(b)(iii) at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”
- (7) After section 40—
- (a) in the English language text insert—
- “40A Application of this Part in relation to the Welsh zone**
- In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.”;
- (b) in the Welsh language text insert—
- “40A Cymhwyso'r Rhan hon mewn perthynas â pharth Cymru**
- Mewn perthynas ag is-ddeddfwriaeth sy'n ymwneud â physgota, pysgodfeydd neu iechyd pysgod, mae cyfeiriadau yn y Rhan hon at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.””
- (8) In Schedule 1, in the Table—
- (a) in the English language text, after the entry for “Welsh tribunal (*tribiwnlys Cymreig*)” insert—
- |                                    |   |
|------------------------------------|---|
| “Welsh zone ( <i>parth Cymru</i> ) | “Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32) (and see article 3 of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), which makes provision about the limits of the zone)”; |
|------------------------------------|---|
- (b) in the Welsh language text, after the entry for “offeryn UE (*EU instrument*)” insert—

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“parth Cymru (*Welsh zone*)

mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (a gweler erthygl 3 o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760), sy'n gwneud darpariaeth ynghylch terfynau'r parth)”.

VALID FROM 01/03/2021

#### 47 Conservation of Seals

Schedule 9 contains amendments of the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) in connection with prohibiting the killing, injuring or taking of seals.

#### 48 Amendments of the Marine and Coastal Access Act 2009

Schedule 10 contains—

- (a) in Part 1, amendments of the Marine and Coastal Access Act 2009 relating to the general powers and duties of the Marine Management Organisation, and
- (b) in Part 2, amendments of that Act conferring powers on the Marine Management Organisation, the Welsh Ministers, the Scottish Ministers and the Northern Ireland Department to make byelaws or orders relating to the exploitation of sea fisheries resources for conservation purposes, together with consequential amendments of other enactments.

#### Commencement Information

**II** [S. 48\(a\)](#) in force at 23.11.2020, s. 48(b) in force at 23.1.2021 see [s. 54\(1\)\(f\)\(4\)\(d\)](#)

VALID FROM 31/12/2020

#### 49 Retained direct EU legislation: minor and consequential amendments

Schedule 11 contains minor and consequential amendments of retained direct EU legislation.

#### *Final provisions*

#### 50 Amendments that could have been made under existing powers

(1) Where—

- (a) any provision of this Act amends or revokes subordinate legislation, and

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(b) the amendment or revocation could have been made under a power conferred by an enactment,  
the amendment or revocation is treated, for the purpose of making further provision under that enactment, as having been made under it.

(2) In this section “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

## 51 Regulations

- (1) Regulations under any provision of this Act may make—
- (a) consequential, supplementary, incidental, transitional, or saving provision;
  - (b) different provision for different purposes or areas.
- (2) Regulations under this Act made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
- (3) Where regulations under this Act are subject to “the negative resolution procedure” and are made —
- (a) by the Secretary of State, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) by the Scottish Ministers, they are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) by the Welsh Ministers, they are subject to annulment in pursuance of a resolution of Senedd Cymru;
  - (d) by the Northern Ireland department, the instrument containing them is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (4) Where regulations under this Act are subject to “the affirmative resolution procedure” and are made—
- (a) by the Secretary of State, they may not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament;
  - (b) by the Scottish Ministers, they are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) by the Welsh Ministers, they may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;
  - (d) by the Northern Ireland department, they may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) Any provision that may be made by regulations under this Act subject to the negative resolution procedure may be made by regulations subject to the affirmative resolution procedure.
- (6) This section does not apply to regulations under section 54.

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## 52 Interpretation

In this Act—

“aquaculture” means the breeding, rearing, growing or cultivation of—

- (a) any fish or other aquatic animal,
- (b) seaweed or any other aquatic plant, or
- (c) any other aquatic organism;

“aquaculture activities” means any of the following (whether or not carried out in the course of a business or employment)—

- (a) aquaculture;
- (b) harvesting aquaculture organisms;
- (c) operating vessels for harvesting or processing aquaculture organisms;
- (d) storing or transporting aquaculture organisms;
- (e) loading and unloading aquaculture organisms;
- (f) processing aquaculture organisms;

“aquaculture organism” means an aquatic organism resulting from aquaculture;

“the baselines” means the baselines established by the Territorial Sea (Baselines) Order 2014 (S.I. 2014/1353);

“British fishing boat” means a fishing boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995,
- (b) which is British-owned, or
- (c) which is registered under the law of Jersey, Guernsey or the Isle of Man;

“British-owned” means owned by—

- (a) a person who is for the purposes of Part 2 of the Merchant Shipping Act 1995 a person qualified to own a British ship, or
- (b) two or more persons any one of whom is for those purposes a person so qualified;

“bycatch” means—

- (a) fish that are caught in the course of fishing for fish of a different description, or
- (b) animals other than fish that are caught in the course of fishing;

“catch quota” has the meaning given by section 23(5)(a);

“a charging scheme” has the meaning given by section 28(1);

“commercial aquaculture activities” means—

- (a) any aquaculture activity carried out in the course of a business or employment;
- (b) selling aquaculture organisms (whether wholesale or retail);

“commercial fish activities” means—

- (a) any fish activity carried out in the course of a business or employment;
- (b) selling fish or fish products (whether wholesale or retail);

“commercial fish or aquaculture activities” means commercial fish activities or commercial aquaculture activities;

“the Common Fisheries Policy Regulation” means Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy;

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“effort quota” has the meaning given by section 23(5)(b);

“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;

“English sea fishing licence” means a licence granted under section 15 in respect of an English fishing boat;

“fish” includes shellfish;

“fish activities” means any of the following (whether or not carried out in the course of a business or employment)—

- (a) catching fish;
- (b) operating vessels for catching or processing fish;
- (c) transporting fish or fish products;
- (d) loading and unloading fish or fish products;
- (e) processing fish;

“fish and aquaculture activities” means fish activities and aquaculture activities;

“fisheries management plan” has the meaning given by section 2(6);

“the fisheries objectives” has the meaning given by section 1(1);

“the fisheries policy authorities” means—

- (a) the Secretary of State,
- (b) the Scottish Ministers,
- (c) the Welsh Ministers, and
- (d) the Northern Ireland department;

“fishery products” means—

- (a) fish or other aquatic organisms resulting from fishing or aquaculture, or
- (b) products derived from aquatic organisms within paragraph (a);

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing;

“foreign fishing boat” means a fishing boat which is not a British fishing boat;

“home port”, in relation to a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, means the port specified in the boat's entry in that register as the port to which the boat is to be treated as belonging;

“inland waters” has the meaning given by section 221(1) of the Water Resources Act 1991;

“inter-branch organisation” means an organisation established under Article 11 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation;

“international obligation of the United Kingdom” includes any obligation that arises or may arise under an international agreement or arrangement to which the United Kingdom is a party;

“JFS” means a joint fisheries statement;

“joint fisheries statement” has the meaning given by section 2(1);

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“the marine and aquatic environment” includes—

- (a) the natural beauty or amenity of marine or coastal areas, or of inland waters or waterside areas,
- (b) features of archaeological or historic interest in those areas, and
- (c) flora and fauna which are dependent on, or associated with, a marine or coastal, or aquatic or waterside, environment;

“marine stocks” means stocks of available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life;

“master”, in relation to a fishing boat, includes the person for the time being in command or charge of the boat;

“maximum sustainable yield” means the highest theoretical equilibrium yield that can be continuously taken on average from a marine stock under existing environmental conditions without significantly affecting the reproduction process;

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

“minimum conservation reference size”, in relation to an aquatic organism, means the size of a member of the species of which the organism is a member, at the level of maturity of that organism, below which capture or retention is prohibited or restricted;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“Northern Ireland” and “the Northern Ireland zone” have the same meaning as in the Northern Ireland Act 1998 (see section 98(1) and (8) of that Act);

“the Northern Ireland department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“Northern Ireland 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 Northern Ireland as the port to which the boat is to be treated as belonging;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of Senedd Cymru, or
- (d) Northern Ireland legislation;

“processing”, in relation to fish or any other aquatic organism, includes preserving or preparing the organism, or producing any substance or article from it, by any method for human or animal consumption;

“producer organisation” means an organisation established under Article 6 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation;

“Scotland” and “the Scottish zone” have the same meaning as in the Scotland Act 1998 (see section 126(1) and (2) of that Act);

“Scottish fishing boat” means a fishing boat—

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

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- (b) whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;
  - “sea fish” means fish of any kind found in the sea;
  - “sea fishing licence” has the meaning given by section 18(1);
  - “sea fish licensing authority” means—
    - (a) the Scottish Ministers,
    - (b) the Welsh Ministers,
    - (c) the Northern Ireland department, or
    - (d) the Marine Management Organisation;
  - “Secretary of State fisheries statement” has the meaning given by section 4(4);
  - “sensitive species” means—
    - (a) any species of animal or plant listed in Annex II or IV of Directive [92/43/EEC](#) of the Council of the European Communities on the conservation of natural habitats and of wild flora and fauna (as amended from time to time),
    - (b) any other species of animal or plant, other than a species of fish, whose habitat, distribution, population size or population condition is adversely affected by pressures arising from fishing or other human activities, or
    - (c) any species of bird;
  - “shellfish” includes molluscs and crustaceans of any kind found in the sea or inland waters;
  - “SSFS” means a Secretary of State fisheries statement;
  - “subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation;
  - “sustainable level”, in relation to a marine stock, means a level of that stock above biomass levels capable of producing maximum sustainable yield;
  - “UK fishing boat” means a fishing boat—
    - (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, or
    - (b) which is British-owned;
  - “Wales” and “the Welsh zone” have the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act);
  - “Welsh 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 Wales as the port to which the boat is to be treated as belonging.

## 53 Extent

- (1) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) In Schedule 8—
  - (a) Part 1 extends to Scotland only;
  - (b) Part 2 extends to England and Wales only;
  - (c) Part 3 extends to Northern Ireland only.

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- (3) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.
- (4) But an amendment, repeal or revocation does not, by virtue of subsection (3), extend to any of the Channel Islands or the Isle of Man.
- (5) Subsection (4) does not apply to the repeals and revocations made by paragraphs 3 to 5 of Schedule 4.
- (6) Her Majesty may by Order in Council provide for the following provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man—
  - (a) subsection (1)(a) of section 36 (power to make provision for the purpose of implementing international obligations),
  - (b) subsections (4) to (6) of that section,
  - (c) section 37 (interpretation of section 36),
  - (d) sections 39 to 41 (regulations under section 36: scope and procedure),
  - (e) section 51 (regulations), and
  - (f) section 52 (interpretation).

## 54 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 1 to 11 and Schedule 1 (fisheries objectives, statements etc);
  - (b) sections 23, 24 and 26 (fishing opportunities);
  - (c) section 33 and Schedule 6 (financial assistance);
  - (d) sections 36 to 42 and Schedule 8 (powers to make further provision);
  - (e) section 43 (agency arrangements between sea fish licensing authorities);
  - (f) section 48(a) and Part 1 of Schedule 10 (general functions of MMO);
  - (g) sections 50 to 55 (final provisions).
- (2) Sections 45 and 46 (legislative competence of Senedd Cymru etc) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) The following provisions come into force on IP completion day—
  - (a) sections 12 and 13 and Schedule 2 (foreign fishing boats: access etc);
  - (b) sections 14 to 22, Schedule 3 and (subject to subsection (6)) Schedule 4 (licensing of fishing boats);
  - (c) section 25 (distribution of fishing opportunities);
  - (d) section 35 (charging by Sea Fish Industry Authority);
  - (e) section 44 (foreign fishing boats exclusively Faroe Islands-regulated);
  - (f) section 49 and Schedule 11 (minor and consequential amendments).
- (4) The following provisions come into force on IP completion day or, if later, at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) section 27 and Schedule 5 (sale of fishing opportunities);
  - (b) sections 28 to 32 (discard prevention charging schemes);
  - (c) section 34 and Schedule 7 (charges: powers of MMO etc);
  - (d) section 48(b) and Part 2 of Schedule 10 (powers relating to the exploitation of sea fisheries resources).



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- (5) Section 47 and Schedule 9 (conservation of seals) come into force on 1 March 2021.
- (6) In Schedule 4, the amendment made by paragraph 6(13)(d) is treated as always having had effect.
- (7) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (8) The power to make regulations under subsection (7) includes power to make different provision for different purposes.
- (9) Regulations under this section are to be made by statutory instrument.

## **55 Short title**

This Act may be cited as the Fisheries Act 2020.

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## SCHEDULES

### SCHEDULE 1

Sections 3, 5 and 8

#### FISHERIES STATEMENTS AND MANAGEMENT PLANS: PREPARATION AND PUBLICATION

### PART 1

#### JOINT FISHERIES STATEMENT

##### *Introductory*

- 1 (1) This Part applies in relation to the preparation and publication by the fisheries policy authorities of—
  - (a) a JFS, or
  - (b) amendments of a JFS.
- (2) In this Part “the relevant document” means the document mentioned in subparagraph (1).

##### *Consultation*

- 2 (1) The fisheries policy authorities acting jointly must—
  - (a) prepare a draft (“the consultation draft”) of the relevant document,
  - (b) publish the consultation draft in such manner as they consider appropriate, and
  - (c) take such steps as they consider appropriate to secure that the consultation draft is brought to the attention of interested persons.
- (2) Each of the fisheries policy authorities must, in settling the final text of the relevant document, have regard to any representations made to them about the consultation draft.
- (3) In this paragraph “interested persons” means—
  - (a) any persons appearing to the fisheries policy authorities to be likely to be interested in, or affected by, the policies contained in the consultation draft, and
  - (b) members of the general public.

##### *Requirement to lay consultation draft before appropriate legislature*

- 3 (1) Each of the fisheries policy authorities must—
  - (a) specify a period (“the scrutiny period”) for scrutiny of the consultation draft by the appropriate legislature, and
  - (b) on or before the first day of that period lay a copy of the consultation draft before the appropriate legislature.

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- (2) Sub-paragraph (3) applies if, during the scrutiny period—
  - (a) an appropriate legislative body passes a resolution with regard to the consultation draft, or
  - (b) an appropriate legislative committee makes a recommendation with regard to the consultation draft.
- (3) The fisheries policy authority must lay before the appropriate legislature a statement setting out its response to the resolution or recommendation.
- (4) In this paragraph—
  - “the appropriate legislature” means—
    - (a) where the fisheries policy authority is the Secretary of State, Parliament;
    - (b) where the fisheries policy authority is the Scottish Ministers, the Scottish Parliament;
    - (c) where the fisheries policy authority is the Welsh Ministers, Senedd Cymru;
    - (d) where the fisheries policy authority is the Northern Ireland department, the Northern Ireland Assembly;
  - “an appropriate legislative body” means—
    - (a) where the fisheries policy authority is the Secretary of State, either House of Parliament;
    - (b) where the fisheries policy authority is the Scottish Ministers, the Scottish Parliament;
    - (c) where the fisheries policy authority is the Welsh Ministers, Senedd Cymru;
    - (d) where the fisheries policy authority is the Northern Ireland department, the Northern Ireland Assembly;
  - “an appropriate legislative committee” means a committee of an appropriate legislative body;
  - “the consultation draft” means the draft prepared and published under paragraph 2.

#### *Publication of the relevant document*

- 4 (1) Sub-paragraph (2) applies where—
  - (a) each fisheries policy authority has complied with paragraphs 2 and 3, and
  - (b) the fisheries policy authorities have decided on the final text of the relevant document.
- (2) The fisheries policy authorities acting jointly must publish the relevant document as soon as reasonably practicable.

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## PART 2

### SECRETARY OF STATE FISHERIES STATEMENT

#### *Introductory*

- 5 (1) This Part applies in relation to the preparation and publication by the Secretary of State of—
- (a) an SSFS, or
  - (b) amendments of an SSFS.
- (2) In this Part “the relevant document” means the document mentioned in sub-paragraph (1).

#### *Consultation*

- 6 (1) The Secretary of State must—
- (a) prepare a draft (“the consultation draft”) of the relevant document,
  - (b) publish the consultation draft in such manner as the Secretary of State considers appropriate, and
  - (c) take such steps as the Secretary of State considers appropriate to secure that the consultation draft is brought to the attention of interested persons.
- (2) The Secretary of State must, in settling the final text of the relevant document, have regard to any representations made to the Secretary of State about the consultation draft.
- (3) In this paragraph “interested persons” means—
- (a) any persons appearing to the Secretary of State to be likely to be interested in, or affected by, the consultation draft, and
  - (b) members of the general public.

#### *Requirement to lay consultation draft before Parliament*

- 7 (1) The Secretary of State must—
- (a) specify a period (“the scrutiny period”) for scrutiny of the consultation draft by Parliament, and
  - (b) on or before the first day of that period lay a copy of the consultation draft before Parliament.
- (2) Sub-paragraph (3) applies if, during the scrutiny period—
- (a) either House of Parliament passes a resolution with regard to the consultation draft, or
  - (b) a committee of either House of Parliament makes a recommendation with regard to the policies contained in the consultation draft.
- (3) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendation.
- (4) In this paragraph “the consultation draft” means the draft prepared and published under paragraph 6.

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### *Publication of the relevant document*

- 8 (1) Sub-paragraph (2) applies where the Secretary of State has—
- (a) complied with paragraphs 6 and 7, and
  - (b) decided on the final text of the relevant document.
- (2) The Secretary of State must publish the relevant document as soon as reasonably practicable.

## **PART 3**

### **FISHERIES MANAGEMENT PLANS**

#### *Introductory*

- 9 (1) This Part applies in relation to—
- (a) the preparation and publication by a single fisheries policy authority of—
    - (i) a fisheries management plan,
    - (ii) amendments of a fisheries management plan, or
    - (iii) a document under section 7(2)(c) revoking a fisheries management plan, or
  - (b) the preparation and publication by two or more fisheries policy authorities of such a document.
- (2) In this Part “the relevant document” means the document mentioned in sub-paragraph (1).

#### *Consultation*

- 10 (1) Sub-paragraphs (2) and (3) apply in a case within paragraph 9(1)(a); and references in those sub-paragraphs to “the relevant authority” are to the fisheries policy authority mentioned in paragraph 9(1)(a).
- (2) The relevant authority must—
- (a) prepare a draft (“the consultation draft”) of the relevant document,
  - (b) publish the consultation draft in such manner as it considers appropriate, and
  - (c) take such steps as it considers appropriate to secure that the consultation draft is brought to the attention of interested persons.
- (3) The relevant authority must, in settling the final text of the relevant document, have regard to any representations made to them about the consultation draft.
- (4) Sub-paragraphs (5) and (6) apply in a case within paragraph 9(1)(b); and references in those sub-paragraphs to the relevant authorities are to the fisheries policy authorities mentioned in paragraph 9(1)(b).
- (5) The relevant authorities acting jointly must—
- (a) prepare a draft (“the consultation draft”) of the relevant document,
  - (b) publish the consultation draft in such manner as they consider appropriate, and
  - (c) take such steps as they consider appropriate to secure that the consultation draft is brought to the attention of interested persons.

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- (6) Each of the relevant authorities must, in settling the final text of the relevant document, have regard to any representations made to them about the consultation draft.
- (7) In this paragraph “interested persons” means—
  - (a) any persons appearing to the fisheries policy authority or authorities in question to be likely to be interested in, or affected by, the policies contained in the consultation draft, and
  - (b) members of the general public.

#### *Publication of the relevant document*

- 11 (1) Sub-paragraph (2) applies in a case within paragraph 9(1)(a) where the fisheries policy authority mentioned in paragraph 9(1)(a) has—
  - (a) complied with paragraph 10, and
  - (b) decided on the final text of the relevant document.
- (2) The fisheries policy authority must publish the relevant document as soon as reasonably practicable.
- (3) Sub-paragraph (4) applies in a case within paragraph 9(1)(b) where—
  - (a) each of the fisheries policy authorities mentioned in paragraph 9(1)(b) (“the relevant authorities”) have complied with paragraph 10, and
  - (b) the relevant authorities have decided on the final text of the relevant document.
- (4) The relevant authorities acting jointly must publish the relevant document as soon as reasonably practicable.

VALID FROM 31/12/2020

## SCHEDULE 2

Section 13

### REGULATION OF FOREIGN FISHING BOATS

## PART 1

### ENGLAND AND WALES

#### *Scallops (Irish Sea) (Prohibition of Fishing) Order 1984*

- 1 (1) The Scallops (Irish Sea) (Prohibition of Fishing) Order 1984 (S.I. 1984/1523) is amended as follows.
- (2) In article 2 (prohibition), after “British-owned fishing boat” insert “ or foreign fishing boat ”.

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### *Undersized Velvet Crabs Order 1989*

- 2 (1) The Undersized Velvet Crabs Order 1989 (S.I. 1989/919) is amended as follows.
- (2) In article 1 (title, commencement and interpretation), in paragraph (2), at the end insert—
- ““the English zone” means the sea within British fishery limits other than—
- (a) the Scottish zone,
  - (b) the Northern Ireland zone, and
  - (c) the Welsh zone;
- “the Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998;
- “the Welsh zone” has the same meaning as in the Government of Wales Act 2006.”
- (3) In article 2 (prescribed minimum size for landing velvet crabs), in paragraph (2), after “foreign fishing boats” insert “ of sea fish caught in waters lying outside British fishery limits ”.
- (4) In article 3 (prescribed minimum size for sale etc of velvet crabs), in paragraph (2), after “foreign fishing boats” insert “ and were caught in waters lying outside British fishery limits ”.
- (5) In article 4 (prescribed minimum size for carriage of velvet crabs on a British fishing boat)—
- (a) in the heading, omit “on a British fishing boat”;
  - (b) the existing text becomes paragraph (1);
  - (c) in that paragraph, for “British fishing boat” substitute “ relevant British vessel ”;
  - (d) after that paragraph insert—
- “(2) Paragraph (1) does not apply in relation to the Welsh zone.
- (3) A Northern Ireland fishing boat is prohibited from carrying in the English zone velvet crab that are below the minimum size mentioned in sub-paragraph (1).
- (4) A foreign vessel is prohibited from carrying in the English zone velvet crab that were caught in waters lying within British fishery limits and are below the minimum size mentioned in sub-paragraph (1).
- (5) So far as it extends to Northern Ireland, this Article applies as if—
- (a) references to a “relevant British vessel” were to a relevant British fishing boat;
  - (b) references to a “foreign vessel” were to a foreign fishing boat;
  - (c) references to a “Northern Ireland fishing boat” were to a Scottish fishing boat;
  - (d) references to “the English zone” were to the English zone or the Northern Ireland zone.

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(6) Expressions used in this Article and in section 1 of the Act have the same meaning in this Article as they have in that section.”

- (6) In article 5 (powers of British sea-fishery officers in relation to fishing boats)—
- (a) in paragraph (1), omit “in relation to any British fishing boat anywhere”;
  - (b) in that paragraph, at the end, insert “—
    - (a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
    - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
  - (c) in paragraph (4), in the opening words, after “within” insert “ relevant ”.

*Sea Fish (Specified Sea Area) (Regulation of Nets  
and Prohibition of Fishing Methods) Order 1989*

- 3 (1) The Sea Fish (Specified Sea Area) (Regulation of Nets and Prohibition of Fishing Methods) Order 1989 (S.I. 1989/1284) is amended as follows.
- (2) In article 1(2) (interpretation), omit the definition of “British fishing boat”.
- (3) In article 2 (prohibition), in paragraph (1)(a) and (b), omit “British”.
- (4) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) omit “in relation to any British fishing boat anywhere”;
  - (b) at the end insert “—
    - (a) in relation to a British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
    - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within British fishery limits.”

*Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000*

- 4 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 (S.I. 2000/874) is amended as follows.
- (2) In article 3 (fishing prohibition)—
- (a) in paragraph (2)(b), omit “relevant British”;
  - (b) omit paragraph (3).
- (3) In article 4 (landing prohibition)—
- (a) in paragraph (1) omit “wherever caught”;
  - (b) in paragraph (2), after “applies” insert “ (wherever caught) ”;
  - (c) after paragraph (2) insert—
- “(3) The landing in England or Northern Ireland from a foreign fishing boat of any sea fish to which this article applies that were caught in waters lying within British fishery limits is prohibited.”



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(4) In article 4A (berried lobsters and crawfish), in paragraph (1), for sub-paragraphs (a) and (b) substitute “ any fishing boat ”.

(5) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—

- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
- (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Undersized Edible Crabs Order 2000*

5 (1) The Undersized Edible Crabs Order 2000 (S.I. 2000/2029) is amended as follows.

(2) In article 3 (prescribed minimum size for edible crabs landed in certain areas), omit paragraph (2).

(3) In article 4 (prohibition on landing edible crabs caught in certain areas)—

- (a) in paragraph (1), for “paragraphs (2) and” substitute “ paragraph ”;
- (b) omit paragraph (2).

(4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—

- “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
- (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001*

6 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001 (S.I. 2001/649) is amended as follows.

(2) In article 3 (application and exemptions), after paragraph (1) insert—

“(1A) Subject to paragraph (3), article 4 applies to any net carried in, or used by, any foreign fishing boat in waters that are—

- (a) within the area mentioned in paragraph (1), and
- (b) within relevant British fishery limits.

In the law of Northern Ireland, the reference in this paragraph to article 4 includes a reference to article 6.”

(3) In article 7 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—

- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be;
- (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

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*Prohibition of Fishing with Multiple Trawls Order 2001*

- 7 (1) The Prohibition of Fishing with Multiple Trawls Order 2001 (S.I. 2001/650) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), after “Scottish fishing boat” insert “, or foreign fishing boat, ”.
- (3) In article 4 (power of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), after “Scottish fishing boat” insert “, or foreign fishing boat, ”.

*Shrimp Fishing Nets Order 2002*

- 8 (1) The Shrimp Fishing Nets Order 2002 (S.I. 2002/2870) is amended as follows.
- (2) In article 1, omit paragraph (2) (application).
- (3) In article 2 (interpretation)—
- (a) omit the definition of “British fishing boat”;
  - (b) at the appropriate place insert—
 

““regulated fishing boat” means—

    - (a) a fishing boat which is registered in the United Kingdom or is British-owned, or
    - (b) a foreign fishing boat;”.
- (4) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid)—
- (a) in paragraph (1), for “British fishing boat” substitute “ regulated fishing boat ”;
  - (b) after paragraph (2) insert—
 

“(3) The prohibition in this article does not apply to—

    - (a) a fishing boat in the territorial sea adjacent to Wales,
    - (b) a Scottish fishing boat either in the Scottish zone or outside British fishery limits,
    - (c) a Northern Ireland fishing boat either in the Northern Ireland zone or outside British fishery limits, or
    - (d) a foreign fishing boat outside British fishery limits.”
- (5) In article 4 (powers of British sea-fishery officers), in paragraph (1), for “in relation to any British fishing boat to which this Order applies” substitute “—
- (a) in relation to a regulated fishing boat that is not a Scottish fishing boat or a foreign fishing boat, wherever it may be; and
  - (b) in relation to any other regulated fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order 2003*

- 9 (1) The Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order 2003 (S.I. 2003/607 (W.81)) is amended as follows.

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- (2) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
  - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

*Prohibition of Fishing with Multiple Trawls Order 2003*

- 10 (1) The Prohibition of Fishing with Multiple Trawls Order 2003 (S.I. 2003/1559) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “Scottish fishing boat or Northern Ireland fishing boat” substitute “ other fishing boat ”.
- (3) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
  - (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Prohibition of Fishing with Multiple Trawls (Wales) Order 2003*

- 11 (1) The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003 (S.I. 2003/1855 (W.205)) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
  - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.
- (3) In article 4 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
  - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

*South-west Territorial Waters (Prohibition of Pair Trawling) Order 2004*

- 12 (1) The South-west Territorial Waters (Prohibition of Pair Trawling) Order 2004 (S.I. 2004/3397) is amended as follows.
- (2) In article 3 (prohibition on pair trawling), in paragraph (1), omit “British”.
- (3) In article 4 (prohibition on carrying towed gear), in paragraph (1), omit “British”.
- (4) In article 5 (powers of British sea-fishery officers), in paragraph (1), for sub-paragraphs (a) and (b) substitute—
- “(a) a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and

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- (b) any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Tope (Prohibition of Fishing) Order 2008*

- 13 (1) The Tope (Prohibition of Fishing) Order 2008 (S.I. 2008/691) is amended as follows.
- (2) In article 2 (application), omit paragraph (2).
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1) at the end insert —
- “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
  - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”

*Shrimp Fishing Nets (Wales) Order 2008*

- 14 (1) The Shrimp Fishing Nets (Wales) Order 2008 (S.I. 2008/1811 (W.175)) is amended as follows.
- (2) In article 2 (interpretation), in paragraph (1)—
- (a) in the English language text, omit the definition of “British fishing boat”;
  - (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.
- (3) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)—
- (a) in the English language text, for “British fishing boats” substitute “Fishing boats”;
  - (b) in the Welsh language text, for “cychod pysgota Prydeinig” substitute “cychod pysgota”.
- (4) In article 4 (powers of British sea-fishery officers), in paragraph (1)—
- (a) in the English language text, for “in relation to any British fishing boat to which this Order applies” substitute—
    - “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
    - (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
  - (b) in the Welsh language text, for “mewn perthynas ag unrhyw gwch pysgota Prydeinig y mae'r Gorchymyn hwn yn gymwys iddo” substitute—
    - “(a) mewn perthynas â chwch pysgota Prydeinig perthnasol sydd wedi ei gofrestru yn y Deyrnas Unedig neu sydd mewn perchnogaeth Brydeinig, ble bynnag y bo; a
    - (b) mewn perthynas ag unrhyw gwch pysgota arall, mewn unrhyw ddyfroedd sy'n gyfagos i'r Deyrnas Unedig ac o fewn terfynau pysgodfeydd Prydain perthnasol.”

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*Tope (Prohibition of Fishing) (Wales) Order 2008*

- 15 (1) The Tope (Prohibition of Fishing) (Wales) Order 2008 (S.I. 2008/1438 (W.150)) is amended as follows.
- (2) In article 1 (title, commencement and application) in the English language text and in the Welsh language text, omit paragraph (3).
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1) at the end—
- (a) in the English language text, insert—
- “(a) in relation to a relevant British fishing boat that is registered in the United Kingdom or is British-owned, wherever it may be; and
- (b) in relation to any other fishing boat, in any waters adjacent to the United Kingdom and within relevant British fishery limits.”;
- (b) in the Welsh language text, insert—
- “(a) mewn perthynas â chwch pysgota Prydeinig perthnasol sydd wedi ei gofrestru yn y Deyrnas Unedig neu sydd mewn perchnogaeth Brydeinig, ble bynnag y bo; a
- (b) mewn perthynas ag unrhyw gwch pysgota arall, mewn unrhyw ddyfroedd sy'n gyfagos i'r Deyrnas Unedig ac o fewn terfynau pysgodfeydd Prydain perthnasol.”

*Scallop Fishing (Wales) (No 2) Order 2010*

- 16 (1) The Scallop Fishing (Wales) (No 2) Order 2010 (S.I. 2010/269 (W.33)) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) in the English language text, omit the definition of “British fishing boat”;
- (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.
- (3) In each of the provisions specified in sub-paragraph (4)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
- (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.
- (4) The provisions are—
- (a) article 3 (fishing restrictions);
- (b) articles 5 and 6 (restrictions on number and use of scallop dredges);
- (c) articles 8(1), (2) and (3) and 9 (restriction on size of tow bars);
- (d) article 10(1) (specification of scallop dredges);
- (e) article 11(1) (minimum size of scallop).
- (5) In article 12 (prohibition on dredging)—
- (a) in the English language text, for “British fishing boats” substitute “ fishing boats ”;
- (b) in the Welsh language text, for “gychod pysgota Prydeinig” substitute “ gychod pysgota ”.

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*Cockles and Mussels (Specified Area) (Wales) Order 2011*

- 17 (1) The Cockles and Mussels (Specified Area) (Wales) Order 2011 (S.I. 2011/1988 (W.219)) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) in the English language text, omit the definition of “British fishing boat”;
  - (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.
- (3) In article 3(2)(b)—
- (a) in the English language text, for “British fishing boat” substitute “fishing boat”;
  - (b) in the Welsh language text, for “cwch pysgota Prydeinig” substitute “cwch pysgota”.

*Scallop Fishing (England) Order 2012*

- 18 (1) The Scallop Fishing (England) Order 2012 (S.I. 2012/2283) is amended as follows.
- (2) In article 2(1) (interpretation), omit the definition of “British fishing boat”.
- (3) In the following provisions, for “British fishing boat” substitute “fishing boat”
- (a) article 3(1) (specification of scallop dredges);
  - (b) article 4 (restrictions on number of scallop dredges);
  - (c) article 5(1) (carriage of undersized scallops).

*Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012*

- 19 (1) The Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012 (S.I. 2012/2729 (W.292)) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) in the English language text, in the definition of “person in charge” (“*person sydd â gofal*”) (in both places), for “British fishing boat” substitute “fishing boat”;
  - (b) in the Welsh language text, in the definition of “person sydd â gofal” (“*person in charge*”)—
    - (i) for “chwch pysgota Prydeinig” substitute “chwch pysgota”;
    - (ii) for “cwch pysgota Prydeinig” substitute “cwch pysgota”.
- (3) In each of the provisions specified in sub-paragraph (4)—
- (a) in the English language text, for “British fishing boat” substitute “fishing boat”;
  - (b) in the Welsh language text—
    - (i) for “gwch pysgota Prydeinig” substitute “gwch pysgota”;
    - (ii) for “cwch pysgota Prydeinig” substitute “cwch pysgota”.
- (4) The provisions are—
- (a) article 3 (regulation of scallop dredging operations);
  - (b) article 4 (exception);
  - (c) article 5(a) (required information);

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- (d) article 6(1), (2) and (3) (failure of a tracking device);
- (e) article 7(1) and (4) (enforcement).

*Specified Crustaceans (Prohibition on Fishing,  
Landing, Sale and Carriage) (Wales) Order 2015*

20 (1) The Specified Crustaceans (Prohibition on Fishing, Landing, Sale and Carriage) (Wales) Order 2015 (S.I. 2015/2076 (W.312)) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the English language text, omit the definitions of “British fishing boat” and “foreign vessel”;
- (b) in the Welsh language text, omit the definitions of “cwch pysgota Prydeinig” and “llong dramor”.

(3) In article 3 (fishing prohibition for specified crawfish, lobster, and crab), in the English language text and in the Welsh language text, omit paragraph (2).

(4) In article 4 (prohibitions on landing of specified crawfish, lobster and crab), in the English language text and in the Welsh language text, omit paragraphs (2) and (4).

(5) In article 5 (prohibitions on sale, exposure or offer for sale or possession of specified crawfish, lobster and crab), in the English language text and in the Welsh language text, omit paragraphs (2) and (4).

(6) In article 6 (prohibition on carriage of specified crawfish, lobster and crab)—

- (a) in the English language text—
  - (i) in the heading, omit “on a British fishing boat”;
  - (ii) in paragraphs (1) and (2), for “British fishing boat” substitute “fishing boat”;
- (b) in the Welsh language text—
  - (i) in the heading, omit “ar gwch pysgota Prydeinig”;
  - (ii) in paragraph (1), for “cwch pysgota Prydeinig” substitute “cwch pysgota”;
  - (iii) in paragraph (2), for “gwch pysgota Prydeinig” substitute “gwch pysgota”.

*Whelk Fishing (Wales) Order 2019*

21 (1) The Whelk Fishing (Wales) Order 2019 (S.I. 2019/1042 (W.184)) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the English language text, omit the definition of “British fishing boat”;
- (b) in the Welsh language text, omit the definition of “cwch pysgota Prydeinig”.

(3) In article 3 (fishing prohibition for specified whelk)—

- (a) in the English language text, for “British fishing boat” substitute “fishing boat”;
- (b) in the Welsh language text, for “cychod pysgota Prydeinig” substitute “cychod pysgota”.



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- (4) In article 5 (prohibition on carriage of specified whelk)—
- (a) in the English language text, for “British fishing boat” substitute “ fishing boat ”;
  - (b) in the Welsh language text, for “gwch pysgota Prydeinig” substitute “ gwch pysgota ”.

## PART 2

### SCOTLAND

#### *The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999*

- 22 (1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1991 (S.S.I. 1999/88) is amended as follows.
- (2) In article 3 (fishing prohibition)—
- (a) in paragraph (2), for “a relevant British” substitute “ any ”;
  - (b) in paragraph (3), for “within the Scottish zone or anywhere outside that zone” substitute “ outside the Scottish zone ”.
- (3) In article 4 (landing prohibition), for paragraph (3) substitute—
- “(3) The prohibition in paragraph (2) does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 5 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)(b), for “relevant British” substitute “ other ”.

#### *The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000*

- 23 (1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Order 2000 (S.S.I. 2000/227) is amended as follows.
- (2) In article 3 (application), in paragraphs (1)(b) and (1B)(b), for “relevant British” substitute “ other ”.

#### *The Prohibition of Fishing for Scallops (Scotland) Order 2003*

- 24 (1) The Prohibition of Fishing for Scallops (Scotland) Order 2003 (S.S.I. 2003/371) is amended as follows.
- (2) In articles 3 and 4 (prohibitions of fishing for king scallops) for “a Scottish fishing boat or by any relevant British” substitute “ any ”.
- (3) In article 6 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “ other ”.

#### *The Shrimp Fishing Nets (Scotland) Order 2004*

- 25 (1) The Shrimp Fishing Nets (Scotland) Order 2004 (S.S.I. 2004/261) is amended as follows.



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(2) In article 3 (prohibition on fishing for shrimps without a separator trawl or sorting grid), in paragraph (1)(b), for “relevant British” substitute “ other ”.

(3) In article 4 (powers of British sea-fishery officers), in paragraph (1)(b), for “relevant British” substitute “ other ”.

*The Sharks, Skates and Rays (Prohibition of Fishing,  
Trans-shipment and Landing) (Scotland) Order 2012*

26 (1) The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012 (S.S.I. 2012/63) is amended as follows.

(2) In article 2 (definitions) omit the following definitions—

“fishing boat”;

“relevant British fishing boat”;

“Scottish fishing boat”;

“third country”;

“third country fishing boat”.

(3) Omit article 3 (application).

(4) In article 4 (prohibition of fishing for tope), for “a boat to which this article applies” substitute “ any fishing boat ”.

(5) In article 5 (prohibition of trans-shipment of tope), for “a boat or vessel to which this article applies” substitute “ any fishing boat ”.

(6) In article 6 (prohibition of landing tope)—

(a) the existing provision becomes paragraph (1);

(b) in that paragraph, for “a boat or vessel to which this article applies” substitute “ any fishing boat ”;

(c) after that paragraph insert—

“(2) The prohibition in paragraph (1) does not apply in relation to tope caught by a foreign fishing boat in waters lying outside British fishery limits.”

(7) In article 7 (prohibition of landing specified species of shark, skate and ray)—

(a) in paragraph (1), for “a boat or vessel to which this article applies” substitute “ any fishing boat ”;

(b) after paragraph (1) insert—

“(1A) The prohibition in paragraph (1) does not apply in relation to a specified species caught by a foreign fishing boat in waters lying outside British fishery limits.”

(c) in paragraph (2), for “paragraph (1)” substitute “ this article ”.

(8) In article 8 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1)—

(a) in sub-paragraph (b), for “relevant British” substitute “ other ”;

(b) omit sub-paragraph (c) and the “and” before it.

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*The Regulation of Scallop Fishing (Scotland) Order 2017*

- 27 (1) The Regulation of Scallop Fishing (Scotland) Order 2017 (S.S.I. 2017/127) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In article 3 (prescribed minimum size for landing king scallops)—
- (a) for paragraph (3) substitute—
- “(3) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”;
- (b) in paragraph (5), omit sub-paragraph (a).
- (4) In article 4 (restrictions on number of scallop dredges), in the opening words, omit “British”.
- (5) In article 5 (exemption from restrictions in article 4), in paragraphs (1), (2), (3)(a) and (4)(a), omit “British”.
- (6) In article 6 (requirement to install a functioning remote electronic monitoring system), in paragraphs (1) and (3), omit “British”.

*The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017*

- 28 (1) The Prohibition of Fishing with Multiple Trawls (Scotland) Order 2017 (S.S.I. 2017/325) is amended as follows.
- (2) In article 3 (prohibition of method of fishing), in paragraph (1)(b), for “relevant British” substitute “other”.

*The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017*

- 29 (1) The Specified Crustaceans (Prohibition on Landing, Sale and Carriage) (Scotland) Order 2017 (S.S.I. 2017/455) is amended as follows.
- (2) In article 2 (interpretation), omit the definition of “foreign fishing boat”.
- (3) In article 3 (prescribed minimum size for landing edible crabs in Scotland), for paragraph (2) substitute—
- “(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”
- (4) In article 4 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of velvet crabs)—
- (a) in paragraph (4), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone, ”;
- (b) for paragraphs (6) and (7) substitute—
- “(6) The prohibitions imposed by—
- (a) section 1(1) of the Act, as read with paragraph (1), and
- (b) paragraphs (4) and (5),

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do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.

(7) The prohibition imposed by section 1(2) of the Act, as read with paragraph (2), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

(5) In article 5 (prescribed minimum size for landing spider crabs in Scotland), for paragraph (2) substitute—

“(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

(6) In article 6 (prescribed minimum size for landing green crabs in the Orkney Islands), for paragraph (2) substitute—

“(2) The prohibition imposed by section 1(1) of the Act, as read with paragraph (1), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

(7) In article 7 (prohibitions on landing, sale, exposure or offer for sale or possession, or carriage of lobsters)—

(a) in paragraph (10), after “Scottish zone” insert “, or a foreign fishing boat within the Scottish zone, ”;

(b) for paragraphs (12) and (13) substitute—

“(12) The prohibitions imposed by—

(a) section 1(1) of the Act, as read with paragraphs (1) to (7), and

(b) paragraph (10),

do not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.

(13) The prohibition imposed by section 1(2) of the Act, as read with paragraph (8), does not apply in relation to sea fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

*The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019*

30 (1) The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 (S.S.I. 2019/419) is amended as follows.

(2) In article 2 (interpretation), in paragraph (1), omit the definition of “British fishing boat”.

(3) In article 3 (prohibited methods of fishing), in paragraphs (1), (2) and (3), omit “British”.

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### PART 3

#### NORTHERN IRELAND

##### *The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993*

- 31 (1) The Inshore Fishing (Prohibition of Fishing and Fishing Methods) Regulations (Northern Ireland) 1993 (S.R. (N.I.) 1993 No. 155) are amended as follows.
- (2) In regulation 4 (exceptions), omit “to any person who is not a British citizen or”.

##### *The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998*

- 32 (1) The Razor Shells (Prohibition of Fishing) Regulations (Northern Ireland) 1998 (Northern Ireland) 1998 (S.R. (N.I.) 1998 No. 414) are amended as follows.
- (2) In regulation 4 (exceptions), omit paragraph (a).

##### *The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000*

- 33 (1) The Crabs and Lobsters (Minimum Size) Order (Northern Ireland) 2000 (S.R. (N.I.) 2000 No. 200) is amended as follows.
- (2) In article 2 (interpretation)—
- (a) omit the definition of “British fishing boat”;
  - (b) for the definition of “foreign fishing boat” substitute—
 

““foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 52 of that Act);”.
- (3) For article 4 substitute—

##### *“Exemptions*

- 4 The prohibitions imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

##### *The Conservation of Scallops Regulations (Northern Ireland) 2008*

- 34 (1) The Conservation of Scallops Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No. 430) are amended as follows.
- (2) In regulation 2 (interpretation), omit the definition of “British fishing boat”.
- (3) In regulation 3 (prohibition of fishing and fishing methods) in paragraphs (3), (4), (7)(b) and (8), omit “British”.
- (4) In regulation 4 (exemptions), omit paragraph (a).

##### *The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020*

- 35 (1) The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 152) are amended as follows.

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(2) In regulation 2 (interpretation), for the definition of “foreign fishing boat” substitute—

““foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 52 of that Act);”.

(3) For regulation 5 (exemptions) substitute—

*“Exemptions*

5 (1) The obligations and prohibitions imposed by regulations 3 and 4 do not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.

(2) The obligations and prohibitions imposed by regulations 3 and 4 do not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

*The Edible Crabs (Undersized) Order (Northern Ireland) 2020*

36 (1) The Edible Crabs (Undersized) Order (Northern Ireland) 2020 (S.R. (N.I.) 2020 No. 153) is amended as follows.

(2) In article 2 (interpretation), for the definition of “foreign fishing boat” substitute—

““foreign fishing boat” has the same meaning as in the Fisheries Act 2020 (see section 52 of that Act);”.

(3) For article 4 (exemptions) substitute—

*“Exemptions*

4 (1) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply to any person operating under the authority of, and in accordance with a permit granted under, section 14 of the Act.

(2) The prohibition imposed by section 127(1) of the Act, as read with Article 3 and the Schedule, does not apply in relation to sea-fish caught by a foreign fishing boat in waters lying outside British fishery limits.”

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VALID FROM 31/12/2020

## SCHEDULE 3

Section 18

### SEA FISHING LICENCES: FURTHER PROVISION

#### *Power to attach conditions to sea fishing licence*

- 1 (1) A sea fish licensing authority may, on granting a sea fishing licence, attach to the licence such conditions as appear to it to be necessary or expedient for the regulation of sea fishing (including conditions which do not relate directly to fishing).
- (2) The conditions that may be attached to a sea fishing licence include, in particular, conditions—
  - (a) as to the landing of fish or parts of fish (including specifying the ports at which catches are to be landed);
  - (b) as to the use to which the fish caught may be put;
  - (c) restricting the time the fishing boat may spend at sea (whether for the purpose of fishing or otherwise);
  - (d) which are imposed for the purposes of conserving or enhancing the marine and aquatic environment.
- (3) Where a sea fish licensing authority attaches a condition under sub-paragraph (2)(c) to a licence, it may include in the licence provision as to the circumstances in which time is, or is not, to count as time spent at sea for the purposes of the condition.
- (4) If a licence condition is broken, the master, the owner and the charterer (if any) of the fishing boat named in the licence are each guilty of an offence.
- (5) For further provision about an offence under sub-paragraph (4) (including provision as to penalties), see sections 19 to 21.

#### *Power to vary, suspend or revoke sea fishing licence etc*

- 2 (1) A sea fish licensing authority may from time to time—
  - (a) vary a sea fishing licence it has granted so as to alter the authority the licence confers, or
  - (b) add, remove or vary a condition attached to a sea fishing licence it has granted.
- (2) A sea fish licensing authority may suspend or revoke a sea fishing licence it has granted if this appears to it to be—
  - (a) necessary or expedient for the regulation of sea fishing, or
  - (b) appropriate in a case where there is—
    - (i) a contravention of the prohibition in section 14(1) or 16(1), or
    - (ii) a contravention of a condition attached to the licence.
- (3) Where—
  - (a) a sea fish licensing authority exercises the power in sub-paragraph (1) or (2), and

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- (b) a charge in respect of the sea fishing licence in question has been made in accordance with regulations under paragraph 7(3),  
the authority may, if it considers it appropriate in all the circumstances of the case, refund the whole or part of the charge.

*Power to obtain information*

- 3 (1) A sea fish licensing authority may require the master, the owner and the charterer (if any) of the fishing boat named in a sea fishing licence granted by the authority to provide such information, in such form, as the authority may direct.
- (2) A person who fails without reasonable excuse to comply with such a requirement is guilty of an offence.
- (3) Any person who—  
(a) for the purpose of obtaining a sea fishing licence, or  
(b) in purported compliance with sub-paragraph (1),  
provides information which the person knows to be false in a material particular or recklessly provides information which is false in a material particular is guilty of an offence.
- (4) For further provision about an offence under sub-paragraph (2) or (3) (including provision as to penalties), see sections 19 to 21.

*Duty to comply with request of another sea fish licensing authority*

- 4 (1) This paragraph applies where—  
(a) a sea fish licensing authority exercises its licensing functions in relation to sea fishing licences granted in respect of fishing boats of a particular description so as to—  
(i) limit the authority conferred by the licences, or  
(ii) attach conditions to the licences; and  
(b) the limit or conditions mentioned in paragraph (a) apply when the fishing boats are in an area for which the authority is responsible.
- (2) The sea fish licensing authority mentioned in sub-paragraph (1) (“the requesting authority”) may request any other sea fish licensing authority (“the other authority”) to exercise its licensing functions in such a way that the licences granted by the other authority in respect of fishing boats of the same description, so far as they confer authority in relation to the area mentioned in sub-paragraph (1)(b), are made subject to the limit or conditions mentioned in sub-paragraph (1)(a).
- (3) The other authority must comply with the request unless, in its opinion, it is unreasonable to do so.
- (4) References in this paragraph to an area for which a sea fish licensing authority is responsible are—  
(a) in the case of the Scottish Ministers, to an area in Scotland or the Scottish zone;  
(b) in the case of the Welsh Ministers, to an area in Wales or the Welsh zone;  
(c) in the case of the Northern Ireland department, to an area in Northern Ireland or the Northern Ireland zone;



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- (d) in the case of the Marine Management Organisation, to any other area within British fishery limits.

*Use of licensing functions to limit fishing activity*

- 5 A sea fish licensing authority may exercise its licensing functions so as to limit—
- (a) the number of fishing boats, or any class of fishing boats, engaged in fishing in any area, or
  - (b) fishing in any area for any description of fish,
- to such extent as appears to it to be necessary or expedient for the regulation of sea fishing.

*Power to arrange for licensing functions to be exercised by others*

- 6 (1) A sea fish licensing authority may make arrangements for any of its licensing functions to be exercised by other persons on its behalf.
- (2) Arrangements made by a sea fish licensing authority under this paragraph do not affect that authority's responsibility for the exercise of the licensing function in question.
- (3) A public authority that exercises functions on behalf of a sea fish licensing authority under this paragraph may charge that authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) This paragraph does not confer power on a sea fish licensing authority to make arrangements for a licensing function to be exercised on its behalf by another sea fish licensing authority (see instead section 43 (agency arrangements between sea fish licensing authorities)).

*Regulations about the licensing of fishing boats*

- 7 (1) The relevant national authority may by regulations make provision—
- (a) as to the manner in which a sea fish licensing authority's licensing functions are to be exercised;
  - (b) as to the time when—
    - (i) a sea fishing licence, or a variation, suspension or revocation of a sea fishing licence, has effect, or
    - (ii) a condition attached to a sea fishing licence, or the addition, removal or variation of such a condition, has effect.
- (2) Regulations under sub-paragraph (1) may, in particular, include provision—
- (a) for documents to be delivered, or notices given, to the nominees of persons to whom licences are granted;
  - (b) for documents or notices to be treated as delivered or given if they are posted or otherwise communicated in accordance with the regulations;
  - (c) for notices to be given by publication in newspapers;
  - (d) as to the transitional effects of variations.
- (3) The relevant national authority may by regulations make provision authorising the making of charges in relation to a sea fishing licence.
- (4) Regulations under sub-paragraph (3) may, in particular—



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- (a) make provision for the amount of any charge to be specified in, or determined in accordance with provision made by, the regulations;
  - (b) make different provision in relation to different classes of licence;
  - (c) make provision for no charge to be payable in such circumstances as may be specified in the regulations.
- (5) The relevant national authority must by regulations make provision as to the principles that are to be applied by a sea fish licensing authority in exercising its functions in relation to conditions attached to a sea fishing licence under paragraph 1(2)(c) (conditions as to time spent at sea).
- (6) A principle of the kind to which sub-paragraph (7) applies may not be included in any regulations under sub-paragraph (5) which make provision for principles of any other kind.
- (7) This sub-paragraph applies to a principle providing for a reduction in the time which all fishing boats, or all fishing boats of a specified description, may spend at sea during any period by comparison with the time which they, or fishing boats of that description, were permitted to spend (or spent or were treated as spending) during a specified previous period (making any necessary adjustment where the periods are of different lengths); and for this purpose “description” means description framed by reference to size of fishing boat, method or area of fishing or description of fish.
- (8) Regulations under sub-paragraph (5) providing for a principle of the kind to which sub-paragraph (7) applies are subject to the affirmative resolution procedure.
- (9) Any other regulations under this paragraph are subject to the negative resolution procedure.
- (10) In this paragraph “the relevant national authority” means—
  - (a) the Scottish Ministers, in relation to regulations containing provision about the licensing of—
    - (i) Scottish fishing boats, or
    - (ii) foreign fishing boats in Scotland or the Scottish zone;
  - (b) the Welsh Ministers, in relation to regulations containing provision about the licensing of—
    - (i) Welsh fishing boats, or
    - (ii) foreign fishing boats in Wales or the Welsh zone;
  - (c) the Northern Ireland department, in relation to regulations containing provision about the licensing of—
    - (i) Northern Ireland fishing boats, or
    - (ii) foreign fishing boats in Northern Ireland or the Northern Ireland zone;
  - (d) the Secretary of State, in relation to regulations containing provision about the licensing of—
    - (i) British fishing boats that are not Scottish, Welsh or Northern Ireland fishing boats, or
    - (ii) foreign fishing boats outside Scotland and the Scottish zone, Wales and the Welsh zone, and Northern Ireland and the Northern Ireland zone.

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*Power of Secretary of State under paragraph 7 where consent obtained*

- 8 (1) Provision which could be included in regulations made by the Scottish Ministers under any provision of paragraph 7 may be included in regulations made by the Secretary of State under that provision with the consent of the Scottish Ministers.
- (2) Provision which could be included in regulations made by the Welsh Ministers under any provision of paragraph 7 may be included in regulations made by the Secretary of State under that provision with the consent of the Welsh Ministers.
- (3) Provision which could be included in regulations made by the Northern Ireland department under any provision of paragraph 7 may be included in regulations made by the Secretary of State under that provision with the consent of the Northern Ireland department.

*Interpretation*

- 9 In this Schedule “licensing function” means a function of a sea fish licensing authority under—
- (a) section 15 or 17,
  - (b) paragraphs 1 to 4 of this Schedule, or
  - (c) regulations under paragraph 7 of this Schedule.

VALID FROM 31/12/2020

SCHEDULE 4

Section 22

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

ACCESS TO BRITISH FISHERIES BY FOREIGN FISHING BOATS

*Sea Fish Industry Act 1962*

- 1 Section 17 of the Sea Fish Industry Act 1962 (exemption from s.2 of the Fishery Limits Act 1976 for operations for scientific and certain other purposes) is repealed.

*Sea Fisheries Act 1968*

- 2 (1) The Sea Fisheries Act 1968 is amended as follows.
- (2) In section 8 (general powers of British sea-fishery officers)—
- (a) in subsection (1), for “section 2 of the Fishery Limits Act 1976 or any order thereunder” substitute “ of section 12 of the Fisheries Act 2020 ”;
  - (b) in subsection (4), for “section 2 of the Fishery Limits Act 1976 or any order thereunder” substitute “ section 12 of the Fisheries Act 2020 ”.

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- (3) In section 12 (recovery of fines imposed on master etc or crew), in subsections (1) and (2), for “section 2 of the Fishery Limits Act 1976” substitute “ section 12 of the Fisheries Act 2020 ”.
- (4) In section 13 (compensation for damage caused by offence), in subsections (2) and (4), for “section 2 of the Fishery Limits Act 1976” substitute “ section 12 of the Fisheries Act 2020 ”.
- (5) In section 14 (jurisdiction to try offences), omit “or section 2 of the Fishery Limits Act 1976”.

#### *Fishery Limits Act 1976*

- 3 (1) Section 2 of the Fishery Limits Act 1976 (access to British fisheries) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), the following provisions of the Fishery Limits Act 1976 are also repealed—
  - (a) in section 8 (interpretation), the following definitions—
    - “relevant British fishery limits”;
    - “the Scottish zone”;
    - “sea fish”;
    - “wholly British-owned”;
  - (b) in Schedule 3 (transitional provisions), paragraphs 1 and 7.

#### *Subordinate legislation made under section 2 of the Fishery Limits Act 1976*

- 4 The following orders were made (or have effect as if made) under powers contained in section 2 of the Fishery Limits Act 1976 and are therefore revoked by virtue of paragraph 3(1)—
  - (a) the Fishing Boats (France) Designation Order 1965 (S.I. 1965/1241);
  - (b) the Fishing Boats (Republic of Ireland) Designation Order 1965 (S.I. 1965/1448);
  - (c) the Fishing Boats (Belgium) Designation Order 1965 (S.I. 1965/1569);
  - (d) the Foreign Fishing Boats (Stowage of Gear) Order 1970 (S.I. 1970/318);
  - (e) the Fishing Boats (European Economic Community) Designation Order 1983 (S.I. 1983/253);
  - (f) the Fishing Boats (European Economic Community) Designation (Variation) Order 1986 (S.I. 1986/382);
  - (g) the Fishing Boats (European Economic Community) Designation (Variation) Order 1992 (S.I. 1992/3108);
  - (h) the Fishing Boats (European Economic Community) Designation (Variation) Order 1996 (S.I. 1996/248);
  - (i) the Fishing Boats (Specified Countries) Designation Order 1996 (S.I. 1996/1035);
  - (j) the Fishing Boats (Specified Countries) Designation (Variation) Order 1997 (S.I. 1997/1630);
  - (k) the Fishing Boats Designation (England) Order 2015 (S.I. 2015/648);
  - (l) the Fishing Boats Designation (England) (Amendment) Order 2017 (S.I. 2017/1219).

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*Fishery Limits Act 1976 (Guernsey) Order 1989*

- 5 The Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I. 1989/2407) is revoked.

**PART 2**

LICENSING OF FISHING BOATS

*Sea Fish (Conservation) Act 1967*

- 6 (1) The Sea Fish (Conservation) Act 1967 is amended as follows.
- (2) Omit section 4 (licensing of fishing boats).
- (3) In section 4AA (restrictions on time spent at sea: appeals)—
- (a) in subsection (2)(a), for “section 4 of this Act” substitute “ section 15 or 17 of the Fisheries Act 2020 ”;
  - (b) in subsection (4), for “order made under section 4(6C) of this Act” substitute “ regulations made under paragraph 7(5) of Schedule 3 to the Fisheries Act 2020 ”.
- (4) In section 4B (regulations supplementary to sections 4 and 4A)—
- (a) in the heading, for “sections 4 and 4A” substitute “ section 4A ”;
  - (b) in subsection (1)(a), omit “4 or”.
- (5) In section 4C (provisions supplementary to sections 4 and 4A: evidence)—
- (a) in the heading, for “Provisions supplementary to sections 4 and 4A” substitute “ Proceedings for offences relating to licences ”;
  - (b) in subsection (1)(a), for “condition included in a licence by virtue of section 4(6) or 4A(6) of this Act” substitute “ relevant condition ”;
  - (c) in subsection (1), in the closing words, for “an offence under section 4 or 4A” substitute “ a relevant offence ”;
  - (d) in subsection (2), in the opening words, for “an offence under section 4 or 4A” substitute “ a relevant offence ”;
  - (e) in subsection (2)(c)(i)—
    - (i) for “condition imposed under section 4(6) or 4A(6)” substitute “ relevant condition ”;
    - (ii) for “condition imposed under section 4(6)” substitute “ relevant condition within subsection (3A)(a) ”;
  - (f) in subsection (2)(c)(ii), for “requirement under section 4(7) or 4A(7)” substitute “ relevant requirement ”;
  - (g) after subsection (3) insert—
 

“(3A) In this section “relevant condition” means a condition—

    - (a) attached, by virtue of paragraph 1 of Schedule 3 to the Fisheries Act 2020, to a sea fishing licence granted under section 15 or 17 of that Act, or
    - (b) included by virtue of subsection (6) of section 4A of this Act in a licence granted under that section.

(3B) In this section “relevant offence” means—

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- (a) an offence under section 14(6) or 16(6) of, or paragraph 1(4) or 3(2) or (3) of Schedule 3 to, the Fisheries Act 2020 (offences relating to sea fishing licences), or
  - (b) an offence under section 4A of this Act.
- (3C) In this section “relevant requirement” means—
  - (a) a requirement under paragraph 3 of Schedule 3 to the Fisheries Act 2020 (power to obtain information in connection with sea fishing licence), or
  - (b) a requirement under section 4A(7) of this Act.”
- (6) In section 9 (exemption for operations for scientific and other purposes), in subsection (5), omit “4,”.
- (7) In section 11 (penalties for offences)—
  - (a) in subsection (1)—
    - (i) in paragraph (a) (as it has effect in Scotland and Northern Ireland), omit “4(3), (6) or (9A)”;
    - (ii) in paragraph (b) (as it has effect in Northern Ireland), omit “4(9A)”;
    - (iii) in paragraph (c) (as it has effect in Scotland and Northern Ireland), omit “4(7) or (7A)”;
  - (b) in subsection (2)—
    - (i) in the opening words as they have effect in England and Wales and Northern Ireland, omit “4(3), (6) and (9A)”;
    - (ii) in those words as they have effect in Scotland, omit “4(3) and (6)”;
    - (iii) in paragraph (c) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A) or”;
    - (iv) in that paragraph as it has effect in Scotland, omit “4(3) or (6) or”;
    - (v) in paragraph (d) as it has effect in England and Wales and Northern Ireland, omit “section 4(3), (6) or (9A) or”;
    - (vi) in that paragraph as it has effect in Scotland, omit “section 4(3) or (6) or”;
  - (c) in subsection (3) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A)”;
  - (d) in that subsection as it has effect in Scotland, omit “4(3) or (6)”.
- (8) In section 14 (jurisdiction of court to try offences), omit “4,”.
- (9) In section 15 (powers of British sea-fishery officers for enforcement of Act)—
  - (a) in subsection (2)—
    - (i) in paragraph (b) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A) or”;
    - (ii) in that paragraph as it has effect in Scotland, omit “4(3) or (6) or”;
    - (iii) in that paragraph, after “this Act” insert “, or under section 14(6) or 16(6) of, or paragraph 1(4) of Schedule 3 to, the Fisheries Act 2020, ”;
    - (iv) in paragraph (c), for the words after “an order under”, substitute “section 5 of this Act or by section 15 or 17 of the Fisheries Act 2020; ”;

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- (b) in subsection (3), at the end insert “ or any of the provisions of sections 14 to 18 of, or Schedule 3 to, the Fisheries Act 2020 or any regulations made under any of those provisions. ”;
- (c) in subsection (3A)(a)(i)—
  - (i) omit “4(6) or”;
  - (ii) after “this Act” insert “ or paragraph 1 of Schedule 3 to the Fisheries Act 2020 ”;
- (d) in subsection (3B)—
  - (i) omit “4(6) or”;
  - (ii) after “this Act” insert “ or paragraph 1 of Schedule 3 to the Fisheries Act 2020 ”.
- (10) In section 18 (enforcement of orders in relation to salmon and migratory trout)—
  - (a) in subsection (1)—
    - (i) in the opening words, omit “4,”;
    - (ii) in paragraph (b), omit “section 4 of this Act, and”;
  - (b) in subsections (2) and (3), omit “4,”.
- (11) In section 20 (orders)—
  - (a) in subsection (2), omit “4,”;
  - (b) in subsection (5)—
    - (i) omit “4,”;
    - (ii) after “thereunder,” insert “ and a statutory instrument containing an order made under section 15 in relation to any of the provisions of sections 14 to 18 of, or Schedule 3 to, the Fisheries Act 2020 or any regulations made under any of those provisions, ”;
    - (iii) omit “(5A) or”;
  - (c) omit subsections (5A) and (5B).
- (12) In section 22 (interpretation)—
  - (a) in subsection (1), at the appropriate place, insert—
    - ““British fishing boat” means a fishing boat—
      - (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995,
      - (b) which is British-owned, or
      - (c) which is registered under the law of Jersey, Guernsey or the Isle of Man;”;
  - (b) in that subsection, in the definition of “sea fish”, omit “4,”;
  - (c) after subsection (1) insert—
    - “(1A) In any order or regulations made under this Act “foreign fishing boat” means (unless the contrary intention appears) a fishing boat which is not a British fishing boat.”
- (13) In section 22A (application to Scotland)—
  - (a) in subsection (3), for “sections 4 and” substitute “ section ”;
  - (b) in subsection (4), for “sections 4(4) and” substitute “ section ”;
  - (c) omit subsection (9A);

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- (d) in subsection (11)(b), after “approval”, in the second place it occurs, insert “or annulment”.

*Fishery Limits Act 1976*

- 7 In the Fishery Limits Act 1976, omit section 3 (which substitutes section 4 of the Sea Fish (Conservation) Act 1967).

*Fisheries Act 1981*

- 8 In the Fisheries Act 1981, omit section 20 (which amends section 4 of the Sea Fish (Conservation) Act 1967).

*Sea Fish (Conservation) Act 1992*

- 9 In the Sea Fish (Conservation) Act 1992, omit section 1 (which amends section 4 of the Sea Fish (Conservation) Act 1967).

*Government of Wales Act 2006*

- 10 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In Schedule 3A (functions of Ministers of Crown etc exercisable concurrently or jointly with Welsh Ministers)—
- (a) in paragraph 1(2), in the table, in the entry for the Sea Fish (Conservation) Act 1967, in column 2—
- (i) omit “(a) section 4 (licensing of fishing boats), and”;
- (ii) for “sections 4 and” substitute “section”;
- (b) in paragraph 2(2)(b), omit sub-paragraph (i);
- (c) in paragraph 2(3), omit “4 or”.

*Marine and Coastal Access Act 2009*

- 11 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In section 4 (licensing of fishing boats)—
- (a) omit subsections (1) to (6);
- (b) in subsection (7), for “that section” substitute “section 4 of the Sea Fish (Conservation) Act 1967 (licensing of fishing boats)”.
- (3) In section 7 (regulations supplementary to sections 4 and 4A of the Sea Fish (Conservation) Act 1967), omit “4 or”.
- (4) In section 196 (charging for commercial fishing licences), omit subsection (1).
- (5) Omit section 197 (grant of licences subject to conditions imposed for environmental purposes).
- (6) In section 284 (power to require production of certain equipment), in subsection (2) (a), for “section 4(6) or” substitute “paragraph 1 of Schedule 3 to the Fisheries Act 2020 or section”.



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*Sea Fish (Specified Manx Waters) Licensing Order 1990*

- 12 The Sea Fish (Specified Manx Waters) Licensing Order 1990 (S.I. 1990/2051) is revoked.

*Sea Fish Licensing Order 1992*

- 13 (1) The Sea Fish Licensing Order 1992 (S.I. 1992/2633) is amended as follows.
- (2) Articles 2 and 3, and the Schedule, were made under powers contained in section 4 of the Sea Fish (Conservation) Act 1967 and are therefore revoked by virtue of paragraph 6(2).
- (3) In article 4—
- (a) in paragraph (1), for “this Order” substitute “ section 14 of the Fisheries Act 2020 ”;
  - (b) in paragraph (3)(c), for “section 4 of the Sea Fish (Conservation) Act 1967 as read with this Order” substitute “ section 14(6) of, or paragraph 1(4) or 3(2) or (3) of Schedule 3 to, the Fisheries Act 2020 ”;
  - (c) in paragraph (4), for “this Order” substitute “ section 14 of the Fisheries Act 2020 ”.

*Sea Fish Licensing (Time at Sea) (Principles) Order 1993*

- 14 (1) The Sea Fish Licensing (Time at Sea) (Principles) Order 1993 (S.I. 1993/1196) is amended as follows.
- (2) Article 2 (interpretation) is amended in accordance with sub-paragraphs (3) and (4).
- (3) In paragraph (1)—
- (a) in the definition of “the Act”, for “Sea Fish (Conservation) Act 1967” substitute “ Fisheries Act 2020 ”;
  - (b) for the definition of “the appropriate Minister” substitute—
    - ““the sea fish licensing authority” means—
      - (a) in relation to a Scottish fishing boat, the Scottish Ministers;
      - (b) in relation to a Welsh fishing boat, the Welsh Ministers;
      - (c) in relation to a Northern Ireland fishing boat, the Northern Ireland department;
      - (d) in relation to any other British fishing boat, the Marine Management Organisation;”;
  - (c) in the definition of “compulsory returns”, in both places, for “appropriate Minister” substitute “ sea fish licensing authority ”;
  - (d) in the definition of “licence”, for “section 4” substitute “ section 15 or 17 ”;
  - (e) in the definition of “principles”, for “section 20(5B) of” substitute “ paragraph 7(7) of Schedule 3 to ”;
  - (f) in the definition of “time at sea condition”, for “section 4(6)(c) of” substitute “ paragraph 1(2)(c) of Schedule 3 to ”;
  - (g) in the definition of “voluntary returns”, for “appropriate Minister” substitute “ sea fish licensing authority ”.
- (4) In paragraph (2)(c), for “the Act” substitute “ the Sea Fish (Conservation) Act 1967 ”.



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- (5) In Article 3 (principles), for “on which the time which vessels may spend at sea is to be arrived at for the purposes of” substitute “ that are to be applied by the sea fish licensing authority in exercising its functions in relation to ”.

*Sea Fishing (Licences and Notices) Regulations 1994*

- 15 (1) The Sea Fishing (Licences and Notices) Regulations 1994 (S.I. 1994/2813) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the heading, after “commencement” insert “ , application ”;
- (b) after paragraph (1) insert—

“(1A) These regulations apply in relation to—

- (a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of Welsh fishing boats;
- (b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Welsh Ministers; and
- (c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—
  - (i) in respect of Welsh fishing boats, or
  - (ii) by the Welsh Ministers in respect of foreign fishing boats.”;
- (c) in paragraph (2), for the definition of “licence” substitute—
 

““licence” means a licence to which these regulations apply (see regulation 1(1A));”;
- (d) in paragraph (2), in the definition of “nominee”, in paragraph (b), for “in a member State and having a place of business” substitute “ , and having a place of business, ”;
- (e) in paragraph (2), for the definition of “sea fishing licence” substitute—
 

““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(1A)(a) or (b);”;
- (f) in paragraph (2), at the end insert—

““temporary foreign vessel licence” means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks;

“Welsh 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 Wales as the port to which the boat is to be treated as belonging.”

- (3) In regulation 2 (communication of licences and notices)—

- (a) in paragraph (1), in the opening words—
  - (i) after “A licence” insert “ , other than a temporary foreign vessel licence, ”;

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- (ii) for “a nominee” substitute “an appropriate recipient”;
- (b) in paragraph (1), for sub-paragraph (d) substitute—
  - “(d) subject to paragraph (6), transmitting it to the appropriate recipient by means of an electronic communication to an address which the appropriate recipient has specified in accordance with sub-paragraph (b) of that paragraph.”;
- (c) for paragraph (2) substitute—
  - “(2) A notice shall be effected by communicating it to an appropriate recipient—
    - (a) in any of the ways specified in paragraph (1);
    - (b) by publishing it on a website, the address of which is indicated on the licence to which the notice relates; or
    - (c) in accordance with paragraph (3).”;
- (d) after that paragraph insert—
  - “(2A) In paragraphs (1) and (2), “an appropriate recipient” means—
    - (a) in relation to a licence or notice relating to a Welsh fishing boat—
      - (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 a foreign fishing boat, the owner or charterer of the fishing boat.
  - (2B) A temporary foreign vessel licence shall be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
    - (a) transmitting it to the relevant person by means of an electronic communication, and
    - (b) subsequently publishing it on the website of the Welsh Ministers or of a person granting the licence on their behalf.
  - (2C) In paragraph (2B), “the relevant person”, in relation to a foreign fishing boat, means—
    - (a) if the fishing boat is registered in a member State, the European Commission;
    - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;
- (e) in paragraph (3), in the closing words, omit “granted by the appropriate Minister.”;
- (f) after paragraph (4) insert—
  - “(5) A notice, other than a notice published in accordance with paragraph (3), must—
    - (a) specify the name, port letters and number of the fishing boat named in the licence to which the notice relates, or

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- (b) in the case of a notice in respect of two or more licences, specify the name, port letters and number of the fishing boats named in the licences.
- (6) A licence, other than a temporary foreign vessel licence, or notice may be communicated to a person by means of an electronic communication only if the following conditions are met—
  - (a) the use of the electronic communication results in the information contained in the licence or notice being available to the person in all material respects as it would appear in a licence or notice given in printed form, and
  - (b) the person has specified an address for the purpose of receiving such communications.”
- (4) In regulation 3 (delivery of licences and giving of notices)—
  - (a) in the heading, for “Delivery” substitute “ Granting ”;
  - (b) in paragraphs (1) and (2), for “delivered” substitute “ granted ”;
  - (c) in paragraph (3)—
    - (i) after “A licence” insert “ , other than a temporary foreign vessel licence, ”;
    - (ii) for “a nominee's” substitute “ an ”;
    - (iii) for “delivered” substitute “ granted ”;
  - (d) after paragraph (3) insert—
    - “(3A) In relation to a licence or notice transmitted by electronic means at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.
    - (3B) A notice communicated in accordance with regulation 2(2)(b) (publication on website) shall be treated as given immediately it is published in accordance with that provision.
    - (3C) A temporary foreign vessel licence communicated in accordance with regulation 2(2B) shall be treated as granted immediately it is published in accordance with that provision.”;
  - (e) in paragraph (5) (in each place it occurs), for “delivered” substitute “ granted ”.
- (5) In regulation 4 (time at which licences and notices to have effect)—
  - (a) in paragraph (a)—
    - (i) after “2(1)” insert “ or (2B) ”;
    - (ii) omit “, and a notice which is communicated in accordance with regulation 2(2)(b),”;
    - (iii) for “delivered or given” substitute “ granted ”;
  - (b) in paragraph (b), omit the “and” at the end;
  - (c) after that paragraph (b) insert—
    - “(ba) a notice which is communicated in accordance with regulation 2(2)(b) (publication on website) shall have effect 24 hours after it is treated as given in accordance with regulation 3; and”.

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*Scotland Act (Agency Arrangements) (Specification) Order 1999*

- 16 (1) The Scotland Act (Agency Arrangements) (Specification) Order 1999 (S.I. 1999/1512) is amended as follows.
- (2) In Schedule 1 (functions conferred on Minister of the Crown), omit paragraph 1.
- (3) In Schedule 2 (functions exercisable by Scottish Ministers), omit paragraph 1.

*Scotland Act 1998 (Concurrent Functions) Order 1999*

- 17 (1) The Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) is amended as follows.
- (2) In Schedule 1—
- (a) in column 1, omit the entry for section 4 of the Sea Fish (Conservation) Act 1967, and
- (b) omit the corresponding entry in column 2.

*Sea Fishing (Licences and Notices) (Scotland) Regulations 2011*

- 18 (1) The Sea Fishing (Licences and Notices) (Scotland) Regulations 2011 (S.S.I. 2011/70) are amended as follows.
- (2) In regulation 1 (citation, commencement, extent and application)—
- (a) in paragraph (2), omit the words from “and the Scottish zone only” to the end;
- (b) for paragraph (3) substitute—
- “(3) These regulations apply in relation to—
- (a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of Scottish fishing boats;
- (b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Scottish Ministers; and
- (c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—
- (i) in respect of Scottish fishing boats, or
- (ii) by the Scottish Ministers in respect of foreign fishing boats.”
- (3) In regulation 2 (interpretation)—
- (a) for the definition of “licence” substitute—
- ““licence” means a licence to which these regulations apply (see regulation 1(3));”;
- (b) in the definition of “nominee”—
- (i) in paragraph (b) for “a member State” substitute “ the United Kingdom ”;
- (ii) in the closing words, omit “Scottish”;
- (c) in the definition of “Scottish fishing boat”, omit “; and in respect of which the Scottish Ministers may grant or have granted a licence”;

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- (d) for the definition of “sea fishing licence” substitute—
  - ““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(3)(a) or (b);”;
- (e) after that definition insert—
  - ““temporary foreign vessel licence” means a licence that—
    - (a) is granted in respect of a foreign fishing boat, and
    - (b) has effect for a period of no more than three weeks.”
- (4) In regulation 3 (communication of licences and notices)—
  - (a) in paragraph (1), in the opening words—
    - (i) after “A licence” insert “, other than a temporary foreign vessel licence, ”;
    - (ii) for “Scottish fishing boat” substitute “ fishing boat ”;
  - (b) in paragraph (1), in sub-paragraphs (a) and (b), after “charterer or” insert “, in the case of a Scottish fishing boat, ”;
  - (c) after that paragraph insert —
    - “(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
      - (a) transmitting it to the relevant person by means of an electronic communication, and
      - (b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.
    - (1B) In paragraph (1A), “the relevant person”, in relation to a foreign fishing boat, means—
      - (a) if the fishing boat is registered in a member State, the European Commission;
      - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;
  - (d) in paragraph (2)—
    - (i) in sub-paragraph (a), at the beginning, insert “ in the case of a Scottish fishing boat ”;
    - (ii) in sub-paragraph (b), omit “Scottish”;
  - (e) in paragraphs (3) and (4), for “Scottish fishing boat” substitute “ fishing boat ”.
- (5) In regulation 4 (delivery of licences and giving of notices)—
  - (a) in the heading, for “Delivery” substitute “ Granting ”;
  - (b) in paragraphs (1) and (2), for “delivered” substitute “ granted ”;
  - (c) in paragraph (3)—
    - (i) after “A licence” insert “, other than a temporary foreign vessel licence, ”;
    - (ii) for “a nominee's” substitute “ an ”;
    - (iii) for “delivered” substitute “ granted ”;

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(d) after paragraph (3) insert—

“(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.

(3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.”;

(e) in paragraph (5) (in both places), for “delivered” substitute “ granted ”.

(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a)

—  
 (a) after “3(1)” insert “ or (1A) ”;

(b) for “delivered” substitute “ granted ”.

*Sea Fishing (Licences and Notices) (England) Regulations 2012*

19 (1) The Sea Fishing (Licences and Notices) (England) Regulations 2012 (S.I. 2012/827) are amended as follows.

(2) In regulation 1 (citation, commencement and application), for paragraph (2) substitute—

“(2) These regulations apply in relation to—

(a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of relevant fishing boats;

(b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Marine Management Organisation; and

(c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—

(i) in respect of relevant fishing boats, or

(ii) by the Marine Management Organisation in respect of foreign fishing boats.”

(3) In regulation 2 (interpretation)—

(a) for the definition of “licence” substitute—

““licence” means a licence to which these regulations apply (see regulation 1(2));”;

(b) in the definition of “nominee”—

(i) in paragraph (b), for “in a member State and having a place of business” substitute “, and having a place of business,”;

(ii) in the closing words, omit “relevant”;

(c) for the definition of “notice” substitute—

““notice” means a notice of variation, suspension or revocation of a licence;”;

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

““relevant fishing boat” means a British fishing boat other than a fishing boat—

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- (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 Scotland, Wales or Northern Ireland as the port to which the boat is to be treated as belonging;”;

(e) at the end insert—

““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(2)(a) or (b);

“temporary foreign vessel licence” means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks.”

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

(a) in paragraph (1)—

(i) after “A licence” insert “, other than a temporary foreign vessel licence, ”;

(ii) for the words from “the owner” to the end substitute “ an appropriate recipient (“P”) ”;

(b) after that paragraph insert—

“(1A) In paragraph (1) “an appropriate recipient” means—

(a) in relation to a licence or notice relating to a relevant fishing boat—

- (i) the owner or charterer of the fishing boat, or
- (ii) a nominee of the owner or charterer;

(b) in relation to a licence or a notice, relating to a foreign fishing boat, the owner or charterer of the fishing boat.”;

(c) in paragraph (2), after “A licence” insert “, other than a temporary foreign vessel licence, ”;

(d) after paragraph (3) insert —

“(3A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Marine Management Organisation or of a person granting the licence on its behalf.

(3B) In paragraph (3A), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”;

(e) omit paragraph (8).



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- (5) In regulation 4 (time at which licences are delivered and notice given)—
- (a) in the heading and paragraphs (1), (2), (3) and (4), for “delivered” substitute “granted”;
  - (b) after paragraph (4) insert—
 

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence communicated as described in regulation 3(3A) is treated as granted immediately it is published in accordance with that provision.”;
  - (c) in paragraph (7) (in both places), for “delivered” substitute “granted”.
- (6) In regulation 5 (time at which licences and notices have effect), in paragraph (a), for “delivered” substitute “granted”.
- Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014*
- 20 (1) The Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014 (S.R. (N.I.) 2014 No. 209) are amended as follows.
- (2) In regulation 1 (citation, commencement and application), for paragraph (2) substitute—
- “(2) These Regulations apply in relation to—
- (a) licences granted under section 15 of the Fisheries Act 2020 (licensing of British fishing boats) in respect of Northern Ireland fishing boats;
  - (b) licences granted under section 17 of that Act (licensing of foreign fishing boats) by the Department; and
  - (c) licences granted under section 4A of the Sea Fish (Conservation) Act 1967 (licensing of vessels receiving trans-shipped fish)—
    - (i) in respect of Northern Ireland fishing boats, or
    - (ii) by the Department in respect of foreign fishing boats.”
- (3) In regulation 2 (interpretation)—
- (a) in the definition of “the Department”, for “of Agriculture and Rural Development” substitute “ of Agriculture, Environment and Rural Affairs ”;
  - (b) for the definition of “licence” substitute—
 

““licence” means a licence to which these regulations apply (see regulation 1(2));”;
  - (c) in the definition of “nominee”—
    - (i) in paragraph (b) for “in a member State of the European Union and having a place of business” substitute “ , and having a place of business, ”;
    - (ii) in the closing words, omit “Northern Ireland”;
  - (d) for the definition of “Northern Ireland fishing boat” substitute—



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- ““Northern Ireland 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 Northern Ireland as the port to which the boat is to be treated as belonging;”;
- (e) for the definition of “sea fishing licence” substitute—
- ““sea fishing licence” means a licence to which these regulations apply by virtue of regulation 1(2)(a) or (b);”;
- (f) after that definition insert—
- ““temporary foreign vessel licence” means a licence that—
- (a) is granted in respect of a foreign fishing boat, and
  - (b) has effect for a period of no more than three weeks.”
- (4) In regulation 3 (manner in which a licence is granted etc)—
- (a) in paragraph (1)—
    - (i) after “A licence” insert “, other than a temporary foreign vessel licence, ”;
    - (ii) omit “Northern Ireland”;
    - (iii) for the words from “the owner or charterer of the boat” to the end substitute “ an appropriate recipient ”;
  - (b) in paragraph (2), after “A licence” insert “ (other than a temporary foreign vessel licence) ”;
  - (c) in paragraph (3), for the words from “the owner or charterer of the boat” to the end substitute “ an appropriate recipient ”;
  - (d) after paragraph (4) insert—
 

“(4A) In paragraphs (1) to (4), “an appropriate recipient” means—

    - (a) in relation to a licence or notice relating to a Northern Ireland fishing boat—
      - (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 a foreign fishing boat, the owner or charterer of the fishing boat.

(4B) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by delivering it to the relevant person by—

    - (a) transmitting it to the relevant person by means of an electronic communication, and
    - (b) subsequently publishing it on the website of the Department or of a person granting the licence on its behalf.

(4C) In paragraph (4B), “the relevant person”, in relation to a foreign fishing boat, means—

    - (a) if the fishing boat is registered in a member State, the European Commission;

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- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

- (5) In regulation 4 (time when licences are delivered and notices given), after paragraph (4) insert—

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence delivered as described in regulation 3(4B) is treated as delivered immediately it is published in accordance with that provision.”

- (6) In regulation 5 (time when licences, variations, suspensions or revocations have effect), in paragraph (a), after “3(2)” insert “ or (4B) ”.

*Sea Fish Licensing (England) Order 2015*

- 21 The Sea Fish Licensing (England) Order 2015 (S.I. 2015/647) is revoked.

*Sea Fish Licensing (Wales) Order 2019*

- 22 The Sea Fish Licensing (Wales) Order 2019 (S.I. 2019/507 (W. 117)) (which has not come into force) is revoked.

*Sea Fishing (Licences and Notices) (Wales) Regulations 2019*

- 23 The Sea Fishing (Licences and Notices) (Wales) Regulations 2019 (S.I. 2019/500 (W. 116)) (which have not come into force) are revoked.

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

- 24 The Sea Fish Licensing (England) (EU Exit) Regulations 2019 (S.I. 2019/523) (which have not come into force) are revoked.

*Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019*

- 25 The Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/87) (which has not come into force) is revoked.

*Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019*

- 26 The Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/88) (which have not come into force) are revoked.

*Fishing Boats Designation (EU Exit) (Scotland) Order 2019*

- 27 The Fishing Boats Designation (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/345) (which has not come into force) is revoked.

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### PART 3

#### TRANSITIONAL PROVISION

##### *Licences in respect of British fishing boats*

- 28 (1) Sub-paragraph (2) applies to a licence granted, and not subsequently revoked, under section 4 of the Sea Fish (Conservation) Act 1967 in respect of a Scottish fishing boat.
- (2) The licence has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it had been granted by the Scottish Ministers under section 15.
- (3) Sub-paragraph (4) applies to a licence granted, and not subsequently revoked, under section 4 of the Sea Fish (Conservation) Act 1967 in respect of a Welsh fishing boat.
- (4) The licence has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it had been granted by the Welsh Ministers under section 15.
- (5) Sub-paragraph (6) applies to a licence granted, and not subsequently revoked, under section 4 of the Sea Fish (Conservation) Act 1967 in respect of a Northern Ireland fishing boat.
- (6) The licence has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it had been granted by the Northern Ireland department under section 15.
- (7) Sub-paragraph (8) applies to a licence granted, and not subsequently revoked, under section 4 of the Sea Fish (Conservation) Act 1967 in respect of a British fishing boat that is not a Scottish, Welsh or Northern Ireland fishing boat.
- (8) The licence has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it had been granted by the Marine Management Organisation under section 15.
- (9) A licence that is treated by this paragraph as granted under section 15 is to be read subject to the necessary modifications.

##### *Licence conditions*

- 29 (1) Sub-paragraph (2) applies to a licence granted, and not subsequently revoked, under section 4 of the Sea Fish (Conservation) Act 1967.
- (2) Any condition included in the licence has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it had been attached to the licence under paragraph 1 of Schedule 3.
- (3) A condition that is treated by this paragraph as attached to a licence under paragraph 1 of Schedule 3 is to be read subject to any necessary modifications.

##### *Regulations*

- 30 (1) Regulations made under section 4B of the Sea Fish (Conservation) Act 1967 (regulations supplementary to sections 4 and 4A of that Act) in relation to licences

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under section 4 of that Act have effect on and after the coming into force of paragraph 6(2) as if they were made under paragraph 7(1) of Schedule 3 to this Act.

- (2) The Sea Fish Licensing (Time at Sea) (Principles) Order 1993 (S.I. 1993/1196) (as amended under Part 2 of this Schedule) has effect on and after the coming into force of paragraph 6(2) (repeal of section 4 of the Sea Fish (Conservation) Act 1967) as if it were made under paragraph 7(5) of Schedule 3 to this Act.

#### *Continuity of the law*

- 31 (1) This paragraph applies where any provision of this Act re-enacts (with or without modification) an enactment repealed by Part 2 of this Schedule.
- (2) The repeal and re-enactment does not affect the continuity of the law.
- (3) Anything done (including any subordinate legislation made) or having effect as if done, under or for the purposes of the repealed provision that could have been done under or for the purposes of the corresponding provision of this Act, if in force or effective immediately before the commencement of that corresponding provision, has effect thereafter as if done under or for the purposes of that corresponding provision.
- (4) Any reference (express or implied) in this Act or any other enactment, instrument or document to a provision of this Act shall be construed (so far as the context permits) as including, as respects times, circumstances or purposes in relation to which the corresponding repealed provision had effect, a reference to that corresponding provision.
- (5) Any reference (express or implied) in any enactment, instrument or document to a repealed provision shall be construed (so far as the context permits) as respects times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, as being or (according to the context) including a reference to the corresponding provision of this Act.
- (6) This paragraph has effect subject to any specific transitional provision or saving contained in or made under this Act.
- (7) In this paragraph a reference to an enactment being repealed includes its being revoked, or amended so that it no longer applies in any case.
- (8) In this paragraph “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

VALID FROM 23/01/2021

## SCHEDULE 5

Section 27

### SALE OF WELSH FISHING OPPORTUNITIES

- 1 The Welsh Ministers may by regulations make provision for the sale of—
- (a) rights to use one or more Welsh catch quotas;
  - (b) rights to use one or more Welsh effort quotas.

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|   |  |
|---|--|
| 2 | A right to use a Welsh catch or effort quota that is sold in accordance with the regulations is exercisable in relation to such fishing boats, by such persons, in such manner, and subject to such conditions, as may be specified in or in accordance with the regulations.  |
| 3 | <p>The regulations may include provision—</p> <ul style="list-style-type: none"> <li>(a) for rights to be sold by competitive tender or auction;</li> <li>(b) for a competitive tender process or auction to be run by such person as the regulations may designate;</li> <li>(c) conferring functions (including functions involving the exercise of a discretion) on a person running a competitive tender process or auction, or on any other person;</li> <li>(d) specifying persons, or descriptions of person, who are eligible or ineligible to buy rights;</li> <li>(e) requiring a person to pay a deposit, or do any other thing, in order to be eligible to buy rights;</li> <li>(f) requiring or prohibiting the repayment of a deposit;</li> <li>(g) setting, or conferring power to set, limits on the rights that may be bought by a person or description of person;</li> <li>(h) requiring or permitting rights to be sold, or not to be sold, to a person who meets such conditions (whether relating to the price offered for the rights or otherwise) as may be specified in or in accordance with the regulations;</li> <li>(i) for terminating a competitive tender process or auction where there has been, or appears to the person running the competitive tender process or auction to have been, a failure to comply with the regulations;</li> <li>(j) about how and when—             <ul style="list-style-type: none"> <li>(i) payments for rights are to be made, and</li> <li>(ii) payments received are to be dealt with;</li> </ul> </li> <li>(k) allowing or requiring rights sold in accordance with the regulations to a person to be transferred to, or be exercised by, another person;</li> <li>(l) prohibiting rights sold to a person in accordance with the regulations from being transferred to, or being exercised by, another person;</li> <li>(m) for extinguishing or limiting rights sold in accordance with the regulations where any amount due in respect of them is not paid, or any condition attached to the exercise of the rights is not met;</li> <li>(n) for the payment of compensation to a person who holds but does not use rights sold in accordance with the regulations;</li> <li>(o) about appeals relating to eligibility for, or the outcome of, a tender process or auction;</li> <li>(p) requiring a person running a tender process or auction to issue guidance.</li> </ul> |
| 4 | <p>The Welsh Ministers must exercise their functions so as to secure (so far as possible) that—</p> <ul style="list-style-type: none"> <li>(a) fishing boats are not used in contravention of section 14(1) (prohibition on fishing without authority of licence), and</li> <li>(b) conditions attached to sea fishing licences under paragraph 1 of Schedule 3 are not broken,</li> </ul> <p>as a result of the exercise of rights sold in accordance with the regulations.</p>   |

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**Changes to legislation:** There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)

|   |   |
|---|---|
| 5 | Before making regulations under this Schedule the Welsh Ministers must consult such persons as they think appropriate.  |
| 6 | Regulations under this Schedule are subject to the affirmative resolution procedure.  |
| 7 | In this Schedule—<br><div style="margin-left: 40px;">“Welsh catch quota” means so much of a catch quota as would (if not sold in accordance with the regulations) be available for distribution by the Welsh Ministers for use by Welsh fishing boats;</div> <div style="margin-left: 40px;">“Welsh effort quota” means so much of an effort quota as would (if not sold in accordance with the regulations) be available for distribution by the Welsh Ministers for use by Welsh fishing boats.</div> |

## SCHEDULE 6

Section 33

### FINANCIAL ASSISTANCE: POWERS OF DEVOLVED AUTHORITIES

#### *Power of the Scottish Ministers*

- 1 (1) The Scottish Ministers may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
  - (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;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, subparagraph (1) must be given in accordance with a scheme established by regulations made by the Scottish Ministers.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to Scotland or the Scottish zone, or
  - (b) in relation to Scottish fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;

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- (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Scottish Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
- (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
- (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
- “family member”, in relation to an individual (“P”), means—
  - (a) P’s spouse or civil partner,
  - (b) a child or grandchild of P or of P’s spouse or civil partner, or
  - (c) a parent or grandparent of P or of P’s spouse or civil partner;
  - “financial assistance” means grants or loans.

#### *Power of the Welsh Ministers*

- 2 (1) The Welsh Ministers may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
- (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;
  - (i) the promotion or development of recreational fishing.

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- (2) Financial assistance given under, or under arrangements made pursuant to, sub-paragraph (1) must be given in accordance with a scheme established by regulations made by the Welsh Ministers.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to Wales or the Welsh zone, or
  - (b) in relation to Welsh fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Welsh Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
  - (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
  - (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
  - “family member”, in relation to an individual (“P”), means—
    - (a) P's spouse or civil partner,
    - (b) a child or grandchild of P or of P's spouse or civil partner, or
    - (c) a parent or grandparent of P or of P's spouse or civil partner;
  - “financial assistance” means grants or loans.

*Power of the Northern Ireland department*

- 3 (1) The Northern Ireland department may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
  - (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;



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- (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;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, sub-paragraph (1) must be given in accordance with a scheme established by regulations made by the Northern Ireland department.
- (3) The scheme may only provide for financial assistance to be given—
  - (a) in relation to Northern Ireland or the Northern Ireland zone, or
  - (b) in relation to Northern Ireland fishing boats.
- (4) The scheme may—
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Northern Ireland department, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) In sub-paragraph (4)(c) “specified” means specified by the scheme; and information that may be specified under that provision includes information about—
  - (a) the recipient of the financial assistance;
  - (b) the amount of the financial assistance;
  - (c) the purpose for which the financial assistance was given.
- (6) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).
- (7) The scheme may include provision under which—
  - (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this paragraph are subject to the affirmative resolution procedure.
- (9) In this paragraph—
  - “family member”, in relation to an individual (“P”), means—
    - (a) P's spouse or civil partner,
    - (b) a child or grandchild of P or of P's spouse or civil partner, or
    - (c) a parent or grandparent of P or of P's spouse or civil partner;

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“financial assistance” means grants or loans.

*Financial assistance: consequential amendments*

- 4 (1) In the Fisheries Act 1981—
- (a) omit Part 2 (financial assistance for sea fish industry);
  - (b) omit section 31 (financial assistance for fish farming).
- (2) In consequence of the repeals made by sub-paragraph (1)—
- (a) in the Fisheries Act 1981—
    - (i) in section 41, omit “or schemes”, and in the heading omit “and schemes”;
    - (ii) in section 42, omit “, II or IV”;
    - (iii) in section 43(1), omit paragraph (c);
  - (b) in the Government of Wales Act 2006, in Schedule 3A, omit paragraph 2(2)(d);
  - (c) in the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592), in Schedule 1, omit the entries for sections 15 and 16 of the Fisheries Act 1981;
  - (d) in the Scotland Act 1998 (Consequential Modifications) (No 2) Order 1999 (S.I. 1999/1820), in Schedule 2, in paragraph 68—
    - (i) in sub-paragraph (1), omit “Part II of”;
    - (ii) omit sub-paragraphs (2) to (4) and (6);
  - (e) in the Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790), in Schedule 2, omit paragraph 2.

*Transitional provision*

- 5 (1) The following schemes made under section 15 of the Fisheries Act 1981 have effect as if contained in regulations made under section 33—
- (a) the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012 (S.I. 2012/1375);
  - (b) the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) (Amendment) Scheme 2014 (S.I. 2014/3363).
- (2) The following schemes made under section 15 of the Fisheries Act 1981 have effect as if contained in regulations made under paragraph 1—
- (a) the Fishing Vessels (Decommissioning) (Scotland) Scheme 2001 (S.S.I. 2001/332);
  - (b) the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 (S.S.I. 2003/87);
  - (c) the Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003 (S.S.I. 2003/116);
  - (d) the Fishing Vessels (Satellite - tracking Devices) (Scotland) Scheme 2004 (S.S.I. 2004/379);
  - (e) the Fishing Boats (EU Electronic Reporting) (Scotland) Scheme 2010 (S.S.I. 2010/374);
  - (f) the Fishing Boats (Satellite-tracking Devices) (Scotland) Scheme 2012 (S.S.I. 2012/264).

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- (3) The Fishing Boats (Satellite - Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012 (S.I. 2012/3172 (W.318)) (made under section 15 of the Fisheries Act 1981) has effect as if contained in regulations made under paragraph 2.
- (4) The schemes mentioned in sub-paragraphs (1) to (3) have effect as if any reference in them to an offence under section 17 of the Fisheries Act 1981 were to conduct that would have constituted an offence under that section had Part 2 of that Act not been repealed.
- (5) The following schemes were made under Part 2 of the Fisheries Act 1981 or section 31 of that Act, are not saved by virtue of sub-paragraphs (1) to (3), and are therefore revoked by virtue of paragraph 4(1)—
  - (a) the Fishing Vessels (Safety Improvements) (Grants) Scheme 1995 (S.I. 1995/1609);
  - (b) the Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 (S.S.I. 2017/448).

VALID FROM 23/01/2021

## SCHEDULE 7

Section 34

### IMPOSITION OF CHARGES: POWERS OF DEVOLVED AUTHORITIES

#### *Power of Scottish Ministers*

- 1 (1) The Scottish Ministers may by regulations make provision for the Scottish Ministers to impose charges in respect of the exercise by them of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
  - (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
  - (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
  - (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;

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- (f) how and when a charge is to be paid;
- (g) the collection and recovery of payments;
- (h) interest payable on outstanding payments;
- (i) the resolution of disputes (including appeals).

- (5) The regulations may confer a discretion on the Scottish Ministers.
- (6) A power conferred on the Scottish Ministers under this paragraph does not affect, and is not affected by, any other power of the Scottish Ministers to impose charges.
- (7) Before making regulations under this paragraph the Scottish Ministers must consult such persons as they consider appropriate.
- (8) Regulations under this paragraph are subject to the negative resolution procedure.
- (9) In this paragraph—
  - “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
    - (a) a catch quota or an effort quota, or
    - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

#### *Power of Welsh Ministers*

- 2 (1) The Welsh Ministers may by regulations make provision for the Welsh Ministers to impose charges in respect of the exercise by them of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
  - (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
  - (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
  - (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the Welsh Ministers.

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- (6) A power conferred on the Welsh Ministers under this paragraph does not affect, and is not affected by, any other power of the Welsh Ministers to impose charges.
- (7) Before making regulations under this paragraph the Welsh Ministers must consult such persons as they consider appropriate.
- (8) Regulations under this paragraph are subject to the negative resolution procedure.
- (9) In this paragraph—
  - “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
    - (a) a catch quota or an effort quota, or
    - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

*Power of Northern Ireland department*

- 3 (1) The Northern Ireland department may by regulations make provision for it to impose charges in respect of the exercise by it of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
  - (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—
  - (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
  - (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the Northern Ireland department.
- (6) A power conferred on the Northern Ireland department under sub-paragraph (1) does not affect, and is not affected by, any other power of it to impose charges.
- (7) Before making regulations under sub-paragraph (1) the Northern Ireland department must consult such persons as it considers appropriate.

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- (8) Regulations under sub-paragraph (1) are subject to the negative resolution procedure.
- (9) In sub-paragraphs (1) to (8)—
  - “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
    - (a) a catch quota or an effort quota, or
    - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

## SCHEDULE 8

Section 42

### POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

#### PART 1

##### SCOTTISH MINISTERS

###### *Power to make provision about fisheries, aquaculture etc*

- 1 (1) The Scottish Ministers may by regulations make provision—
  - (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see sub-paragraph (2)), or
  - (c) for a fish industry purpose (see sub-paragraph (3)).
- (2) “A conservation purpose” means any of the following—
  - (a) the purpose of conserving, improving or developing marine stocks;
  - (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
  - (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under sub-paragraph (1) may only include provision about—
  - (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;

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- (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;
  - (l) the use to which the Scottish Ministers may put information obtained in the exercise of their functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;
  - (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of matters mentioned in the preceding paragraphs of this sub-paragraph.
- (5) In sub-paragraph (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
- (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.
- (6) Without prejudice to the generality of section 51(1)(b), regulations under this paragraph may make different provision in relation to—
- (a) different descriptions of sea fish or other animal,
  - (b) different descriptions of fishing boat, or
  - (c) different areas of the sea or inland waters.

#### *Paragraph 1: interpretation*

- 2 (1) In paragraph 1 and this paragraph—
- “regional fisheries management agreement” means an international agreement (including an international agreement to which the United Kingdom is not a party) the sole or main purpose of which is the conservation or management of—
- (a) straddling stocks,
  - (b) stocks of highly migratory species, or
  - (c) any other marine stocks;
- “regional fisheries management organisation” means an organisation (including an organisation of which the United Kingdom is not a member) established pursuant to a regional fisheries management agreement;
- “sea fishing equipment” means—

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- (a) fishing nets and any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
  - (b) equipment used to monitor sea fishing;

“traceability”, in relation to fishery products, means the ability of any person to discover information about how, where or when the fishery products were—

  - (a) caught, harvested or made, or
  - (b) transported, stored or sold.
- (2) In the definition of “regional fisheries management agreement” in sub-paragraph (1) —
  - (a) “the high seas” has the same meaning as in the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) (“UNCLOS”);
  - (b) “straddling stocks” means stocks to which Article 63(2) of UNCLOS (stocks both in, and in area beyond and adjacent to, an EEZ) applies;
  - (c) “highly migratory species” means a species listed in Annex 1 to UNCLOS.
- (3) For the purposes of paragraph 6, an aquatic organism is a member of an “alien species” if—
  - (a) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
  - (b) it is a polyploid organism, or
  - (c) it is a member of a fertile artificially hybridised species or subspecies.
- (4) For the purposes of paragraph 6, an aquatic organism is a member of a “locally absent species” if it is located—
  - (a) within the known natural range of the species or subspecies of which it is a member, and
  - (b) in an area in which that species or subspecies is absent (in a wild state).

*Power to make provision about aquatic animal diseases*

- 3 (1) The Scottish Ministers may by regulations make provision for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals.
- (2) Regulations under this paragraph may, in particular, include provision regulating the importation, exportation, movement, storage or handling of—
  - (a) fish or other aquatic animals;
  - (b) products derived from fish or other aquatic animals;
  - (c) any other thing that the Scottish Ministers consider may carry, or otherwise affect the prevalence of, a disease of fish or other aquatic animals.

*Scope of regulations under paragraph 1 or 3*

- 4 (1) Regulations under paragraph 1 or 3 may—
  - (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.



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- (2) Regulations under paragraph 1 or 3 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under paragraph 1 or 3 may only include provision which would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.
- (4) Regulations under paragraph 1 or 3 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (5) The reference in sub-paragraph (4) to “modifying” a function of a person under an enactment includes—
  - (a) abolishing the function;
  - (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (6) The power to make regulations under paragraph 1 or 3 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, this Schedule, and section 52 so far as it applies for the purposes of those enactments).
- (7) In sub-paragraph (6) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

#### *Procedural requirements*

- 5 (1) Before making regulations under paragraph 1 or 3 the Scottish Ministers must consult—
  - (a) the Secretary of State,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Scottish Ministers consider appropriate.
- (2) Regulations under paragraph 1 or 3 are subject to the affirmative resolution procedure if they contain provision—
  - (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to sub-paragraph (2) regulations under paragraph 1 or 3 are subject to the negative resolution procedure.

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**Changes to legislation:** There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)

## PART 2

### WELSH MINISTERS

#### *Power to make provision about fisheries, aquaculture etc*

- 6 (1) The Welsh Ministers may by regulations make provision—
- (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see sub-paragraph (2)), or
  - (c) for a fish industry purpose (see sub-paragraph (3)).
- (2) “A conservation purpose” means any of the following—
- (a) the purpose of conserving, improving or developing marine stocks;
  - (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
- (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under sub-paragraph (1) may only include provision about—
- (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;
  - (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;
  - (l) the use to which the Welsh Ministers may put information obtained in the exercise of their functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;

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- (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of matters mentioned in the preceding paragraphs of this sub-paragraph.
- (5) In sub-paragraph (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
  - (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.
- (6) Without prejudice to the generality of section 51(1)(b), regulations under this paragraph may make different provision in relation to—
  - (a) different descriptions of sea fish or other animal,
  - (b) different descriptions of fishing boat, or
  - (c) different areas of the sea or inland waters.

#### *Paragraph 6: interpretation*

- 7 (1) In paragraph 6 and this paragraph—
- “regional fisheries management agreement” means an international agreement (including an international agreement to which the United Kingdom is not a party) the sole or main purpose of which is the conservation or management of—
- (a) straddling stocks,
  - (b) stocks of highly migratory species, or
  - (c) any other marine stocks;
- “regional fisheries management organisation” means an organisation (including an organisation of which the United Kingdom is not a member) established pursuant to a regional fisheries management agreement;
- “sea fishing equipment” means—
- (a) fishing nets and any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
  - (b) equipment used to monitor sea fishing;
- “traceability”, in relation to fishery products, means the ability of any person to discover information about how, where or when the fishery products were—
- (a) caught, harvested or made, or
  - (b) transported, stored or sold.
- (2) In the definition of “regional fisheries management agreement” in sub-paragraph (1) —
- (a) “the high seas” has the same meaning as in the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) (“UNCLOS”);
  - (b) “straddling stocks” means stocks to which Article 63(2) of UNCLOS (stocks both in, and in area beyond and adjacent to, an EEZ) applies;
  - (c) “highly migratory species” means a species listed in Annex 1 to UNCLOS.

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**Changes to legislation:** There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)

- (3) For the purposes of paragraph 6, an aquatic organism is a member of an “alien species” if—
  - (a) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
  - (b) it is a polyploid organism, or
  - (c) it is a member of a fertile artificially hybridised species or subspecies.
- (4) For the purposes of paragraph 6, an aquatic organism is a member of a “locally absent species” if it is located—
  - (a) within the known natural range of the species or subspecies of which it is a member, and
  - (b) in an area in which that species or subspecies is absent (in a wild state).

*Power to make provision about aquatic animal diseases*

- 8 (1) The Welsh Ministers may by regulations make provision for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals.
- (2) Regulations under this paragraph may, in particular, include provision regulating the importation, exportation, movement, storage or handling of—
  - (a) fish or other aquatic animals;
  - (b) products derived from fish or other aquatic animals;
  - (c) any other thing that the Welsh Ministers consider may carry, or otherwise affect the prevalence of, a disease of fish or other aquatic animals.

*Scope of regulations under paragraph 6 or 8*

- 9 (1) Regulations under paragraph 6 or 8 may—
  - (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.
- (2) Regulations under paragraph 6 or 8 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under paragraph 6 or 8 may only include—
  - (a) provision which would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru, or
  - (b) provision extending to England and Wales so far as it relates to the regulation of sea fishing by Welsh fishing boats outside the Welsh zone.
- (4) Provision which does not fall within sub-paragraph (3)(a), but which would do so but for a requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006, may be included in regulations under paragraph 6 or 8 with the consent of the Secretary of State.
- (5) Regulations under paragraph 6 or 8 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).

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- (6) The reference in sub-paragraph (5) to “modifying” a function of a person under an enactment includes—
  - (a) abolishing the function;
  - (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (7) A power to make regulations under paragraph 6 or 8 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, this Schedule, and section 52 so far as it applies for the purposes of those enactments).
- (8) In sub-paragraph (7) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

### *Procedural requirements*

- 10 (1) Before making regulations under paragraph 6 or 8 the Welsh Ministers must consult—
  - (a) the Secretary of State,
  - (b) the Scottish Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Welsh Ministers consider appropriate.
- (2) Regulations under paragraph 6 or 8 are subject to the affirmative resolution procedure if they contain provision—
  - (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to sub-paragraph (2) regulations under paragraph 6 or 8 are subject to the negative resolution procedure.

## PART 3

### THE NORTHERN IRELAND DEPARTMENT

#### *Power to make provision about fisheries, aquaculture etc*

- 11 (1) The Northern Ireland department may by regulations make provision—
  - (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see sub-paragraph (2)), or
  - (c) for a fish industry purpose (see sub-paragraph (3)).
- (2) “A conservation purpose” means any of the following—

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- (a) the purpose of conserving, improving or developing marine stocks;
  - (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
  - (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under sub-paragraph (1) may only include provision about—
  - (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;
  - (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;
  - (l) the use to which the Northern Ireland department may put information obtained in the exercise of its functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;
  - (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of matters mentioned in the preceding paragraphs of this sub-paragraph.
- (5) In sub-paragraph (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
  - (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.
- (6) Without prejudice to the generality of section 51(1)(b), regulations under this paragraph may make different provision in relation to—

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- (a) different descriptions of sea fish or other animal,
- (b) different descriptions of fishing boat, or
- (c) different areas of the sea or inland waters.

*Paragraph 11: interpretation*

12 (1) In paragraph 11 and this paragraph—

“regional fisheries management agreement” means an international agreement (including an international agreement to which the United Kingdom is not a party) the sole or main purpose of which is the conservation or management of—

- (a) straddling stocks,
- (b) stocks of highly migratory species, or
- (c) any other marine stocks;

“regional fisheries management organisation” means an organisation (including an organisation of which the United Kingdom is not a member) established pursuant to a regional fisheries management agreement;

“sea fishing equipment” means—

- (a) fishing nets and any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
- (b) equipment used to monitor sea fishing;

“traceability”, in relation to fishery products, means the ability of any person to discover information about how, where or when the fishery products were—

- (a) caught, harvested or made, or
- (b) transported, stored or sold.

(2) In the definition of “regional fisheries management agreement” in sub-paragraph (1)

- (a) “the high seas” has the same meaning as in the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) (“UNCLOS”);
- (b) “straddling stocks” means stocks to which Article 63(2) of UNCLOS (stocks both in, and in area beyond and adjacent to, an EEZ) applies;
- (c) “highly migratory species” means a species listed in Annex 1 to UNCLOS.

(3) For the purposes of paragraph 11, an aquatic organism is a member of an “alien species” if—

- (a) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
- (b) it is a polyploid organism, or
- (c) it is a member of a fertile artificially hybridised species or subspecies.

(4) For the purposes of paragraph 11, an aquatic organism is a member of a “locally absent species” if it is located—

- (a) within the known natural range of the species or subspecies of which it is a member, and
- (b) in an area in which that species or subspecies is absent (in a wild state).

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*Power to make provision about aquatic animal diseases*

- 13 (1) The Northern Ireland department may by regulations make provision for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals.
- (2) Regulations under this paragraph may, in particular, include provision regulating the importation, exportation, movement, storage or handling of—
- (a) fish or other aquatic animals;
  - (b) products derived from fish or other aquatic animals;
  - (c) any other thing that the Northern Ireland department considers may carry, or otherwise affect the prevalence of, a disease of fish or other aquatic animals.

*Scope of regulations under paragraph 11 or 13*

- 14 (1) Regulations under paragraph 11 or 13 may—
- (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.
- (2) Regulations under paragraph 11 or 13 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under paragraph 11 or 13 may only include provision which would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.
- (4) Regulations under paragraph 11 or 13 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (5) The reference in sub-paragraph (4) to “modifying” a function of a person under an enactment includes—
- (a) abolishing the function;
  - (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (6) A power to make regulations under paragraph 11 or 13 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, this Schedule and section 52 so far as it applies for the purposes of those enactments).
- (7) In sub-paragraph (6) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

*Procedural requirements*

- 15 (1) Before making regulations under paragraph 11 or 13 the Northern Ireland department must consult—
- (a) the Secretary of State,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers, and
  - (d) such other persons likely to be affected by the regulations as the Northern Ireland department considers appropriate.



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- (2) Regulations under paragraph 11 or 13 are subject to the affirmative resolution procedure if they contain provision—
- (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to sub-paragraph (2), regulations under paragraph 11 or 13 are subject to the negative resolution procedure.

VALID FROM 01/03/2021

## SCHEDULE 9

Section 47

### CONSERVATION OF SEALS

#### PART 1

##### AMENDMENTS OF THE CONSERVATION OF SEALS ACT 1970

- 1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 2 to 12.
- 2 For section 1 (prohibited methods of killing seals) substitute—
- “1 Prohibition of the killing, injuring or taking of seals**
- A person commits an offence if the person intentionally or recklessly kills, injures or takes a seal.”
- 3 Omit section 2 (close seasons for seals).
- 4 Omit section 3 (orders prohibiting killing seals).
- 5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.
- 6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—
- “(a) any seal or seal skin in respect of which the offence was committed;
  - (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;

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|    |   |
|----|---|
|    | (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person's possession at the time of the offence."  |
| 7  | In section 8 (attempt to commit offence), in subsection (2)—<br>(a) after "poisonous" insert " or explosive ";<br>(b) after "substance" insert " , any explosive article ";<br>(c) omit "the use of which is prohibited by section 1(1)(b) of this Act".  |
| 8  | In section 9 (general exceptions)—<br>(a) in subsection (1)—<br>(i) for "2 or 3" substitute " 1 ";<br>(ii) in paragraph (a), omit "otherwise than by his act";<br>(iii) omit paragraphs (b) and (c);<br>(b) in subsection (2)—<br>(i) omit " , 2 or 3";<br>(ii) omit "otherwise than by his act".   |
| 9  | In section 10 (power to grant licences)—<br>(a) in subsection (1), in paragraph (c)—<br>(i) omit sub-paragraphs (i) and (iii) (but not the "or" after paragraph (iii));<br>(ii) after sub-paragraph (ii) insert—<br>"(iia) the protection of animal or human health or public safety,";<br>(b) after subsection (1) insert—<br>"(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 52 of that Act)." |
| 10 | In section 11 (entry upon land)—<br>(a) in subsection (1), omit paragraph (b);<br>(b) in subsection (2), omit paragraph (d);<br>(c) in subsection (4)—<br>(i) omit the words from " , or in the" to "28 days' notice,";<br>(ii) omit the words from " ; and in the case" to the end;<br>(d) omit subsection (5).  |
| 11 | Omit section 14 (orders).   |
| 12 | In section 15 (interpretation), at the appropriate places insert—<br>"“explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;<br>"“explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —  |

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- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;

““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

## PART 2

### AMENDMENTS OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

13 The Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) is amended in accordance with paragraphs 14 to 19.

14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute—  
 “(a) a seal (pinniped), or”.

15 In Article 11 (exceptions to Article 10)—

(a) after paragraph (1) insert—

“(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—

- (a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and
- (b) sub-paragraph (c) were omitted.”;

(b) after paragraph (3) insert—

“(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.”

16 In Article 18 (power to grant licences), after paragraph (3) insert—

“(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.”

17 In Schedule 5 (animals which are protected at all times), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

|       |           |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|

18 In Schedule 6 (animals which may not be killed or taken by certain methods), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

|       |           |
|-------|-----------|
| “Seal | Pinniped” |
|-------|-----------|

19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

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“Seal

Pinniped”

## SCHEDULE 10

Section 48

### AMENDMENTS OF THE MARINE AND COASTAL ACCESS ACT 2009

#### PART 1

##### GENERAL POWERS AND DUTIES OF THE MARINE MANAGEMENT ORGANISATION

- 1 The Marine and Coastal Access Act 2009 is amended as follows.
- 2
  - (1) Section 24 (research) is amended as follows.
  - (2) After subsection (2) insert—
    - “(2A) The MMO must, at the request of the Secretary of State—
      - (a) undertake research into any international marine matter, or
      - (b) commission or support (by financial means or otherwise) research into any such matter;
 and may, in complying with such a request, undertake, commission or support research with other bodies or persons.
    - (2B) The MMO must, at the request of the Secretary of State, make the results of any research under subsection (2A) available to any person.”
  - (3) In subsection (3), after “Subsection (2)” insert “ or (2A) ”.
  - (4) After subsection (3) insert—
    - “(4) For the purposes of this section a matter is an “international marine matter” if—
      - (a) it relates to an area outside the UK marine area, and
      - (b) the MMO has power under subsection (1)(a) to undertake research into a corresponding matter that relates to the UK marine area or an area within it.
    - (5) References in this section to the functions of the MMO are to functions exercisable by or on behalf of the MMO (including functions that the MMO performs under an agreement under section 14, and functions that any other body performs under an agreement under section 15).
    - (6) References in this section to a person include a person outside the United Kingdom.”
- 3
  - (1) Section 25 (advice, assistance and training facilities) is amended as follows.
  - (2) After subsection (3) insert—
    - “(3A) The MMO must, at the request of the Secretary of State, provide advice to any person (including a person outside the United Kingdom) on any international marine matter that is within its knowledge or experience.”

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- (3) After subsection (4) insert—
- “(5) The MMO must, at the request of the Secretary of State, provide any person outside the United Kingdom with—
- (a) assistance, or
  - (b) the use of training facilities,
- as respects any matter of which the MMO has knowledge or experience.
- (6) For the purposes of this section a matter is an “international marine matter” if—
- (a) it relates to an area outside the UK marine area, and
  - (b) the MMO has power under subsection (3)(a) (on request) to provide advice on a corresponding matter that relates to the UK marine area or an area within it.
- (7) References in this section to the functions of the MMO are to functions exercisable by or on behalf of the MMO (including functions that the MMO performs under an agreement under section 14, and functions that any other body performs under an agreement under section 15).”
- 4 (1) Section 26 (provision of information etc) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The MMO must, at the request of the Secretary of State—
- (a) publish documents or provide information about any international marine matter, or
  - (b) assist in the publication of such documents or the provision of such information.”
- (3) In subsection (2), at the end insert “ or the duty imposed by subsection (1A) ”.
- (4) After subsection (2) insert—
- “(3) For the purposes of this section a matter is an “international marine matter” if—
- (a) it relates to an area outside the UK marine area, and
  - (b) the MMO has power under subsection (1)(a) to publish documents or provide information about a corresponding matter that relates to the UK marine area or an area within it.
- (4) References in this section to the functions of the MMO are to functions exercisable by or on behalf of the MMO (including functions that the MMO performs under an agreement under section 14, and functions that any other body performs under an agreement under section 15).”
- 5 In section 27 (power to charge for services), in subsection (3)—
- (a) in paragraph (b), after “24(2)” insert “ or (2B) ”;
  - (b) in paragraph (c), for “or (4)” substitute “, (3A), (4) or (5)”.

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VALID FROM 23/01/2021

## PART 2

### POWERS RELATING TO THE EXPLOITATION OF SEA FISHERIES RESOURCES

- 6        The Marine and Coastal Access Act 2009 is amended in accordance with paragraphs 7 to 31.
- 7        In the heading of Chapter 1 of Part 5, after “marine conservation zones” insert “and management of sea fisheries”.
- 8        (1) Section 117 (grounds for designation of MCZs) is amended as follows.
  - (2) In subsection (4), for “The reference in subsection (1)(a)” substitute “ Any reference in this Chapter ”.
  - (3) In subsection (5), for “The references in subsection (1)(a) and (b)” substitute “ Any reference in this Chapter ”.
  - (4) In subsection (6), after “Any reference” insert “ in this Chapter ”.
- 9        In the italic heading before section 129, for “protection of MCZs etc: England” substitute “ marine conservation: England and the English offshore region ”.
- 10       In section 129 (byelaws for protections of MCZs in England), in subsection (7), for “subject to specified exceptions” substitute—
  - “(a) subject to specified exceptions or conditions;
  - (b) so as to cease to have effect after a specified period.”
- 11       After section 129 insert—

#### “129A Byelaws relating to exploitation of sea fisheries resources: England

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in England for the purposes of conserving—
  - (a) marine flora or fauna, or
  - (b) marine habitats or types of marine habitat.
- (2) A byelaw under this section may be made so as to apply to any area in England.
- (3) A byelaw under this section must specify the flora or fauna, or habitat or type of habitat, for the conservation of which the byelaw is made.
- (4) The provision that may be made by a byelaw under this section includes provision that prohibits, restricts or otherwise interferes with the exercise of—
  - (a) a right of several fishery;
  - (b) any right on, to or over any portion of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent or by prescription or immemorial usage.

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- (5) But the MMO may make a byelaw that prohibits, or significantly restricts or interferes with, a right referred to in subsection (4), only if the person who enjoys the right consents.
- (6) Subsection (5) does not apply in relation to the exercise of such a right in relation to—
  - (a) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981,
  - (b) a national nature reserve declared in accordance with section 35 of that Act,
  - (c) a Ramsar site, within the meaning of section 37A of that Act,
  - (d) a European marine site, within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), or
  - (e) an MCZ.
- (7) See also section 129C (supplementary).

#### **129B Byelaws relating to exploitation of sea fisheries resources: English offshore region**

- (1) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in the English offshore region for the purposes of conserving—
  - (a) marine flora or fauna,
  - (b) marine habitats or types of marine habitat, or
  - (c) features of geological or geomorphological interest.
- (2) A byelaw under this section may be made so as to apply to any area in the English offshore region.
- (3) A byelaw under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) See also section 129C (supplementary).

#### **129C Byelaws under sections 129A and 129B: supplementary**

- (1) The provision that may be made by a byelaw under section 129A or 129B includes, in particular, provision falling within any of the Heads set out in subsections (2) to (4).
- (2) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
  - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
  - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
  - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (3) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the MMO, including—

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- (a) provision for the charging of fees for permits;
    - (b) provision enabling conditions to be attached to a permit;
    - (c) provision enabling the MMO to limit the number of permits issued by it.
  - (4) Head 3 is—
    - (a) provision prohibiting or restricting the use of vessels of specified descriptions;
    - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
    - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
    - (d) provision for determining whether such items are items of a specified description.
  - (5) A byelaw under section 129A or 129B may be made—
    - (a) subject to specified exceptions or conditions;
    - (b) so as to cease to have effect after a specified period.
  - (6) A byelaw under section 129A or 129B may make different provision for different cases, including in particular—
    - (a) different times of the year,
    - (b) different means or methods of carrying out an activity, and
    - (c) different descriptions of sea fisheries resources.
  - (7) In this section “specified” means specified in the byelaw.”
- 12 (1) Section 130 (byelaws: procedure) is amended as follows.
- (2) In subsection (1) after “129” insert “, 129A or 129B ”.
- (3) In subsection (2), after “the byelaw” insert “ is made under section 129 or 129A and ”.
- (4) After subsection (2) insert—
- “(2A) If the byelaw is made under section 129B and—
- (a) the byelaw would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, the MMO must send a copy of a draft of the byelaw to the Welsh Ministers;
  - (b) the byelaw would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, the MMO must send a copy of a draft of the byelaw to the Scottish Ministers;
  - (c) the byelaw would or might affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, the MMO must send a copy of a draft of the byelaw to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.”
- (5) In subsections (8) and (9), after “129” insert “, 129A or 129B ”.
- (6) In subsection (11), for the words from “where” to the end substitute “ in relation to a byelaw made by virtue of section 131 (emergency byelaws) ”.



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- 13 (1) Section 131 (emergency byelaws) is amended as follows.
- (2) In subsection (1), after “that purpose” insert “ under section 129 ”.
- (3) After subsection (1) insert—
- “(1A) Where the MMO thinks that there is an urgent need to protect the English offshore region, a byelaw made by it under section 129B for that purpose has effect without being confirmed by the Secretary of State.”
- (4) In subsection (8)(a), after “MCZ” insert “ , or under section 129B in respect of the English offshore region, ”.
- 14 (1) Section 132 (interim byelaws) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The MMO may make one or more byelaws relating to the exploitation of sea fisheries resources in the English offshore region for the purpose of protecting any feature in an area in that region if the MMO thinks—
- (a) that there are or may be reasons for the Secretary of State to consider whether to designate the area as an MCZ, and
- (b) that there is an urgent need to protect the feature.”
- (3) In subsection (2), after “subsection (1)” insert “ or (1A) ”.
- (4) In subsection (4), for “an interim byelaw” substitute “ a byelaw made under subsection (1) ”.
- (5) After subsection (4) insert—
- “(4A) Section 129C applies to a byelaw made under subsection (1A) as it applies to a byelaw made under section 129A or 129B.”
- 15 (1) Section 133 (further provision) is amended as follows.
- (2) In subsection (1) for “or 132” substitute “ , 129A, 129B or 132(1) or (1A) ”.
- (3) In subsection (3), after “applies” insert “ is made under section 129, 129A or 132(1) and ”.
- (4) After subsection (3) insert —
- “(3A) If the byelaw is made under section 129B or 132(1A) and—
- (a) the byelaw will or may affect the exploitation of sea fisheries resources in the Welsh offshore region, the MMO must send a copy of the byelaw to the Welsh Ministers;
- (b) the byelaw will or may affect the exploitation of sea fisheries resources in the Scottish offshore region, the MMO must send a copy of the byelaw to the Scottish Ministers;
- (c) the byelaw will or may affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, the MMO must send a copy of the byelaw to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.”
- (5) In subsection (6) after “129” insert “ or 129A ”.
- (6) After subsection (6) insert—

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“(6A) In the case of a byelaw made under section 129B in accordance with section 130, subsection (3A) applies only after the byelaw has been confirmed under section 130(8).”

16 In the italic heading before section 134, for “protection of MCZs etc: Wales” substitute “marine conservation: Wales and the Welsh offshore region”.

17 After section 134 insert—

**“134A Orders relating to exploitation of sea fisheries resources: Wales**

(1) The Welsh Ministers may make one or more orders relating to the exploitation of sea fisheries resources in Wales for the purposes of conserving—

- (a) marine flora or fauna, or
- (b) marine habitats or types of marine habitat.

(2) An order under this section may be made so as to apply to any area in Wales.

(3) An order under this section must specify the flora or fauna, or habitat or type of habitat, for the conservation of which the order is made.

(4) The provision that may be made by an order under this section includes provision that prohibits, restricts or otherwise interferes with the exercise of—

- (a) a right of several fishery;
- (b) any right on, to or over any portion of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent or by prescription or immemorial usage.

(5) But the Welsh Ministers may make an order that prohibits, or significantly restricts or interferes with, a right referred to in subsection (4), only if the person who enjoys the right consents.

(6) Subsection (5) does not apply in relation to the exercise of such a right in relation to—

- (a) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981,
- (b) a national nature reserve declared in accordance with section 35 of that Act,
- (c) a Ramsar site, within the meaning of section 37A of that Act,
- (d) a European marine site, within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), or
- (e) an MCZ.

(7) See also section 134C (supplementary).

**134B Orders relating to exploitation of sea fisheries resources: Welsh offshore region**

(1) The Welsh Ministers may make one or more orders relating to the exploitation of sea fisheries resources in the Welsh offshore region for the purposes of conserving—

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- (a) marine flora or fauna,
  - (b) marine habitats or types of marine habitat, or
  - (c) features of geological or geomorphological interest.
- (2) An order under this section may be made so as to apply to any area in the Welsh offshore region.
- (3) An order under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) See also section 134C (supplementary).

#### **134C Orders under sections 134A and 134B: supplementary**

- (1) The provision that may be made by an order under section 134A or 134B includes, in particular, provision falling within any of the Heads set out in subsections (2) to (4).
- (2) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
  - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
  - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
  - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (3) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the Welsh Ministers, including—
  - (a) provision for the charging of fees for permits;
  - (b) provision enabling conditions to be attached to a permit;
  - (c) provision enabling the Welsh Ministers to limit the number of permits issued by them.
- (4) Head 3 is—
  - (a) provision prohibiting or restricting the use of vessels of specified descriptions;
  - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
  - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
  - (d) provision for determining whether such items are items of a specified description.
- (5) An order under section 134A or 134B may be made—
  - (a) subject to specified exceptions or conditions;
  - (b) so as to cease to have effect after a specified period.

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- (6) An order under section 134A or 134B may make different provision for different cases, including in particular—
- (a) different times of the year,
  - (b) different means or methods of carrying out an activity, and
  - (c) different descriptions of sea fisheries resources.
- (7) In this section “specified” means specified in the order.”
- 18 (1) Section 135 (consultation) is amended as follows.
- (2) In the heading, after “134” insert “, 134A or 134B ”.
- (3) In subsection (1), after “section 134” insert “ or 134A ”.
- (4) After subsection (1) insert—
- “(1A) Before making an order under section 134B the Welsh Ministers must—
- (a) consult the Secretary of State,
  - (b) if the order would or might affect the exploitation of sea fisheries resources in the English offshore region, consult the MMO,
  - (c) if the order would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, consult the Scottish Ministers,
  - (d) if the order would or might affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, consult the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, and
  - (e) consult any other person whom they think fit to consult.”
- (5) In subsection (2), after “134” insert “, 134A or 134B ”.
- (6) In subsection (4)—
- (a) for “in order to protect an MCZ” substitute “, 134A or 134B ”;
  - (b) for paragraph (a) substitute—
- “(a) subsections (1) and (1A) do not apply in relation to the making of that order, and”.
- 19 (1) Section 136 (interim orders) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Welsh Ministers may make one or more orders relating to the exploitation of sea fisheries resources in the Welsh offshore region for the purpose of protecting any feature in an area in that region if they think—
- (a) that there are or may be reasons to consider whether to designate the area as an MCZ, and
  - (b) that there is an urgent need to protect the feature.”
- (3) In subsection (2), after “subsection (1)” insert “ or (1A) ”.
- (4) In subsection (4), for “an interim order” substitute “ an order made under subsection (1) ”.
- (5) After subsection (4) insert—

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“(4A) Section 134C applies to an order made under subsection (1A) as it applies to an order made under section 134A or 134B.”

20 (1) Section 137 (further provision) is amended as follows.

(2) In the heading, after “134” insert “ 134A, 134B ”.

(3) In subsection (1), for “or 136” substitute “ , 134A, 134B or 136(1) or (1A) ”.

(4) In subsection (2), at the end insert “ and (in the case of an order under section 134B) to any person consulted under section 135(1A) ”.

21 After section 137 insert—

*“Orders for marine conservation: Scottish offshore region*

**137A Orders relating to exploitation of sea fisheries resources: Scottish offshore region**

(1) The Scottish Ministers may make one or more orders relating to the exploitation of sea fisheries resources in the Scottish offshore region for the purposes of conserving—

- (a) marine flora or fauna,
- (b) marine habitats or types of marine habitat, or
- (c) features of geological or geomorphological interest.

(2) An order under this section may be made so as to apply to any area in the Scottish offshore region.

(3) An order under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.

(4) The provision that may be made by an order under this section includes, in particular, provision falling within any of the Heads set out in subsections (5) to (7).

(5) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—

- (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
- (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
- (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.

(6) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the Scottish Ministers, including—

- (a) provision for the charging of fees for permits;
- (b) provision enabling conditions to be attached to a permit;
- (c) provision enabling the Scottish Ministers to limit the number of permits issued by it.

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(7) Head 3 is—

- (a) provision prohibiting or restricting the use of vessels of specified descriptions;
- (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
- (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
- (d) provision for determining whether such items are items of a specified description.

(8) An order under this section may be made—

- (a) subject to specified exceptions or conditions;
- (b) so as to cease to have effect after a specified period.

(9) An order under this section may make different provision for different cases, including in particular—

- (a) different times of the year,
- (b) different means or methods of carrying out an activity, and
- (c) different descriptions of sea fisheries resources.

(10) In this section “specified” means specified in the order.

(11) An order under this section that contains provision for the charging of fees for permits (including provision changing the level of fees) is subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10)).

(12) Any other order under this section is subject to the negative procedure (see that Part of that Act).

### **137B Consultation etc regarding orders under section 137A**

(1) Before making an order under section 137A the Scottish Ministers must—

- (a) consult the Secretary of State,
- (b) if the order would or might affect the exploitation of sea fisheries resources in the English offshore region, consult the MMO,
- (c) if the order would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, consult the Welsh Ministers,
- (d) if the order would or might affect the exploitation of sea fisheries resources in the Northern Ireland offshore region, consult the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, and
- (e) consult any other person whom they think fit to consult.

(2) The Scottish Ministers must publish notice of the making of an order under section 137A.

(3) The notice under subsection (2) must—

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- (a) be published in such manner as the Scottish Ministers think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
  - (b) give an address at which a copy of the order may be inspected.
- (4) Where the Scottish Ministers think that there is an urgent need to make an order under section 137A to protect the Scottish offshore region—
  - (a) subsection (1) does not apply, and
  - (b) the notice under subsection (2) must also state that any person affected by the making of the order may make representations to the Scottish Ministers.
- (5) Where in reliance on subsection (4)(a) the Scottish Ministers do not comply with subsection (1) before making an order under section 137A, that order—
  - (a) comes into force on a date specified in the order, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (6) The Scottish Ministers may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 12 months.

### **137C Interim orders made by Scottish Ministers**

- (1) The Scottish Ministers may make one or more orders relating to the exploitation of sea fisheries resources in the Scottish offshore region for the purpose of protecting any feature in any area in that region if they think—
  - (a) that there are or may be reasons to consider whether to designate the area as an MCZ, and
  - (b) that there is an urgent need to protect the feature.
- (2) An interim order under this section must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (3) Subsections (4) to (10) of section 137A apply to an interim order under this section.
- (4) An interim order under this section—
  - (a) comes into force on a date specified in the order, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (5) The Scottish Ministers must publish notice of the making of an interim order under this section.
- (6) The notice under subsection (5) must—
  - (a) be published in such manner as the Scottish Ministers think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
  - (b) give an address at which a copy of the order may be inspected;



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- (c) state that any person affected by the making of the order may make representations to the Scottish Ministers.
- (7) The Scottish Ministers must keep under review the need for an interim order under this section to remain in force.
- (8) The Scottish Ministers may by further order extend the period for which an interim order remains in force.
- (9) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.
- (10) An order under this section is subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10)).

#### **137D Further provision as to orders made under section 137A or 137C**

- (1) This section applies to any order made under section 137A or 137C.
- (2) The Scottish Ministers must send a copy of any order to which this section applies to the Secretary of State and to any person consulted under section 137B(2).
- (3) The Scottish Ministers must—
  - (a) make a copy of any order to which this section applies available for inspection at such place as they think fit for that purpose at all reasonable hours without payment;
  - (b) provide a copy of any such order to any person who requests one.
- (4) An order to which this section applies may be amended or revoked by a further order.

*Orders for marine conservation: Northern Ireland offshore region*

#### **137E Orders relating to exploitation of sea fisheries resources: Northern Ireland offshore region**

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purposes of conserving—
  - (a) marine flora or fauna,
  - (b) marine habitats or types of marine habitat, or
  - (c) features of geological or geomorphological interest.
- (2) An order under this section may be made so as to apply to any area in the Northern Ireland offshore region.
- (3) An order under this section must specify the flora or fauna, habitat or type of habitat or features for the conservation of which it is made.
- (4) The provision that may be made by an order under this section includes, in particular, provision falling within any of the Heads set out in subsections (5) to (7).



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- (5) Head 1 is provision prohibiting or restricting the exploitation of sea fisheries resources, including—
  - (a) provision prohibiting or restricting such exploitation in specified areas or during specified periods;
  - (b) provision limiting the amount of sea fisheries resources a person or vessel may take in a specified period;
  - (c) provision limiting the amount of time a person or vessel may spend fishing for or taking sea fisheries resources in a specified period.
- (6) Head 2 is provision prohibiting or restricting the exploitation of sea fisheries resources without a permit issued by the Department, including—
  - (a) provision for the charging of fees for permits;
  - (b) provision enabling conditions to be attached to a permit;
  - (c) provision enabling the Department to limit the number of permits issued by it.
- (7) Head 3 is—
  - (a) provision prohibiting or restricting the use of vessels of specified descriptions;
  - (b) provision prohibiting or restricting any method of exploiting sea fisheries resources;
  - (c) provision prohibiting or restricting the possession, use, retention on board, storage or transportation of specified items, or items of a specified description, that are used in the exploitation of sea fisheries resources;
  - (d) provision for determining whether such items are items of a specified description.
- (8) An order under this section may be made—
  - (a) subject to specified exceptions or conditions;
  - (b) so as to cease to have effect after a specified period.
- (9) An order under this section may make different provision for different cases, including in particular—
  - (a) different times of the year,
  - (b) different means or methods of carrying out an activity, and
  - (c) different descriptions of sea fisheries resources.
- (10) In this section “specified” means specified in the order.
- (11) In this section, and in sections 137F to 137H, “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

#### **137F Consultation etc regarding orders under section 137E**

- (1) Before making an order under section 137E the Department must—
  - (a) consult the Secretary of State,

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- (b) if the order would or might affect the exploitation of sea fisheries resources in the English offshore region, consult the MMO,
  - (c) if the order would or might affect the exploitation of sea fisheries resources in the Scottish offshore region, consult the Scottish Ministers,
  - (d) if the order would or might affect the exploitation of sea fisheries resources in the Welsh offshore region, consult the Welsh Ministers, and
  - (e) consult any other person whom they think fit to consult.
- (2) The Department must publish notice of the making of an order under section 137E.
- (3) The notice under subsection (2) must—
  - (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
  - (b) give an address at which a copy of the order may be inspected.
- (4) Where the Department think that there is an urgent need to make an order under section 137E to protect the Northern Ireland offshore region—
  - (a) subsection (1) does not apply,
  - (b) the notice under subsection (2) must also state that any person affected by the making of the order may make representations to the Department.
- (5) Where in reliance on subsection (4)(a) the Department does not comply with subsection (1) before making an order under section 137A, that order—
  - (a) comes into force on a date specified in the order, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (6) The Department may by further order extend the period for which an order to which subsection (5) applies is in force for a period not exceeding 6 months.”

### **137G Interim orders made by the Department**

- (1) The Department may make one or more orders relating to the exploitation of sea fisheries resources in the Northern Ireland offshore region for the purpose of protecting any feature in any area in that region if the Department thinks—
  - (a) that the appropriate authority should consider whether to designate the area as an MCZ, and
  - (b) that there is an urgent need to protect the feature.
- (2) An interim order under this section must contain a description of the boundaries of the area to which it applies (which must be no greater than is necessary for the purpose of protecting the feature in question).
- (3) Subsections (4) to (10) of section 137E apply to an interim order under this section.

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- (4) An interim order under this section—
  - (a) comes into force on a date specified in the order, and
  - (b) remains in force (unless revoked) for such period, not exceeding 12 months, as is specified in the order.
- (5) The Department may by further order extend the period for which the interim order is in force for a period not exceeding 6 months.
- (6) The Department must publish notice of the making of an interim order under this section.
- (7) The notice under subsection (6) must—
  - (a) be published in such manner as the Department think is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it;
  - (b) give an address at which a copy of the order may be inspected;
  - (c) state that any person affected by the making of the order may make representations to the Department.
- (8) The Department must keep under review the need for an interim order under this section to remain in force.
- (9) In this section “feature” means any flora, fauna, habitat or feature which could be a protected feature if the area in question were designated as an MCZ.

#### **137H Further provision as to orders made under section 137E or 137G**

- (1) This section applies to any order made under section 137E or 137G.
- (2) The Department must send a copy of any order to which this section applies to the Secretary of State and to any person consulted under section 137F(2).
- (3) The Department must—
  - (a) make a copy of any order to which this section applies available for inspection at such place as the Department thinks fit for that purpose at all reasonable hours without payment;
  - (b) provide a copy of any such order to any person who requests one.”

22 (1) Section 138 (hearings) is amended as follows.

- (2) In the heading, omit “by Secretary of State or Welsh Ministers”.
- (3) In subsection (1)(a) for “section 129” substitute “ this Chapter ”.
- (4) In subsection (2)—
  - (a) in paragraph (a), after “134” insert “ , 134A or 134B ”;
  - (b) in paragraph (b), after “136(1)” insert “ or (1A) ”.
- (5) After subsection (2) insert—

“(2A) This section also applies where the Scottish Ministers have the function of—

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|    |  |
|----|--|
|    | <ul style="list-style-type: none"> <li>(a) deciding whether to make an order under section 137A;</li> <li>(b) deciding whether to make an order under section 137C.</li> </ul>   |
|    | <p>(2B) This section also applies where the Department of Agriculture, Environment and Rural Affairs in Northern Ireland has the function of —</p> <ul style="list-style-type: none"> <li>(a) deciding whether to make an order under section 137E;</li> <li>(b) deciding whether to make an order under section 137G.”</li> </ul>   |
|    | <p>(6) In subsections (3), (4) and (5), after “Welsh Ministers” insert “, the Scottish Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland”.</p>   |
| 23 | <p>(1) Section 139 (offences) is amended as follows.</p> <p>(2) In subsection (1)—</p> <ul style="list-style-type: none"> <li>(a) in paragraph (a), for “or 132(1)” substitute “, 129A, 129B or 132(1) or (1A)”;</li> <li>(b) in paragraph (b), for “or 136(1)” substitute “, 134A, 134B, 136(1) or (1A), 137A, 137C, 137E or 137G”.</li> </ul> <p>(3) For subsection (2) substitute—</p> <p>“(2) A person who is guilty of an offence under this section in respect of a contravention of—</p> <ul style="list-style-type: none"> <li>(a) a byelaw made under section 129 or 129A,</li> <li>(b) a byelaw made under section 132(1),</li> <li>(c) an order made under section 134 or 134A, or</li> <li>(d) an order made under section 136(1),</li> </ul> <p>is liable on summary conviction to a fine not exceeding level 5 on the standard scale.</p> <p>(2A) A person who is guilty of an offence under this section in respect of a contravention of a byelaw or order not specified in subsection (2) is liable—</p> <ul style="list-style-type: none"> <li>(a) on conviction on indictment, to a fine, or</li> <li>(b) on summary conviction, to a fine (in Scotland or Northern Ireland, not exceeding the statutory maximum).”</li> </ul> <p>(4) In subsection (4), for “England and Wales” substitute “ the United Kingdom ”.</p> |
| 24 | <p>In section 141 (exceptions), in subsection (1)(c)(i), for “or 134(4)” substitute “ 129C(3), 134(4), 134C(3), 137A(6) or 137E(6) ”.</p>  |
| 25 | <p>In section 142 (fixed monetary penalties), in subsection (1), omit “(other than the Scottish offshore region)”.</p>   |
| 26 | <p>(1) Section 147 (interpretation) is amended as follows.</p> <p>(2) In subsection (1)—</p> <ul style="list-style-type: none"> <li>(a) in the definition of “interim byelaw” after “132(1)” insert “ or (1A) ”;</li> <li>(b) in the definition of “interim order”, after “136(1)” insert “ or (1A) ”;</li> <li>(c) after the definition of “sea” insert—</li> </ul> <p>““sea fisheries resources” has the same meaning as in Chapter 1 of Part 6, and references to the exploitation of sea fisheries resources are to be read in accordance with section 153(12);”.</p>  |

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|    | (3) After subsection (2) insert—  |
|    | “(3) For provision about the meaning of references to “conserving” a thing, see subsections (4) to (6) of section 117.”   |
| 27 | In section 166 (powers of IFC officers), in subsection (1)(e), after “129” insert “, 129A, 129B ”.  |
| 28 | In section 189 (power of Welsh Ministers in relation to fisheries in Wales)—  |
|    | (a) in subsection (1), for “Subject to subsection (2), the” substitute “ The ”;   |
|    | (b) omit subsection (2).  |
| 29 | (1) Section 237 (enforcement of nature conservation legislation) is amended as follows.   |
|    | (2) In the heading, after “conservation” insert “ or fisheries exploitation ”.  |
|    | (3) In subsection (1), after “legislation” insert “ or the fisheries exploitation legislation ”.  |
|    | (4) In subsection (2)—  |
|    | (a) in paragraph (f), for “132” substitute “ 132(1) ”;  |
|    | (b) in paragraph (g), for “136” substitute “ 136(1) ”.  |
|    | (5) After subsection (2) insert—  |
|    | “(2A) In this section “the fisheries exploitation legislation” means—   |
|    | (a) any byelaws made under section 129A, 129B or 132(1A) of this Act;   |
|    | (b) any orders made under section 134A, 134B, 136(1A), 137A, 137C, 137E or 137G of this Act.”   |
|    | (6) In subsection (3), after “legislation” insert “ or the fisheries exploitation legislation ”.  |
|    | (7) In subsection (8), after “legislation” insert “ or the fisheries exploitation legislation ”.  |
|    | (8) After subsection (9) insert—  |
|    | “(9A) The powers which a marine enforcement officer has for the purposes of enforcing the fisheries exploitation legislation may not be exercised in relation to a vessel falling within paragraph (b) or (c) of subsection (10) unless the Commissioners have given authority to exercise those powers.” |
|    | (9) In subsection (11), after “(9)(b)” insert “ or (9A) ”.  |
|    | (10) After subsection (13) insert—  |
|    | “(14) Where the fisheries exploitation legislation consists of an order made under section 137A or 137C of this Act (orders relating to Scottish offshore region), this section applies as if—  |
|    | (a) references to a marine enforcement officer included a person appointed as such by the Scottish Ministers,   |
|    | (b) for the purposes of subsection (3)(a), the relevant enforcement area were Scotland, the Scottish inshore region and the Scottish offshore region, and   |

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|    | (c) subsections (3)(c) and (d) and (4) to (6) were omitted.   |
|    | (15) Where the fisheries exploitation legislation consists of an order made under section 137E or 137G of this Act (orders relating to Northern Ireland offshore region), this section applies as if— |
|    | (a) references to a marine enforcement officer included a person appointed as such by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,                               |
|    | (b) for the purposes of subsection (3)(a), the relevant enforcement area were Northern Ireland, the Northern Ireland inshore region and the Northern Ireland offshore region, and                     |
|    | (c) subsections (3)(c) and (d) and (4) to (6) were omitted.”  |
| 30 | In section 238(3), after paragraph (d) insert—  |
|    | “(da) any byelaws made under section 129A, 129B or 132(1A);   |
|    | (db) any orders made under section 134A, 134B, 136(1A), 137A, 137C, 137E or 137G.”.   |
| 31 | (1) Section 316 (regulations and orders) is amended as follows.   |
|    | (2) In subsection (4)(a)—   |
|    | (a) for “137” substitute “ 137G ”;  |
|    | (b) after “MCZs” insert “ etc ”.  |
|    | (3) In subsection (6), before paragraph (a) insert—   |
|    | “(za) any order under section 137E that contains provision for the charging of fees for permits (including provision changing the levels of fees).”.  |
| 32 | (1) In the Water Resources Act 1991, in Schedule 25, paragraph 5(4) (byelaws for flood defence and drainage purposes) is amended as follows.  |
|    | (2) In paragraph (b)—   |
|    | (a) for “or 132” substitute “ , 129A, 129B or 132(1) or (1A) ”;   |
|    | (b) for “protecting marine conservation zones” substitute “ marine conservation ”.  |
|    | (3) In paragraph (c)—   |
|    | (a) for “or 136” insert “ , 134A, 134B or 136(1) or (1A) ”;   |
|    | (b) for “protecting marine conservation zones” substitute “ marine conservation ”.  |

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VALID FROM 31/12/2020

## SCHEDULE 11

Section 49

### RETAINED DIRECT EU LEGISLATION: MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Introduction*

- 1 In this Schedule—
- (a) paragraphs 2 to 13 make amendments of retained direct EU legislation (as amended by regulations made under section 8(1) of the European Union (Withdrawal) Act 2018),
  - (b) paragraph 15 makes transitional provision, and
  - (c) paragraph 16 makes consequential amendments.

#### *Common Fisheries Policy Regulation*

- 2 (1) The Common Fisheries Policy Regulation is amended as follows.
- (2) Article 2 (objectives) is revoked.
- (3) In Article 4 (definitions), in paragraph 1, at the end insert—
- “(46) ‘the fisheries objectives’ has the meaning given by section 1(1) of the Fisheries Act 2020.”
- (4) Article 5 (right of equal access for EU fishing vessels to waters of member States) is revoked.
- (5) Article 9 (principles and objectives of multiannual plans) is revoked.
- (6) Article 10 (content of multiannual plans) is revoked.
- (7) Article 16 (distribution of fishing opportunities by the Council to member States) is revoked.
- (8) Article 17 (criteria for the allocation of fishing opportunities by member States) is revoked.
- (9) In Article 28 (external relations)—
- (a) in paragraph 1—
    - (i) for “a fisheries administration” substitute “the Secretary of State”;
    - (ii) omit “objectives and”;
    - (iii) for “Articles 2 and 3” substitute “Article 3”;
  - (b) in paragraph 2, for “In particular, a fisheries” substitute “A fisheries”.
- (10) In Article 29 (United Kingdom activities in international fisheries organisations) for paragraph 2 substitute—
- “2 The Secretary of State must take such steps as the Secretary of State considers appropriate for the purpose of supporting the improvement of the



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performance of RFMOs in relation to the conservation and management of marine living resources.”

- (11) In Article 33 (management of stocks of common interest), in paragraph 1—
- (a) for “a fisheries administration”, in both places it occurs, substitute “ the Secretary of State ”;
  - (b) omit the words from “, and in” to “Article 2(2)”;
  - (c) omit the words from “, in particular, concerning” to the end.
- (12) In Article 35 (organisation of the markets), in paragraph 1, in point (a), for the words from “objectives” to the end substitute “ fisheries objectives ”.
- (13) Annex I (right of equal access for EU fishing vessels to waters of member States) is revoked.

#### *Regulation (EU) No 1379/2013*

- 3 In Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, in Article 41 (exceptions to the application of competition rules), in paragraph 2(f), for “objectives specified in Article 2 of Regulation 1380/2013” substitute “ fisheries objectives ”.

#### *Commission Delegated Regulation (EU) No 1393/2014*

- 4 (1) Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters is amended as follows.
- (2) In Article 1 (subject matter)—
- (a) the existing text becomes paragraph 1;
  - (b) in that paragraph, for the words from “in the north-western” to “that Regulation” substitute “ and applies to waters within ICES subarea 5B that are within United Kingdom waters and to waters within ICES subareas 6 and 7 that are not within Union waters ”;
  - (c) after that paragraph insert—
- “2 In paragraph 1, “United Kingdom waters” and “Union waters” have the meaning they have in Regulation (EU) No 1380/2013.”
- (3) In Article 2 (survivability exemption), in paragraph 6 for “and 2020” substitute “ , 2020 and 2021 ”.
- (4) In Article 3a (de minimis exemptions in the years 2018, 2019 and 2020)—
- (a) in the heading, for “and 2020” substitute “ , 2020 and 2021 ”;
  - (b) in points (a), (b) and (c), for “and 2020” substitute “ , 2020 and 2021 ”.
- (5) For Article 5 (entry into force) substitute—

#### *“Article 5*

#### *Expiry*

This regulation ceases to have effect at the end of 31 December 2021.”



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### *Commission Delegated Regulation (EU) No 1395/2014*

- 5 (1) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea is amended as follows.
- (2) In Article 1 (subject matter)—
- (a) the existing text becomes paragraph 1;
  - (b) in that paragraph, for the words from “in the North” to “that Regulation” substitute “ and applies to waters within ICES division 2a and subarea 4 that are within United Kingdom waters ”;
  - (c) after that paragraph insert—
- “2 In paragraph 1, “United Kingdom waters” has the meaning it has in Regulation (EU) No 1380/2013.”
- (3) In Article 3a (de minimis exemption in the years 2018, 2019 and 2020)—
- (a) in the heading, for “and 2020” substitute “ , 2020 and 2021 ”;
  - (b) in the body, for “and 2020” substitute “ , 2020 and 2021 ”.
- (4) Article 4a (Danish North Sea coast) is revoked.
- (5) For Article 5 (application) substitute—

### *“Article 5*

### *Expiry*

This regulation ceases to have effect at the end of 31 December 2021.”

### *Regulation (EU) 2016/2336*

- 6 In Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic, in Article 1 (objectives), in paragraph 1, for “objectives listed in Article 2 of Regulation (EU) No 1380/2013” substitute “ fisheries objectives ”.

### *Regulation (EU) 2017/1004*

- 7 (1) Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy is amended as follows.
- (2) In Article 1 (subject matter and scope), in paragraph 1—
- (a) for the words from “With” to “this” substitute “ This ”;
  - (b) at the end insert “ with a view to contributing to the achievement of the fisheries objectives ”.
- (3) In Article 5 (content and criteria for multiannual programmes)—
- (a) in paragraph 1, in point (a), for the words from “requirements” to the end substitute—
- “to be collected for the purpose of contributing to the achievement of—

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- (i) the objectives set out in Article 25 of EU Regulation 1380/2013, and
- (ii) the fisheries objectives”;
- (b) in paragraph 4, in point (a), for the words from “reaching” to the end substitute “ contributing to the achievement of the fisheries objectives ”;
- (c) in paragraph 5, in point (a), for the words from “reaching” to the end substitute “ contributing to the achievement of the fisheries objectives ”.

*Regulation (EU) 2017/2403*

- 8 Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets is revoked.

*Regulation (EU) 2018/973*

- 9 (1) Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea is amended as follows.
- (2) In Article 1 (subject-matter and scope), in paragraph 1—
- (a) omit points (f), (i) and (j);
  - (b) in point (k) omit the seventh and eighth indents.
- (3) In Article 3 (objectives)—
- (a) in paragraph 1—
    - (i) for the words from “objectives listed” to “1380/2013” substitute “ fisheries objectives ”;
    - (ii) for the words from “, and shall” to the end substitute “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
  - (b) in paragraph 3—
    - (i) after “fisheries management” insert “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
    - (ii) for the words from “. It shall” to the end substitute “ and, where possible, reversed ”.
- (4) In Article 4 (targets)—
- (a) in paragraph 1, omit “by 2020”;
  - (b) in paragraph 2—
    - (i) for “A fisheries administration” substitute “ The Secretary of State ”;
    - (ii) after “ICES” insert “ , or a similar independent scientific body recognised at international level, ”;
  - (c) in paragraph 6—
    - (i) for “Fishing” substitute “ Where the spawning stock biomass is above  $B_{lim}$ , fishing ”;
    - (ii) omit “in any event”;
    - (iii) for “the spawning stock biomass” substitute “ it ”;
  - (d) after paragraph 6 insert—

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“7 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 6.

8 If the Secretary of State makes a determination in reliance on paragraph 7 the Secretary of State must prepare and publish a document—

- (a) describing the relevant change of circumstances, and
- (b) explaining how the relevant change in circumstances affected the determination.

9 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—

- (a) the international obligations of the United Kingdom,
- (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
- (c) available scientific evidence, or
- (d) available evidence relating to the social, economic or environmental elements of sustainable development.”

(5) In Article 5 (management of by-catch stocks)—

- (a) in paragraph 2, for the words from “as defined” to “1380/2013” substitute “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
- (b) in paragraph 3, for “In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the” substitute “ The ”.

(6) In Article 6 (conservation reference points), for “A fisheries administration” substitute “ The Secretary of State ”.

(7) In Article 7 (safeguards)—

- (a) in paragraph 1—
  - (i) omit “all”;
  - (ii) for “decrease in biomass” substitute “ current biomass or, in the case of Norway lobster, current abundance ”;
- (b) after paragraph 4 insert—

“5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.

6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—

- (a) describing the relevant change of circumstances, and
- (b) explaining how the relevant change in circumstances affected the determination.

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7 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—

- (a) the international obligations of the United Kingdom,
- (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
- (c) available scientific evidence, or
- (d) available evidence relating to the social, economic or environmental elements of sustainable development.”

(8) In Article 12 (fishing authorisations and capacity ceilings), in paragraph 1—

- (a) after “fishing authorisations” insert “ (which may be contained in a licence granted under section 15 of the Fisheries Act 2020) ”;
- (b) for “vessels in its fleet” substitute “ United Kingdom fishing vessels ”.

(9) In Article 13 (principles and objectives of management of stocks of common interest)—

- (a) in paragraph 1—
  - (i) for “a fisheries administration”, in both places it occurs, substitute “ the Secretary of State ”;
  - (ii) omit “Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of”;
  - (iii) omit “, thereby promoting a level-playing field for United Kingdom operators”;
- (b) omit paragraph 2.

#### *Regulation (EU) 2019/472*

10 (1) Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks is amended as follows.

(2) In Article 1 (subject-matter and scope), in paragraph 1—

- (a) omit points (4) to (7), (11), (13), (18), (20), (24) to (26), (30) and (34) to (36);
- (b) in point (23) omit the third, fourth and fifth indents.

(3) In Article 3 (objectives)—

- (a) in paragraph 1—
  - (i) for the words from “objectives listed” to “1380/2013” substitute “ fisheries objectives ”;
  - (ii) for the words from “, and shall” to the end substitute “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
- (b) in paragraph 3—
  - (i) after “fisheries management” insert “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
  - (ii) for the words from “. It shall” to the end substitute “ and, where possible, reversed ”.

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(4) In Article 4 (targets)—

- (a) in paragraph 1 omit “by 2020”;
- (b) in paragraph 2, for “A fisheries administration” substitute “ The Secretary of State ”;
- (c) in paragraph 7—
  - (i) for “Fishing” substitute “ Where the spawning stock biomass is above  $B_{lim}$ , fishing ”;
  - (ii) omit “in any event”;
  - (iii) for “the spawning stock biomass” substitute “ it ”;
- (d) after paragraph 7 insert—
  - “8 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 7.
  - 9 If the Secretary of State makes a determination in reliance on paragraph 8 the Secretary of State must prepare and publish a document—
    - (a) describing the relevant change of circumstances, and
    - (b) explaining how the relevant change in circumstances affected the determination.
  - 10 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
    - (a) the international obligations of the United Kingdom,
    - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
    - (c) available scientific evidence, or
    - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”

(5) In Article 5 (management of by-catch stocks)—

- (a) in paragraph 2, for the words from “as defined” to “1380/2013” substitute “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
- (b) in paragraph 3, for “In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the” substitute “ The ”.

(6) In Article 7 (conservation reference points), for “A fisheries administration” substitute “ The Secretary of State ”.

(7) In Article 8 (safeguards)—

- (a) in paragraph 1—
  - (i) omit “all”;
  - (ii) for “decrease in biomass” substitute “ current biomass or, in the case of Norway lobster, current abundance ”;
- (b) after paragraph 4 insert—

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- “5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.
- 6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—
- (a) describing the relevant change of circumstances, and
  - (b) explaining how the relevant change in circumstances affected the determination.
- 7 For the purposes of this Article, the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
- (a) the international obligations of the United Kingdom,
  - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),
  - (c) available scientific evidence, or
  - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”

(8) In Article 11 (recreational fisheries), in paragraphs 1 and 2, for “any person determining fishing opportunities”, in both places it occurs, substitute “ a fisheries administration ”.

(9) In Article 12 (effort limitation for sole in the Western Channel), in paragraph 2—

    - (a) for “Any person determining fishing opportunities” substitute “ A fisheries administration ”;
    - (b) omit the words from “and for vessels” to the end.

(10) In Article 14 (fishing authorisations and capacity ceilings), in paragraph 1—

    - (a) after “fishing authorisations” insert “ (which may be contained in a licence granted under section 15 of the Fisheries Act 2020) ”;
    - (b) for “vessels in its fleet” substitute “ United Kingdom fishing vessels ”.

(11) In Article 15 (principles and objectives of management of stocks of common interest)—

    - (a) in paragraph 1—
      - (i) for “a fisheries administration”, in both places it occurs, substitute “ the Secretary of State ”;
      - (ii) omit “Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of”;
      - (iii) omit “thereby promoting a level-playing field for United Kingdom operators”;
    - (b) omit paragraph 2.

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#### *Regulation (EU) 2019/1241*

- 11 (1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures is amended as follows.
- (2) In Article 3, in paragraph 1, for “objectives set out in the applicable provisions of Article 2 of Regulation (EU) No 1380/2013” substitute “ achievement of the fisheries objectives ”.
- (3) In Article 4, in paragraph 1—
- (a) in point (a), for “Article 2(2) of Regulation (EU) No 1380/2013” substitute “ the fisheries objectives ”;
  - (b) in point (c), for “point (j) of Article 2(5) of Regulation (EU) No 1380/2013” substitute “ the fisheries objectives ”.
- (4) In Article 11, in paragraph 4, omit “and shall be compatible with the objectives set out in Article 2 of Regulation (EU) No 1380/2013”.

#### *Commission Delegated Regulation (EU) 2019/2238*

- 12 (1) Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 is amended as follows.
- (2) In Article 3 (exemptions for Norway lobster)—
- (a) in paragraph 1, omit point (b);
  - (b) omit paragraph 3.
- (3) In Article 6 (exemption for plaice)—
- (a) in paragraph 1, omit point (c);
  - (b) in paragraph 2, in point (b), for “80-99” substitute “ 80 ”;
  - (c) omit paragraph 4.
- (4) In Article 8 (exemption for turbot), omit paragraph 2.
- (5) In Article 10 (de minimis exemptions)—
- (a) in point (f) after “6% in 2020” insert “ and 2021 ”;
  - (b) in each of points (f), (h) and (k) to (n), omit the words from “the de minimis” to the end;
  - (c) after point (n) insert—
    - “(o) in fisheries by vessels using bottom trawls (OTB, OTT, TB, TBN) of mesh size 80-99mm in the United Kingdom waters of ICES subarea 4 and ICES Division 2a:
- a quantity of Norway lobster below the minimum conservation reference size, which shall not exceed 2% of the total annual catches of that species.”

#### *Commission Delegated Regulation (EU) 2019/2239*

- 13 (1) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 is amended as follows.



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|----|---|
|    | <p>(2) In Article 6 (exemption for plaice), omit paragraph (2).</p> <p>(3) In Article 8 (de minimis exemptions)—</p> <p>(a) in paragraph 1, in each of points (d) to (k), omit “in 2020”;</p> <p>(b) omit paragraph 2.</p>  |
|    | <i>Council Regulation (EU) 2020/123</i>   |
| 14 | In Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, in Article 14 (remedial measures for cod in the North Sea), omit paragraphs 2 to 4.  |
|    | <i>Transitional provision</i>   |
| 15 | <p>(1) This paragraph applies until the first JFS comes into effect.</p> <p>(2) The Common Fisheries Policy Regulation (as amended by this Schedule) has effect as if—</p> <p>(a) in Article 28(1), after “Article 3” there were inserted “ in a way that contributes to the achievement of the fisheries objectives ”;</p> <p>(b) in Article 29(2), at the beginning there were inserted “The positions of the United Kingdom in international organisations dealing with fisheries and in RFMOs shall be based on the best available scientific advice so as to ensure that fishery resources are managed in a way that contributes to the achievement of the fisheries objectives.”;</p> <p>(c) in Article 33(1)—</p> <p>(i) after “Regulation” there were inserted “ and that contributes to the achievement of the fisheries objectives ”;</p> <p>(ii) after “management possible” insert “ in a way that contributes to the achievement of the fisheries objectives ”.</p> <p>(3) Regulation (EU) 2018/973 (as amended by this Schedule) has effect as if in Article 13(1), after “Regulation” there were inserted “ and that contributes to the achievement of the fisheries objectives ”.</p> <p>(4) Regulation (EU) 2019/472 (as amended by this Schedule) has effect as if in Article 15(1), after “Regulation” there were inserted “ and that contributes to the achievement of the fisheries objectives ”.</p> <p>(5) Regulation (EU) 2019/1241 (as amended by this Schedule) has effect as if in Article 11(4), after “paragraph 1 of this Article” there were inserted “ and shall contribute to the achievement of the fisheries objectives ”.</p> |
|    | <i>Consequential amendments</i>   |
| 16 | <p>(1) In the Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010 (S.S.I. 2010/334) (as amended by the Exit Regulations)—</p> <p>(a) in article 2, in paragraph (1)—</p> <p>(i) omit the definition of “Regulation 2017/2403”;</p> <p>(ii) in the definition of “third country recording and reporting requirement” omit paragraph (ii) (and the “or” before it);</p>   |



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(b) in that article, for paragraph (5) substitute—

“(5) Any expression used, and not defined, in this Order that is used in the Control Regulation or Regulation 404/2011, or that is used in both of those Regulations, has the meaning it has in the Regulation or Regulations in which it is used.”;

(c) in article 6, omit paragraph (2);

(d) in Schedule 2, in the table, omit the entries relating to Regulation 2017/2403.

(2) In the Sea Fishing (EU Control Measures) (Scotland) Order 2015 (S.S.I. 2015/320) (as amended by the Exit Regulations), in article 2(1)—

(a) omit the definition of “Regulation 2017/2403”;

(b) in the definition of “third country control measure”—

(i) omit “Regulation 2017/2403 or”;

(ii) omit paragraph (a).

(3) In this paragraph “the Exit Regulations” means the Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/24).

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