



# Fisheries Act 2020

## 2020 CHAPTER 22

### *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
  - (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;

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- (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.

## 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—

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- (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;  
“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;

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“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);

“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—

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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 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
- (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 <sup>F1</sup>assimilated direct] 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—

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- (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.

#### Textual Amendments

- F1** Words in s. 52 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 94(2)(c)**

### 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.
- (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);

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- (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).
- (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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