
Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, Cross Heading: Regulation (EU) 2019/472. (See end of Document for details)

SCHEDULES

SCHEDULE 11

RETAINED DIRECT EU LEGISLATION: MINOR AND CONSEQUENTIAL AMENDMENTS

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 ”.
- (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—

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- (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—
 - “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

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- (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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