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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### 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1962 (exemption from s.2 of the Fishery Limits Act 1976 for operations for scientific and certain other purposes) is repealed.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 ”.
- (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- 3 (1) Section 2 of the Fishery Limits Act 1976 (access to British fisheries) is repealed.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consequence of the repeal made by sub-paragraph (1), the following provisions of the Fishery Limits Act 1976 are also repealed—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”;

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- (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).

*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)—

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- (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—
      - (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)—

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- (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;”.
  - (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,”;

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- (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);
  - (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)—

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- (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 ”.

*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 ”.

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*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 ”.
- (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)—

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- (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, ”;
    - (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;



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- (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
      - (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—

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- “(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”.

*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)—

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- (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”;

- (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

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- (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 ”;
  - (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;

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- (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—

    - (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;

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- (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).
- (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—

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- (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—

““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 ”;

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(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;
- (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.



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*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.

### **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.

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- (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 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

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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.

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 2020, SCHEDULE 4.