

SCHEDULES

SCHEDULE 4

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

LICENSING OF FISHING BOATS

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—

Status: This is the original version (as it was originally enacted).

- (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;
 - (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—

Status: This is the original version (as it was originally enacted).

- “(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—
 - “(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—

Status: This is the original version (as it was originally enacted).

“(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”.