
*Changes to legislation: There are currently no known outstanding effects
for the Fisheries Act 2020, SCHEDULE 5. (See end of Document for details)*

SCHEDULES

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.
- 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 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;
 - (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;

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- (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 Welsh Ministers must exercise their 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 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—

“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;

“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.

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