SCHEDULES

SCHEDULE 7

Section 34

IMPOSITION OF CHARGES: POWERS OF DEVOLVED AUTHORITIES

Power of Scottish Ministers

1 (1) The Scottish Ministers may by regulations make provision for the Scottish Ministers to impose charges in respect of the exercise by them of a relevant marine function.

(2) "Relevant marine function" means a function relating to—
- (a) fishing quotas;
- (b) ensuring that commercial fish activities are carried out lawfully;
- (c) the registration of buyers and sellers of first-sale fish;
- (d) catch certificates for the import and export of fish.

(3) The charges which may be authorised by the regulations are—
- (a) a charge on a person in respect of the exercise of a function in relation to that person, or
- (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.

(4) The regulations may include provision about—
- (a) who is liable to pay a charge;
- (b) the circumstances in which a charge is payable;
- (c) the amount of a charge (including how an amount is to be calculated);
- (d) reductions and exemptions;
- (e) waivers;
- (f) how and when a charge is to be paid;
- (g) the collection and recovery of payments;
- (h) interest payable on outstanding payments;
- (i) the resolution of disputes (including appeals).

(5) The regulations may confer a discretion on the Scottish Ministers.

(6) A power conferred on the Scottish Ministers under this paragraph does not affect, and is not affected by, any other power of the Scottish Ministers to impose charges.

(7) Before making regulations under this paragraph the Scottish Ministers must consult such persons as they consider appropriate.

(8) Regulations under this paragraph are subject to the negative resolution procedure.

(9) In this paragraph—

"first-sale fish" means fish which is marketed for the first time;

"fishing quota" means—

(a) a catch quota or an effort quota, or

(b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

Power of Welsh Ministers

2 (1) The Welsh Ministers may by regulations make provision for the Welsh Ministers to impose charges in respect of the exercise by them of a relevant marine function.

(2) "Relevant marine function" means a function relating to—

(a) fishing quotas;

(b) ensuring that commercial fish activities are carried out lawfully;

(c) the registration of buyers and sellers of first-sale fish;

(d) catch certificates for the import and export of fish.

(3) The charges which may be authorised by the regulations are—

(a) a charge on a person in respect of the exercise of a function in relation to that person, or

(b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.

(4) The regulations may include provision about—

(a) who is liable to pay a charge;

(b) the circumstances in which a charge is payable;

(c) the amount of a charge (including how an amount is to be calculated);

(d) reductions and exemptions;

(e) waivers;

(f) how and when a charge is to be paid;

(g) the collection and recovery of payments;

(h) interest payable on outstanding payments;

(i) the resolution of disputes (including appeals).

(5) The regulations may confer a discretion on the Welsh Ministers.

(6) A power conferred on the Welsh Ministers under this paragraph does not affect, and is not affected by, any other power of the Welsh Ministers to impose charges.

(7) Before making regulations under this paragraph the Welsh Ministers must consult such persons as they consider appropriate.

(8) Regulations under this paragraph are subject to the negative resolution procedure.

(9) In this paragraph—

"first-sale fish" means fish which is marketed for the first time;

"fishing quota" means—

(a) a catch quota or an effort quota, or

(b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

Power of Northern Ireland department

3 (1) The Northern Ireland department may by regulations make provision for it to impose charges in respect of the exercise by it of a relevant marine function.

(2) "Relevant marine function" means a function relating to—

(a) fishing quotas;

(b) ensuring that commercial fish activities are carried out lawfully;

(c) the registration of buyers and sellers of first-sale fish;

(d) catch certificates for the import and export of fish.

(3) The charges which may be authorised by the regulations are—

(a) a charge on a person in respect of the exercise of a function in relation to that person, or

(b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.

(4) The regulations may include provision about—

(a) who is liable to pay a charge;

(b) the circumstances in which a charge is payable;

(c) the amount of a charge (including how an amount is to be calculated);

(d) reductions and exemptions;

(e) waivers;

(f) how and when a charge is to be paid;

(g) the collection and recovery of payments;

(h) interest payable on outstanding payments;

(i) the resolution of disputes (including appeals).

(5) The regulations may confer a discretion on the Northern Ireland department.

(6) A power conferred on the Northern Ireland department under sub-paragraph (1) does not affect, and is not affected by, any other power of it to impose charges.

(7) Before making regulations under sub-paragraph (1) the Northern Ireland department must consult such persons as it considers appropriate.

(8) Regulations under sub-paragraph (1) are subject to the negative resolution procedure.

(9) In sub-paragraphs (1) to (8)—

"first-sale fish" means fish which is marketed for the first time;

"fishing quota" means—

(a) a catch quota or an effort quota, or

(b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.

Changes to legislation:
There are currently no known outstanding effects for the Fisheries Act 2020, SCHEDULE 7.