



# Fisheries Act 2020

## 2020 CHAPTER 22

### *Fishing opportunities*

#### **23 Power of Secretary of State to determine fishing opportunities**

- (1) The Secretary of State may determine, for such year or other period as may be specified in the determination—
  - (a) the maximum quantity of sea fish that may be caught by British fishing boats;
  - (b) the maximum number of days that British fishing boats may spend at sea.
- (2) A determination under subsection (1) may be made only for the purpose of complying with an international obligation of the United Kingdom to determine the fishing opportunities of the United Kingdom.
- (3) Different maxima may be determined under subsection (1)—
  - (a) for, or for fishing boats fishing for, different descriptions of sea fish,
  - (b) for different areas of sea, or
  - (c) (subject to subsection (4)) for different descriptions of fishing boat.
- (4) Different maxima may not be so determined by reference to—
  - (a) the location of a British fishing boat's home port, or
  - (b) any other connection of a British fishing boat, or any of its owners, to any place in the United Kingdom.
- (5) In this Act—
  - (a) “catch quota” means a quantity of sea fish determined under subsection (1)(a);
  - (b) “effort quota” means a number of days at sea determined under subsection (1)(b).
- (6) The Secretary of State may—
  - (a) exercise a power in subsection (1) so as to—
    - (i) determine a maximum quantity of sea fish, or maximum number of days at sea, of zero, or
    - (ii) make a determination replacing a determination already made;

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, Section 23. (See end of Document for details)*

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- (b) withdraw a determination already made.
- (7) A determination under subsection (1) may not be made or withdrawn after the end of the period to which it relates.
- (8) The Secretary of State may by regulations make provision for determining, for the purposes of this Act, the number of days in a period that a fishing boat is to be regarded as spending at sea in any area of sea.
- (9) Regulations under subsection (8) may make provision by reference to provision made under paragraph 1(3) of Schedule 3 (provision included in sea fishing licence as to the circumstances in which time is, or is not, to count as time spent at sea for the purposes of the licence).
- (10) Regulations under subsection (8) are subject to the negative resolution procedure.
- (11) References in [<sup>F1</sup>assimilated direct] legislation to fishing opportunities (however expressed) are, in relation to British fishing boats, references to catch quotas and effort quotas or (as the context requires) to either.

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**Textual Amendments**

- F1** Words in s. 23(11) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 94(2)(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 2020, Section 23.