



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;

Status: This is the original version (as it was originally enacted).

- (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- (7) A determination under subsection (1) may not be made or withdrawn after the end of the period to which it relates.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 retained direct EU 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.