



Fisheries Act 2020

2020 CHAPTER 22

Fishing opportunities

27 Sale of English fishing opportunities

- (1) The Secretary of State may by regulations make provision for the sale of—
 - (a) rights to use one or more English catch quotas;
 - (b) rights to use one or more English effort quotas.
- (2) A right to use an English 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;

Status: This is the original version (as it was originally enacted).

- (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;
 - (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 Marine Management Organisation must exercise its 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 section the Secretary of State must consult such persons as the Secretary of State thinks appropriate.
- (6) Regulations under this section are subject to the affirmative resolution procedure.
- (7) In this section—
- “English 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 Secretary of State or the Marine Management Organisation for use by English fishing boats;
 - “English 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 Secretary of State or the Marine Management Organisation for use by English fishing boats.
- (8) Schedule 5 contains provision conferring power on the Welsh Ministers corresponding to that conferred on the Secretary of State by this section.