

EXPLANATORY MEMORANDUM TO
THE SEA FISHING (LICENCES AND NOTICES) (ENGLAND) REGULATIONS 2012

2012 No. 827

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument specifies the means by which sea fishing licences and notices of licence variation, suspension and revocation are delivered to commercial fishing licence holders in England, and the time when such licences and notices take effect.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument is made for two main purposes. Firstly it deals with just English fishing boats (and those registered in the Channel Islands or the Isle of Man), whereas the previous instrument dealing with sea fishing licences and notices, the Sea Fishing (Licences and Notices) Regulations 1994 (S.I. 1994/2813), extended to the United Kingdom. This change follows a Scottish statutory instrument made last year in relation to Scottish fishing boats (S.S.I. 2011/70).

4.2 The second key purpose of the instrument is to provide that notices of variation, suspension or revocation of a sea fishing licence may be communicated by publication on a website, usually the website of the Marine Management Organisation (MMO).

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 In England, the current practice of issuing fishing licence variations in paper format is a costly, resource intensive and time consuming process for the MMO and

licence holders. The publication of notices of variation on a website will provide annual real time and resource savings to the MMO whilst, for licence holders, it will save time and reduce the administrative burden of compliance.

7.2 The new system will be implemented and administered by the MMO. Licence variations will be published on the MMO website. Licence holders, or their nominees, will then be able to view the variation on the MMO website.

7.3 Licence holders will also be able to request that they be sent an email or text message alerting them that their licence has been varied and that they need to check the notice of variation on the MMO website. They may alternatively appoint a nominee to receive these alerts and access the electronic notices of variation on their behalf.

Thus, the new policy involves two elements:

- (1) the publication of the notice of variation on MMO's website and
- (2) the electronic alert.

7.4 Further work will be carried out by the MMO once the legislation has come into force. The MMO proposes to phase in the system of electronic alerts of licence variations and the publication of notices on their website over a 3 month transition period providing the opportunity to work with industry to resolve any outstanding concerns. This will facilitate the smooth implementation of the process.

8. Consultation outcome

8.1 A six week consultation on these proposals has taken place and the concerns raised by stakeholders have been fully taken into account in the impact assessment. There was a limited response to the consultation however the majority were in favour of the proposed measure. General concerns were raised at the consultation stage about receipt and transmission of information, particularly regarding the 10% of or 290 fishers with no email access. However, it is considered that the practice of using a nominee to access information on behalf of the vessel owner or charterer, together with the option of assistance from the local Port Office, would overcome any perceived difficulties highlighted in the consultation. Overall this simplification measure has the support of industry.

9. Guidance

9.1 Formal Defra Guidance is not required. The MMO, as the administrators of the new system, will be responsible for making fishers aware of the changes and working with them to resolve any issues.

10. Impact

10.1 The impact on business of this cost neutral measure is the removal of administrative burdens and simplification of the process of compliance.

10.2 The impact on the public sector will be annual real time and resource savings to the Marine Management Organisation due to electronic transmission of information.

10.3 An Impact Assessment (IA) is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk. This sets out how this measure imposes no burdens to industry as it is deregulatory and imposes zero net costs on business.

11. Regulating small business

11.1 The legislation applies to small business. There are some large operators in the fisheries sector but in the main this industry is made up of small to medium businesses. However, this measure imposes no burdens to industry as it is deregulatory and imposes zero net costs on business. An exemption from the micro-business and start up moratorium has therefore been granted.

12. Monitoring & review

12.1 The MMO will be responsible for monitoring and reviewing the scheme to ensure that it remains fit for purpose.

13. Contact

Keith Porter at the Department for Environment, Food and Rural Affairs, Tel: 020 7238 4434 or email: keith.porter@defra.gsi.gov.uk can answer any queries regarding the instrument.