

EXPLANATORY MEMORANDUM TO
THE FISHING BOATS DESIGNATION (ENGLAND) (AMENDMENT) ORDER
2017 No. 1219

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order makes a number of minor technical corrections to the Fishing Boats Designation (England) Order 2015 (“the 2015 Order”).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The Fishing Boats Designation (England) (Amendment) Order 2017 amends the 2015 Order.

5. Extent and Territorial Application

- 5.1 The Order extends to England and Wales
- 5.2 The Order applies only in relation to England and to British Fishery limits excluding waters in the Scottish, Welsh and Northern Ireland zones.

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

What is being done and why

- 7.1 The 2015 Order specifies the access rights of other member states (OMS) in waters around the English Coast (6-12nm zone) and the access rights of OMS and third countries in British fishery limits outside 12nm from baselines. Schedule 1 of the Order specifies the species OMS or third countries may catch as well as the areas where OMS or third countries may fish.

The 2015 Order currently contains a number of minor technical errors which require correction. The Order amends the 2015 Order by substituting the definition of “baselines” This is done so that the Order is consistent with the judgment of the European Court of Justice in *Re Territorial Sea: EC Commission v United Kingdom* (Case C-146/89) [1991] 3 CMLR 649. It also amends the definition of “demersal fish”, and makes minor textual amendments to correct the descriptions of the areas in which Belgium, France and Ireland are designated to fish in waters around the coast of England.

8. Consultation outcome

- 8.1 This is a technical amendment to an Order and therefore does not require an impact assessment or consultation.

9. Guidance

- 9.1 No guidance is required.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
10.2 There is no impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 No review required, as this is a technical amendment.

13. Contact

- 13.1 Helen Stevens at the Department for Environment, Fisheries and Rural Affairs.
Telephone: 078244 08306 or email: helen.stevens@defra.gsi.gov.uk can answer any queries regarding the instrument.