

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL

Fifth Sitting

Tuesday 11 December 2018

(Morning)

CONTENTS

CLAUSE 1 under consideration when the Committee adjourned till this day
at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 15 December 2018

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The Committee consisted of the following Members:

Chairs: † JAMES GRAY, DAVID HANSON, MR LAURENCE ROBERTSON, SIR DAVID CRAUSBY

- | | |
|---|---|
| † Aldous, Peter (<i>Waveney</i>) (Con) | † O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Brown, Alan (<i>Kilmarnock and Loudoun</i>) (SNP) | † Pennycook, Matthew (<i>Greenwich and Woolwich</i>) (Lab) |
| † Carmichael, Mr Alistair (<i>Orkney and Shetland</i>) (LD) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Smith, Owen (<i>Pontypridd</i>) (Lab) |
| † Duguid, David (<i>Banff and Buchan</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Eustice, George (<i>Minister for Agriculture, Fisheries and Food</i>) | † Sweeney, Mr Paul (<i>Glasgow North East</i>) (Lab/Co-op) |
| † Grant, Bill (<i>Ayr, Carrick and Cumnock</i>) (Con) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| † Hill, Mike (<i>Hartlepool</i>) (Lab) | Gail Poulton, Lis Gerhold, <i>Committee Clerks</i> |
| † Hollinrake, Kevin (<i>Thirsk and Malton</i>) (Con) | |
| † Jones, Mr Marcus (<i>Nuneaton</i>) (Con) | |
| Lefroy, Jeremy (<i>Stafford</i>) (Con) | |
| † Morris, James (<i>Halesowen and Rowley Regis</i>) (Con) | † attended the Committee |

Public Bill Committee

Tuesday 11 December 2018

(Morning)

[JAMES GRAY *in the Chair*]

Fisheries Bill

9.25 am

The Chair: May I welcome the Committee to line-by-line consideration of the Bill and lay down a couple of parish notices? Most Members have probably sat on such a Committee before. For those who have not, the rules of dress, address and behaviour are identical to those in the main Chamber. Those who have sat under my chairmanship before will know that I tend to the traditional end of that line of thinking—I tend to be quite strict in requiring no coffees, no mobile phone noises, proper means of address, proper behaviour and all that kind of thing.

We addressed this last week, but I remind Members that amendments must usually be tabled by Thursday to be considered the following Tuesday, and by Monday to be considered the following Thursday. However, next week we will sit on Monday, so it will be necessary for Members to table any amendments they wish to be considered then before the rise of the House on Wednesday. That is slightly complicated, but we need to stick closely to it.

The selection list is in front of you and shows how the amendments have been grouped. You will know that the order of consideration of amendments is not necessarily the order in which they will be voted on. They will be voted on as they turn up in the Bill itself. We may allow a stand part debate at the end of the consideration of each clause, or, at my discretion, we may not if we had a reasonably good Second Reading-type debate during consideration of the amendments. We will try to avoid having too many stand part debates, apart from where there is a matter of great principle to be considered. I rely in particular on the Opposition to make it clear when they wish to have a stand part debate. I will be delighted to allow one if that is what you would like.

Clause 1

FISHERIES OBJECTIVES

Peter Aldous (Waveney) (Con): I beg to move amendment 78, in clause 1, page 1, line 2, at end insert—

“(A1) Any public authority with any function relating to fishing activities or fisheries management must exercise those functions to achieve or contribute to the achievement of the fisheries objectives.”

The Chair: With this it will be convenient to discuss amendment 36, in clause 1, page 1, line 9, at end insert—

“(1A) Any public authority with functions relating to fisheries activities or fisheries management must have regard to the fisheries objectives in the exercise of those functions.”

This amendment would place a duty on public authorities to have regard to the fisheries objectives in exercising their fisheries functions.

Peter Aldous: It is a pleasure to serve under your chairmanship, Mr Gray. I will seek to abide by the house rules you set down.

I have tabled quite a few amendments, so, if I may, I will say a few words of introduction about what is behind them. I represent Lowestoft—it is the largest town in my constituency—which I think we would say was formerly the fishing capital of the southern North sea. It was possible to walk on water from trawler to trawler, from one side of Hamilton dock to the other. That is not the case today; the trawl basin is largely empty. In Lowestoft, we have the worst-case scenario—we have seen how fisheries management can go horribly wrong.

We have rich fisheries off the East Anglian coast that bring very little benefit to East Anglian coastal communities. We do have a producer organisation—it is run from Lowestoft and has accountants in an office overlooking the trawl dock—but no fish are landed in Lowestoft. The trawlers in the Lowestoft PO land fish predominantly in the Netherlands. We are left with a small inshore fleet that lives a hand-to-mouth existence, unsure what quota of fish it will be able to catch from month to month. We might say it lives off the scraps from a rich man’s table.

With that in mind, the Bill needs to address three challenges. It needs to address the lack of fishing opportunities for fishermen such as those whom I represent; ensure we have a sustainable fishing management system; and ensure that we can bring significant benefits to coastal communities such as Lowestoft, many of which feel they have been left behind over the past 40 years.

The Bill provides us with an opportunity to put things right. Taking into account the short time that the Government and officials from the Department for Environment, Food and Rural Affairs have had to put the Bill together, we can say that they have done a good job with a lot to be commended. I acknowledge that it is an enabling Bill, and we probably do not want to get involved with or bogged down by a lot of detail. However, over the next two weeks we have the opportunity to scrutinise provisions that will provide the framework within which we can revive coastal communities—not just Lowestoft, but all around the coast of this country.

Let me turn to amendment 78—I am inclined initially to think of Julie Andrews, so I am starting at the very beginning, which is a very good place to start. Clause 1 sets out the fisheries objectives. There is concern that as currently drafted it does not provide a binding legal duty on all public authorities to achieve those objectives, so the amendment seeks to address that concern. It will ensure that the environmental and socio-economic protections that the authorities provide are implemented effectively, and it will help to secure the Government objective of delivering a truly sustainable, world-leading fisheries management system. It is complemented by amendment 80, to which I will speak later in our proceedings. Amendment 78 would impose an obligation on all public authorities. I acknowledge that in drafting terms that may not sit all that well with the Bill, but it raises genuine concerns, and I would welcome the Minister’s feedback on that issue and on how he will best take that concern on board.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I will speak to amendment 36 in addition to amendment 78. It is an honour to speak on behalf of

the Opposition, not only as Labour's shadow fishing Minister, but as an MP who represents a constituency that has nearly 1,000 fishing jobs in both the catching and the processing sectors. The Bill is a missed opportunity, and although we do not oppose it we have tabled a significant number of amendments to improve it and reflect the changes that the industry needs from a new regulatory framework. We seek to ensure that there are enough fish to catch in our ocean, and that the industry is truly sustainable, both economically and, importantly, environmentally.

There is perhaps just one sector of our entire United Kingdom economy that could be better on day one of Brexit—fishing—but only if we can ensure that our fish exports to markets are free of burdensome and expensive customs checks, and free from tariffs. Brexiteers and those behind the 2016 referendum made much of promises to the fishing industry, and Labour's amendments seek to make real many of the promises that were made during the leave campaign, and since by Ministers, but that are missing from the Bill as drafted. Labour wants to work constructively with the Minister to improve the Bill, and I hope that he does, too.

This is a once-in-a-lifetime opportunity to start afresh and create a truly world-leading fisheries policy, and we must not waste that opportunity. There are good things in the Bill that we want to support, but there are far too many missing pieces. As I said on Second Reading, the Bill smacks of something that was pushed out hurriedly to ensure that a regulatory framework is in place in the event of a no-deal hard Brexit.

The Secretary of State for Environment, Food and Rural Affairs has committed the UK Government to leaving the natural environment in a better state than we found it, and rightly so. That is good and welcome, but we need more than soundbites—we need action, and many of our amendments would put such measures into legislation. There are significant concerns about the gap between the Government's stated ambition, as set out in the White Paper, to deliver world-leading fisheries, and the duties currently in the Bill to deliver that goal. It is critical for the health of our oceans that the Bill includes a duty to deliver sustainability objectives as set out in clause 1. Without such a duty, targets are established but there is no clear obligation on authorities, other than the Secretary of State, to deliver them. There should also be a requirement for annual updates on progress made against those objectives.

Amendment 36 is vital. I am glad that the hon. Member for Waveney tabled a very similar amendment. He and I may sit on opposite sides of the House, but we have both spent a lot of time listening to our fishing communities in our respective constituencies, so we seem to be doing a cross-party tag team on many of our amendments. The purpose of the Opposition amendment is to place a legal duty on any public authority with any fisheries-related function to achieve the objectives set out in the Bill. Without such a duty, objectives are established but there is no clear obligation for authorities to deliver them. The Opposition seek an explicit carry-through of duties, rather than an implied or suggested one, as is currently the case.

We heard last week from Debbie Crockard, senior fisheries policy advocate for the Marine Conservation Society. She said:

“The ambition here is for world-leading sustainable fisheries management. At the moment we do not have a duty in this Fisheries Bill to meet the objectives in the Bill. Those objectives cover a lot of very good things—sustainability and a precautionary approach—but without the duty there is no clear obligation to deliver those objectives. Without that clear obligation you are in a situation where they might not be met and there is no obligation to meet.”—[*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 80, Q157.]

Our amendment would make a simple but effective change. We are pleased with many of the words in the objectives, but it is important that we carry those through. I would be grateful if the Minister would say how he will ensure that those objectives are properly implemented and do not just exist on paper in the Bill.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I commend the hon. Members for Waveney and for Plymouth, Sutton and Devonport for tabling these amendments, which deal with an important point. I have a concern about what is described in the briefing we received today from Greener UK as a “fundamental flaw”. The more I think about it, the more I understand that to be the case. The concern is that public bodies currently have to act in accordance with the joint policy statements. That may be good in so far as those statements marry up with the Bill's objectives, but it leaves rather a lot depending on the content and substance of the statements.

The advantage of the amendments, which are essentially the same in their import, is that they would place a duty on public bodies to have regard to the objectives. Those objectives are good—there is broad consensus that they are exactly the objectives we ought to set in respect of fishing policy. It seems to me that tying public bodies into the objectives, rather than just the policy statements, is a good idea that would strengthen the Bill significantly. I suspect such a provision might have been put in the Bill anyway, had it spent a little longer in the oven of Government.

I am interested to hear the Minister's thinking. I do not know whether the hon. Member for Waveney intends his amendment as a probing amendment, but Members inevitably will wish to return to this matter, either in Committee or at a later stage.

The Minister for Agriculture, Fisheries and Food (George Eustice): It is a pleasure to start with this very important clause, which sets out our sustainability objectives. I hope I am able to reassure hon. Members that the two amendments are unnecessary because of other provisions in the Bill.

The fisheries administrations are already covered by the joint fisheries statement and, in the case of England, the Secretary of State's fisheries statement. Clause 2 sets out a clear requirement to publish a joint fisheries statement explaining how we intend to achieve the objectives set out in clause 1. Clause 6(1) contains a requirement that the functions of national authorities must be carried out in accordance with the joint fisheries statement.

One of my issues with amendment 36 is that it uses the words “must have regard to”. I believe that the structure we have put in place—with a joint fisheries statement that explains in great detail how we intend to achieve the objectives, is regularly reviewed, can be

[George Eustice]

updated when circumstances change, and must be followed—is more powerful than saying simply that authorities must have regard to the objectives. We want this to be an obligation that we seek to follow in the best possible way, while recognising the complexity of the marine environment and how things are subject to change.

Owen Smith (Pontypridd) (Lab): Is part of the problem, as we heard during the evidence sessions, that other Administrations do not necessarily have to follow what is set down in the joint fisheries or ministerial fisheries statement—they merely need to explain why they departed from it?

George Eustice: That provision is only for a force majeure event such as a major crisis or something that would require an Administration to move outside the plan, and they would have to explain why that had happened. The requirement to follow the joint fisheries statement applies equally to all Administrations in the UK and it is legally binding.

Other public bodies—for example, the inshore fisheries and conservation authorities—are already covered by legislation, and those obligations are set out in the Marine and Coastal Access Act 2009, which was introduced by the previous Labour Government. Section 153 of that Act sets out clear duties for IFCAs to

“seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way...seek to balance the social and economic benefits of exploiting the sea fisheries resources...with the need to protect the marine environment from...the effects of such exploitation”,

and finally to take any other steps that are necessary for sustainable development. Obligations for the IFCAs are therefore already covered by the 2009 Act.

Owen Smith: I am grateful for the Minister’s explanation, but I do not really understand what he means by force majeure events. This seems to me to be quite simple. Clause 6(1) states:

“A relevant national authority must exercise its functions...unless relevant considerations indicate otherwise.”

I would be grateful to know what “relevant considerations” might mean, because that seems to be fairly broad criteria. Clause 6(4) states simply:

“If a relevant national authority within subsection (5)(a) or (b) takes any decision in the exercise of its functions...otherwise than in accordance with the policies contained in an SSFS that are applicable to the authority, the authority must state its reasons”.

The Chair: Order. We might discuss that matter when we consider clause 6, rather than now.

Owen Smith: The Minister mentioned clause 6

The Chair: Order. The fact that the Minister mentioned clause 6 is not a good reason to question the Chair’s decision on the matter.

George Eustice: I concede that I started this by mentioning clause 6, but I did so in the context of obligations that were to give effect to the measures in clause 1—we will return to that issue in further detail later on.

My third point is that the Environment Agency has a role when it comes to fisheries, and particularly freshwater fisheries—for example, the regulation of salmon. It is covered by separate legislation, and the Environment Act 1995 places a duty on the EA to promote the conservation and enhancement of the natural beauty and amenity of inland and coastal waters, and land associated with such waters, as well as the conservation of flora and fauna that are dependent on the aquatic environment.

For the reasons we have set out, we believe that the joint fisheries statement and obligations in clause 6 already give effect to the obligations and objectives in clause 1. Public bodies that are not covered by the joint fisheries statement are covered by other legislation, notably the Marine and Coastal Access Act 2009 and the Environment Agency.

Mr Carmichael: I am grateful to the Minister for giving way, as I sense he is coming to the end of his remarks. Will he confirm that the contents of the joint policy statement could be subject to judicial review?

George Eustice: Lots of things in our constitution are subject to judicial review. If a joint fisheries statement were published and there was some doubt as to whether those objectives were being delivered, there is always a basis in our constitution for that to be legally challenged. However, I believe we will be able to work together with all Administrations to ensure that the joint fisheries statement sets out how we intend to deliver our objectives.

On the right hon. Gentleman’s point about why we chose to do that via a joint fisheries statement, he will know that the marine environment is a very dynamic place where new challenges present themselves. To have a dynamic, detailed plan that is updated periodically and remains relevant, which refocuses us on our objectives and learns lessons from what may or may not have worked, is more powerful than the two amendments would provide.

9.45 am

Mr Carmichael: The Minister is being generous with his time. He sets out a process that we hope would be followed in optimum circumstances. In fact, very often that is not the case; other considerations come into play. We have to produce legislation suitable to deal with the worst possible circumstances, not just the base that we hope for. Surely, the advantage of putting this into the objectives, rather than just remaining with the policy statements, would be that those who wanted ensure that the policies meet the objectives would not have resort to that sort of expensive legal procedure.

George Eustice: I simply believe that the approach we have set out, of a joint fisheries statement that can be regularly updated and can express in great detail how we intend to deliver those objectives, is more powerful than a simple addition to the clause. In this Bill we give legal effect, via the joint fisheries statement, for a requirement on Administrations to follow those objectives.

There are occasions, as the right hon. Gentleman will know from his constituency, when we have to do annual fisheries negotiations with Norway and the Faroes, and we have to do the coastal states negotiations on issues

such as mackerel. Sometimes, countries such as Norway use other scientific measures, although maximum sustainable yield is one of their approaches, too. Sometimes, we have to reach an agreement, and if we are too inflexible in our approach to reaching an agreement with countries in those circumstances, everybody unilaterally sets their own quota and goes their own way, and the marine resource suffers. It is important that our plan has the flexibility to enable us to reach a settlement with our near neighbours such as Norway and the Faroes.

I hope I have been able to persuade hon. Members that the approach we have set out deals with the intention behind the two amendments, and that they will not feel the need to press them.

Peter Aldous: I have listened carefully to the Minister's points. Although it was important to highlight the issue we need to take into account, I am generally content that the existing provisions, particularly the joint fisheries statement, cover the matter. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 36, in clause 1, page 1, line 9, at end insert—

“(1A) Any public authority with functions relating to fisheries activities or fisheries management must have regard to the fisheries objectives in the exercise of those functions.”—(*Luke Pollard.*)

This amendment would place a duty on public authorities to have regard to the fisheries objectives in exercising their fisheries functions.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 1]

AYES

Carmichael, rh Mr Alistair	Pollard, Luke
Debonnaire, Thangam	Smith, Owen
Hill, Mike	Sweeney, Mr Paul

NOES

Aldous, Peter	Jones, Mr Marcus
Duguid, David	Morris, James
Eustice, George	Stewart, Iain
Grant, Bill	Tracey, Craig
Hollinrake, Kevin	

Question accordingly negatived.

Luke Pollard: I beg to move amendment 37, in clause 1, page 1, line 9, at end insert—

“(g) the public asset objective.”

This amendment would add to the fisheries objectives the “public asset” objective, defined in Amendment 38.

The Chair: With this it will be convenient to discuss amendment 38, in clause 1, page 2, line 24, at end insert—

“(7A) The ‘public asset objective’ is to manage fisheries, and the rights to exploit those fisheries, as a shared resource and public asset held in stewardship for the public good.”

This amendment defines the “public asset” objectives.

Luke Pollard: Members will see from the amendment paper that the Opposition propose a number of additional objectives, including a new public asset objective, a new

marine planning objective, a new safety and workforce objective, and a new climate change and international agreements objective. The first—the public asset objective—would deliver on the pledge in the Government's White Paper, which states:

“We aim to manage these fisheries—and the wider marine environment—as a shared resource, a public asset held in stewardship for the benefit of all.”

That sounds brilliant, but it should have been included in the Bill.

Listing fish as a public good in the Bill would allow us to say definitively that fish should be allocated for the benefit of the country. I am amazed that Ministers did not set that out clearly in Bill. I encourage the Minister to accept the amendment so there can be no doubt, no obfuscation and no sleight of hand in policy from this Government or any that might follow—particularly in the coming days—that fish is a public good and their benefits should be shared by the nation.

We heard evidence last week from Griffin Carpenter, an economist at the New Economics Foundation. He agreed with that point, stating:

“When I have spoken to stakeholders, even the quota holders, everyone starts from the same premise that fish is a public good, but from my perspective that has not been followed through in the way we treat the opportunity to fish that public good.”—(*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 104, Q200.)

The hon. Member for Waveney expressed similar concerns. I am sure hon. Members on both sides of the House know Aaron Brown from Fishing for Leave, who is a key supporter of the amendment. He said in evidence last week:

“Fish always has been a public resource. Various judicial hearings have defined that as well. Indeed, it probably stretches all the way back into Magna Carta right back through our constitution.”

That is slightly before my time, I am afraid. He continued:

“At the end of the day, we as fishermen, as the members of the public who catch, are only custodians of what is the nation's; we look after it and husband it well for current generations and future ones. We would very much like to see a clause put in”.—(*Official Report, Fisheries Public Bill Committee*, 4 December 2018; c. 62, Q134.)

Importantly, clause 1 sets the tone for how the Bill will be regarded. There is much discussion about fish in our political debate. It is vital that we make it clear right from the start that fish is a public asset and should be distributed accordingly—a key argument that I believe Members on both sides of the House have advocated. Its omission from the Bill is regrettable, which is why the Opposition seek to insert it as one of the Bill's early objectives.

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mr Gray. We will be happy to support the amendment if it is pressed to a vote. Clearly, clause 1 is all about setting objectives. The Minister may argue that the amendment is superfluous, but we are setting objectives and, as the hon. Member for Plymouth, Sutton and Devonport touched on, we heard clearly in evidence that there is a desire for the Bill to state that fishing is a public good. That would set a marker for the future, when we look at reallocating quotas for the benefit of that public good. We are certainly happy to support the amendment.

George Eustice: I do not believe the amendment is necessary, for reasons that I will set out. I will describe in a moment what we intend to do on quota allocation.

As the hon. Member for Plymouth, Sutton and Devonport highlighted, case law in this area is very clear. We have an unwritten constitution, elements of which do not need to be put in statute. We do not need to put in statute that Parliament is sovereign. We do not need to put in the Bill that fish live in water. Certain things are facts, not objectives. We do not have an objective to make fish a public asset; it is a statement of fact that they are a public asset, and our common law tradition enshrines that.

The case law is very clear. The UK Association of Fish Producers Organisations brought an important test case in 2013, when my predecessor moved some quota. Mr Justice Cranston, the judge who took the case, noted Magna Carta and what it sets out, and its implications were that fish stocks are a public resources. As he stated:

“Consequently, there can be no property right in fish until they are caught.”

The nature of our unwritten constitution, our common law tradition and our case law make it clear: fish are a public asset. Furthermore, articles 2 and 56 of the United Nations convention on the law of the sea recognise that coastal states have sovereign rights over their resources, including fisheries in their territorial waters and exclusive economic zone, and we are signatories to that convention.

I do not believe it necessary, but I wish briefly to explain why in our White Paper we set out clearly that fish are a public asset. As we diverge from relative stability shares and additional fishing opportunities come in, we have been explicit that those new fishing opportunities will not be allocated along current fixed quota allocation lines, and that initially, as a first step, we will allocate the quota differently. We are considering a number of measures. First, we could put additional fish into the under-10-metre pool—the inshore pool—to give extra fishing opportunities to our smaller inshore fleet. Secondly, other parts of the Bill we set out an ability for us to use some of that additional quota to create a national reserve to help manage the landing obligation and deal with the problem of choke species and discards. Thirdly—again, this is set out elsewhere in the Bill—we have outlined the possibility for a producer or organisation to tender for fishing opportunities for a year or a number of years, based on their track record on issues such as creating opportunities for new entrants, their sustainability, the amount of benefit they deliver for coastal communities and so on.

We have been clear that new fishing opportunities will be allocated differently. In the longer term and once we have established alternative methodologies, if we gave sufficient notice—the judgment I mentioned earlier suggested that the Government would need to give seven years’ notice to people who currently hold FQA units—it would be possible gradually to start to move away from the FQA system altogether. We do not want to do that expeditiously, for the reasons set out in our White Paper. Complex business models have been built under the current FQA regime, and people have borrowed money to buy vessels with FQA units attached. As we leave the EU, a lot of changes will already be happening and we do not want to compound them by destabilising the system entirely. We have been clear that we will stick

with existing FQA units for existing fishing opportunities, but we will diverge from that over time. To do that, we must simply give notice in a policy statement or document that we intend to do so; it does not need to be placed in the Bill.

Mr Carmichael: Would the insertion of the amendment prevent the Minister from doing that?

George Eustice: It would not, but nothing in the amendment is necessary, and when we draft legislation, it is important to include that which is necessary. Arguably, there would be nothing wrong with a piece of legislation that stated “Parliament is sovereign”, except that that which can be given can be taken away. We have an unwritten constitution and a common law tradition in this country because there are certain things that we do not want to call into question by including them in a Bill. We certainly do not want to downgrade this to a mere objective when it is about a long-established right and a national resource that cannot be turned into a property right, and that is a long-standing point in our constitution.

I understand the thinking behind the amendment and the points raised by the hon. Member for Plymouth, Sutton and Devonport. I hope I have been able to reassure him that is unnecessary and, more important, that I have enlightened him of the Government’s intentions and approach as we move to a new system and regime for allocating quota.

10 am

Mr Carmichael: I confess I was not much exercised about this amendment until I heard the Minister’s explanation of why the Committee should not accept it. The Minister says that we do not need to put in the Bill the fact that fish swim in the sea. That is absolutely correct, but that is different from parliamentary sovereignty—the other example he cited. If I dredge the depths of my memory, that is the difference between a *praesumptio iuris* and a *praesumptio iuris et de iure*: there are some things that are irrefutable—fish swim in the sea, for example. Parliamentary sovereignty is not necessarily part of nature; it is part of the decisions we take. Jurists have wrestled with that for centuries.

Our own definition of parliamentary sovereignty has changed many times over the years. The whole question of sovereignty is seen differently in different parts of the United Kingdom. It is well established in Scots law that sovereignty is vested in the people and given to Parliament; the Diceyan definition of parliamentary sovereignty is not necessarily accepted. I did not particularly anticipate employing this line of argument, but as the hon. Member for Pontypridd said, the Minister started it.

The Chair: We are slightly off the topic.

Mr Carmichael: We are, but if the basis of parliamentary draftsmanship is that the Government will do things only that are necessary, that is quite welcome. However, given the direction of travel of legislation over the 17 years I have been in the House, that would be a fairly normal one and something of a departure from the way we have done things recently.

The Minister brought forward various policy objectives that would sit well in the policy statements at that point, but I do not see anything that contradicts the need for this to be put into the policy objectives. Whereas initially I was of the view that this was not something of greatest moment, now I understand the reasons why the Government resist it I am somewhat more impressed with the idea behind it.

The Chair: Does the Minister wish to reply?

George Eustice *indicated dissent.*

The Chair: He is not required to do so.

Luke Pollard: I welcome the Minister's words about allocation of quota. We will come to that in due course. In consideration of the first two amendments, an awful lot of fishers will watch this Committee and will ask why Ministers are resisting fish being a public asset in this Bill. They will ask, "What are they trying to hide or trying not to say?"

George Eustice: The hon. Gentleman seeks to downgrade something that is a fact—fish are a national asset—to become a mere objective.

Luke Pollard: For someone who is still quite fresh in Parliament, it is very curious that a downgrade to an objective is better than not having something in the Bill at all. Not mentioning it seems to be the higher state for something—that is not what most fishers will take from this debate.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): My hon. Friend will know that many fishermen will watch the Committee and note the rather peculiar point made by the Government. Surely, this is a belt-and-braces approach, not a mutually exclusive option to define fish as a public asset. Many small fishermen, particularly those who seem to be crowded out as a result of large-scale private fishing interests dominating the sector, will view the Government's proposals with cynicism.

Luke Pollard: Fish is a public asset and that should be in the Bill. That is the position of my hon. Friends, and I am disappointed that we have not been able to find a form of words to convince the Minister to be clear that fish is a public asset and should be in the Bill. This is one of the fundamental principles that fishers say to me when I go down to the quayside in Plymouth: they want the Government to come to an honest set of words that says, "Fish is a public asset."

Mr Carmichael: The hon. Gentleman and I need to challenge the assertion that the inclusion of an asset is a downgrade from what was already there in common law. There is no such thing. All it says is that this is a fisheries objective; it does not change the status of public assets or the view of fish being a public asset in the way of jurisprudence.

Luke Pollard: I agree with the right hon. Gentleman. We need to make that clear, because this is not a Bill that seeks just to refresh and update the regulatory

environment around fishing. It is a Bill laced with politics and other meaning, because of the importance of fishing to the Brexit debate. That is why setting a tone for fishing is so important.

The Minister claims that that is not necessary, but it is certainly desirable. We should ensure that the Bill, and all the fishers who will be governed by it, have a sense of the Government's priorities. Having fishing as a public asset should be high up as one of the key priorities of the Bill and the Government. It is fine to mention it in statements, which we will come to in due course, but being clear that fish is a public asset should be at the front of the Bill, because that is what our fishing communities want it to be. That is why I will not withdraw the amendment but will push it to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 9.

Division No. 2]

AYES

Brown, Alan	O'Hara, Brendan
Carmichael, rh Mr Alistair	Pollard, Luke
Debonnaire, Thangam	Smith, Owen
Hill, Mike	Sweeney, Mr Paul

NOES

Aldous, Peter	Jones, Mr Marcus
Duguid, David	Morris, James
Eustice, George	Stewart, Iain
Grant, Bill	Tracey, Craig
Hollinrake, Kevin	

Question accordingly negated.

Luke Pollard: I beg to move amendment 39, in clause 1, page 1, line 9, at end insert—

"(g) the marine planning objective."

This amendment would add to the fisheries objectives the "marine planning" objective, defined in Amendment 40.

The Chair: With this it will be convenient to discuss amendment 40, in clause 1, page 2, line 24, at end insert—

"(7A) The "marine planning objective" is to ensure that any policies are compatible with any marine plans prepared pursuant to Part 3 of the Marine and Coastal Access Act 2009."

This amendment defines the "marine planning" objective.

Luke Pollard: The amendments relate to the importance of marine planning in the conservation and exercise of the fishing sector. We have tabled new marine planning objectives and I am grateful for the work of many stakeholders in reinforcing the importance of marine planning, in particular the Blue Marine Foundation.

The UK and devolved Administrations are preparing marine plans under the Marine and Coastal Access Act 2009, the Marine (Scotland) Act 2010 and the Marine Act (Northern Ireland) 2013. It is important that marine plans are incorporated in the joint fisheries statement and the Secretary of State's fisheries statement, and vice versa. It is vital that the Fisheries Bill works in concert and tandem with the existing legislative framework.

The Marine and Coastal Access Act is an important piece of legislation passed in the final years of the Labour Government, as was mentioned by the Minister.

[*Luke Pollard*]

It is curious that there is not an automatic read-across from that Act to the provisions in the Bill. The amendment seeks to reflect the importance of marine planning in the Marine and Coastal Access Act in the Fisheries Bill.

We heard in evidence last week from Dr Amy Pryor, who is the programme manager at the Thames Estuary Partnership, chair of the Coastal Partnerships Network and a member of the Coastal Communities Alliance. She said that she would like to see more formal recognition of that in the Bill and perhaps an extra marine planning objective that could set out these matters. The amendment seeks to ask the Minister why marine plans are not mentioned in the Bill and I would be grateful for his response.

George Eustice: The hon. Gentleman asks why marine plans are not included in the Bill. The answer is really quite simple: the previous Labour Government did all that was required in this space. As he highlighted, the Marine and Coastal Access Act 2009 already sets out our approach to marine management. Specifically, in chapter 4, section 58 (1) requires public bodies to consider marine policy documents in any decision making. Such documents include marine plans and UK marine policy statements.

A number of regional marine spatial plans are under development, and under the Marine and Coastal Access Act, we have a network of marine conservation zones and are building a blue belt around our shores. Many byelaws introduced by IFCA's give effect to the protections required under the marine conservation zones. As with some of the other amendments that the hon. Gentleman tabled, we believe that this is unnecessary, since our approach to marine spatial planning is set down in the Marine and Coastal Access Act. I would also point out that it is not really an objective to have marine planning. It has been a legal requirement since 2009, and those plans have been rolled out. It is already a legal requirement that decision makers and public bodies must follow those plans.

Mr Marcus Jones (Nuneaton) (Con): Is the Minister saying that, if we accepted this amendment, we would be duplicating the existing law and therefore creating a significant amount of confusion?

George Eustice: I would make two points. First, it is unnecessary, since we already have legislative requirements that require public bodies to do this. Secondly, in common with the previous amendment, it does not sit easily as an objective. It is not an objective to have a marine plan; it has been a legal requirement for almost a decade. I hope that, given the fact that I have given credit to the Labour party for introducing the Marine and Coastal Access Act, which has delivered these things, the hon. Member for Plymouth, Sutton and Devonport will not see the need to duplicate that which has already been done.

Luke Pollard: I thank the Minister for his response and for saying more nice words about the previous Government—more of his colleagues should receive that memo. I hope that was not the last mention of it.

The purpose of the amendment was to set out the importance of marine planning in general, and I am grateful to the Minister for doing that. Some good steps are being taken. I welcome the extension of the blue-belt policy. The Minister will know that my colleagues from Plymouth and I have been arguing for the creation of the country's first national marine park in Plymouth Sound. We also need look internationally, and I hope Ministers hurry up with the designation of the South Sandwich Islands as a marine park. I do not feel that the amendment would duplicate the legislation, as the hon. Member for Nuneaton said, but I am grateful for the Minister's words, which make it clear to all stakeholders how important marine planning is to our fragile marine environment. As a result, I will not press the amendment to a vote. I beg to ask leave that the amendment be withdrawn.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 41, in clause 1, page 1, line 9, at end insert—

“(g) the safety and workforce objective.”

This amendment would add to the fisheries objectives the ‘safety and workforce’ objective, defined in Amendment 42.

The Chair: With this it will be convenient to discuss amendment 42, in clause 1, page 2, line 24, at end insert—

“(7A) The “safety and workforce objective” is—

- (a) to protect and enhance the safety of workers in fishing activities,
- (b) to set and protect minimum standards for wages, terms and conditions of employment in fishing activities,
- (c) to prevent modern slavery in fishing activities, and
- (d) to ensure the application and enforcement of the national minimum wage by HMRC on fishing vessels within the United Kingdom's Exclusive Economic Zone.”

This amendment defines the “safety and workforce” objective.

Luke Pollard: Amendments 41 and 42 attempt to use the Bill to make fishing a better and safer place to work for all our fishers. As Jerry Percy said, when we heard evidence last week from the New Under Ten Fishermen's Association,

“Fishing, unfortunately, still carries the record as the most dangerous occupation in the world.”—[*Official Report, Fisheries Public Bill Committee*, 4 December 2018; c. 39, Q67.]

Every day around the world, people who go to sea to catch fish die. We should remember that important fact. Fishing is a dangerous career.

Since I was elected in June last year, two trawlers from Plymouth have sunk and a life has been lost on each of them. To address marine safety, we need a number of things to happen. We need the rules and regulations to be better and more appropriate to the methods of fishing today. We need better enforcement by authorities, and we need better adoption of those standards and best practice by the industry.

Only last week, a report came out on the tragic sinking of the Solstice trawler—one of the boats I mentioned earlier—which sunk in the patch I represent. It is a tragedy that too many fishermen die every year catching our fish suppers. That is a reminder of just how important fishing safety needs to be. I am aware

that fisheries safety is a responsibility of the Department for Transport rather than DEFRA, but in setting the tone, requirements and objectives for how fisheries should be governed in future, it would be remiss of us not to discuss the importance of marine safety.

Marine safety is increasingly an issue—in particular for small boats, because of the pressures of the regulatory environment that have led to many of those boats perhaps being slightly less stable than they were originally designed to be. In one of our evidence sessions, I spoke about the development of dumpy boats, which has been a direct consequence of the regulatory environment, which has given rise to an under-10 metre fleet. Instead of having a larger boat that trips over that line, boats have become dumper. In addition, given the need for small boats, especially, to be able change their gear, there have been concerns about stability.

10.15 am

Alan Brown: Nobody is going to argue about the importance of improving health and safety. As the hon. Gentleman rightly says, there are many risks in the fishing industry. I am just seeking clarification. Having the objective is fine, but how will the objective in itself lead to improvements in health and safety? Regulation and enforcement are required—we need that linkage.

Luke Pollard: I am grateful for that intervention; it is a good question. The important thing about including this objective is that there would be a requirement for Ministers in their annual statements to report on progress on marine safety. As we have seen, sadly there has not been sufficient progress. Given that responsibility for marine safety is shared between a great number of stakeholders in government, it is important to have an opportunity to bring all those efforts together and share best practice. Having a clear objective that the regulatory environment we want to create around fisheries after Brexit is one where marine safety is prioritised is a key message that we should be sending to the fishing community.

The Minister will know of a brilliant scheme from Plymouth that provides lifejackets personal locator beacons to fishermen with. That is an example of how we can make real our proposed objective, if implemented. Personal locator beacons activate when they come into contact with water, enabling the search to be taken out of search and rescue. I have seen for myself the registry and met the team at Falmouth coastguard who manage this system: it is a good one that we need to roll out more comprehensively.

Mike Hill (Hartlepool) (Lab): As I recall, the Government considered it important that such health and safety provisions apply to vessels coming into our waters post-Brexit. Does my hon. Friend agree that that makes it doubly important that we include these issues in the Bill?

Luke Pollard: My hon. Friend is exactly right. It is important that we set high levels of safety standards for all fishing boats in UK waters, whether they are UK or foreign-registered. The highest safety standards, including wearing lifejackets with personal locator beacons, should be something that we demand. I would like to see every fisher in UK waters wear a lifejacket with a personal locator beacon. I want to stress the feedback from families of fishers who have been lost at sea. Wearing a

lifejacket with a PLB might keep someone alive if the boat sinks or they go overboard, but if the worst happens and that life is lost, the PLB means there is a body for the family to bury or cremate. It is important that we recognise that feedback from families. There seems to be universal agreement that PLBs attached to lifejackets are a good thing, but we know that there is a cost to fishermen of buying new lifejackets with PLBs and registering them. That is why we have tabled the amendment, to make it clear in the Bill that marine safety is important.

Our amendment also deals with the subject of modern slavery. As well as enhancing safety standards, the amendment would address the minimum wage and tackle the issue of modern slavery, which unfortunately can persist far out at sea. Only last year in December, nine African and Asian crew members working on a pair of British scallop trawlers were taken to a place of safety by police as suspected victims of modern slavery. The men were alleged to have worked unlimited hours at sea with very little rest. That is why it important, when we deal with marine safety, that we recognise the pernicious behaviour of those people who are engaged in modern slavery. We need to ensure that has no place in the UK fishing industry, by including it in the Bill. The Prime Minister herself has championed the case against modern slavery. I am certain that if the Prime Minister, who does not seem to have much going on today, were serving on the Committee, she would vote in favour of the amendment, to support action against modern slavery and ensure not only that our fishing industry is as safe as such a dangerous pursuit can be, but that there can be no examples of modern slavery in it.

Mr Carmichael: Like many Members of this House, I am often wary about using legislation to send signals, because most of the time I do not think it necessarily ends well. However, from my experience personally and as a constituency MP, I think the hon. Gentleman's amendment would send a very important signal, so I commend him for tabling it.

One of my formative experiences in the area came when I was still in legal practice. I was instructed to appear at a fatal accident inquiry at Lerwick Sheriff Court on behalf of a family from Banff, or perhaps Macduff, whose son had been swept overboard from a trawler, the Alandale, which is no longer at sea. In a force 7 or force 8 gale, the young man had gone over to the ledge around the side of the boat to fix a trawl door. The boat was hit by a big wave—a lump of water—and he was washed away. The skipper said that the crew saw a flash of orange oilskin in the water, but that was the last they saw of him. They looked for him for some time, but the search was ultimately futile.

When I was instructed in that case, the grief of the young man's parents formed my view, which I hold to this day, that the matter requires our attention and every possible signal needs to be given. The other thing that struck me during the fatal accident inquiry was the evidence of the other deckhand, who was still in his late teenage years. He said that for a few weeks after the incident, he had worn a life vest of some sort; when asked on cross-examination why he had stopped wearing it, he said that he had been subject to ridicule from others in the industry. Nobody of that age, and nobody who had witnessed what that young man had witnessed,

[Mr Carmichael]

should be subject to such pressure. I have noticed that the situation has improved since, but there is still a lot to do. I still hold the view that there is a job of education to be done within the industry, and making it an objective of the Bill would be a significant improvement.

Locator beacons are another matter that I have formed a view on over the years as a consequence of my experience of dealing with families. One constituent, with whom I worked for some years, had a brother working on a single-handed creel boat who was caught in a rope—we think—when shooting his creels and went over the side of the boat, which was on automatic pilot. The boat was eventually found a considerable distance from where the family thought he had been fishing. A locator beacon would not have saved his life, but it would have saved his family immense pain and grief to know sooner where he was. It is a relatively small and inexpensive innovation, but it highlights the importance of putting safety objectives in the Bill.

Finally, let me make a point about modern slavery. The modern slavery that we have identified in the fishing industry has generally been a consequence of the operation of transit visas in relation to crews of non-European economic area nationals. The hon. Member for Plymouth, Sutton and Devonport has heard me speak about that in the House times without number. It is a ridiculous use for transit visas and the Government should get real and identify the need for non-EEA nationals to be employed in the industry, and make a sectoral provision about it.

If the objective were included in the Bill, arguably the Home Office's current approach to visas for non-EEA nationals would be in breach of it. For that and other reasons, the proposed change to the Bill is eminently sensible and supportable.

Brendan O'Hara (Argyll and Bute) (SNP): It is a pleasure to serve under your chairmanship, Mr Gray.

The right hon. Member for Orkney and Shetland is right. Any of us who represent fishing communities know the devastation that can be caused when a boat is lost. Indeed, just at the start of this year in my constituency, the Nancy Glen sank off Loch Fyne with the loss of Duncan MacDougall and Przemek Krawczyk. The devastation felt is something I never want to see again. Anything that improves safety on board has to be supported.

I question the amendment in relation to wages and salary protection, but the SNP supports the principle. The Scottish Government—notably Fergus Ewing, the Cabinet Secretary—have written to industry stakeholders along those lines and spoken to the Government and officials about regularising the visa situation to ensure that non-EEA workers are subject to UK employment law. We are keen to get full implementation of ILO 188, the International Labour Organisation work in fishing convention. We have concerns that the wording of the amendment means it would not apply to the many fishermen who are self-employed, or to the significant proportion of the industry who are share fishermen, to whom such things as the national minimum wage do not apply. We need to ensure that anything in the licence works in tandem with existing law and check the exact implications of the amendment.

It is complex, so although we agree with the spirit of the amendment, particularly about safety on board, we must ensure that we get things right. If the amendment is pressed to a vote we shall support it but, if the hon. Member for Plymouth, Sutton and Devonport does not press it, we will have an opportunity to work on a proposal covering more of the industry. We could work on that together and perhaps bring it back on Report.

George Eustice: This issue is obviously incredibly important. Fisheries and fishing are one of the most dangerous occupations. Every year we have a fisheries debate—we have one tomorrow. Tragically, we always have to reflect on those who have lost their lives to put food on our tables. I know that there has been a tragedy linked to the constituency of the hon. Member for Plymouth, Sutton and Devonport, with the loss of the Solstice and a crew member. The report was published recently and the hon. Gentleman has had a lot of dealings with the family.

The right hon. Member for Orkney and Shetland raised an important point and told a rather depressing story about a young man who was wearing a personal flotation device for his safety and was ridiculed. That underlines an important issue. We need to try to get a culture change—a change in attitude in some sectors of the fleet—so that safety is given more prominence.

I want to return later to a couple of issues raised by the shadow Minister, the hon. Member for Plymouth, Sutton and Devonport, which are covered elsewhere in the Bill, about how we define under-10s. There are also other issues about monitoring of smaller vessels. However, first it is important to recognise that safety, as the hon. Gentleman acknowledges, is first and foremost a matter for the Department for Transport. I think I am right in saying that he, along with me and many in the industry, attended a meeting organised by the Under-Secretary of State for Transport, the hon. Member for Wealden (Ms Ghani), who has responsibility for shipping. As the hon. Gentleman is aware, she takes this very seriously. We got fisheries stakeholders together specifically to discuss what more can be done to promote safety. He highlighted important schemes, including the use of personal location devices. Quite a lot of progress has been made, too, on personal flotation devices, which are discreet and do not get in the way of fishermen's manual work but inflate when they come in contact with water.

10.30 am

The existing safety provisions are set out in the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997. In addition, the Merchant Shipping Act 1995 provides the Maritime and Coastguard Agency with all the powers it needs to implement safety legislation. MCA officers are trained and empowered to do that. We therefore think the amendment duplicates existing legislation sponsored by the Department for Transport. Safety infringements are not within the scope of fisheries legislation. A safety infringement on a fishing vessel is not a fisheries offence; it is a health and safety offence and would be a breach of the provisions of the 1995 Act or the 1997 regulations.

Turning to some other points that were made, minimum wages and working standards are covered by the National Minimum Wage Act 1998, in addition to which this Government brought in the national living wage. The

hon. Gentleman cited the Prime Minister's enthusiasm and commitment to ending modern slavery. That of course culminated in the Modern Slavery Act 2015, which sets out detailed provisions that apply to the fishing industry. It is important also to say that EU and European economic area nationals who want to join the UK fishing industry must provide evidence of their compliance with UK basic safety training to the vessel owner before they can be employed. We have provisions that require crew to be trained before they take a position on a vessel.

The hon. Gentleman highlighted an important difficulty we have with some under-10-metre vessels, where a rather extraordinary practice happens. In the recent past, some owners of over-10-metre vessels have chosen sell their quota for a profit, chop the end off their boat to bring it under 10 metres and seek to access the under-10-metre pool. As he pointed out, that results in some rather odd-shaped boats in parts of the country, not least in his constituency. Having been adapted in that way, those vessels are not necessarily as stable as they otherwise might be.

Later in the Bill, we make provision to enable the redefinition of low-impact inshore fishing. The under-10-metre criterion is rather arbitrary. It would be entirely possible for us in the future to amend the Bill's provisions so we have a different approach. We might look at engine size or another criterion to say that only a certain type of vessel is able to fish in a particular inshore area. We are looking at whether we can get a better approach to defining low-impact vessels.

Finally, as the shadow Minister is also aware, DEFRA has consulted and announced its intention to require inshore vessel-monitoring systems on all the under-10 inshore fleet. At the moment, those vessels are not covered by those requirements in the way that some larger vessels are. Requiring a relatively low-cost IVMS system on those vessels will mean that they emit a signal every two minutes to Government agencies, including the Marine Management Organisation and the Maritime and Coastguard Agency, giving their location. If there is an incident at sea, rather than having to try to work out where the vessel might, as in the tragic case he highlighted, we will have reliable information, right up to the most recent two minutes on the location of the vessel, which will assist the Maritime and Coastguard Agency.

I hope I have been able to reassure the hon. Gentleman. Although I recognise that this issue is absolutely critical, it is covered by other legislation, and we can address issues such as the definition of under-10 metres or low impacts through other parts of the Bill.

Luke Pollard: I am grateful to the Minister for those words. It is especially important that we look at marine safety in relation to fishing, because although marine safety is spread across different aspects of Government, in many cases the unintended consequences of fishing regulation have an impact on fishing operations and fishermen's lives, so it is right that we consider it.

When we consider what can be done to improve safety standards in fishing, it is also right that we consider the differing distribution methods to which the Minister referred in his opening remarks—he talked about the distribution of any additional quota drawn

down from our EU friends. That level of detail is not highlighted in the Bill, but the Minister and the Under-Secretary of State for Transport who has responsibility for shipping have great concerns about it, as do I.

I am grateful to the Minister for his comments on the under-10 definition, which is unhelpful across the board. I recognise that a lot of homework still needs to be done to find a better definition. Measuring engine size and hold size are two potential options. However, in the fishing area of DEFRA-land in the bigger sense, unintended consequences can have the most profound effects. We need to be cognisant of safety implications in respect of regulations in the Bill and in the Minister's secondary powers, even if safety responsibilities sit with the Department for Transport.

The Minister is right to talk about IVMS, which will be a positive development as long as the technology concerns can be addressed. It is certainly an improvement on the behaviour that we see around the automatic identification system, which fishers sometimes turn off when they find fish. I would be grateful if the Minister could maintain his focus on marine safety and continue the discussions with the Under-Secretary of State for Transport. I am seeing her tomorrow to continue those conversations on the Solstice incident.

On the basis that we will revisit marine safety in our consideration of later amendments, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 43, in clause 1, page 1, line 9, at end insert—

“(g) The climate change and international agreements objective.”

This amendment would add to the fisheries objectives the ‘climate change and international agreements’ objective, defined in Amendment 44.

The Chair: With this, it will be convenient to discuss amendment 44, in clause 1, page 2, line 24, at end insert—

“(7A) The climate change and international agreements objective is to ensure that fisheries policy aims to ensure compliance with the United Kingdom's obligations under—

- (a) the United Nations Paris Agreement under the United Nations Framework Convention on Climate Change,
- (b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora,
- (c) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,
- (d) the Convention on the Law of the Sea,
- (e) the International Covenant on Economic, Social and Cultural Rights (ICESCR),
- (f) the United Nations Sustainable Development Goals.”

This amendment defines the “climate change and international agreements” objective.

Luke Pollard: The amendments, which aim to update the objectives at the front of the Bill, refer to climate change. It is important that we talk about climate change in the context of fisheries. Climate change is a challenge facing every single sector of the UK economy, but the impacts of climate change are being felt in

[*Luke Pollard*]

fishing communities in respect of the availability and location of the fish stocks that our fishers are trying to catch.

At a time of global uncertainty, we could not let the omission of the phrase “climate change” from the Bill slip by. We know from the evidence we heard last week that climate change is affecting fishing, be that through the availability of food stocks for fish, through the changes in spawning and breeding grounds, or through different migration patterns, which affect where fishers go to catch fish. Climate change is real and it affects fishing, as it does every other economic sector, so it warrants a mention both in the Bill and in DEFRA’s serious considerations and actions.

If Labour had been in government and we were introducing this Bill, I imagine that we would be doing it ever so slightly differently from how the Minister is doing it. The amendment is key in addressing climate change and reinforcing sustainability.

I am grateful for the words of the Secretary of State on not rolling back environmental protections. It is important that those words are met with actions, including in the Bill. In addition to talking about climate change, we talk about the international agreements objective, which lists the other international agreements that have a bearing on fishing, and in particular on the conservation and environmental aspects of fishing—if we overfish, there will not be enough fish in our seas to sustain a fishing industry. We need fisheries that are sustainable both economically and environmentally. The amendment seeks to make a reference in the Bill to the other international agreements.

Alan Brown: Perish the thought that I am starting to think like a Conservative. However, although those are laudable conventions by which we need to abide, is not the key issue that, as a signatory to the treaties, the UK has to fulfil those obligations anyway? Therefore, it is superfluous having them in the Bill, regardless of the signals that would be sent by the amendment.

Luke Pollard: I am grateful to the hon. Gentleman for raising that, because it brings us on to maximum sustainable yield, which is one of our rationales for talking about this. The UK is committed to achieving maximum sustainable yield by 2020—that commitment is in a variety of international treaties and agreements. That target is hard to achieve, according to the feedback we have had from stakeholders and to some of the evidence we heard last week. That is why, in creating a new regulatory environment for fishing, we need to have due regard to the commitments the UK has signed up to elsewhere across our international conventions—MSY by 2020 is one such commitment. It is mentioned elsewhere but not in the Bill, which is why the Opposition seek to raise awareness of not only the importance of climate change to our fisheries but our international obligations and commitments as a nation. I would be grateful therefore if the Minister could expand on the Government commitments given elsewhere to sustainability, and on how they will be reflected not only in the Bill but in its implementation.

George Eustice: As discussed under the previous amendment, climate change is obviously incredibly important. As the hon. Gentleman points out, we have some fantastic marine science laboratories, including in his constituency, that study the long-term effects of climate change, and its impact on, for instance, the availability of plankton and, in turn, our fisheries food chain. DEFRA is therefore responsible for mitigating the effects of climate change. However, the amendment, in common with a number of the hon. Gentleman’s amendments, is not necessary, for reasons I will explain.

I feel that, as a Conservative Minister, I am paying too much tribute to legislation introduced by the last Labour Government, but—I am sure this will not have escaped the hon. Gentleman’s attention—they introduced the Climate Change Act 2008, which set out clear targets in a range of sectors, including marine and shipping. The 2008 Act is the cornerstone of the approach of this Government and this country to tackling the effects of climate change. Although managing a reduction in carbon emissions is the responsibility of the Department for Business, Energy and Industrial Strategy—energy sits within its remit—DEFRA is responsible under the Act for climate change mitigation. We produce regular reports to update both the House and the country at large on our approach.

I will make a couple of points on the other international agreements. The UK is a signatory to those various conventions and agreements and is therefore bound by them under international law. We do not need to state that in the Bill.

I also point out that the hon. Gentleman’s list is a partial one, omitting a number of important international conventions to which we are a signatory. The problem with placing on statute a partial list is that it casts doubt over our commitment to the other agreements. If we are to do a list, we must at least include them all but, in any event, we believe that a list is unnecessary. However, I will just point out some of the other important international agreements and conventions to which we are a signatory and which are not currently covered. There is the UN fish stocks agreement, which sits alongside the UN convention on the law of the sea, and the Oslo-Paris agreement, which is the cornerstone of our international agreements dealing with challenges such as marine litter and marine pollution more widely.

10.45 am

There are then a number of regional fisheries management organisations, crucial among which is the North East Atlantic Fisheries Commission, which we intend to rejoin. There is also the North Atlantic Fisheries Organisation and the North Atlantic Salmon Conservation Organisation. None has been covered in the list and all of them are very important, particularly the North Atlantic Salmon Conservation Organisation, which relates to how we deal with countries such as Greenland in managing vulnerable salmon stocks. Then there are the various tuna commissions that the UK is a signatory to, often on behalf of our overseas territories. The UK is a very important voice in the International Commission for the Conservation of Atlantic Tunas. We also sit on the Indian Ocean Tuna Commission.

The list the hon. Gentleman proposes is partial, and it is unnecessary, because as a signatory to the various conventions, we are obliged to abide by them. I hope I

have reassured him that through the Climate Change Act and the fact that we are signatories to these many conventions and agreements, the amendment is unnecessary.

Luke Pollard: Given all the Minister's praise for the good done by the last Labour Government, I am amazed at his temerity for even wanting to stand against them at the 2010 election.

George Eustice: It would go well beyond the scope of the Bill, but I could give many reasons why I did not stand for Labour.

Luke Pollard: I am grateful to the Minister for stating that he remains a Conservative.

When considering this type of legislation, it is important that we raise the volume on climate change. Labour's genuine concern is that, since the abolition of the Department for Energy and Climate Change, the political priority and the volume of the debate on climate change has been much reduced. It is not spoken about as frequently and it needs to be.

I am grateful to the Minister for setting out our international obligations and for spending so much time talking about how it is in our country's interest to pool our sovereignty and to work with our international partners where there are common interests. I am also grateful to him for expanding on the list of international obligations that the UK has signed up to and that we need to continue to be involved in to ensure that our waters are properly managed.

I beg leave to ask leave to withdraw the amendment.
Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 45, in clause 1, page 2, line 11, after "marine" insert "and aquatic"

This amendment would add the avoidance of the degradation of the aquatic environment to the definition of the "ecosystem objective".

The amendment is about the ecosystem and aquatic environment around our fisheries. The aim is to tidy up a part of the Bill that is inconsistent across the board by enhancing the ecosystems objective and ensuring that it includes the avoidance of degradation of the aquatic environment.

Hon. Members who have had the fortune of sitting in Westminster Hall with me will know of my passion for protecting our marine archaeology, and shipwrecks in particular. I talk a lot about shipwrecks and the importance of creating a wrecks at risk register to ensure that we understand what those pieces of marine heritage are and better protect what lies under the sea. I am pleased that clause 40 refers to

"features of archaeological or historic interest"

in the definition of marine and aquatic environment, as it means that every time there is reference to the marine environment, heritage should be included automatically. That is a useful inclusion, consistent with the Marine and Coastal Access Act 2009 in respect of the responsibilities of inshore fisheries and conservation authorities. However, the definition and scope of the marine and aquatic environment is not taken up consistently in the rest of the Bill, which is a missed opportunity.

The matter should be dealt with consistently. It seems odd, given the power of the Secretary of State and devolved Ministers to make provisions for a conservation purpose which includes the marine and aquatic environment, that this is not mentioned as an element of the fisheries

objectives or within the scope of the fisheries statement. Will the Minister confirm where we are in relation to the aquatic environment, as well as the marine environment?

George Eustice: First, I will explain the effect of expanding the provision to include the aquatic environment. The hon. Gentleman has defined it as covering heritage assets on the sea bed, notably shipwrecks, and I will return to that, but first let me say that referring to the aquatic environment as well as the marine environment would also cover all our inland waters, so all of our freshwater bodies.

We already have a regulatory framework for the management of freshwater fisheries, and the Environment Agency is the government agency that leads on the aquatic freshwater environment. Relevant pieces of legislation include the water framework directive—obviously an EU directive, but all the domestic provisions put in place under the water framework directive will come across as part of retained EU law under the European Union (Withdrawal) Act 2018—and the Salmon and Freshwater Fisheries Act 1975, which governs in particular waters in so far as they affect salmon conservation. There is also the Water Resources Act 1991 and, as I mentioned earlier, the Environment Act 1995. We therefore have a comprehensive suite of existing legislation pertaining to the freshwater environment.

Returning to the separate issue of heritage assets such as shipwrecks, as the hon. Gentleman acknowledges, the famous Marine and Coastal Access Act established a licensing regime for people exploring shipwrecks, for example. He may know of the frequent controversies, with divers complaining that some of that licensing regime is too onerous and that it affects their ability to remove ghost nets or litter from shipwrecks, for example, without a licence. There is therefore a comprehensive—some say onerous—licensing regime in place to protect shipwrecks. In addition to the licensing regime for the marine management organisation established under the Marine and Coastal Access Act 2009, we also have the Protection of Wrecks Act 1973, which allows the Secretary of State to protect wrecks in territorial waters and sites of such wrecks.

We have comprehensive legislation that covers the issue of the aquatic freshwater environment and the protection of heritage assets such as shipwrecks. Therefore, an expansion of the ecosystem objective to cover heritage assets in the way outlined by him is unnecessary in the light of the other legislation that we have in place.

Luke Pollard: I am grateful for the Minister's response. It is important that when we are looking at our marine environment, we look at not only the fish in it but at aspects of human history. When we get to talking more broadly in this place about the wrecks at risk register, I hope we have a new ally. Given what the Minister has said, I do not wish to press the amendment. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Peter Aldous: I beg to move amendment 79, in clause 1, page 2, line 11, at end insert—

"(c) to ensure that fishing activities are managed in a manner that contributes to the achievement of good environmental status as set out in Article 1 of Directive 2008/56/EC and is consistent with all other international and domestic environmental legislation."

[Peter Aldous]

The amendment would add to the ecosystem objective. Taking account of the fact that fishing can have significant implications for the health of the wider marine environment, it would impose a duty to deliver fisheries management in a way that is coherent with other relevant environmental legislation. It would also set ecosystem management in an international context, ensuring that we adhere to international environmental legislation. In many respects, the amendment can be viewed as providing belt and braces—perhaps even duplication—but ecosystems around the world are interconnected and it is important that we recognise that. I tabled the amendment to seek assurance and confirmation from the Minister that the Government are thinking globally and are aware of their international obligations and duties.

George Eustice: My hon. Friend highlights the marine strategy framework directive, which sets out the commitment to good environmental status. It is important to recognise that we are already legally bound to deliver that commitment to good environmental status, because the directive has already been put into our domestic law through the Marine Strategy Regulations 2010. We already have those on our statute book.

My hon. Friend will be aware that we are bringing across all retained EU law, including objectives of this sort, under the European Union (Withdrawal) Act 2018. We have been clear that we do not intend to have regression in our approach to environmental protection, although once we are free of the European Union there will be things that we can do better and more effectively. We can tailor legislation that works to deliver some of these objectives better than we can as a member of the EU, where legal requirements do not always achieve the desired outcome as effectively as they could.

On my hon. Friend's wider point about working internationally, we have been absolutely clear that we are leaving the European Union because we want to make our own laws again, but in doing so we intend to reassert ourselves on many international conventions, where we have, frankly, lost our voice. We find ourselves in an extraordinary situation in many of the regional fisheries management organisations and in important conventions, such as the convention on international trade in endangered species and the convention on biological diversity, where, even though we are a signatory, we are not allowed to speak as an independent country.

The supposed duty of loyal co-operation means that we must always vote the way the EU tells us to vote. This leads to situations, for instance on the International Whaling Commission, where the UK would often wish to go further than the European Union is willing to and we are forced to follow an EU line. In the final days of the last Labour Administration, the then Secretary of State ordered officials to vote for a more restrictive measure to protect bluefin tuna under CITES regulations. The EU started infraction proceedings against the UK as a result of us exercising that decision to try to protect bluefin tuna. Infraction was only avoided by the then Labour Government giving an apology and saying that they would not do such a thing again.

Since the Lisbon treaty in particular, the UK's voice on the international stage has been undermined. As we leave the EU we will take our own independent seat on

regional fisheries management organisations and other important conventions, and I believe that we will have more influence. I hope that I have been able to reassure my hon. Friend that we are not by any means retreating from the world. Indeed, as we leave the European Union and become an independent country again, we will be able to have our own independent voice on these critical international organisations, where we are well placed to lead.

Peter Aldous: I am grateful to the Minister for that reassurance and confirmation that the UK is very much aware of its environmental responsibilities and is thinking globally. He is right to be adopting that approach. I will highlight two issues. The UK overseas territories might be small in land mass, but many sit in enormous oceans. We also have, in my own constituency, the Centre for Environment, Fisheries and Aquaculture Science, which is an arm of DEFRA. Over the last few years, CEFAS has been very successful in winning work all around the globe. It is very important. We have a great opportunity. It is something that the British people feel very strongly about as well.

George Eustice: My hon. Friend raises an incredibly important point. CEFAS is the world's pre-eminent fisheries science agency and its views are sought after around the world. Dr Carl O'Brien, the lead scientist at CEFAS, spoke in the evidence session. It does a lot of work in the middle east, in countries such as Kuwait, as my hon. Friend will be aware.

Peter Aldous: I am pleased that the Minister has given me the assurance that I was seeking about the Government's aspirations and ambitions. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

11 am

Luke Pollard: I beg to move amendment 46, in clause 1, page 2, line 13, at end insert—

“(aa) to facilitate generation of accurate real-time scientific data from both research and all fishing vessels.”

This amendment would add the generation of accurate real-time scientific data to the definition of the “scientific evidence objective”.

The Chair: With this it will be convenient to discuss amendment 24, in clause 1, page 2, line 15, at end insert—

“(c) to ensure full documentation of catches.”

The purpose of this amendment is to ensure the UK achieves full documentation of catches to give a true picture of what is being removed from the sea and in order to provide accurate scientific data to ensure effective management of the shared stocks in UK waters.

Luke Pollard: We want to strengthen the objectives to enhance the requirement for data collection. The UK's seas have historically been an abundant source of food, income and employment, but at the moment they are failing to meet their full potential. Two thirds of UK stocks have been fished beyond their sustainable limits, but according to the New Economics Foundation, if catches followed scientific advice, the yield could deliver 45% higher landings and additional gross value added

of approximately £150 million across the UK coast, and would support an additional 2,500 full-time equivalent jobs.

The UK's fisheries are not being managed at their optimum economic output. Government figures show that two thirds of our main commercial fish stocks are depleted, overfished or at risk of being depleted, or their status is unknown. Only one third are currently operating at maximum sustainable yield. There was a vague reference to improving data in the White Paper, but that is also no longer in the Bill.

Labour would like to create a road map to take us to fully recorded UK fisheries over time. That makes economic sense. Sustain recently found that UK fisheries are losing out on millions of pounds of business from the catering sector in the UK alone, as buyers look abroad for sustainable fish instead of buying from the UK from fisheries that are not currently classed as sustainable. The market for sustainable seafood is growing 10 times faster than that for conventional seafood. The best markets within and outside the EU require fish products to be demonstrably sustainable, including a number of markets within the UK public sector. That includes our schools, prisons, central Government, Whitehall catering and the NHS. At present, a large amount of fish caught in the UK is not verifiably sustainable, and that is affecting access to those markets within the UK.

We heard a lot about data deficiency during the evidence sessions, and is one of the main reasons that much of the fish caught in UK waters cannot be marketed as sustainable. For fishing to be sustainable, there must be sufficient understanding of the population of the targeted species, the impact of fishing, and the status of our sea-floor ecosystems. Without that data, boats can be considered ineligible for Marine Stewardship Council certification or receive a lower rating from the Marine Conservation Society's "Good Fish Guide".

In January this year, the Environment Secretary said that

"we can still do more to improve the procurement of British food across the public sector."

He was right, but there is no mention of that here. If data deficiency is one of the things holding back the sector, we believe that it should be addressed in the Bill. According to Government data, the status of three of the UK's 15 main fish stocks is unknown. That would not be acceptable on a farm or in agriculture, and we should stop accepting it simply because it is underwater.

I am grateful that this topic is taken up in a similar amendment tabled by the right hon. Member for Orkney and Shetland. I would be grateful if the Minister told us how the current data deficiency can be remedied.

Brendan O'Hara: Although these are all good aspirations, and we recognise the need to continually improve our data and the need to contribute to better science, we have concerns about some of the practical aspects. For example, who will pay for the very costly technological change that is proposed? I also question whether primary legislation is really the place for determining such scientific measures.

I caution that some of the technological measures are still in their infancy or, in some cases, not yet possible. For example, as I understand it the knowledge around identification and sizing of catches has only just been developed in terms of camera technology.

Finally, is it not for the devolved Administrations of Scotland, Wales and Northern Ireland to determine how to collect data, and indeed what data is to be collected? I fear that the amendments might inadvertently cut across that devolution settlement.

Mr Carmichael: To pick up on that last point, my amendment is probing, albeit with a serious purpose at its root. Essentially, the problem is that for years we have had conflict between what fishermen believe is in the sea and what scientists say is in the sea on the basis of the data that they have. The data that would be produced by the full documentation of catches—which is an important principle, whichever jurisdiction we are dealing with—would be the best possible evidence. It would be in the interests of the industry, and it would certainly be in the interests of the scientific community as a whole.

For years, I have complained about the fact that the source of the conflict between the industry and the scientists is that much of the data collected is almost two years old by the time it is used for the purposes of decision making. We know the situation in the marine environment can change massively over that time. As a consequence, we have a mismatch between the scientific evidence and what fishermen believe is in the sea.

What we propose would allow for a much earlier "quick and dirty" analysis of what is in the sea, and would offer the opportunity of different fisheries management systems. At the moment, given the way in which we use science, I would be very cautious about the idea of moving to anything like a real-time closure, for example. The science, of course, is always evolving and improving, but this is not a novel process; this approach is taken in a number of other fishing jurisdictions. If reliable data is coming from the industry itself, the objectives of real-time fisheries management will be much more easily achieved.

Amendment 24, which stands in my name, is probing, but it strikes at the heart of the approach that the Government will be taking, especially in later parts of the Bill, which deal with the practical ways in which fisheries management is to be undertaken. The National Federation of Fishermen's Organisations, for example, is keen to see the creation of advisory councils.

George Eustice: I will begin by setting out what is required now, what regulations we will have as a starting point, and some of the things that the Government are already doing in this area. First and foremost, the EU Withdrawal Act 2018 will incorporate all existing EU rules on data collection on to our domestic statute book. A significant amount of data is already collected: for instance, vessels over 10 metres in length are required to provide logbook data, which includes details of fishing activities, the catch, the type of fishing gear used, and the area where the fish were caught. Landing declarations are required, with information on the weight and representation of fish, and sales notes on the first sales of fish are also required. There is a comprehensive system of data collection, right from the point of catching and where those fish were caught, through to sales.

We have taken some steps in the past year to begin to improve data collection on the inshore fleet. Traditionally and currently, the under-10-metre fleet has been required

[George Eustice]

to provide only sales notes. We have said that from next year, we will introduce a requirement for IVMS on inshore vessels, so we will know where those vessels are catching their fish. We will also introduce catch reporting as part of a step towards a new settlement with the under-10s: we intend to give them more quota but, in return, have a better understanding of how they are fishing and what they are catching. I believe that through those steps, by extending some of those provisions to the under-10-metre fleet, we will improve the documentation of where fish are caught and how they are caught.

The amendments are unnecessary, because they attempt to dip a toe into the type of detail that would be covered, in my view comprehensively, through the joint fisheries statement. Under that statement, we would have to demonstrate how we are delivering on that scientific objective. That is inevitably going to include how we are funding fisheries science, what the priority species are to move from a data-limited assessment to a full MSY assessment, what the challenges are, and what other issues we need to address. The matters that the hon. Member for Plymouth, Sutton and Devonport seeks to cover in the scientific evidence objective should be picked up in much greater detail in the joint fisheries statement.

On the point made by the right hon. Member for Orkney and Shetland, who has lots of fishermen in his constituency, as long as I have been in post, I have been told that the scientists are always out of date and do not know where the fish are anyway, so they send survey vessels to the wrong place. I have looked at the issue in depth. We use a range of data, as Dr Carl O'Brien pointed out. We look, in real time, at landings data and the size of the fish being caught. There is the Endeavour—the survey vessel that CEFAS operates out of Lowestoft, in the constituency of my hon. Friend the Member for Waveney—which goes to the same grounds every year to sample fish. There is an important reason for that: although the fish might move, there has to be a consistent yardstick to assess the same area; otherwise the control and the ability to monitor trends are lost.

That is not the only data that the scientists use. They use landings data and the survey vessel that goes to the same locations, but they also place observers on fishing vessels with the fishermen who say, “We know where the fish are and CEFAS don't,” so we are monitoring that as well. We will never perfect the science, but the algorithms and models that the International Council for the Exploration of the Sea uses to predict stock trends factor in that some of the data may be a little dated. A constant refrain of fisherman is that the science is out of data and the scientists are in the wrong place anyway but, although we will never get it perfectly right, we do everything that we can to mitigate the types of effects that the right hon. Member for Orkney and Shetland described.

Mr Carmichael: The Minister actually makes the case for moving towards full documentation of catches very well.

George Eustice: As I explained earlier, we already have full documentation of catches on the over-10s, and next year we will introduce full documentation of catches for the inshore fleet. A linked issue is so-called remote

electronic monitoring, which is basically cameras on vessels. Other parts of the Bill give us the power to require cameras on vessels, which could improve our abilities on enforcement and data collection.

We have the ability now, which we will retain in future through provisions in later clauses, to make real-time expeditious changes where required. We have had, for instance, issues with spurdog bycatch in parts of the west country. We had a successful spurdog bycatch avoidance programme, which was put together expeditiously in partnership between CEFAS and the industry in the west country, to assist fishermen to avoid those bycatches or to help them deal with them when they have been unable to avoid them.

I hope that I have reassured the right hon. and hon. Gentlemen of our progress in that area and of our commitment to science. The joint fisheries statement will cover those issues in greater detail.

Luke Pollard: I am grateful to the Minister for setting out measures to address the data deficiency. To realise the aspiration of my party and, I hope, of the Government to have the most sustainable fisheries in the world, it is important that we match that with a commitment to having the best data in the world. Although we already have the world's best fisheries science, fishers and stakeholders are concerned that there is insufficient coverage of that best science across every single fish stock, so I am grateful to the Minister for setting out how that can be enhanced.

We must send a loud and clear message that we need better data and baseline stock assessments. That needs to be done in conjunction, collaboration and co-operation with the fishing industry, rather than science being done to fishers, which is often their view. The more we can do in a collaborative way, the better. In the light of the Minister's remarks and as the Committee will discuss data later on, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 47, in clause 1, page 2, line 21, after “area” insert “, fishing opportunity, or entitlement for any resources”

These amendments would extend the definition of the “equal access objective” to cover equal access to fishing opportunities.

The Chair: With this it will be convenient to discuss amendment

Amendment 30, in clause 1, page 2, line 24, at end insert—

“(c) individual measures introduced by—

- (i) the Marine Management Organisation
- (ii) the Scottish Ministers,
- (iii) the Welsh Ministers, or
- (iv) the Northern Ireland department.”

To ensure that any measures introduced by a ‘relevant national authority’ do not impact on the equal access objective.

11.15 am

Luke Pollard: I can deal with this quickly. The amendment relates to adding fishing opportunities or entitlement to the provision that is already in clause 1(7), so there can be no get-out-of-jail card. Fishers expressed concerns about ensuring that we have as robust a set of criteria as

possible for foreign boats having access to UK waters. In the amendment, we ask the Minister to ensure that the clause and the criteria are as robust as they can be.

Mr Carmichael: Amendment 30, which stands in my name, is probing. I confess that its genesis is in briefings from the National Federation of Fishermen's Organisations. I eventually tabled it because, on balance, it is an important issue that needs to be teased out. The amendment may not be the ideal way of doing it, because the enforceability of the duties of the other Administrations—Scottish, Welsh and Northern Irish Ministers and Governments—is questionable, but the thinking behind it is important.

Essentially, given the devolved nature of fisheries and the fact that we will have the objective of equal access, we have to find a way around the conflict between the different systems that will be put in place in the different jurisdictions. If opportunities for fishing are to be taken up in England by boats from Scotland, or vice versa, or in Northern Ireland by boats from the west of Scotland, or vice versa, we need to find a way to ensure that the regulation is as accessible as possible.

Devolution is a good and worthy objective, which my party has supported for many years, but it can occasionally trigger the law of unintended consequences. If we do not manage the different systems in good faith, the people who have to comply with or enforce the regulations may be left in a difficult position. That is the issue that we seek to bring to the Minister's attention by way of the amendment. I will not press it to a vote, but I am interested to know how exactly he envisages that will work in everyday, or every year, fisheries management considerations.

George Eustice: To address the amendments, I probably need to explain how quota flows through the various systems at the moment from the point at which it is created internationally. Both amendments stumble into the thorny area of our devolved settlement, as the right hon. Gentleman pointed out.

As an overarching point, we have sought to achieve through the Bill a system that enables us to manage our fisheries domestically in a way that respects the devolution settlement that has been established. To be honest, we sometimes have particular challenges in fisheries, because on one level they are about international agreements with other countries, which are a reserved UK competence, but on another level many elements of fisheries management have been devolved. In some areas, it has been challenging to put together arrangements that ensure that we have a UK framework, where it is needed, in a way that respects the devolution settlement, but I believe the Bill achieves that.

Let me explain how quota is created. First, we have an international fisheries negotiation between the UK and the EU, or the UK and a third country in the future, where, species by species, a total allowable catch and an allocation to the UK of that TAC are agreed. The UK Government then allocate that quota—our share of the TAC—to the devolved Administrations, currently following FQA units attached to the vessels where they are registered. That means we give Scotland, Northern Ireland and Wales an allocation of quota. How they allocate that within their fleet is then a devolved competence.

A few years ago, the Scottish Government did a consultation on moving away from the FQA unit approach and allocating quota in a different way. Although they ultimately stepped back from that, it is a devolved responsibility for them to decide how to allocate that bit of the quota that the UK Government have allocated to them. The difficulty with both amendments is that they cross a line in terms of the devolution settlements, because they start to fetter the ability of the Scottish Government, the Northern Ireland Administration or the Welsh Government to allocate their own quota in the way they see fit.

We intend to pick up these sorts of issues through the joint fisheries statement. Indeed, we already wrestle with these challenges and we have a concordat and memorandums of understanding to manage these issues. Sometimes we have some tension between Scotland and other Administrations over where vessels are registered and where they are fishing, which can lead to disputes that we have to resolve. Due to the nature of our devolved settlement, the one thing we have become used to in fisheries is finding a way through the concordats, the memorandums of understanding or, in future, the joint fisheries statement. The challenge that both amendments alight on is not new; indeed, we have wrestled with it for some time. The solution to the problem lies in the joint fisheries statement that will set out common understandings in the way we approach these particular issues.

While I recognise that both amendments highlight an important issue, the issue goes wider than the Bill because it goes right to the heart of the devolution settlement. One thing we resolved not to do with this Bill is to attempt to rewrite or overturn the devolution settlement. In the absence of that, the joint fisheries statement is our solution to some of the problems the right hon. Member for Orkney and Shetland has highlighted.

Luke Pollard *rose*—

The Chair: Mr Pollard, you might like to speak at length and slowly.

Luke Pollard: I am more than happy to, Mr Gray. As a Janner, speaking slowly is not something I am accustomed to doing, but I will try my best.

When considering these amendments, it is important to look at how devolution and access to water can be well managed through the Bill. We know that we have problems relating to equal access, both in internal jurisdictions within the United Kingdom and with our friends from the EU and Norway. Any access must be properly managed and properly understood. This concern is often raised by fishers in Plymouth, who sense that the rule of equal access is not currently being obeyed or applied with the same level of effort and energy as it should. That refers in particular to when there are restrictions or a closure in a UK six to 12 miles area that affects UK fishers but not necessarily others. The Minister talks about the importance of having a level playing field between all those different bits.

George Eustice: Obviously, there will be licence conditions on all foreign vessels fishing in British waters in future. Technical measures of that sort would be a requirement on those seeking access to our waters.

Luke Pollard: I think both amendments in the group are probing, designed to get confirmation. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: May I say what a great pleasure it has been chairing the Committee this morning? I look forward to chairing this afternoon, when we meet again

at 2 pm. What a very well mannered and intelligent debate we have been lucky to have heard so far. It is funny how long a minute takes when you are watching the clock. Order.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order 88).

Adjourned till this day at Two o'clock.