

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### FISHERIES BILL

*Sixth Sitting*

*Tuesday 11 December 2018*

*(Afternoon)*

---

#### CONTENTS

CLAUSES 1 TO 4 agreed to.

SCHEDULE 1 agreed to.

CLAUSES 5 TO 11 agreed to.

CLAUSE 12 under consideration when the Committee adjourned till  
Thursday 13 December at half-past Eleven o'clock.

Written evidence reported to the House.

---

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**

© Parliamentary Copyright House of Commons 2018

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

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

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

# Public Bill Committee

Tuesday 11 December 2018

(Afternoon)

[SIR ROGER GALE *in the Chair*]

## Fisheries Bill

### Clause 1

#### FISHERIES OBJECTIVES

2.7 pm

**Peter Aldous** (Waveney) (Con): I beg to move amendment 80, in clause 1, page 2, line 32, at end insert—

“(10) The fisheries policy authorities must publish, on at least an annual basis, an update on progress made against the fisheries objectives.”

**The Chair:** With this, it will be convenient to discuss the following amendments: 48, in clause 2, page 3, line 19, at end insert—

“(3A) For the purposes of this Act, a ‘UK fisheries statement’ is a statement made jointly by the fisheries policy authorities on progress towards achieving the fisheries objectives.

(3B) The first UK fisheries statement must be published within 12 months of this section coming into force, and each subsequent UK fisheries statement must be published within 12 months of the previous statement being published.”

*This amendment would add a requirement on the fisheries policy authorities to publish a joint “UK fisheries statement” within 12 months of the section being brought into force*

Amendment 49, in clause 2, page 3, line 19, at end insert—

“(3A) The Secretary of State must annually lay a statement before Parliament on progress towards achieving the fisheries objectives.

(3B) The first such statement under subsection (3A) must be laid before Parliament within 12 months of this section coming into force.”

*This amendment would add a requirement on the Secretary of State to lay before Parliament an annual statement on progress towards achieving the fisheries objectives.*

**Peter Aldous:** It is a pleasure to serve under your chairmanship, Sir Roger.

Amendment 80 would add the proposed words to clause 1 and it should be read in conjunction with amendment 78. It provides for the fisheries policy authorities to publish, at least annually, an update on the progress that they have made towards securing the fisheries objectives. It would give the objectives true meaning and day-to-day relevance, rather than their being somewhat abstract from reality.

From the viewpoint of accountability and transparency, which in so many respects are missing from the current opaque fisheries management regime, it is important that this amendment should be considered. It would help to deliver a truly sustainable and world-leading system of fisheries management.

I tabled the amendment because I want to hear from the Minister what he plans to do to address these particular concerns.

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure, Sir Roger, to serve under your chairmanship. The hon. Gentleman’s amendment sits in conjunction with amendments 48 and 49, which I tabled, in making sure that we would have an annual report from Ministers on progress. Given this morning’s debates, it is really important that there should be an annual opportunity for the scrutiny of Ministers in relation to this issue.

Currently there is a very unsatisfactory situation, as hon. Members need to scramble away and persuade colleagues on the Backbench Business Committee to have an annual fisheries debate in Westminster Hall. Indeed, we have one tomorrow, but I suspect that it will not attract the attention it should, because it is not in the main Chamber. The ability to have that annual presentation of reports by the Secretary of State and a good debate, with all Members of the House able to contribute, is a really important part of this amendment—in effect, that is what we seek. It also relates to when such a debate must take place.

**Mike Hill** (Hartlepool) (Lab): As I recall, the expert witness from the Department for Environment, Food and Rural Affairs was talking positively but incrementally about the movement towards opening out quotas, although that will take some time. Does my hon. Friend agree that such debates would help to monitor the situation?

**Luke Pollard:** I agree with my hon. Friend. When we are looking at such potentially seismic changes as doing away with the fixed quota allocation system and reallocating quota on a larger basis, it is important to have an annual opportunity in the parliamentary calendar for the Government to present the evidence, statistics and science behind where fisheries stocks are, along with progress towards any reallocation.

The other part of amendment 48 relates to the statement being published annually. There is confusion about when precisely the UK will exit the European Union and under what arrangements, but the amendment states in proposed new subsection (3B) that there would be a fisheries statement within 12 months of the provision coming into force. Effectively, whenever we left the European Union, be that in the fashion planned by the current Prime Minister or in a way not planned by her, within 12 months there would be a statement and we would have an opportunity to update and see progress against the fisheries objectives we debated this morning.

[JAMES GRAY *in the Chair*]

**The Minister for Agriculture, Fisheries and Food (George Eustice):** All the amendments seek a statutory requirement for the Government to publish an annual statement, updating the House and others on progress towards the fisheries objectives, but we already have a number of plans that mean we do not need to place a statement on a statutory footing. The White Paper commits us to an annual statement on our assessment of the state of

stocks that are of interest to the UK and of our approach to setting fishing rates and other management measures.

Fisheries negotiations take place annually, which is why we have an annual fisheries debate. Next week is December Council, at which fishing opportunities for next year will be discussed. We have just been through the various coastal states, and the EU-Norway negotiations are concluding as I speak. To inform our approach to annual negotiations, we will inevitably feed data into organisations such as the International Council for the Exploration of the Seas—ICES—and publish both the data we have on progress on the state of fish stocks and our approach to doing that, so we do not need to place this on a statutory footing.

If something more formal were to be done, if it were judged that there needed to be more formal oversight of our progress towards the objectives, the right place to do that would be in the forthcoming environment Bill, which will establish an independent environmental body to monitor our progress towards the objectives set out in the 25-year environment plan. In relation to a more strategic approach to the delivery of the objectives and the plan, that is the right place to consider such an oversight role. We have in the Bill a statutory requirement for a joint fisheries statement and for a Secretary of State fisheries statement setting out our approach to delivering the objectives.

Finally, it is important to recognise what we already do. Every year, before we go to December Council we lay before the House a written ministerial statement that sets out our approach to the negotiations and the agenda for them, and we always lay a written ministerial statement after the negotiations have concluded, to update the House on progress.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): I appreciate that we have other Bills coming and that there are other ways in which the reports may be obtained, but we have this Bill before the House at the moment, and it is this Bill that establishes the objectives and then the policy statements. Surely the mechanism for accountability should be within the Bill also, if it is to be meaningful.

**George Eustice:** The method for accountability is indeed in the Bill. There is a statutory requirement to publish a joint fisheries statement and for all the Administrations to pursue that statement to deliver those environmental outcomes and the fisheries objectives set out in clause 1. The issue here is whether it is necessary to place on a statutory footing the idea of publishing an annual statement. My contention is that there is no need, since we already have annual debates.

The hon. Member for Plymouth, Sutton and Devonport made an important point: there is a strong case for saying that, in the new world we are going into as we leave, rather than having that debate brought by the Backbench Business Committee, there should be a debate in Government time at the point the negotiations take place. I would certainly be willing to have conversations with colleagues in other Departments ahead of consideration on Report to see whether we could give such an undertaking.

We have already made a clear commitment in the White Paper to publish an annual statement of the state of the stocks. I do not believe it is necessary to put that on a statutory footing.

2.15 pm

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): Does the Minister find it troubling that despite the fact that the Marine and Coastal Access Act 2009 has required DEFRA to carry out triennial reviews of the Marine Management Organisation since 2009, only one has taken place so far? Is he concerned that similar failings might accrue with respect to the Bill?

**George Eustice:** We regularly do triennial reviews. I do not think that the triennial reviews stem from the 2009 Act. I think there was a requirement to review the MMO after four or five years, and my recollection is that that did indeed take place.

My point is that it is not necessary for every report we might publish to be put into statute. I made the point in debating an earlier Bill that DEFRA produces many reports. Every June my box is inundated with annual reports of one sort or another. Some of them are required by statute. The vast majority are not, but we publish them anyway, as it is a means of being transparent with the public. Since we have given an undertaking in the White Paper, I do not believe any of the amendments is necessary. However, as I have said, I undertake to have conversations before Report with Government colleagues, to see whether we can give a more formal undertaking on the idea of the hon. Member for Plymouth, Sutton and Devonport about a more formal debate in Government time on the Floor of the House, rather than in Westminster Hall.

**Mr Carmichael:** The Minister will remember, as I do, the days when the annual fisheries debate was held in Government time. When the Backbench Business Committee was introduced, it seemed logical that those general debates would go into Backbench Business time. The Government have now taken that on a step. It is not impossible that one day we may have a Government with sufficient authority and a sufficient majority to see a full and comprehensive programme of legislation through the House, in which case it is eminently foreseeable that the time available for a debate of the kind we are discussing will be squeezed out again. I suggest that that is why there is some force to the amendment tabled by the hon. Member for Plymouth, Sutton and Devonport.

**George Eustice:** In DEFRA we have brought in more Bills—more significant pieces of legislation—in the past 12 months than at any time in recent history. Parliament is currently considering an Agriculture Bill that is the first such major piece of legislation since 1947. Of course, the Fisheries Bill will give us control of our waters for the first time in more than 40 years. So, at DEFRA at least, we are making good progress in getting through some critical legislation.

I hope that I have reassured both my hon. Friend the Member for Waveney and the hon. Member for Plymouth, Sutton and Devonport that while it is indeed our clearly stated intention to publish an annual statement of the state of stocks, it is unnecessary to make it a statutory requirement in the Bill.

**Peter Aldous:** I have listened with interest to the Minister's reply. I do not necessarily want to overburden the Bill—it is, as he says, an enabling framework Bill—with unnecessary rules and regulations. However, one of this

[Peter Aldous]

Parliament's best pieces of legislation was the Climate Change Act 2008, and that contains an obligation to report annually to the House. I hear what he says about the emerging environment Bill. I confess that I have not considered every step of that emerging Bill, and I am aware that certain organisations feel that we need to join up better the management of the marine environment and the land-based environment. On balance, being kind to the Minister, I will not press my amendment to a vote at this stage, but I will bear in mind his undertaking to look at this matter more fully on Report. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the clause stand part of the Bill.

**George Eustice:** We have had a comprehensive discussion about clause 1 through the consideration of a series of amendments. The key purpose of the clause is to set out our fisheries objectives, which are largely taken from the existing objectives in the common fisheries policy. The clause also commits us to all those objectives and includes descriptions of them. I do not intend to dwell on the clause any further, since, as I said, we have spent the past few hours discussing each of those objectives in great depth.

**Luke Pollard:** The Opposition will not vote against clause 1. However, I invite the Minister to reflect on some of the changes to the objectives that have been discussed. I also invite him to look at whether amendments can be introduced in the other place, especially in relation to fish being a public asset and marine safety. I think there was widespread agreement on that on both sides of the House, even if there was not necessarily agreement on the wording.

**Mr Carmichael:** Among those who gave evidence to the Committee last week, a common recurring theme was that there was something of a disparity between the vision that was laid out in the White Paper, which the Liberal Democrats broadly welcomed, and the rather narrower vision that was left in the Bill. It is also fair to say that we would have hoped to find in clause 1 a number of aspects of the White Paper's vision. It is disappointing that we have not made more progress. I have been around this place long enough to know how these things work, so I am not necessarily very surprised, but it is fair to put the Minister on notice that the Liberal Democrats will wish to return to certain issues in relation to clause 1 when the Bill goes back to the Floor of the House. Failing that, I am fairly certain that my noble Friends at the other end of the building will also have thoughts on this matter.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

## Clause 2

### FISHERIES STATEMENTS

**Peter Aldous:** I beg to move amendment 87, in clause 2, page 2, line 37, at end insert  
“and their policies for distribution of fishing opportunities.”

**The Chair:** With this it will be convenient to discuss amendment 88, in clause 2, page 3, line 17, at end insert—

“(j) distributing fishing opportunities.”

**Peter Aldous:** These two amendments seek to obtain clarification on what one might describe as the elephant in the room in current fisheries management—that is, the fair distribution of fishing opportunities. The current situation is one of haves and have-nots, and we have heard that what is now known as the under-10-metre sector falls into the have-nots. The Bill provides no clear forum for the four nations of the UK to discuss and consider appropriate methods of distributing fishing opportunities to their fishing vessels, and that needs to be better co-ordinated and more coherent. These amendments would require the pursuit of a detailed, decided and considered approach to the distribution of fishing opportunities, and I would welcome clarification on the approach that the Minister is pursuing in order to address this issue.

**Luke Pollard:** The hon. Gentleman's amendments are worthy of decent consideration, because the distribution and redistribution of fishing opportunities plays a key part in what we are discussing today. It is therefore worth spending a few moments reflecting on what has been said. The amendments are brief, in terms of the number of words, but substantial in their potential impact.

More transparency about how quota is allocated to our fishing fleet would be welcome, because the allocation causes much distress among fishers. Some want more, and some do not have any at all. We would support transparency, but we would like to go further. We have tabled amendments, which we will come to later in our consideration, that would ensure that future and existing allocations of quota were distributed under social, environmental and economic criteria. There was much talk on Second Reading and in the evidence sessions about the unfair imbalances of quota between large and small fleets, and the amendments would improve transparency and accountability in how those quotas are given out.

Even under the common fisheries policy, the Minister has the power to reallocate quota, so it is important that we understand the approach taken to allocating quota annually, whichever party is in power. An often-cited critique of the European Union is that the size of the pie, in terms of quota, has been restricted. The debate needs also to focus on where that pie is shared out—how it is distributed between large and small boats and different fisheries—and its economic contribution to the UK.

The fixed quota allocation system, which was heavily criticised for being unfair at the outset, has not really been updated since the 1990s. Indeed, in the evidence session last week, the hon. Member for Waveney made a strong case as to why there is an opportunity for understanding how quota is allocated. As a result of the existing system of ownership, fishing quota has become increasingly consolidated among large-scale interests. Griffin Carpenter from the New Economics Foundation said:

“In essence, fisheries have been accidentally privatised. Every year, quota is allocated to the same holders”.—[*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 102, Q196.]

**Mike Hill:** My hon. Friend is again quoting from the expert witnesses that came before us. Will he confirm that one of the ideas for fairer distribution of quotas was to regenerate coastal towns such as Hartlepool and regenerate their fishing communities?

**Luke Pollard:** I thank my hon. Friend for his point. The opportunity to redistribute quota could have a beneficial effect on coastal communities across the country, from the west country to other parts of the UK. That is effectively what Griffin was saying in his remarks about understanding how quota has been allocated, and it is why the amendment is so important. It would help us better to understand the basis on which quota is allocated, particularly as a quarter of the UK's fishing quota is owned or controlled by just five families on *The Sunday Times* rich list.

The small-scale fleet has generally been excluded from the FQA system and producer organisations. Quotas should be allocated on transparent social, economic and environmental criteria to the benefit of fishing communities and coastal communities. We heard that in our evidence sessions, and the idea enjoys support from both sides of the Committee, although we are yet to find a form of words on which we can agree. A greater share could be offered for complying with relevant regulations, such as taking part in data gathering, fully monitoring and recording catches, complying with discard rules and applying high standards of workers' rights, welfare and marine safety. Through that, we have an opportunity to allocate quota in a fairer way that supports greater public goals and assets. Those are objectives that we all share.

There may be more fish after the UK leaves the common fisheries policy if we get a drawdown of the quota held by our EU friends, but not amending the distribution of quota would exacerbate existing levels of inequality between parts of the sector and would fail to incentivise best practice. Small boats provide the backbone of our fishing fleet and make up the majority of the fleet, in terms of employment. They generally use low-impact gear and provide more jobs per tonne, but their share of quota has been limited to 4% to 6% of the total available quota, even though they employ 49% of the fleet. A greater understanding of how that can go, how quota is currently allocated and how it will be allocated in future will help transparency and, importantly, confidence among fishers in the system.

**Alan Brown** (Kilmarnock and Loudoun) (SNP): The hon. Gentleman is right about the evidence and discussions about how future quota should be allocated. The benefits need to be considered. Does he accept that the amendment could impact on the devolution settlements, because quota allocation is devolved to the respective Administrations?

**Luke Pollard:** It is really important that we are part of the devolution debate, to ensure that where powers have been devolved to a devolved Administration, they can take decisions on how to distribute their quota accordingly. Quota drawn down from our EU friends is additional quota, which can, in theory, be shared across all UK fishers across the four home nations. An understanding of how that is allocated is an important function of transparency and part of how we make the system work.

2.30 pm

This is an important amendment and I am glad that the hon. Member for Waveney has tabled it, because it gives us a chance to start a discussion on how quota is distributed and how it can be more fairly distributed in future to the benefit of our coastal communities with a greater share.

**George Eustice:** I am grateful to my hon. Friend the Member for Waveney for introducing these amendments. He has been a long-standing campaigner for a fairer deal for our inshore under-10 metre sector in his constituency. I want to set out what we have done to try to give more fishing opportunities to the under-10 sector, what we intend to do and set out in our White Paper, and finally address the specifics of his two amendments.

First, my predecessor, my right hon. Friend the Member for Newbury (Richard Benyon), introduced something called fixed quota allocation permanent realignment, where he took unused quotas from the producer organisations and effectively drew it back into the pool. That led to the legal challenge that I referred to earlier, which the Government won. We therefore secured that fixed quota realignment of unutilised quota from producer organisations.

Secondly, when the discard ban was introduced and the landing obligation came in under the new common fisheries policy, I took a policy decision in 2014 that the first 100 tonnes of any additional quota through the discard uplift would be top-sliced and given to the under-10 pool to boost the number of fishing opportunities they had. Even if they have more haddock than they could possibly catch, we could nevertheless give the pool the quota and the currency it needed to swap in fish that it could select. These two measures together have given a significant uplift in the baseline quota that the under-10 metre sector have.

We have set out clearly our approach to the future in our White Paper. As we diverge from relative stability and have additional inward quota transfers, we will not allocate that quota just by divvying it out along existing FQA lines. While existing fishing opportunities for the time being will remain on an FQA system to provide stability, we intend to allocate any new quota with a different method. As I made clear this morning, one option we are looking at closely is whether an early priority should be to give additional fishing opportunities to the under-10 meter pool in advance, and over and above that which we have already done, as we gain additional quota and diverge from relative stability. I think I have demonstrated in the last few years my commitment to give more fishing opportunities to the under-10 metre pool, as did my predecessor.

Amendment 87 seeks to add a requirement to set out objectives for the distribution of fishing opportunities in the joint fisheries statement. In this clause, I think stumbles in a devolved issue, as the hon. Member for Kilmarnock and Loudoun said. As I said earlier, although the UK Government have the power to allocate a quota to the devolved Administrations, it is for each devolved Administration to decide how it allocates quota to its own fleet and to the fleet registered in its Administration.

The proposal made by my hon. Friend the Member for Waveney in amendment 88 raises an interesting point. I have looked at clause 2(2), which sets out the existing scope of the Secretary of State fisheries statement. Subsection (2)(e) talks about

[George Eustice]

“contributing to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic factors”.

Subsection (2)(h) talks about

“promoting coastal fishing activities, taking into account socio-economic factors”.

Should at least one of those options that links the socio-economics of fishing communities make explicit reference to the distribution of fishing opportunities? I hope he will take a steer from me that it is my intention to have conversations with other Government colleagues and Departments and, on Report, seek to suggest an amendment to one or other of the existing factors outlined in subsection (2) that could make a more explicit reference—I think it is currently implicit—to fishing opportunities.

On that basis, and with such a concession, I hope my hon. Friend will withdraw his amendment.

**Peter Aldous:** I am grateful to the Minister for his reply. I hear what he says about amendment 87 and the fact that, as the hon. Member for Kilmarnock and Loudoun said, it stumbles into devolution issues. However, I am grateful for the Minister’s undertaking to look at clause 88 in more detail with a view to coming back with more information addressing my concerns on Report. On that basis, I do not wish to push the amendment to a vote.

*Amendment, by leave, withdrawn*

**Luke Pollard:** I beg to move amendment 50, in clause 2, page 3, line 17, at end insert—

“(j) promoting the development of fishing and aquaculture activities that conserve, enhance or restore the marine and aquatic environment.”

*This amendment would add promoting activities to conserve, enhance or restore the marine and aquatic environment to the policies to be included in the fisheries statements.*

Amendment 50 seeks to continue the discussion we had this morning on aquatic environments and the preservation of marine heritage on the seabed. Recognising the conversation we had earlier, I suspect the Minister may not be minded to support the amendment. However, it is worth spending a moment on the “marine aquatic environment” wording to ensure that it is consistent throughout the Bill. The concern is that the wording is inconsistent with, for instance, clause 31(2)(b). The amendment would ensure consistent application on the same basis in promoting the development of fishing and aquaculture activities that conserve, enhance or restore the marine and aquatic environment.

The Minister spoke earlier about the importance of protecting the marine environment and I am grateful for his words. We recognise that the fishing industry has played an important part over many years in discovering much of the marine heritage that has been snagged in its nets or gear and brought to the attention of archaeologists. Some of the UK’s most significant marine heritage assets have been discovered by fishermen. The important part of this measure is recognising that, although fishermen undoubtedly seek to avoid snagging their gear on underwater heritage assets because of the hazards and costs involved, impacts that cause damage to underwater heritage sometimes still occur. The

stakeholders that we spoke to in advance of the Bill are keen that the relationship between those marine heritage assets and the fishing industry is understood in the Bill.

There are two elements. The Minister touched on the heritage aspect earlier when we discussed a similar amendment. The application of the consistent wording of marine and aquatic environment is also worth looking at.

**George Eustice:** We covered a lot of the substance of this in an earlier group of amendments. However, in clause 2(2)(c), we already have measures to adjust the fishing capacity of fleets to levels of fishing opportunity consistent with the precautionary objective. The need to fish sustainably and to control fishing so that it is sustainable is therefore covered. Delivering the precautionary objective is effectively to conserve and enhance the fish in our waters. Subsection (2)(d) promotes the development of sustainable aquaculture activities. The use of the words “sustainable aquaculture” picks up all that is needed in managing our approach to aquaculture.

The final bit, which is new, is a repeat of a discussion we had this morning regarding whether the wording should be “marine and aquatic environment”. As I said this morning, this is a Fisheries Bill about the marine environment and marine fisheries. We have a suite of separate legislation that deals with our fresh waterways. For instance, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 cover in detail the approach the Environment Agency should take to deliver good environmental conditions in the freshwater environment. We have the Protection of Wrecks Act 1973 and a licencing regime established through the Marine and Coastal Access Act 2009 that provides protection for heritage and shipwrecks and the like. The addition of “aquatic” is not appropriate for the reasons outlined this morning, but I hope the hon. Gentleman will recognise that fishing sustainably and having a sustainable approach to aquaculture are already dealt with in paragraphs (2)(c) and (d).

**Luke Pollard:** There is an element of ensuring consistency. The phrase “aquatic environment” is used in the later parts of the Bill under clause 31, so there is a consistency problem. I take note of what the Minister has said and, as a result, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment proposed:* 48, in clause 2, page 3, line 19, at end insert—

“(3A) For the purposes of this Act, a “UK fisheries statement” is a statement made jointly by the fisheries policy authorities on progress towards achieving the fisheries objectives.

(3B) The first UK fisheries statement must be published within 12 months of this section coming into force, and each subsequent UK fisheries statement must be published within 12 months of the previous statement being published.”—(Luke Pollard.)

*This amendment would add a requirement on the fisheries policy authorities to publish a joint “UK fisheries statement” within 12 months of the section being brought into force.*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 6, Noes 9.

### Division No. 3]

#### AYES

Carmichael, rh Mr Alistair  
Debbonaire, Thangam  
Hill, Mike

Pollard, Luke  
Smith, Owen  
Sweeney, Mr Paul



## NOES

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

*Question accordingly negated.*

**Peter Aldous:** I beg to move amendment 15, in clause 2, page 3, line 24, at end insert—

“(e) the Minister with responsibility for English fisheries.”

*To set the Minister with responsibility for English fisheries at an equal level to Scottish Ministers, Welsh Ministers and the Northern Ireland department.*

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

Amendment 16, in clause 9, page 6, line 9, at end insert—

“(e) the Minister with responsibility for English fisheries.”

*To require the Secretary of State to secure the consent of the Minister with responsibility for English fisheries regarding any amendments concerning licensing of boats in England.*

**Peter Aldous:** The intent behind these amendments applies also to amendments 17, 18 and 19, and new clause 8. I would be inclined to describe this as the West Lothian question set to fishing. In principle, there is a lot to commend evolution in a fishing context. We are getting towards that regional, more local system of management, which a lot of people felt was one of the problems with the common fisheries policy. There is a concern that the English are being left behind and that we are not on equal footing with the other three nations of the United Kingdom. The amendments are tabled in the spirit of seeking to extract from the Minister a more appropriate and consistent political accountability for English fisheries. There may not be a problem immediately but I sense we might be storing one up further down the line.

There is a concern that the arrangements in the Bill concerning what is known as each “relevant national authority” are asymmetrical to the exclusion of the representative voice for English fisheries. There is a worry that the political representation for English fisheries is inconsistent and, at times, lacking political accountability. When the Bill refers to the national authorities, the arrangements for Scotland, Wales and Northern Ireland are consistent. Those authorities are the Scottish Ministers, Welsh Ministers and the Northern Ireland Office. However, in the case of England, the arrangements are inconsistent. In some cases, the Marine Management Organisation is identified as the national authority; in other cases, the Secretary of State is identified as the fisheries policy authority.

2.45 pm

The amendments serve to highlight some of those inconsistencies. The democratic framework and accountability of the national authority are clear for Scotland, Northern Ireland and Wales, but not for England. To have English fisheries represented by either the MMO, which is the delivery arm of DEFRA, or the Secretary of State, whose remit is UK-wide, is anomalous.

There is a concern that the Bill currently leaves a democratic deficit for English fisheries. The perception of that has the potential to be heightened in future should the Secretary of State for Environment, Food and Rural Affairs represent a non-English constituency. Looking around the room, I can see a lot of budding Ministers who fulfil that criterion.

It is for those reasons that I put forward the amendments on a probing basis. I request that the Minister considers a consultation to identify appropriate political representation and accountability arrangements for English fisheries management. At this stage, I would not be over-prescriptive of the precise details of who should be accountable over English fisheries or how the role should be established, but it is an issue that needs to be considered and I would welcome confirmation from the Minister that it is on his and his Department’s radar.

**Mr Sweeney:** It is an honour, as always, to serve under your chairmanship, Mr Gray. The hon. Member for Waveney puts forward a clear and cogent case. It is something that needs to be looked at carefully in the context of the sustainability of our current constitutional arrangements. The key frustration for a lot of us, particularly the generation who have grown up under devolution, is the lopsided and asymmetrical nature of our structures.

It certainly causes frustration in this place for Scottish MPs when we have to deal with structures and policies that are not geared up for or reflective of devolution, and that are not considerate of those issues. It is time to bear in mind and take cognisance of those issues, in order to look at a new architecture for our legislative framework in the UK that reflects the reality of the past 20 years of devolution.

**Mr Carmichael:** I confess that I did not anticipate, when we started scrutiny of the Fisheries Bill, that issues of such high constitutional importance would feature so prominently in the debate. One never knows how Committees will proceed.

The hon. Member for Waveney makes a good point. The current constitutional architecture remains unfinished. The unfinished business is the position of England, and whether it is England as a whole or the constituent parts of England is a debate that, frankly, people in England need to have. I wish them as much joy as we have had with that in Scotland for the past 30 years.

The hon. Gentleman’s amendment comes to the crux of the matter. As matters are currently ordered, the Secretary of State has a clear conflict of interest. On the one hand, he is expected to act as the UK Minister, holding the ring, as it were, between the different constituent parts of the United Kingdom, and at the same time he is supposed to be the English Minister. That is not a sustainable situation. It requires to be remedied and should be remedied, I suggest, through a more comprehensive and holistic approach to constitutional reform for our English cousins. It is also fair to say that this is not a situation that can last indefinitely. If we have to go through another round of salami slicing, taking it subject by subject, instead of region or nation by region or nation, then so be it, but clearly something has to change.

**Luke Pollard:** The amendment goes to the heart of many of the gripes about fisheries regulation in England. Who speaks for English fishing? There is an inherent

[*Luke Pollard*]

conflict in the roles of the Fisheries Minister and the Secretary of State holding both English and UK-wide portfolios. Although it is tempting to engage in a debate about the emerging need for a federal settlement in the United Kingdom, that is probably a decision above our pay grades for the purposes of the Fisheries Bill.

However, the hon. Member for Waveney's suggestion to look at where this will go is not necessarily a bad one. We have the opportunity to reset and reformulate fishing regulation and to start the journey on those bits that will take longer. The Minister has said that re-allocating FQA will take seven years, if that were to start straightaway. We recognise that some of the changes that the Bill is seeking to effect will not come into immediate force on the day that the Bill comes into force. The discussion that we need to have about the more devolved nature of fisheries is part of that.

If I may go further than the hon. Gentleman, there has also been talk about devolution within England. For instance, there is the potential with more empowered inshore fisheries and conservation authorities, and greater powers at a local level, to have a more thorough set of powers regionalised and localised, rather than just held in Westminster with an English Minister. This is therefore a good debate to have. I am not certain that the amendment will carry favour, but the hon. Gentleman is right to raise the concern.

On the question of who speaks for English fishing, I am sure the Minister will say that, currently, he does. That is something that we need to delve into, though it is probably a discussion for another day.

**George Eustice:** As my hon. Friend the Member for Waveney pointed out, this may be a variant of the famous West Lothian question. Perhaps we could dub it the Waveney question, as he has raised it. It is an interesting point, but as a number of hon. Members have pointed out, it goes much wider than what we will be able to resolve in this particular Bill.

In this country we have a devolved settlement; we do not have a federal system of government. The reason that a federal system of government would not work in the UK is that England is so much bigger than the other component parts. Under any kind of qualified majority vote we would still, effectively, have the dominance of England. It is because such a federal system would not work in reality, given the structure of the UK—unless we were to break up England, as the previous Government intended to do through a series of regional assemblies—that we need to make our devolution settlement work.

Devolution means that, ultimately, something is either devolved—in which case it is for the devolved Administrations to lead on—or it is reserved, in which case it is for the UK Government to lead on. Where there is a need for co-ordination and frameworks, it happens through a series of memorandums of understanding, concordats and other such arrangements, which feature prominently in this Bill and have always been prominent in our approach to fisheries.

The amendment would have no legal effect as it stands, because the Minister with responsibility for English fisheries is indeed the Secretary of State, so they are one and the same. For a Minister with responsibility for English fisheries to be able to do anything other

than what the Secretary of State wanted, he would need to have an English Government who were separate from the UK Government; and if we had an English Government who were separate from the UK Government, we would need an English Parliament to hold that English Government to account. I do not think that that is an approach that we want to take at the moment, for all the reasons I have outlined.

**Mr Carmichael:** Can the Minister reconcile the objections that he has just outlined with the Government's attitude to English votes for English laws?

**George Eustice:** I can, because that is an absolutely sensible compromise to ensure that only English MPs should vote on those pieces of legislation that affect only English matters. I believe that that is not about having an English Government, but a procedure in our Parliament to ensure that English MPs vote on laws that affect their constituents.

There is another issue. I might say, what about Cornwall? Cornwall is slightly different, as you will know. The Fisheries Minister at the moment represents a Cornish seat, but there are representations from organisations such as Cornwall Council that seek to have more of a formal role for Cornwall in decision making. That links to the point made by the shadow Minister, the hon. Member for Plymouth, Sutton and Devonport, that there may be a more formal role for the IFCA's, which could draw them into the consultations that we have ahead of the annual fisheries discussions. At the moment, we have meetings with both environmental and fishing stakeholders, and engage closely with them in the lead-up, but it may be that we should have a process for involving the IFCA's in part of that discussion. That may be one way to address the issue.

My hon. Friend the Member for Waveney mentioned that parts of the Bill say "the Secretary of State" and others "the Marine Management Organisation". This clause, which is about putting together a policy statement, clearly relates to the Secretary of State. The term marine management organisation tends to be used, in most clauses, in the context of its enforcement and licensing roles. Parts of the Bill use the term marine management organisation because of the powers it has under the Marine and Coastal Access Act 2009 to manage licences and to carry out enforcement activities.

My hon. Friend raises an important point, but it goes well beyond the scope of the Bill. I would say this: in my time doing this job, I have never actually had any difficulty reconciling the role that I play as UK Minister in international negotiations, arguing the case for the UK, and the role that I play as an English Fisheries Minister, making decisions around the distribution of quota, technical measures to protect buried lobsters and a whole host of other things, which I agree for England only. It does not cause me any conflict. There are potential inconsistencies, as he highlighted, but I believe they are inherent in the devolved settlement that we have; over the last 20 years, we have learned to manage those effectively.

**Peter Aldous:** I accept that the Bill is not the right place to take account of these concerns, but it is important to air them, and that is what I have done. I sense that

there might be a problem further down the line. I hope that I have fired a warning shot that that might be a problem and that we need to be awake to that, and to address it.

In the Fisheries Bill, we are setting out the new UK fishing policy—the UKFP—which will replace the CFP, in which we had the EU. I am not saying the EU is necessarily an umpire or an adjudicator, but it is another party, and it will be removed from future discussions. I suggest that the Secretary of State’s role could well come under closer scrutiny, and I sense that this issue could materialise as a problem sooner rather than later. On that note, although it is important that we have aired the issue, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 2 ordered to stand part of the Bill.*

### Clause 3

#### PREPARATION AND COMING INTO EFFECT OF FISHERIES STATEMENTS

**Luke Pollard:** I beg to move amendment 51, in clause 3, page 3, line 38, at end insert—

“(5) The Secretary of State must by regulations establish a system to resolve disputes between fisheries policy authorities that result in no joint fisheries statement being published.

(6) In establishing the system under subsection (5), the Secretary of State must in particular ensure that the dispute resolution system makes provision to require the fisheries policy authorities to make use of the system if it appears that no JFS will be published by 1 January 2021 due to disputes between the fisheries policy authorities.”

*This amendment would provide for the Secretary of State to establish a system for resolving a dispute between the fisheries policy authorities which could otherwise result in no joint fisheries statement being published.*

Amendment 51 seeks to establish a dispute resolution mechanism, should there not be agreement between the partners on a joint fisheries statement. This week is a perfect example of how dispute resolution mechanisms are actually quite useful and should be put in place before the dispute that needs to be resolved has arisen, and that is what the amendment seeks to do.

Of course, we hope that all fisheries policy authorities representing each part of the UK will be able to agree their joint fisheries statement without problems or roadblocks emerging in the discussions—the parties involved may even go into those discussions fully intending to reach agreement as swiftly as possible—but we know that in real life these things can sometimes turn out rather differently to what everyone intended.

The amendment, which has been suggested by the National Federation of Fishermen’s Organisations and the Blue Marine Foundation, therefore seeks to discover what the Government think should happen in the event that reaching an agreement on the joint fisheries statement proves to be a more difficult and protracted process than expected, or in the event that one or more of the authorities wishes to have fishing opportunities distributed on a very different basis to the others, where there is a conflict between that distribution method and the methods of their neighbours.

We need to bear it in mind that in many cases the stock of fish will be passing between shared waters and around our islands. In that respect, what happens in one

jurisdiction has an impact on what happens in another jurisdiction. Therefore, the amendment seeks to place duties—

3 pm

**Alan Brown:** Will the hon. Gentleman outline how he sees this system being set up and how it will actually operate, because right now the amendment is structured so that the Secretary of State sets the system up, which clearly indicates that there will be no input from the devolved Administrations into how the system will operate? He highlighted the example of a situation where one Administration might want to allocate in a way that is vastly different from the other Administrations, but the Secretary of State might have too much control through the way they have set it up. Is that not a risk with regard to the devolution settlement?

**Luke Pollard:** I thank the hon. Gentleman for his suggestion. In this amendment, we have not attempted to prescribe exactly how the dispute resolution should operate nor how it should be established; we have merely said that there should be one. Given that the powers flow from this Bill into the hands of the Secretary of State, it seemed logical that the Secretary of State—whoever that may be—should have the initial responsibility of establishing that mechanism, obviously in conjunction with the other parties involved.

We feel that a firm deadline should be set in the Bill so that these matters are not allowed simply to drift. Therefore, the amendment proposes that the fisheries authority should be required to use the system set out by the Secretary of State in regulations, as soon as it becomes apparent that it will not be possible to have an agreed fisheries statement published by—in this case—1 January 2021. Equally, the date could be set 12 months after the commencement of the Act.

The Minister may try to persuade us that we are perhaps being too gloomy and that the scenarios that we are trying to prepare for are remote possibilities. If he is not inclined to accept this amendment, as I suspect he may not be, it would be beneficial if the Minister explained to the Committee what plans he expects to be put in place if there is a situation where the fisheries authorities are unable to reach an agreement, and that in itself causes a—

**Brendan O’Hara** (Argyll and Bute) (SNP): Further to that point, the Minister said previously that he would be, in effect, the English Fisheries Minister and the Secretary of State. Does the hon. Gentleman have concerns that the English Fisheries Minister is also the arbiter in such a scheme? How would that work out? Would there not be a complete conflict of interests if we were to put the Minister in that situation?

**Luke Pollard:** The point that the hon. Gentleman makes is a valid one, and it relates to the difficulty of having a UK role and English role simultaneously. The importance of creating a dispute resolution system ahead of any dispute happening is that the rules of engagement are already set out if those conflicts and the issues that may arise from people being double-hatted come about. That assumes that the English Fisheries Minister is indeed an English MP and there is not a

[*Luke Pollard*]

Welsh or Scottish MP in that role, because that would create opportunities for other types of conflict within that scenario.

We need to get that settled from the outset and that is effectively what the amendment seeks to do. The amendment says, “In the event of there being a problem, how will it be addressed?” It would be good if the Minister set out his Department’s thinking. If there is a scenario in which conflict happens, we need to be clear about how it will be resolved, because fisheries is a very political issue. We know from the Fisheries Councils that there is an awful lot of national bravado, national posturing and national importance in respect of the deal, and the agreement that emerges is a really important one. I would therefore be grateful if the Minister set out how he would address that in responding to the amendment.

**Mr Carmichael:** We used to say that strong fences make for good neighbours, and the same is true when applied to the principles of constitutional law. The effective working of an emerging asymmetric system of devolution within our government requires strong systems to be put in place. Yes, as the Minister suggested this morning, it is all fine and well while everybody is happy, stocks are plentiful and there is no real disagreement. One of the difficulties with the operation of the devolution settlement between Scotland and the rest of the United Kingdom was that such concordats as were put in place were put in place with little consideration of how they might work with Governments of different colours in Edinburgh and London. As a consequence, these areas have become fractious, and occasionally friction has ensued. We risk missing an opportunity, because there will be times when some sort of friction will occur.

To anticipate the question from the hon. Member for Kilmarnock and Loudoun, such arrangements would have to be put in place after full agreement with the different devolved Administrations. It would be wrong of the UK Government—because they are the UK Government and the English Government at the same time—simply to go ahead. That is the essence of the conflict the Minister faces.

No one should have a veto in these matters, but that should mean that no one has a final say in defiance of everyone else either. A veto can block an arrangement, but a final say can force through an arrangement that does not suit and is not agreed by everyone in the different Administrations concerned. At the end of the day, we may need to come to something that looks much like a system of qualified majority voting. Heaven help us, but some mechanism must be found to resolve these matters.

The point the Minister hears from our discussion of this amendment, and from his hon. Friend the Member for Waveney on the previous amendment, is that once we have brought the powers back from the European Union, the status quo will no longer be fit for purpose.

**Owen Smith** (Pontypridd) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. I rise to support the amendment tabled by my hon. Friend the Member for Plymouth, Sutton and Devonport. I do so as a former special adviser in the Wales Office and the Northern Ireland Office and as a former shadow Secretary of State for Wales and for Northern Ireland.

My experience and my observation is that even when Ministers in all corners of the UK have the best intentions of avoiding them, disputes regularly arise. As the Minister indicated, such disputes are normally dealt with on a pretty ad hoc basis, with an evolving series of concordats and memorandums of understanding. The memorable way in which the hon. Member for Waveney put it was that such matters are “the West Lothian question for fish”. Whenever such problems inevitably emerge, we traditionally kick the can, or the fish, down the road, rather than try to resolve them.

The Minister highlighted some of the thorny issues we have wrestled with over generations on both sides of the House in respect of devolution and the evolving devolution settlement. I put it to him that it is better, especially in an enabling framework Bill such as this, to try to shape future discussions and mitigate the emergence of problems and disputes, because one thing we can be certain of is that they will emerge in relation to fishing.

One simply need consider clause 3 in respect of the Secretary of State setting out his fisheries statement—the SSFS—and the joint fisheries statement being agreed between the devolved Administrations and the UK Government, to see that there is an immediate problem. It is not clear to me from reading the Bill which of those statements has precedence. I assume that the hierarchy is that, just as each succeeding SSFS supersedes the preceding one, the SSFS would also have precedence over the JFS, but if the JFS were legally deemed to be the more important document, given that it had arguably reached by a more important means of negotiation between the different parts of the UK, it would be good if the Minister were to clarify that.

What happens if there is a significant difference of opinion between the UK Secretary of State, who is also the English Fisheries Minister, and Fisheries Ministers for the devolved Administrations about their priorities for their respective fishing areas? That seems an obvious problem, although this is not the area of the Bill in which that problem becomes most obvious: it is in clauses 18 and 19, which deal with the setting of quotas, that the potential for discord between the UK Minister and the devolved Administrations Ministers becomes most acute and most commercially problematic. In respect of the fisheries statements and the setting of quotas, it is perfectly possible that in future, for example, the UK Minister may wish to set quotas for shellfish that we do not currently have, which may be seen as unfair to fishers in Scotland or Wales in particular.

I think we all recognise that there are myriad potential problems here, and that it would be better if the Minister were able to come up with some more concrete means of assuring people that the Government have an idea of how they would resolve those problems. That might be through a dispute resolution mechanism as recommended by our Front Benchers, or through some other means, but I do not think kicking the can down the road is the right approach.

**The Chair:** I call the Minister—sorry, I call Mr Sweeney. I keep thinking you are a Front Bencher, but you are actually a Back Bencher.

**Mr Sweeney:** Technically, yes. Perhaps I am moonlighting as a Front Bencher. As always, it is a pleasure to serve under your chairmanship, Mr Gray.

I rise in support of this amendment. It reflects that devolution is a process, rather than an event, and if I were to do a risk profile of the Bill, this omission by the Government would be a red flag. It is important that this is addressed as a matter of urgency; it is critical, because as we have seen at instances throughout the discussions about the EU withdrawal process, impasses occur quite frequently between the devolved Administrations and the UK Government about how to proceed and how best to resolve issues. It is clear that in fisheries, there is a high risk of those issues emerging, so as a matter of prudence it is incumbent on the Government to make provision for issues to be resolved through a system and process defined in the Bill.

**Alan Brown:** I rise to ask the hon. Gentleman the same question I put to the shadow Minister: how does he see this mechanism being set up? If it is set up with the Secretary of State, how does he see it as being a panacea that will resolve any dispute if it does not have the input of the Administrations?

**Mr Sweeney:** I think it should be an inclusive process; I am not prescribing any particular definition for that, but I do not think the Secretary of State should have untrammelled power over the ultimate decisions. As the right hon. Member for Orkney and Shetland suggested, it should be something that is equitable and democratic in nature. That would be the way to proceed.

**Mr Carmichael:** Does the hon. Gentleman agree that now is the time to be make these arrangements? If we wait until there is a problem, then the creation of the resolution system itself will inevitably become contentious. This is the time for building strong bridges.

**Mr Sweeney:** I agree. It would be intelligent to set up this mechanism now, rather than when there is a heated dispute, which will inevitably emerge at some point in the course of history. It would be seen as enlightened to do that at this stage, and I urge the Minister to consider taking it forward as a matter of precaution, because we all share an interest in this legislation functioning as efficiently as possible and reflecting the realities of 20 years of devolution. As we have mentioned before, some of these provisions can form a blind spot in how the UK Government form their policies, and we have to be cognisant of the realities of how devolution functions.

This mechanism should not be monopolised by the devolved Administrations plus the UK Government; it could perhaps involve regional elements from all the devolved nations, which would be able to make submissions for dispute resolutions as well. It should proceed in an innovative and intelligent way. It would allow us to have properly functioning devolution, rather than simply devolving an issue and forgetting that it exists—throwing it over the wall and saying, “It is now branded with a saltire or a red dragon, and it is no longer our problem.” It should be an iterative process that everybody is involved with, because ultimately, fisheries are a common asset for all parts of the UK.

3.15 pm

**George Eustice:** I hope to be able to reassure hon. Members that we are all one big happy family in this United Kingdom. The challenges that hon. Members

have identified are not new; they date right back to the formation of the devolution settlement in the late 1990s. We have developed ways of managing these tensions.

As I said this morning on a previous group of amendments, the Bill seeks to resolve quite a difficult tension that has existed for at least the past 20 years: on one level, fisheries is about international agreements and negotiations, which are reserved, but on another level, issues such as enforcement, licensing and marine management have been devolved. That is the nature of our devolution settlement, and we have to use sensible, pragmatic and creative ways to bridge the tensions inherent in it.

The December Agriculture and Fisheries Council meeting will be held next week. More than any other Department, DEFRA has developed quite a good way of working with all the devolved Administrations, so the annual December negotiations are attended not just by Ministers in the UK Government but by Ministers from each part of the United Kingdom. We go as a UK delegation led by the UK Minister, but when we enter trilateral discussions with the presidency and the Commission, for instance, my Scottish counterpart Fergus Ewing will speak on issues pertinent to Scotland, Lesley Griffiths will speak for the Welsh Government on issues pertinent to Wales, and the lead official John Speers will talk about issues pertinent to Northern Ireland.

We already attend as an integrated UK delegation, although we represent several Governments. In those difficult moments on Tuesday when we have to pick priorities by deciding which issues we will get no movement on from the Commission, or giving certain issues up to prioritise others, we will have to go through discussions to work out, collectively and by consensus, the correct approach for the UK. We have a very good track record of doing so, even though virtually every political party imaginable is in the delegation.

**Mr Sweeney:** The Minister outlines a de facto process that may function adequately, but would it not be helpful to define it in the Bill and give certainty about how it will function in the future?

**George Eustice:** I was going to come on to how we define other working relationships. I have set out the approach for annual fisheries negotiations, and I envisage that approach continuing in the future as we become an independent coastal state, but there are additional measures in place.

We have a series of concordats, which date back to 2012 and are regularly updated, setting out how we work together on issues such as vessel licensing that have implications for different parts of the UK. There is an overarching memorandum of understanding with all the devolved Administrations that includes a process for the Joint Ministerial Committee to act as a dispute resolution mechanism. We are currently developing a fisheries memorandum of understanding with our colleagues in the devolved Administrations, which is likely to include a chapter on dispute resolution as part of a wider UK frameworks process led by the Cabinet Office. The Cabinet Office is doing detailed, cross-Government work on the future of the JMC, on how its processes can be improved and on how issues such as dispute resolution can be addressed. I hope on Report to be able to explain more fully the thinking that is emerging.

**Mr Sweeney:** The Minister outlines a series of points about the functioning of de facto dispute resolutions that perform adequately, but anyone who has followed the events of the past few months with regard to EU withdrawal issues and the functioning of the JMC would agree that because it is not on a statutory footing, it has failed to perform adequately—I think that that is a fair assessment from the Opposition. Perhaps he ought to take cognisance of our need to get this stuff defined in statute so that it can function and work under pressure.

**George Eustice:** As I said, the Cabinet Office is leading a wider review of the memorandums of understanding and the JMC processes to see whether they can be improved. It obviously affects many other Departments as well. It is probably not right for me to go beyond that. I can explain what we currently do on fisheries.

**Owen Smith:** Does the Minister not acknowledge that part of the reason that the Cabinet Office is undertaking that review is the widespread dissatisfaction over many years in the devolved Administrations with the working of the Joint Ministerial Committee? For example, I cannot think of a single substantive issue that has been properly resolved at the JMC in recent times. If the Minister can think of one, perhaps he could inform the Committee.

**George Eustice:** At DEFRA, we have many discussions with our counterparts in the devolved Administrations. We have highly constructive dialogue and reach a consensus. That brings me to another point I want to make. In this context, let us be clear that we are talking about the formation of a joint fisheries statement. By its very nature, we are not talking about an argument over the implementation of any kind of agreement. We are talking about what it is collectively we are doing by way of policy to deliver the legally binding objective set out in clause 1.

If we as politicians cannot work through our differences and work towards achieving a consensus on a legally binding requirement here, who can? Are we seriously saying that having a judge come in to arbitrate, or to have some sort of arbitration process or panel, is going to cut it if, for instance, the Scottish Government have a particular concern about Orkney crabs and what is said about that in the joint fisheries statement? I put it to hon. Members that that is not the case.

We politicians cannot abdicate our responsibility and role. Part of that role is to work through our differences to achieve consensus where it is required to get an agreed policy statement that is legally binding on all of us equally and severally. I believe that because we have that legal commitment enshrined in clause 5(1) and because we have a very strong track record in DEFRA of successful concordats and memorandums of understanding, and because the Cabinet Office is doing a wider piece of work in this area, this amendment is unnecessary. It is ultimately for us, as elected politicians, at the very least, to agree what we are going to do by way of policy.

**The Chair:** I call Mr Sweeney.

**Luke Pollard:** Mr Pollard, Mr Gray. We look nothing alike; one of us has a beard.

At some point in the future, the *Hansard* report of this Committee will be dug out by an industrious journalist and politicians, and they will inquire why a dispute mechanism was not put in place when the Bill was formed. They will look at the debate and see a Government that did not want to do so because they either failed to predict a problem or were so opposed to accepting amendments to the Bill that they knowingly proceeded with a hole in it. That is what we have here.

This is an enabling Bill, designed to create a system and framework for the proper governance of our fisheries in future. We should be taking the opportunity to look into every aspect, to ensure it will work in all circumstances and scenarios. There will be a problem in future in the event of one of the devolved Administrations or the UK deciding not to agree with the others on what is, as we all know, the most political part of DEFRA's responsibility around fishing. Be that a manufactured concern or a valid concern on stock assessment or different elements of science conflicting, there will be a point of conflict in future.

**Owen Smith:** My hon. Friend is right. Is it not entirely predictable when that moment will come? It will be when the Secretary of State has the first opportunity to distribute fishing opportunities across the new UK waters and there is a dispute between the Administrations as to the fairness of that distribution, when those other Administrations are only consulted but do not have to consent to those changes. Is that not precisely when the rubber will hit the road?

**Luke Pollard:** My hon. Friend is right that is a possible scenario. There could be a multitude of other scenarios where that is a real risk.

**Brendan O'Hara:** I thank the hon. Gentleman for giving way again; he is being very generous.

The hon. Member for Glasgow North East said he was looking for a situation that was equitable and democratic. That is motherhood and apple pie to a place such as this, but he was lacking any details of what was being proposed and guarantees that it would not impinge on the devolved Administration, and something that takes into account—as we have talked about before—the asymmetrical constitutional set up that currently exists in the United Kingdom. Yes, we would love to see something that was democratic, accountable and equitable, but at the moment there is nothing on which to hang any of that.

**Luke Pollard:** I am grateful for the hon. Gentleman's intervention, but I disagree. We do not know what the cause of that dispute will be or what form that dispute will take, but we can predict that there will be a dispute of some form in and around the formation of these joint fisheries statements in the future. We also know that at a time when climate change is changing the stock levels in our seas, when there is a real concern about how fishing quota is distributed—between ourselves within the UK, and with our EU neighbours and Norway—disputes will arise. It is inevitable that that will take place.

The summary of the debate we have had so far is that there is a hole in the Bill, which needs to be fixed. Ministers need to be seriously concerned about the fact that there will be a problem here and the relevant

*Hansard* will be dug out. Whether the Minister is still in his place or not at that point—I suspect, as my hon. Friend the Member for Pontypridd says, it may come sooner rather than later—we need to resolve this. As a result, we will push this amendment to a division.

*Question put*, That the amendment be made.

*The Committee divided*: Ayes 6, Noes 9.

#### Division No. 4]

#### AYES

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

#### NOES

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

*Question accordingly negated.*

*Question proposed*, That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss: Clause 4 stand part.

That schedule 1 be the First schedule to the Bill.

**George Eustice:** In the last group of amendments we covered many aspects of clause 3, which sets out the procedures that the four fisheries administrations would need to follow when preparing and adopting the joint fisheries statement. It also sets out the procedures for the Secretary of State to adopt a Secretary of State fisheries statement for England. This clause makes it clear that maintaining sustainable fisheries is a joint effort and requires the involvement of all four fisheries administrations. It requires all four to jointly prepare and adopt the joint fisheries statement for the statement to come into effect. The precise mechanism for preparing and publishing both the JFS and the SSFS are contained in schedule 1, which must be followed for the statements to come into effect. This sets out the provisions for consultation with industry and other interested parties. This clause is integral to both the joint fisheries statement and the Secretary of State fisheries statement.

Clause 4 makes it clear that any amendment to the joint fisheries statement can only be made by the fisheries administrations acting together. This clause is important in allowing the statements to be amendable, as a changing environment may require. For instance, there may be a change of Administration, Government, approach or circumstances, which would mean that it would be necessary, where possible, to amend and adapt the joint fisheries statement and the Secretary of State fisheries statement.

**Luke Pollard:** I am grateful to the Minister. The Opposition has no issue with clause 4 and we are happy that it should stand part.

*Question put and agreed to.*

*Clause 3 accordingly ordered to stand part of the Bill.*

*Clause 4 ordered to stand part of the Bill.*

*Schedule 1 agreed to.*

#### Clause 5

##### DEADLINE FOR FIRST FISHERIES STATEMENTS AND OBLIGATION TO REVIEW

**Luke Pollard:** I beg to move amendment 52, in clause 5, page 4, line 10, leave out “before 1 January 2021” and insert—

“at the latest one calendar year from the date of withdrawal of the United Kingdom from the European Union.”.

*This amendment would ensure that the fisheries statements are published no more than one year after the UK leaves the EU.*

**The Chair:** With this it will be convenient to discuss amendment 53, in clause 5, page 4, line 12, leave out “before 1 January 2021” and insert—

“at the latest one calendar year from the date of withdrawal of the United Kingdom from the European Union.”.

*This amendment would ensure that the fisheries statements are published no more than one year after the UK leaves the EU.*

3.30 pm

**Luke Pollard:** Amendments 52 and 53 would ensure that the fisheries statements are published no more than one year after the UK leaves the European Union. Much debate has been had as to when that date will be, and I am sure that the Minister will not seek to deviate from the line that he has been given by the Whips on that date. However, given that this is a situation in flux, and the uncertainty in the Government at the moment, and without wishing to apply any normative judgment on whether that is a good or bad thing, we do not know the date on which we will be leaving. The amendment would therefore make the Bill more flexible, should the date of exit change.

We have established today that UK fisheries management policy needs to be dynamic and reactive to the fluctuating marine environment. As the fisheries management policy manages a national resource, it needs to be accountable through Parliament as well. The joint fisheries statement is also the first proper acid test for the state of UK fisheries post-Brexit, and will be Parliament’s first opportunity to hold the Government to account against the promises made in the referendum and in the Bill. The idea that we would have to wait almost two years for the first joint fisheries statement if we leave the EU in March 2019 without a deal is not good enough.

Early scrutiny is particularly necessary, given the lack of guarantee in the political declaration that a new fisheries agreement will be completed before the end of the transition period, in July 2020. Instead, parties will use their “best endeavours”. Despite endless gold-plated promises, there is a real fear among fishers that that vague language means that there is a final betrayal coming for the industry. The hon. Member for Aberdeen South (Ross Thomson) said that

“sovereignty of our waters could be sacrificed for a trade deal. That is unacceptable.”

I am sure that is a view shared by many in this place and in fishing communities around the country. Because there is no guarantee that there will be a new fisheries agreement with the EU by the end of the transition period, only a hope, there is a fear that once the spotlight has come off fishing a few months or years down the line, during a quiet moment of transition, the industry

[Luke Pollard]

will be taken off to a quiet corner and betrayed in exchange for a free trade agreement with the EU. That is a real concern that fishers have expressed to me, sometimes in more colourful language than I have chosen to use. It is a valid concern that we need to address.

The Leader of the Opposition stated in the Commons that the concern is that all that we will do is enter into a new CFP but under a new name. I do not doubt the Minister's sincerity in wanting to leave on the day that is Government policy today—rather than the one we might get tomorrow—but we do not want that to happen. It is out of his hands and I appreciate that. A hard date in the Bill may be useful for party political management on the Government Benches, but in creating an enabling Bill, we need to recognise that the date of exit may change and, therefore, 12 months from that date of exit is the first time that a fisheries statement should be presented to Parliament. That is the purpose of the amendments.

**George Eustice:** Setting out a particular date for completion when there are a number of scenarios that could unfold in respect of the withdrawal agreement and the nature of our exit from the EU does create some uncertainties—I would be the first to acknowledge that. As the hon. Gentleman said, things are currently in a state of flux.

I want to explain why we have chosen the 1 January 2021 as the date. When we drafted the Bill it was on the understanding and expectation that there would be an implementation period, during which we would be bound by the terms of the common fisheries policy until December 2020, when we would negotiate as an independent coastal state. The appropriate time to have this plan in place seemed to be January 2021. We chose the date on the basis of an expectation of an implementation period running until December 2020.

The second reason was that it gave us time to ensure that we can work through our differences across the four Administrations and have a plan in place. As well as the neatness of the measure commencing at the point at which the implementation period ends, it ensures that we give ourselves sufficient time to agree the plan and put it in place.

I know that a long-standing concern for a number of fishermen is that their interests may be traded for other elements of the future partnership. We have made it absolutely clear that we will not do that. We are absolutely clear that trade negotiations are separate from negotiations about access. The Government have tabled some amendments that we will discuss at a later date that I believe will give some reassurance to fishermen about that.

While I understand the point made by the hon. Member for Plymouth, Sutton and Devonport, by the time the Bill reaches Report stage, we may all be slightly clearer as to the length of the implementation period or whether there is to be an implementation period at all and whether we leave without an agreement next March. I that suggest the hon. Gentleman keeps his powder dry on this issue until we all have greater clarity about what the future holds.

Finally, when making the case for his amendment, the hon. Gentleman suggests that the date on which we withdraw from the European Union could be a movable feast. I do not accept that. We are leaving the European Union come what may in March. The issue is whether there will be an implementation period and how long it will be. Will it go for the full duration until December 2020 or will it be possible to conclude it expeditiously? I therefore accept that there is an element of doubt about the length of the implementation period and whether there will be one. I suggest we revisit the issue of timescales for the production of the joint fisheries statement on Report, when I hope things will be clearer.

**Luke Pollard:** There are no surprises in the Minister's response, but I enjoyed the phrase "we will work through our differences across the four Administrations", given the time required to do that. I suspect that was the exact opposite of the sentiment that was exhibited in the dispute resolution debate.

There is significant concern among fishing industries that they will be sold out, just as they were during the transition period. Ministers, including this Minister, were advocating that fisheries should be excluded from the transition period up to a week before that policy changed. Fishers around our coastline have every reason to be sceptical about some of the promises that have been given.

**George Eustice:** Does the hon. Gentleman not accept the ultimate sell-out for British fishing would be to stay in the European Union and therefore stay in the common fisheries policy?

**Luke Pollard:** I understand that fishing was sold out on the way into the EU and there is a risk of it being sold out on the way out of the EU. A lot of our fishing communities share that concern. We need to recognise that. I respect the Minister's desire to leave on the date that has currently been stated by the Government. As the Government are changing their mind about a lot to do with Brexit, and as this is an enabling Bill, should we not be flexible and be able to reflect possible changes during this period?

I am happy to take the Minister's suggestion to keep my powder dry on this one and revisit it on Report. However, there is a genuine concern that fishing will be sold out, given any hard dates, and more work needs to be done to reassure fishers that they will not be sold out when it comes to the political agreement further down the line. A flexible date would be one way of doing that. I therefore beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Luke Pollard:** I beg to move amendment 54, in clause 5, page 4, line 15, leave out "6" and insert "5"

*This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 55, in clause 5, page 4, line 17, leave out "6" and insert "5"

*This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.*



Amendment 56, in clause 5, page 4, line 22, leave out “6” and insert “5”

*This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.*

Amendment 57, in clause 5, page 4, line 24, leave out “6” and insert “5”

*This amendment would ensure that the fisheries statements are subject to review every five years, instead of every six years.*

**Luke Pollard:** These amendments make a similar point to the earlier ones, in respect of the timeframe that we are looking at. They would remove the restriction of six years and replace it with five years. Six years is far too long to leave the Executive unaccountable if it is necessary to force them to change bad policy. That is why we wish to change the period from six years to five years.

Five years is the length of a fixed-term Parliament. It would mean that, in any given Parliament, there can be accountability for the policies that the Government are seeking to put in place via the Fisheries Bill. Otherwise, in a fixed-term Parliament of five years, there may not be an opportunity due to the period being set at six years. I encourage the Minister to look again at the arbitrary six years. We want to ensure that, every five years, at the start of a new parliamentary term, fisheries is right up there as one of the main policy items under review. Every new Parliament should have the ability to review fisheries policy.

As drafted, the Fisheries Bill gives the benefit of the doubt and too much discretion to people in office. There is not enough of a guarantee that the policies will achieve our fisheries objectives. We tabled the amendments to enhance scrutiny and to ensure that the Government’s aim to have truly sustainable world-leading fisheries is delivered.

**George Eustice:** It has been a little while since I mentioned the Marine and Coastal Access Act 2009, which was introduced by the previous Labour Government. I want to explain where the allegedly arbitrary figure of six years came from. It mirrors the approach set out in the Marine and Coastal Access Act in respect of the production of marine spatial plans. There is a requirement in the Act to review the marine spatial plans at six-yearly intervals. Our officials, when considering what would be appropriate—we wanted to have a consistent approach to the marine environment—took the view that, as marine spatial plans are reviewed every six years, that would seem to be the appropriate precedent to follow in respect of these other plans.

Six years has a precedent, and indeed one that some Opposition Members might have voted for—not the hon. Member for Plymouth, Sutton and Devonport, but other hon. Members—when the Marine and Coastal Access Act was passed. There is no precedent for five years. I understand that hon. Members may take the view that, under the Fixed-Term Parliaments Act 2011, five years is the typical duration of a Government, but clause 4 creates a power to amend the plan at any time.

**Jeremy Lefroy (Stafford) (Con):** I very much understand what the Minister is saying, but with climate change, things often happen much more rapidly than Parliament might make provision for. Does he not agree that there should be some flexibility, particularly in regard to

changes in water temperatures and fish stocks, which are moving all the time? We should look at the evidence for the timing, rather than just look backwards to an Act from a few years ago?

**George Eustice:** I strongly agree, which is why we included clause 4, which gives fisheries policy authorities the ability to amend the plans whenever they choose to do so. If events move and we need to adopt a different approach to mitigate the effect of climate change because things happened faster than we thought, or there was an environmental challenge that had not been foreseen in the six-year plan, there is a power to amend the joint fisheries statement to reflect that change under any circumstances and at any time.

With the six years, we have chosen to adopt a timescale that has a precedent in the context of managing the marine environment. We also included a clear provision that means that, at any time, we can adapt and amend the plan in the way that my hon. Friend the Member for Stafford seeks, to ensure that it can respond to events.

I hope I have been able to inform the hon. Member for Plymouth, Sutton and Devonport about the genesis of the choice of a six-year term as a starting point, and also about the fact that clause 4 gives us the power to amend the plans at any stage, which means that moving the time period to five years, as he suggests, is perhaps unnecessary.

3.45 pm

**Luke Pollard:** I am grateful to the Minister for setting out why five years is not as good as six; none the less, I think there is a point about our effective scrutiny of the system. When the Marine and Coastal Access Act was initially enacted, it was at the start of that journey of organising marine plans and policies. We are now in a very different place, both politically and environmentally. I am grateful for the comments about climate change made by the hon. Member for Stafford. Our world is changing and our fisheries need to be more adaptable to the concerns around climate change.

**Alan Brown:** In support of the principle of reducing the review period from six to five years, I tried to get in earlier on. I have concern about linking it to a parliamentary term, because as we know, despite the Fixed-term Parliaments Act, we have already had one Government that did not last five years, and the way things are going, it is highly probable that this Government will not, either, so I would be wary of linking it to a Westminster parliamentary term. That would also override the parliamentary cycle of the devolved Administrations. I am happy with five years, but we should be wary of how this is linked to the parliamentary cycles.

**Luke Pollard:** In seeking to move from six to five, that was merely to move from six years to five years, rather than necessarily to align with that parliamentary cycle.

**Mike Hill:** Would moving the period to five not mean that the Government of the day were accountable for actions they had taken, rather than leaving it to a sixth year, when potentially it would be a different Government and it could trigger a new way of assessing things? It could be a false trigger for the future.

**Luke Pollard:** I agree. Although I take the point made by the hon. Member for Kilmarnock and Loudoun, that Governments may not last for five years—indeed, the reason that I am here and not doing my former job of advising on how to build skyscrapers is that the House decided to have an election and not use the Fixed-term Parliaments Act to see out five years—there is a possibility that these plans may not be reviewed within an entire, normal Parliament, which means that an entire batch of Members of Parliament for that parliamentary term will not have the chance to do this. I recognise the flexibility that the Minister has outlined.

**Mr Marcus Jones (Nuneaton) (Con):** Bearing in mind the rationale that the hon. Member is now using, surely he should have drafted his amendment in the context of this being looked at within each term of Parliament, rather than on an arbitrary five-year basis?

**Luke Pollard:** No, I am quite comfortable that the words “leave out “6” and insert “5”” are entirely sufficient to deal with this clause; none the less, I take the point that the hon. Gentleman is trying to make. There is concern here about the frequency of scrutiny. If the Minister can reflect on that, there is a strong sense of our wanting to be sure.

**George Eustice:** Will the hon. Gentleman explain why he chose five years rather than four or three?

**Luke Pollard:** I can indeed; it is because two was suggested. Feedback from stakeholders was that they felt that six years was too long. A number of suggestions came back for different periods, two and three being some of those—indeed, Fishing for Leave was strong in its advocacy of two years. I felt that two years is too frequent, but six years is too long. Therefore, looking to lock it into the period during, in theory, a parliamentary five-year term, seems to be the right amount of time.

I am grateful for the flexibility that the Minister has set out. Should the Government change, I would expect that flexibility to be used by a Labour Government in moving that to five. I think that would be the right thing to do. However, on the basis of the discussion we have had, I am content not to push the amendment to a vote. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 5 ordered to stand part of the Bill.*

## Clause 6

### EFFECT OF STATEMENTS

**Peter Aldous:** I beg to move amendment 89, in clause 6, page 4, line 29, leave out from “authority” to end of line 34.

**The Chair:** With this it will be convenient to discuss amendment 90, in clause 6, page 4, line 37, leave out from “authority” to end of line 42.

**Peter Aldous:** Amendments 81 and 82, which come next, also relate to this clause, and the points that I make now apply to those changes as well.

**The Chair:** I think it is better to discuss those separately because they are grouped separately. We will stick to amendments 89 and 90 for now.

**Peter Aldous:** Thank you, Mr Gray.

I will highlight two points on which I hope to gain clarification from the Minister. First, it is important for all public bodies involved in fisheries management to adhere to the principle of the fisheries statements. The amendments therefore seek to expand the scope of the list of those authorities to which the statements apply. I have also sought to ensure that the list is not exhaustive.

Secondly, the amendments would reduce those authorities’ discretion not to comply with the obligation. They would provide a legally binding commitment on the public authorities to achieve the fisheries objective. I am concerned about what appears to be some wriggle room for authorities not to comply with the statements. I would be grateful if the Minister allayed my concerns.

**Luke Pollard:** Although this might be the kiss of death for the hon. Gentleman’s amendment, the Opposition are minded to support it, because it seeks to improve the duties in the Bill.

The Bill’s wording gives significant powers for a relevant national authority to amend policies contained within the joint fisheries statement with little scrutiny or challenge. The amendment would remove the vague and meaningless “relevant considerations”, a term that appears to be a get-out clause to allow authorities to act as they please when it suits them.

Earlier, the Minister said that the power would enable reaction to a huge surprise event, but how can we be sure that it would not be abused? The clause is not specific enough, and no safeguards are in place to stop it being used as a “Get out of jail” card. As my hon. Friend the Member for Pontypridd did, I ask the Minister what “relevant considerations” mean in this context. That is the nub of the concern expressed by the hon. Member for Waveney.

In the evidence session last week, Tom Appleby from the Blue Marine Foundation criticised the clause as it stands:

“Our fisheries statements are a bit woolly. I notice that there is a bit in here that says that they do not have to adhere if relevant considerations are taken into account. What is a relevant consideration? I could not find a definition of that.

We have not nailed the Secretary of State to the floor in this Bill, and that could be done.”—[*Official Report, Fisheries Public Bill Committee*, 4 December 2018; c. 56, Q120.]

I am not, of course, advocating nailing the Secretary of State to any floors—[*Interruption.*] Indeed. Government Members might like to go there, but not Opposition Members. Debbie Crockard of the Marine Conservation Society said something similar at another of our evidence sessions:

“the problem with the joint fisheries statement is that, under clause 6(2), if a national authority takes the decision to act other than in accordance with the JFS, it simply has to state the reason why. There is no binding duty to follow that JFS. If it goes against the JFS and sets fishing limits that are not legally bound, there is nothing to hold it to account in that situation.”—[*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 77, Q152.]

Both the concerns expressed by the hon. Member for Waveney, and that concern about the lack of any dispute resolution, go to the heart of the weakness of the joint fisheries statement that he rightly highlighted.

**George Eustice:** I am grateful to my hon. Friend the Member for Waveney for tabling the amendments and highlighting an important issue. I understand why some

might be concerned about the inclusion of the provision, because they judge that it to be a “Get out of jail” card which means that people would not have to follow the statement at all.

As with earlier amendments, I will explain the genesis of the language chosen for the clause. Again, I am afraid, I have to pray in aid the Marine and Coastal Access Act. Section 58(1) states:

“A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.”

The claim by some that the language in the Bill is random, new language that has never been used in legislation before is therefore not true. It is a form of words that was used in the most recent piece of marine management legislation available, which was introduced by the Labour Government.

The reason we have the provision is to ensure that in instances where we have a sudden change in circumstances, which might put us outside a joint fisheries statement, there is, in a sort of force majeure—

**Alan Brown:** I just want to understand what the Minister is talking about. Exceptional circumstances may arise that need swift action. Therefore, is there not a way to improve the language in the Bill, even though this serves as a precedent, rather than the amendment, which would delete it completely? Is that something the Government would consider for the next stage?

**George Eustice:** I was going to return to that point. As I said at the outset, while I think it is wrong to delete that flexibility for a force majeure event all together, I am certainly willing to look on Report at whether we could refine or narrow the scope and the circumstances in which such a measure could be used.

Let me give an example. If there were a sudden change in the health of a particular stock, we might have it as part of the plan that a stock could be exploited at a particular level. We might not want to do that anymore and might therefore step outside the plan—not to overexploit a stock but to stop exploiting it all together. It might also be the case that in order to reach an agreement with, say, Norway, which uses maximum sustainable yield as well as other environmental measurements and metrics, we might have to move slightly outside the scope of our own plan. Then a question has to be asked: as I put to Dr Carl O’Brien, is it better to get an agreement so that everyone is working within agreed limits and to an agreed plan with our neighbours—say, Norway—or is it better for everyone to just kick the table over, walk away and unilaterally set their own total allowable catch? I would say it is always the former. There will be times when we may have to step slightly outside the joint fisheries statement in the interests of getting a fisheries agreement at all, which is ultimately for the benefit of the stock.

My hon. Friend the Member for Waveney has highlighted an important issue. I hope he understands that, because we need that flexibility both for force majeure events and for other sudden developments, we need some sort of provision for those circumstances. Therefore, deleting the wording all together is wrong. However, in view of the points that he and others have raised, I will give this further consideration as we approach Report to see whether we can narrow that power so it can be used only in prescribed circumstances.

**Owen Smith:** The Minister is offering some comfort to those of us who have expressed concerns about how loosely the clause seems to be drawn. I put it to the Minister that if what he is envisaging here are very exceptional circumstances—he keeps using the phrase “force majeure circumstances”—why is the language so loosely drawn? It says:

“unless relevant considerations indicate otherwise”

and this seems to be a fairly broadly drawn set of circumstances. Crucially, subsection (4) says:

“If a relevant national authority within subsection (5)(a) or (b) takes any decision”.

That is an extraordinarily broad set of circumstances. If it is intended to be so limited, why is it so broad?

**George Eustice:** I explained the genesis of that choice of words earlier. The Marine and Coastal Access Act 2009 also uses the term

“unless relevant considerations indicate otherwise”,

so it is not a new form of words in our legislation and it was used in our most recent piece of legislation dealing with the marine environment. As I said, I accept that we should go away and consider whether we can narrow the scope within which such a power could be used, and I have undertaken to give that further consideration by the time the Bill is on Report.

**Owen Smith:** I do not think anybody is suggesting that the problem is that the language is new. It is the fact that the language is so poorly and so broadly drawn.

**George Eustice:** Well, I blame the last Labour Government for the drafting of the legislation. We have reached a convenient conclusion and I have made an open offer to give this further consideration to see if we can narrow the scope so that it is closer to its intended use, rather than it becoming a simple get out of jail card in all circumstances. I look forward to updating my hon. Friend the Member for Waveney on Report.

4 pm

**Peter Aldous:** It has been a useful short debate. I was not happy with the clause as it is drafted; there needs to be a balance between flexibility—that is needed—and not too much flexibility that gives the get-out-of-jail card. I thank the hon. Member for Kilmarnock and Loudoun for his suggestion that we look at this in a bit more detail, and the Minister for taking up that offer. I look forward to looking at this matter more closely in redrafted clauses on Report. On that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

## Clause 8

### ACCESS TO BRITISH FISHERIES BY FOREIGN FISHING BOATS

**Peter Aldous:** I beg to move amendment 21, in clause 8, page 5, line 13, leave out “a” and insert “an annual British”.

The amendment applies to clause 8 and to schedule 2. There is concern that there are no provisions in the Bill for foreign vessels to comply with the same standards as

[Peter Aldous]

UK vessels. Foreign vessels' access to UK waters must be contingent on compliance with the same environmental standards as are applicable to UK vessels. That way, there will be a level playing field and the same high level of environmental protection will apply to all fishing in UK waters.

There is a worry—perhaps I am being alarmist—that the Dutch might be allowed to continue with the environmental vandalism that is electro-pulse fishing, which takes place off the East Anglian coast, and which we may or may not debate in more detail later.

I would welcome clarification from the Minister. I ask that he allay my concerns and assure me that the same level playing field will apply to all vessels in UK waters.

**Luke Pollard:** The amendment seeks to limit the time foreign boats have a licence to fish in UK waters to a single year. It is important that British boats take back control of our waters and the lion's share of our quota, consistent with moving from relative stability to zonal attachment, which is where the hon. Gentleman is going. With regard to foreign boats, we need to explore this issue in much more detail and depth. There is concern about the simple timeframe, but the general principle the hon. Gentleman is following is a good one to explore further. I will sit down so the Minister can do precisely that.

**Jeremy Lefroy:** A brief point: we talk about access to British fisheries, but I imagine we are talking about United Kingdom fisheries. I wonder whether British and United Kingdom are being used interchangeably, because we talk about United Kingdom later on. Could I have some clarification on that?

**George Eustice:** I can give my hon. Friend the Member for Waveney the reassurance he seeks. The amendment is unnecessary. The reason is that we are absolutely clear and explicit that in future, once the Bill comes into effect, it will be prohibited for any foreign vessel to fish in UK waters in the UK's exclusive economic zone unless it has a UK fishing licence. I draw his attention to clause 11(1), which could not be clearer. It states that

“Fishing within British fishery limits by a foreign fishing boat is prohibited unless authorised by a licence.”

He should read that in conjunction with clause 12(3), which states quite clearly that

“A licence under this section may be granted so as to impose limits on the authority”.

That licence would govern the area in which fishing is authorised, so it could prevent fishing in certain areas; the periods, times or particular voyages during which fishing is authorised; the types of fish that are allowed be caught during a visit to UK waters; and finally, in subsection 12(3)(d)—of relevance to pulse trawling, which I know my hon. Friend feels strongly about—the method of sea fishing. That would give us all the powers we need to impose on all foreign fishing vessels a requirement to use a particular type of fishing method and a particular gear type. Without wanting to dwell on the detail, clause 31 also gives powers for the Administrations to set technical conservation measures

in their waters, separate from the conditions which are attached to the licence. On that basis, I hope that the he agrees that the amendment is unnecessary.

My hon. Friend the Member for Stafford made a point about the use of the term “British” and whether we mean “UK” or “British”. In general, we talk in terms of a UK fishing licence, which is a licence issued by any of the Administrations in the UK. In the event of granting a licence to foreign vessels, the MMO, with the consent of the devolved Administrations, would issue a single licence on behalf of every part of the UK. A separate, long-established term in fisheries legislation from 1967 and before is “British vessel”, which tends to mean any vessel that is registered to the UK—including Northern Ireland—or to the Crown dependencies, or British-owned vessels. The term “British vessel”, which stems from an era in which “British” tended to be used in a different context to that of today, runs through our previous legislation and is used in parts of the Bill.

**Peter Aldous:** I thank the Minister for his latter clarification in response to the question from the hon. Member for Stafford. He has saved me from the embarrassment of shoddy use of language. I am also grateful to him for providing such extensive clarification and reassurances, and on that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the clause stand part of the Bill.

**George Eustice:** Clause 8 simply sets the terms under which foreign fishing boats may enter British fishery limits and replaces section 2 of the Fishery Limits Act 1976. Under that section, as amended by the Scotland Act 1998 and the Northern Ireland Act 1998, the Secretary of State and Ministers of devolved Administrations may designate, by Order in Council, the foreign countries whose vessels may enter British fishery limits.

Paragraph 8(1)(a) provides that a foreign vessel can enter British fishery limits only if it has a sea fishing licence. The effect of the clause is that all foreign fishing vessels will need the express permission of the UK to enter into our waters to fish. Subsection (2) requires that foreign fishing boats must leave British fisheries limits as soon as their fishing activities or other purposes for entering British fishery limits have been completed.

The purpose of the measure is to ensure that foreign vessels entering UK waters leave once their permitted purpose has concluded. Subsection (3) creates an offence against the master, and an offence of vicarious liability against the owner and the charterer of a foreign fishing vessel, for entering UK waters for any purpose other than fishing in accordance with a sea fishing licence, and under international law agreements or arrangements.

**Luke Pollard:** As we prepared for the Bill, a number of stakeholders expressed concern about a missing element: a requirement for foreign fishing boats to abide by the same standards as British fishing boats. As that is covered by an amendment we seek to table elsewhere in the Bill, I will not push it to a conversation or debate now. That is the only omission and, as the clause stands, we will not oppose it.

**Jeremy Lefroy:** I will ask the Minister one brief question, if he will forgive my ignorance. Does this provision include access for the purposes of landing fish as well? Let us say that fish are being caught in other waters but are to be landed for processing in UK ports. How would this measure apply to that?

**George Eustice:** The direct answer is that there are other provisions in international maritime law that enable the passage of vessels for lawful purposes, including trade or landing fish elsewhere. The terms of the fishing licence will be specifically pertinent to the fishing activity that is permitted under that particular licence.

*Question put and agreed to.*

*Clause 8 accordingly ordered to stand part of the Bill.*

### Clause 9

#### BRITISH FISHING BOATS REQUIRED TO BE LICENSED

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss the following:

New clause 18—*Licensing of fishing boats*—

“The Marine Management Organisation must exercise its functions so as to secure (so far as possible) that—

- (a) fishing boats are not used in contravention of section 9(1) (prohibition on fishing without authority of licence), and
- (b) conditions attached to sea fishing licences under paragraph 1 of Schedule 2 are not broken, as a result of the exercise of rights sold in accordance with the regulations.”

**George Eustice:** The clause sets out the conditions under which British fishing boats would be licensed to fish in UK waters and prohibits fishing without a licence, except for stated specific exemptions. The Secretary of State may make regulations to add, remove or vary the exceptions listed. Scottish and Welsh Ministers and the Northern Ireland Government must be consulted prior to any such regulations being made.

If British fishing boats take part in fishing activities in UK waters that are not exceptions under subsection (2) without a fishing licence, the owner, charterer and master will be guilty of an offence. Further information on the offences and associated penalties is contained in clauses 14 to 16, which we will come to.

**Peter Aldous:** I will not detain the Committee long. New clause 18 is a probing one to seek clarification from the Minister on the extent of the MMO’s responsibility with regard to the licensing of fishing boats. I particularly seek clarification that the conditions will still apply when rights have been transferred. I am concerned that there might be loopholes that the ingenious might seek to exploit, and I would be grateful if the Minister could allay my concerns on that point.

**George Eustice:** The proposed new clause relates to the enforcement functions of the MMO. I can tell my hon. Friend that the MMO already has a wide suite of enforcement powers. I will get bored with mentioning this Act, but part 8 of the Marine and Coastal Access Act 2009 sets out the MMO’s powers. Section 238 gives

it powers to enforce fisheries legislation; sections 246 to 254 give it powers of entry, search and seizure; and sections 264 to 287 give it fisheries enforcement powers, such as inspection powers, so the MMO already has a broad suite of powers in current legislation.

4.15 pm

I reassure my hon. Friend that in the evidence session with the MMO, Phil Haslam, our head of enforcement, outlined the steps we are taking to increase our enforcement capacity. We have delayed the decommissioning of the three existing fisheries patrol vessels while adding four new ones, we have been working with the Maritime and Coastguard Agency to build aerial surveillance capacity, and we have been working with Border Force and retraining its staff so its four cutter vessels can also be deployed on enforcement activity.

**Mr Sweeney:** Is it not a matter of regret for the Minister that Phil Haslam, the director of operations at the MMO, said its budget has reduced by 60% since its inception? Surely that has had an impact on its operational effectiveness.

**George Eustice:** The purpose of the Bill is to look forward. The important thing is having the capacity in place should it need to be called on. Currently, two fisheries patrol vessels are typically deployed in English waters. We will be moving to a position where we have access to up to 10 or 11 vessels, and aerial surveillance on top of that. That is a substantial increase in enforcement capacity, should it be needed. It may not be needed, but we do not yet know what scenarios we may face, so as a precaution we built in the capacity we might need.

*Question put and agreed to.*

*Clause 9 accordingly ordered to stand part of the Bill.*

### Clause 10

#### POWER TO GRANT LICENCES IN RESPECT OF BRITISH FISHING BOATS

**The Chair:** I call Peter Aldous to move amendment 17.

**Peter Aldous:** I will not move amendment 17, because it relates to—shall we say—the West Lothian question relating to fishing.

**The Chair:** You just need to say it is not moved; there is no need to speak to it. Unless anyone disagrees, I do not think there is any need to debate clause stand part.

*Clause 10 ordered to stand part of the Bill.*

*Clause 11 ordered to stand part of the Bill.*

### Clause 12

#### POWER TO GRANT LICENCES IN RESPECT OF FOREIGN FISHING BOATS

**Mr Carmichael:** I beg to move amendment 33, in clause 12, page 7, line 32, at end insert—

“(1A) The Secretary of State must publish each year a report on—

- (a) the number of licenses granted, and
- (b) the country of origin of the boat to which each license is granted.”

*To ensure transparency and accountability over the granting of licenses to foreign fishing boats by each relevant national authority.*

[Mr Carmichael]

Clause 12 centres on the power to grant licences in respect of foreign fishing boats. There is concern in the industry—principally on the part of the National Federation of Fishermen's Organisations—that there is a need for greater transparency in the way and the extent to which that is done. For that reason, my amendment would require the Secretary of State to publish each year a report on the number of licences granted and the country of origin of the boat to which each licence is granted.

Currently, the Bill allows only the political representatives of each of the relevant national authorities to grant licences to foreign fishing boats. The purpose of the amendment is to bring in an element of transparency and accountability. It should not be particularly onerous—I would have thought the administrative procedure would be fairly straightforward—but it would allow the industry to have confidence in the way the system works and prevent, or at least highlight, any abuse of the system, ensuring fair and appropriate use of the powers.

**George Eustice:** I hope I can reassure right the hon. Gentleman that, in common with a number of similar amendments, the amendment is not necessary but we have nothing to hide in this regard. I anticipate that we would indeed publish the number of licences granted where we were able to, probably as part of the Marine Management Organisation's annual report, which covers a wide range of issues. I am happy to explore with officials whether a section could be added to the report to include such data.

There is one potential technical flaw with that approach. As the right hon. Gentleman knows, the granting of licences is a devolved matter. We have been working with the devolved Administrations on a sensible and pragmatic approach. In all likelihood, there will be one issue of a licence to foreign vessels granted access to our waters. It will be issued by the Marine Management Organisation, but only with the consent of each devolved Administration. The purpose of that is to remove the pointless duplication of having to issue four separate licences covering each part of the UK for an internationally agreed arrangement to grant a particular cohort of vessels access to our waters.

If that administrative approach holds—the devolved Administrations show no appetite at the moment for issuing lots of separate licences for foreign access—the Marine Management Organisation would indeed have access to that information. If at some point one of the devolved Administrations decided to grant their own licence, the right hon. Gentleman might have to ask his colleagues in other devolved legislatures to table parliamentary questions to seek the answers that he is interested in.

The right hon. Gentleman raises an important point of principle, and I will seek to update the Committee on Report about whether we can include what he asks for as a convention to be included in the annual Marine Management Organisation report. I hope he will not see the need to make it a statutory requirement.

**Mr Carmichael:** We strike a recurring theme here: the Minister is determined to legislate for happy times. We all hope that happy times will last. By definition, to be a Liberal Democrat is to be an optimist, so I hope more

than anybody else that happy times might last. However, the purpose of the legislation is to deal with occasions when there are differences, tensions and disagreements. I do not doubt that the Minister will continue to publish the information in the way that he describes, but it is just about conceivable that the day will come when the Minister is not the Minister and there might be another Minister who will do things very differently. That is why we put these things in statute rather than leaving them to the discretion of individual Ministers.

**George Eustice:** The right hon. Gentleman is aware that in such circumstances, there would be many other mechanisms available, not least simply tabling a parliamentary question. If the Marine Management Organisation had access to the information since it had issued the said licences, it would be inconceivable that it could avoid answering such a question were it tabled as a parliamentary question.

**Mr Carmichael:** That is undoubtedly the case, but I said right at the start that the issue is one of transparency and accountability. Such things are best hard-wired into the Bill, rather than being left to the vagaries of the written parliamentary question system. The Minister says he will take the matter away and report back to the Committee at a later stage, so I will not press the amendment to a Division, but, as a caveat to that, I reserve the position with regard to later procedure. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Luke Pollard:** I beg to move amendment 63, in clause 12, page 8, line 10, at end insert—

“(3A) No licence may be granted under this section unless conditions are attached to that licence so as to require the foreign fishing boat to comply with any standards in relation to environmental protection and marine safety that would apply to the same boat if it were a British fishing boat.”

*This amendment would require licences granted to require foreign fishing boats to comply with the same environmental protection and marine safety standards as British fishing boats.*

Amendment 63 seeks to put into the Bill a common and very serious concern of many of our fishing communities around the country, which is that the regime that might exist after we leave the EU will see one set of rules for UK fishers and potentially another set of rules for EU fishers, because access to our waters will still be on the basis of fixed quota allocations and many foreign boats will still own quota to access UK waters after we leave the UK, and a drawdown period, if one exists, will take a while to achieve. The amendment seeks to create in the Bill the very clear, in stark plain English, description that says that foreign fishing boats should obey the same rules as British fishing boats. It is a principle to which there is huge agreement across the country from Plymouth and Cornwall right up to the north of Scotland. It would not create extra burdens for our EU friends entering UK waters. It would create the same burdens—the same regulatory requirements—to which any UK fisher must adapt.

In particular, the amendment deals with environmental protections and marine safety. It is vital, when it comes to safety, that we do not inadvertently create incentives for foreign boats to cut corners and take risks with their crews that we would not allow on our own boats. We already know from anecdotal evidence that safety

standards on different EU countries' boats are very different. There are different levels of enforcement and compliance with existing regulations.

If we say—rightly, and as the Minister did in the earlier discussion on marine safety—that we want high levels of marine safety for UK boats, we should require the same high levels of marine safety for foreign boats. If we do not, there will be a regulatory gap, potentially, between UK and foreign fishing boats. There will be an efficiency in having lower marine standards, in relation to the cost of compliance for UK and EU fishers. Potentially, a situation could be created where our EU friends might, while fishing in our waters, get into trouble more often because of the lower levels of protection.

The amendment is simple, and would put into the Bill something that fishers across the country want—a clear prescription that EU fishers will obey the same regulations as UK fishers. It is essential to the Bill, and I am surprised that it has not been included. There would, I think, be support for it on both sides of the Committee. I suspect that the Minister will oppose it, and I should be grateful if he set out his reasons for doing so, and explain how the same thing can be achieved by other means. There is concern in fishing organisations because the detail in the Bill includes no such clarity about the same regulatory standards applying to EU and UK fishers.

**Mr Sweeney:** I support the amendment. Coming from a shipbuilding background with, perhaps, issues not entirely dissimilar to those affecting fisheries, I know the frustration in many industries about having a level playing field and the opportunity to compete on the same basis. That is the reality facing many fishermen in the UK.

Many boats adhere to onerous constraints, such as the environmental standards and safety requirements that govern their operation. That is right, and respects the way we do business. It is therefore only right that all fishing boats operating in British territorial waters should adhere to the same conditions. Not only does that reduce risk to our maritime patrol agencies that would have to intervene in certain scenarios, if people's safety was at risk; it also improves the environmental situation—and environmental damage would cause damage to many stakeholders in the industry and the country.

For those reasons it is critical that the Minister should include the measure in the Bill. Not only would that safeguard the UK fishing industry and its interests, including in the Western Isles, Fraserburgh, Peterhead and the big commercial areas, but it would ensure that other stakeholders, many of them around the UK coastline, would be protected from the negative effects of incursions by boats that did not adhere to the same standards within UK territorial waters. That would be a very worthwhile thing to do.

**George Eustice:** I hope that I can persuade the hon. Member for Plymouth, Sutton and Devonport that the amendment is unnecessary, because of provisions that already exist. The amendment has two objectives—to get foreign vessels to abide by the same environmental standards as British fishing vessels would need to, and to get them to abide by the same safety standards.

To begin with the first objective, paragraph 1(2)(d) of schedule 2 allows conditions to be imposed “for the purposes of conserving or enhancing the marine and aquatic environment”.

The Bill therefore includes the power to impose such conditions, detailed in schedule 2. It is absolutely our intention, as we make clear in our White Paper, that any vessel seeking to access UK waters would have to abide by the environmental standards that we set out. However, I caution against saying that they must abide by the same standards as us, because there may be circumstances where we would not want to grant them access to the areas where our fishing vessels can go, or where we might not allow foreign vessels to use particular types of gear where we might allow our own vessels to do so.

4.30 pm

The licensing regime should not be looked at in a glass half-empty perspective, in which we need to ensure that they abide by the same standards as us. There certainly will be cases where we will not grant them access to parts of our waters, because we are reserving those parts of our waters for our own UK fishermen. The licensing regime enables us to differentiate in such a way.

The second issue is around marine safety. A vessel cannot be licensed at all for fishing unless the Maritime and Coastguard Agency has issued a certificate of seaworthiness. Seaworthiness is already a registration requirement and a vessel could not even get as far as applying for a licence to fish, if it had not already satisfied those safety requirements of seaworthiness and have a certificate of seaworthiness to accompany its application for a fishing licence.

For foreign vessels, safety at sea is equally important. That is why we have the Fishing Vessels (Codes of Practice) Regulations 2017, which set out the regime that a non-UK fishing vessel must abide by. In short, no foreign vessel is allowed to enter UK waters unless, in the case of a vessel that is 24 metres or over, it has been certified by its flag state as complying with the requirements of the Torremolinos protocol, or in the case of a vessel that is under 24 metres, it has been certified by its flag status as complying with the requirements of that state that apply to vessels of that length. There are requirements for both British and foreign vessels to be seaworthy before they can even reach the stage of applying for a licence. I hope that I have reassured the hon. Gentleman that we have robust procedures in place to protect safety at sea.

**Luke Pollard:** I have to say to the Minister that I am not reassured by that, and neither are fishing communities up and down the country. They are looking for wording in the Bill that says that EU fishing boats will have the same standards as UK fishing boats because of the widespread perception and reality that, at present, they do not have the same standards. Although I appreciate the Minister's efforts to explain why there is an existing equivalence, that is not the lived experience of fishers across the UK today.

**George Eustice:** The cause of that is European law, and the fact that we have to abide by it and sometimes accept certain practices in our waters that we would otherwise choose not to. The premise of the Bill is that when we take control of these matters and have a proper licensing regime, it is for us, and us alone, to

[George Eustice]

determine the conditions that we place on vessels that want to enter our waters. That is not the case now. That is why fishermen feel aggrieved.

**Luke Pollard:** Indeed they are. Those are fine words, which I wish I had used in my opening remarks, because that is exactly the point of this amendment. As we are now taking back control of our waters, it is up to us to set the standards that we wish the fishers in our community to be governed by. That is why it is important that we include in the Bill a clear set of words that say that EU fishers must abide by the same regulations as UK fishers, because the sense of betrayal, which I spoke about earlier, is not just about giving away access to waters, but about having different rules that they play by. My hon. Friend the Member for Glasgow North East was exactly right about the requirement for a level playing field. There is a real concern among fishers that a level playing field will not be achieved by this Bill. The refusal to put into the Bill clear wording that says that EU fishers must obey the same rules as UK fishers will worry an awful lot of our fishing communities up and down the country. I will therefore not withdraw the amendment, but will press it to a vote.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 8, Noes 9.*

**Division No. 5]**

**AYES**

Brown, Alan  
Carmichael, rh Mr Alistair  
Debbonaire, Thangam  
Hill, Mike

O'Hara, Brendan  
Pollard, Luke  
Smith, Owen  
Sweeney, Mr Paul

**NOES**

Aldous, Peter  
Eustice, George  
Grant, Bill  
Hollinrake, Kevin  
Jones, Mr Marcus

Lefroy, Jeremy  
Morris, James  
Stewart, Iain  
Tracey, Craig

*Question accordingly negatived.*

*Ordered, That further consideration be now adjourned.*  
*—(Iain Stewart.)*

4.36 pm

*Adjourned till Thursday 13 December at half-past Eleven o'clock.*



**Written evidence to be reported  
to the House**

FISH11 South Western Fish Producer Organisation Ltd

FISH10 Sustainable Fish Cities campaign, part of the organisation Sustain: The Alliance for Better Food and Farming





