

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## FISHERIES BILL [*LORDS*]

*Second Sitting*

*Tuesday 8 September 2020*

*(Afternoon)*

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CLAUSES 2 TO 11 agreed to, one with an amendment.

SCHEDULE 1 agreed to.

Adjourned till Thursday 10 September at half-past Eleven o'clock.

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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 12 September 2020**

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

*Chairs:* STEVE MCCABE, † SIR CHARLES WALKER

- |  |   |
|--|---|
| † Bonnar, Steven ( <i>Coatbridge, Chryston and Bellshill</i> ) (SNP)   | † O'Hara, Brendan ( <i>Argyll and Bute</i> ) (SNP)  |
| † Bowie, Andrew ( <i>West Aberdeenshire and Kincardine</i> ) (Con)     | † Owatemi, Taiwo ( <i>Coventry North West</i> ) (Lab)   |
| † Butler, Rob ( <i>Aylesbury</i> ) (Con)                               | † Peacock, Stephanie ( <i>Barnsley East</i> ) (Lab)   |
| † Coutinho, Claire ( <i>East Surrey</i> ) (Con)                        | † Pollard, Luke ( <i>Plymouth, Sutton and Devonport</i> ) (Lab/Co-op)   |
| † Duffield, Rosie ( <i>Canterbury</i> ) (Lab)                          | † Prentis, Victoria ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> ) |
| † Fletcher, Katherine ( <i>South Ribble</i> ) (Con)                    | Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)   |
| † Goodwill, Mr Robert ( <i>Scarborough and Whitby</i> ) (Con)          | † Wild, James ( <i>North West Norfolk</i> ) (Con)   |
| † Jones, Fay ( <i>Brecon and Radnorshire</i> ) (Con)                   | † Young, Jacob ( <i>Redcar</i> ) (Con)  |
| † Morris, James ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) | Rob Page, <i>Committee Clerk</i>  |
|  | † <b>attended the Committee</b>   |

## Public Bill Committee

Tuesday 8 September 2020

(Afternoon)

[SIR CHARLES WALKER *in the Chair*]

### Fisheries Bill [Lords]

2 pm

**The Chair:** Order! Let us have some discipline in the room, for crying out loud. We are going to proceed in a very nice, straightforward, friendly way, but I am going to say this in a semi-friendly way: we have *Hansard* colleagues here who would really benefit from having your notes. If you are speaking from notes and you could make the notes available to the *Hansard* colleagues before you leave, that would be great. The reason why I have to say that is that we do not have Doorkeepers to pick the notes up from you. [*Interruption.*] By email—covid secure.

#### Clause 2

##### JOINT FISHERIES STATEMENT

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis):** I beg to move amendment 2, in clause 2, page 3, line 37, leave out “18 months” and insert “two years”.

*This amendment extends the deadline for publishing the first joint fisheries statement. Under the Bill as it stands the deadline is 18 months after the Bill is passed; the amendment alters it to two years after the Bill is passed.*

It is a great pleasure to serve under your chairmanship, Sir Charles. Government amendment 2 extends the timeframe for publication of the joint fisheries statement from 18 months after Royal Assent to 24 months. That is to ensure sufficient time for drafting and sign-off by all the fisheries administrations, as well as for public and parliamentary scrutiny of the proposed policies. The change is unfortunately necessary because of the slippage in proceedings on the Bill, most latterly as a result of the pandemic. That has resulted in key stages of the joint fisheries statement drafting process, including parliamentary scrutiny, falling within the purdah or pre-election and, indeed, election periods for the Scottish and Welsh Parliaments in the spring of next year and the Northern Ireland Assembly in spring 2022. The devolved Administrations have raised the matter with us and, in our view, are rightly concerned that these election processes could significantly delay the ministerial clearances that will be required ahead of public consultation and parliamentary scrutiny. We are concerned that there is a high risk that the deadline will not be met. It would not be appropriate to make potentially new policy decisions during any pre-election period.

This amendment will support the development of a robust joint fisheries statement on the implementation of policies to meet the fisheries objectives that have been subject to appropriately rigorous scrutiny. I therefore ask the Committee to support the amendment.

**Stephanie Peacock (Barnsley East) (Lab):** The fisheries administrations are required to publish a joint fisheries statement setting out the policies that will achieve or

contribute to the achievement of the objectives listed in clause 1, which we discussed this morning. A common UK framework should be ambitious in scope and aspiration. The recovery of our fish stocks and sustainable management of our fisheries will impact generations to come. We will no doubt agree that the establishment of the first joint fisheries statement is an important moment for the UK fishing industry. I have met representatives from across the fishing industry in recent months, as I am sure the Minister has, and I am sure that the Minister will have heard as much as I have their concerns that the process of the UK leaving the common fisheries policy and becoming an independent coastal state has felt prolonged. Many fishers are keen to make progress on this as quickly as possible—something that I am sure the Minister and I will share. I understand the reasons that the Minister has outlined for the unfortunate but necessary delay, but can she also assure us that any delays in publishing the joint fisheries statements will not impact on the fisheries objectives that we have already discussed and, in particular, on the sustainability objective, albeit we would have preferred it to be stronger?

**Victoria Prentis:** I agree with almost all of what the hon. Lady has to say. We share her disappointment that the amendment is necessary, but we regretfully say that it is. *Amendment 2 agreed to.*

**Stephanie Peacock:** I beg to move amendment 63, in clause 2, page 3, line 38, at end insert—

“(5A) 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.

(5B) In establishing the system under subsection (5A), 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 2022 due to disputes between the fisheries policy authorities.”

*This amendment would require 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.*

As I am sure many members of the Committee will remember, the Second Reading debate on the Bill got quite heated in parts. Fisheries management decisions and approaches can be contentious, and it is clear that disagreements can easily arise. We have only to look at what is happening in Brussels at the moment to see evidence for that. This amendment is therefore designed to ensure that a dispute resolution process is formally established. Such a process would ensure that any disagreements over fisheries management policies could be resolved through a clear framework and in a timely manner before discussions became deadlocked to the point that a joint fisheries statement could not be produced. This provision is supported by the National Federation of Fishermen’s Organisations, which regards it as essential.

The NFFO also said that it would like this provision to be implemented in consultation with each devolved Administration before policies are set out in a Secretary of State’s statement. It is my understanding that the Government are developing a memorandum of understanding with the devolved Administrations that “aims to ensure co-operative ways of working and a mechanism for escalating and resolving disputes should they arise.”

I would like to probe the Minister further on how this mechanism would work in practice, how it would respect

devolution settlements while ensuring an efficient process and how it would ensure that the joint fisheries statements were the product of an equitable and democratic process.

This amendment would provide important certainty to the industry across the UK that, should any disputes arise, a clear and fair dispute resolution process would be in place. I believe that this does have and would have the support of the wider industry.

**Brendan O'Hara** (Argyll and Bute) (SNP): It is a pleasure to see you in your place this afternoon, Sir Charles. As much as I can see what the hon. Member for Barnsley East is trying to do in proposing this amendment—seeking to establish a dispute resolution mechanism—and while I of course understand that it would be better for the four nations of the United Kingdom to enter into discussions in good faith and to work collaboratively to seek that joint fisheries statement, I cannot accept that this is the best way to take this forward. There should be, I agree, a mechanism to resolve any conflict that might arise between the four nations of the UK, but we do not think that giving power to the Secretary of State to establish such a mechanism is the way forward.

There has been nothing in the last few years, particularly around fishing and agriculture, to suggest that the interests of the devolved nations would be protected if the UK Secretary of State—particularly from the current Administration—was asked to establish a system in which to resolve disputes. Quite simply, we do not trust the Government to produce a mechanism that would not centralise power and decision making at Westminster. We do not think that the needs of the Scottish, Welsh or Northern Irish fishing industries would be adequately protected if a Secretary of State based in Whitehall was given the power to establish that dispute mechanism.

Immediately, questions would arise. What would the system to resolve these disputes look like? How independent of Government would this be? Who would appoint the members of that committee, if it were independent of Government? Would its membership be based on the nation's fishing industry, percentage share of coastline or the size of its population? Who would ultimately decide which side was right and which was wrong, and what criteria would they use to decide that?

I struggle to see how it would be possible for the four nations of the United Kingdom to be put on a fair and equitable footing, and for a transparent dispute mechanism to be put in place, when to all intents and purposes in these matters Westminster acts as the English Parliament, and when the right hon. Member for Camborne and Redruth (George Eustice) doubles as the UK Secretary of State and also the person in political charge of English fisheries.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): Having been in the Second Reading debate, does the hon. Gentleman think we should have some sort of dispute resolution system in place for the Scottish National party position in Edinburgh and its position here in the House of Commons?

**Brendan O'Hara**: I congratulate the right hon. Gentleman. That has taken an awful lot longer than I imagined it would. I was primed for that one at 9.35 am morning. Obviously, clearly not, but I appreciate his sentiment.

Given the circumstances in which these resolution mechanisms have been put in place, there is a massive

potential conflict of interest if the UK Secretary of State, who is also in charge of English fisheries, is the person we charge to found that dispute resolution mechanism. Rather than the Secretary of State having this power, surely any dispute resolution mechanism would have to be created by all four nations, which would be bound by it. It should be something that all four nations and Administrations can agree to. I do not think anything else would work practically or politically.

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): The reason why we discussed this mechanism in the previous iteration of the Fisheries Bill Committee was the very real fear that a dispute might arise between the Westminster Government and a devolved Administration in the preparation of the annual fisheries statement. Let me take the Westminster Government and Holyrood as an example, although it could be one of the others. A dispute could become a political game. So the purpose of this mechanism was to say, "What happens in that scenario?" It is not out of the question that there could be a disagreement between the fisheries approaches of the devolved Administrations and the United Kingdom.

This amendment was proposed in the previous iteration of the Committee to challenge the Minister, as my hon. Friend the Member for Barnsley East has done here, to say what would happen in the event of a dispute. The answers that were given in the previous Fisheries Bill Committee were very weak, and there is still no solution to what would happen if a devolved Administration took issue with the Secretary of State's fisheries statement, or if the fisheries management plans, as detailed in the joint fisheries statement, were not compliant with the obligations set under the Secretary of State's joint fisheries statement but were compliant with the devolved Administration's approach. That is an important issue.

**Brendan O'Hara**: Does the hon. Gentleman accept the premise that the Secretary of State is also the person who is politically in charge of English fishing, and that there would be a potential conflict of interest if that individual was charged with setting up the dispute resolution mechanism? We absolutely agree that there should be a dispute resolution mechanism, but it should not be for the Secretary of State alone to decide what it should be.

**Luke Pollard**: I am afraid that the remit of the Fisheries Bill affords us only the ability to give certain responsibilities to certain people, and the Secretary of State is responsible for the Secretary of State's fisheries statement, so he seems to be the logical person to look at in that respect. I am pleased that the SNP wants to see a dispute resolution system in place. I say to the Minister that there is a good argument for having a plan before a dispute arises. Given that fishing is so political and important to the livelihoods of our coastal communities, as the shadow Minister said, having a dispute resolution system in place makes good sense, and it is better to design one when the Administrations are not in dispute than to cobble one together when they are.

**Victoria Prentis**: We do not think this amendment is necessary. As the hon. Member for Barnsley East said, the Bill places a statutory obligation on the Administrations

[Victoria Prentis]

to produce a joint fisheries statement. When it is possible to set out joint policies in the JFS, we will do so. Equally, it is perfectly possible for each Administration to have separate and different policies within the JFS. That is part of devolution, and it is not something that I am resisting. The policies in the JFS do not have to be the same ones. For instance, we were talking about bycatch earlier, and it would be perfectly possible for each Administration to put in place a different policy to achieve the same bycatch objective, as appropriate for the industries in the different parts of the UK, but we would still be working towards the same goal. That means that there should not really be a circumstance in which a JFS cannot be agreed if we are working towards the same goal.

Processes are in place to resolve disputes between the Administrations. They will be strengthened. I accept some of what the hon. Member for Plymouth, Sutton and Devonport said about the need for a memorandum of understanding between the Administrations. In fact, contrary to some of what the hon. Member for Argyll and Bute said, the fisheries administrations have a strong track record of working together for the common good to develop fisheries management policy—as demonstrated by the close working on this Bill—while respecting the individual circumstances of each Administration. Most fisheries issues can be resolved through a strong working relationship at ministerial and official level, because we share an aspiration to maintain sustainable fisheries, as well as the vibrant and profitable fishing industry that the hon. Gentleman mentioned.

2.15 pm

The fisheries concordat currently sets out how the Administrations work together on fisheries management and sits alongside a UK MOU on general devolution. The UK MOU has an intergovernmental dispute resolution process that applies to fisheries issues. In the future, the fisheries administrations have agreed to work collaboratively on developing a new UK fisheries framework, which includes this Bill, jointly drafting the joint fisheries statement and fisheries management plans, where appropriate, and developing a new fisheries specific MOU. That MOU will replace the existing concordat, enshrine existing co-operative ways of working and include a clear dispute resolution mechanism.

These mechanisms will ensure that disputes are resolved at the right level and as quickly as possible, while respecting the devolution settlements. Existing governance structures and agreements, including the overarching UK MOU, will continue to apply. I therefore ask the hon. Member for Barnsley East to withdraw the amendment.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 2, as amended, ordered to stand part of the Bill.*

### Clause 3

#### JOINT FISHERIES STATEMENT: PROCEDURE

**Stephanie Peacock** (Barnsley East) (Lab): I beg to move amendment 64, in clause 3, page 4, line 11, 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 amendment 65, in clause 3, page 4, line 14, 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.*

**Stephanie Peacock:** Amendments 64 and 65 would ensure that fisheries statements are subject to review every five years, instead of the Government’s current preference of six years.

I would like to probe the Minister about the Government’s choice of a six-year review period. Such a long period between reviews of policy is bad for accountability and fundamentally bad for effective policy making. Indeed, on a six-year timescale, one could be a Member of the House for an entire Parliament without fisheries policies being made available for scrutiny. I hope we can all agree that that simply is not right.

Over the years, too little time has been given to debate fish and fisheries management in Parliament. As the right hon. Member for Orkney and Shetland (Mr Carmichael) said on Second Reading:

“It has often been the case that at the end of the year we have struggled to get 90 minutes for an annual fisheries debate.”  
—[*Official Report*, 1 September 2020; Vol. 679, c. 94.]

As the EU referendum and negotiations have shown us, people care about fish, fisheries management and fisheries rights. In the earlier part of the Committee I heard the Minister say that she welcomed more time for discussions on fisheries policy, but Backbench Business and Westminster Hall debates are simply not good enough.

As we leave the common fisheries policy and establish our own fisheries policy, as an independent coastal nation, it is more important than ever that we ensure that our fisheries get the time in Parliament that they deserve. I believe that Fishing for Leave called for two years—it certainly was not six years—and that changing the review period from six years to five years will mean that fisheries are included as one of the major policy items under review at the start of the new parliamentary term.

If we are to take back control of our fishing policy, we need to make sure that the Executive is held to account and challenged, where challenge is needed. We must ensure that where policies do not deliver on the objectives set out in clause 1, they can be debated and changed. Given that those policies will be regularly affected by annual international negotiations, and changing scientific advice and data, it would not only be good governance but lead to a better policy and better outcome for us if we chose to make a joint fisheries statement on a more regular timescale.

I do not believe it is too much to ask for that to take place once in a fixed-term Parliament—once every five years. In the context of the current climate crisis and a fishing

industry that is keen to grow in a sustainable way, I hope the Minister will agree that we need more scrutiny of environmental policies and not less.

**Victoria Prentis:** In answer to the hon. Lady's question about why the period of six years was arrived at, I understand that the six-yearly review period mirrors that found in the requirement in the Marine and Coastal Access Act 2009 relating to marine plans. I recognise that the hon. Lady aims, with her amendment, to ensure that the delivery of the joint fisheries statement is effectively monitored and reviewed, but I do not feel that the amendments are necessary. Similar amendments were tabled in the other place, and the Government's view is unchanged on that.

As Lord Gardiner of Kimble set out in the other place, we have chosen a six-year review period following a great deal of discussion with the devolved Administrations, with whom we work closely. We believe that six years is sufficiently regular to ensure that the joint fisheries statement reflects the current state of fisheries management and the best available scientific evidence, while providing sufficient stability for fisheries managers and the industry. It also reflects the Marine and Coastal Access Act 2009. Six years is enough time to allow policies to have tangible effects, while avoiding placing undue burdens on policy makers and stakeholders.

We will report every three years on progress towards achieving the objectives, which I think is right. That new commitment, which ought further to increase transparency and accountability, has been made in this iteration of the Bill in response to recommendations from the Environment, Food and Rural Affairs Committee. As with the Agriculture Bill, six years is the longest possible review period—clause 3 provides that the JFS can be amended wherever appropriate—so the provisions in the Bill will enable us to respond quickly and as required to changing circumstances or really bad environmental changes, for example, ensuring that the policy remains fit for purpose.

**Luke Pollard:** Given that the Minister is arguing against a six-year period—

**Victoria Prentis:** No, I am arguing for a six-year period.

**Luke Pollard:** Forgive me; I meant against a five-year period. Will she set out in which years she expects the first and second reviews to be produced, as that would allay fears that we will not have an opportunity in this Parliament, and perhaps the next, to ensure that a review is adequately addressed?

**Victoria Prentis:** I would like to take further soundings on that from the devolved Administrations because, as I said earlier, we are concerned about their purdah and election periods. If I may, I will talk to the hon. Gentleman about that outside the Committee. I do not think it will be possible for me to give him those years now without consulting the devolved Administrations. He knows, because he is aware of the provisions in the Bill, that it will be two months from Royal Assent, and we will then have a two-year period before the first JFS. Following that, the rest of the provisions continue to apply. I would like to reassure him that there is sufficient flexibility in the way the clause is drafted for us to act more urgently if needed.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

#### Clause 4

SECRETARY OF STATE FISHERIES STATEMENT

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

**Victoria Prentis:** The clause provides for the Secretary of State to publish details of policies relating to UK quota matters and reserved matters, which are defined in the clause, in a Secretary of State fisheries statement, or SSFS. That is to ensure transparency and accountability in the event that the joint fisheries statement does not include such policies. Again, we have worked closely with the devolved Administrations in the development of this policy. If a situation arose in which we could not reach agreement on a JFS policy that related to UK quota matters or any reserved matter, an SSFS could be created to set out those policies. The statement would be legally binding and would have to go through consultation, scrutiny and reporting requirements. If publication of an SSFS is required, it must take place within six months of publication of the JFS, to ensure that a complete framework of policies is available with minimal delay.

*Question put and agreed to.*

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

#### Clause 5

SECRETARY OF STATE FISHERIES STATEMENT:  
PROCEDURE

**Stephanie Peacock:** I beg to move amendment 66, in clause 5, page 5, line 38, 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 amendment 67, in clause 5, page 5, line 40, after “must” insert “, within 45 calendar days,”.

*This amendment introduces a timeframe in which the Secretary of State must prepare and publish amendments to, or replacement of, the SSFS.*

**Stephanie Peacock:** As I have already argued with regard to clause 3, Labour believes that fisheries management and scrutiny of fisheries policy need to take place at least once within a fixed-term parliamentary cycle. We believe that six years is too long a period between reviews and, as I have said, does not aid good governance or policy making. Amendment 66 is intended to bring that in line with our earlier amendment to clause 3.

Fisheries and coastal communities have experienced a great deal of uncertainty over recent years from both Brexit and the covid-19 pandemic. Amendment 67 seeks to place a timeframe of 45 days in the circumstance where the Secretary of State replaces or makes amendments to a published Secretary of State fisheries statement. We believe that that timeframe is adequate to enact changes to an SSFS, while also providing much-needed clarity and certainty for the fishing industry, if such changes were indeed to be made. It is important that

[Stephanie Peacock]

we take steps to improve the confidence of fisheries management and provide certainty for the UK's hardworking fishers.

I hope the Minister will agree that it would be far from ideal for our fishing industry to have a statement withdrawn without the certainty of a replacement's coming in good time. I have no doubt that it would be the Minister's intention to provide that certainty and that they would be working hard to that end, but, as we know, we do not always meet our intentions in a timely fashion. By placing a timeframe on changes to the policies that are not included in the joint fisheries statements, we will ensure that our fishers are not left in limbo and that we can provide certainty to an industry that we all wish to see thrive.

**Victoria Prentis:** We have chosen a six-year review period to match the review period for the joint fisheries policy statement. That review period, as I have noted previously, is a minimum, and clause 5 allows for the Secretary of State fisheries statement to be amended as the need arises, in accordance with the processes in schedule 1. In addition, we have committed to reporting every three years on progress, in response to recommendations from the EFRA Committee. These provisions should enable us to respond quickly to changing circumstances or environmental needs as required, ensuring that the policies remain fit for purpose.

I turn now to amendment 67, which would require the Secretary of State to develop and publish changes to an SSFS within 45 days. While I appreciate that the intent of this amendment is to ensure that a fisheries statement is updated swiftly, the amendment as proposed could decrease its effectiveness. In order to ensure that any amendments to the Secretary of State fisheries statements achieve their purpose, we need to allow sufficient time for drafting an appropriate consultation, not least with the devolveds, to take account of the best available evidence and ensure suitable scrutiny. That could last longer than 45 days and we do not want to lower our standards to meet an arbitrary deadline.

The Government are committed to delivering sustainable fisheries, and I hope I can reassure hon. Members that the Secretary of State would prepare and publish any required amendments to a Secretary of State fisheries statement as swiftly as is practicable. I therefore ask for the amendments not to be pressed.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

### Clause 6

FISHERIES MANAGEMENT PLANS: DUTY TO COMPLY WITH PROPOSALS IN JFS

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

**Victoria Prentis:** Fisheries management plans will transform our ability to manage our fish stocks holistically on a stock-by-stock or fisheries basis, as appropriate. They will help to move our fish stocks towards healthy,

sustainable levels and allow us to move away from the damaging, one-size-fits-all approach of the common fisheries policy.

**Stephanie Peacock:** I welcome what the Minister has said. The Opposition welcome the introduction of fisheries management plans and hope that they will set out how stocks will be fished sustainably.

*Question put and agreed to.*

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

### Clause 7

FISHERIES MANAGEMENT PLANS: POWER TO DEPART FROM PROPOSALS IN JFS

2.30 pm

**Stephanie Peacock:** I beg to move amendment 68, in clause 7, page 7, line 45, before 'available' insert 'best'.

*This amendment changes the reference to 'available scientific evidence' to the "best available". This term is used elsewhere in the Bill.*

The amendment refers to what is meant by a "relevant change of circumstances" that would allow a fisheries policy authority to depart from proposals in the joint fisheries statement. We acknowledge that a level of flexibility will always be required when circumstances change, but clause 7 is viewed by some environmental groups as an opt-out or loophole clause. Essentially, opting out must happen for the best scientific reasons, not just any scientific reasons.

The clause would make it possible to redraft a new plan should a change in circumstances occur. However, there are fears that its broad terms could undermine much of the important environmental and sustainability work that must take place to secure the long-term future of the industry and marine environment. Changes in circumstances include international obligations, action by a Government outside the UK, scientific evidence and evidence related to the social, economic or environmental objectives.

Greenpeace said that

"a loophole in the wording allows for these plans to be 'amended, replaced or revoked' under a wide range of 'relevant' circumstances. As long as national fisheries authorities publish a document to justify their decision, the Bill could enable them to carry on as normal, without delivering their sustainability plans."

I share concerns about the breadth of circumstances that would allow a departure from the joint fisheries statement to happen without effective scrutiny, and in particular the reference to "available" science rather than "the best available" science.

The amendment would tighten up the relevant circumstances. If scientific evidence points towards the creation of a different fisheries management plan, it should be the best scientific evidence that guides the process. The scientific evidence objective in clause 1 requires fisheries authorities to draw on the "best available" scientific evidence. The amendment would bring clause 7 into line with that definition. Up-to-date independently produced peer-reviewed science should form the basis of all fisheries management decisions. We cannot allow poor-quality research to dictate fisheries policies and undermine progress towards achieving the objective discussed earlier. Only the best scientific advice will yield the world-leading sustainable fisheries management practices that will allow our country's fisheries and marine environment to thrive.

**Victoria Prentis:** Of course we understand the need to base decision making on accurate science, but Administrations may need to act promptly as a precautionary matter when emerging evidence indicates that there is a problem. An example is the one I gave this morning about scallops on Dogger Bank. The fishing industry recently expressed concern about stock levels on Dogger Bank. We acted on industry calls to close the fishery so that we could commission scientific evidence on which scientists could then base their best advice on the state of stock. That is one example of a closure that might have seemed to be a pre-emptive act. However, it seemed sensible, to get proper evidence from the site.

Science is always evolving and sometimes what constitutes the best can be contested, particularly when data and evidence are collected by different parties using different techniques; so it is in our interest to allow our excellent scientists to make use of all available evidence, including that provided by the industry, to produce the best available scientific advice as referenced in the scientific evidence objective in clause 1. I therefore ask that the amendment be withdrawn.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

### Clause 8

#### FISHERIES MANAGEMENT PLANS: PROCEDURE

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

**Victoria Prentis:** Fisheries management is complex and constantly changing, as the stocks are a wild natural resource. Further, fisheries science and technology is developing quickly and we must be able to respond appropriately to new findings and developments. It is important that policies within a fisheries management plan are reviewed regularly to ensure that they are fit for purpose. The clause ensures that fisheries management plans are reviewed at least every six years. As with the timing of the review of the joint fisheries statements, that follows the approach in the Marine and Coastal Access Act 2009. If, after review, the relevant fisheries administrations find that changes are required, they may amend, replace or revoke the plan. The clause also introduces part 3 of schedule 1, which sets out the administrative process for the preparation of fisheries management plans. It includes all the requirements for consultation.

*Question put and agreed to.*

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

### Clause 9

#### FISHERIES MANAGEMENT PLANS: TRANSITIONAL PROVISION

**Stephanie Peacock:** I beg to move amendment 69, in clause 9, page 8, line 45, at end insert—

(2) In preparing and publishing a fisheries management plan under subsection (1), a fisheries policy authority acting alone must—

- (a) consult any other fisheries policy authorities that it deems appropriate, and
- (b) have regard to their responses before publishing the fisheries management plan.”

*This amendment ensures that when a fisheries policy authority acts alone to introduce transitional provision, it must first consult with other fisheries policy authorities to ensure joined-up policymaking.*

The amendment requires fisheries policy authorities to consult other fisheries authorities when preparing a fisheries management plan if a joint fisheries statement has not already been agreed to and published. That will ensure joined-up policy making, while also ensuring that the devolution settlement across the UK is respected. A co-development process will ensure that fisheries management plans are compatible with one another and work towards the best and most effective management of our fisheries. That will prevent gaps in management, monitoring and enforcement, and protect the health of shared fish stocks if a joint fisheries statement is not already in place. Management measures that are consistent with one another across fisheries policy authorities have the best chance of being successful in replenishing declining fish stocks.

**Victoria Prentis:** The amendment would place a duty on a fisheries policy authority to consult other fisheries policy authorities if it is preparing a fisheries management plan ahead of the joint fisheries statement being published. Part 3 of schedule 1 already sets out the broad consultation and publication obligations placed on the authority in these circumstances. They must consult interested persons, who may well be other fisheries policy authorities, but it might not always be an appropriate or worthwhile use of resources for a fisheries policy authority to consult all its equivalents on plans that may be located far from the jurisdiction of another authority. The existing schedule 1 has been drafted to give that flexibility.

Fisheries policy authorities will be sighted on the proposed fisheries management plan, since those plans will be listed in the joint fisheries statement. Our fisheries White Paper also makes clear our intention to work in much closer partnership with industry. We are beginning to do so as we develop the pilot fisheries management plans with, for example, the shellfish industry and with Seafish on plans for crabs, lobster and whelks. I therefore ask that the amendment be withdrawn.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

### Clause 10

#### EFFECT OF FISHERIES STATEMENTS AND FISHERIES MANAGEMENT PLANS

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

**Victoria Prentis:** The clause makes clear that the relevant fisheries authorities will be legally bound by the fisheries statements and fisheries management plans when exercising their functions. The UK fisheries administrations and the Marine Maritime Organisation are national fisheries authorities for the purposes of the clause. These fisheries authorities must act in accordance with the policies in the statement, unless a relevant change in circumstance indicates otherwise.

[Victoria Prentis]

If there is a relevant change in circumstance, the authority may need to diverge from the policies set out in the statement for the fisheries management plans. That could, for example, be to ensure flexible management measures are implemented in the event of a really sudden decline in a stock, or it could be because new evidence suggests that a different approach to managing a stock should be taken. A non-exclusive list of examples of changes in circumstances is included in subsection (4). If that happens, the authority must prepare and publish a document to explain its action and the relevant change of circumstances that led to its decision to follow an alternative course of action.

*Question put and agreed to.*

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

### Clause 11

#### REPORTS ON FISHERIES STATEMENTS AND FISHERIES MANAGEMENT PLANS

**Stephanie Peacock:** I beg to move amendment 70, in clause 11, page 10, line 25, at end insert—

‘(b) any other person whom the Secretary of State deems appropriate.’

*This amendment adds a requirement for the Secretary of State to consult with any other person they deem appropriate, as well as devolved Ministers.*

Over the last few months I have spoken to many people who are passionate about the management of our UK fishing industry, from environmentalists to industry representatives, and I feel it is important that they get a voice and a chance to contribute to any reports made on the extent to which policies have achieved the fisheries objectives set out in clause 1. The amendment simply gives the Secretary of State powers to consult qualified fishing experts, which would give a say to those who know the industry best and have its best intentions at heart.

**Victoria Prentis:** The amendment seeks to require the Secretary of State to consult any appropriate person when preparing a report on an SSFS. It is of course

important to ensure that we have sufficient evidence and data to establish the extent to which policies have been successful, but the amendment is not needed to achieve that. DEFRA already collects information from a wide range of sources, including scientific bodies, regulators, statutory advisers and industry in preparing its reports and we are committed to using robust evidence in all areas related to fisheries.

We would of course seek to follow a similar evidence-based approach to developing a report under the clause, including engaging with the fishing industry and non-governmental organisations. Any report on an SSFS must also be published and laid before Parliament, which would provide us with an opportunity for scrutiny.

**Luke Pollard:** Could the Minister set out whether the list of people she expects to be consulted on such statements includes organisations representing recreational fishing? There is a concern among many fishers in that sector that recent decisions, and especially those in relation to bass, for instance, were taken without adequate consultation with that part of the sector.

**Victoria Prentis:** The hon. Gentleman, you, Sir Charles, and I all share an interest and understanding of the importance of recreational fishing to the fishing sector. I assure him that, where appropriate—it might not always be appropriate—the recreational fishing community will be included in any consultation necessary under the SSFS. As a consequence, it is not necessary to legislate for what is already our standard way of working, so I ask the hon. Member for Barnsley East to withdraw the amendment.

**Stephanie Peacock:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

*Schedule 1 agreed to.*

*Ordered, That further consideration be now adjourned.*  
*—(James Morris.)*

2.44 pm

*Adjourned till Thursday 10 September at half-past Eleven o'clock.*



