

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL

Seventh Sitting

Thursday 13 December 2018

(Morning)

CONTENTS

CLAUSES 12 AND 13 agreed to.
SCHEDULE 2 agreed to.
CLAUSE 14 agreed to.
Adjourned till this day at Two o'clock.

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

not later than

Monday 17 December 2018

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The Committee consisted of the following Members:

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

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

Public Bill Committee

Thursday 13 December 2018

(Morning)

[JAMES GRAY *in the Chair*]

Fisheries Bill

11.30 am

The Chair: I welcome everybody back to this line-by-line consideration of the Fisheries Bill. We start with clause 12, which I think we discussed reasonably well on Tuesday, and I will therefore put the question without further debate.

Clause 12 ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Schedule 2

SEA FISHING LICENCES: FURTHER PROVISION

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 64, in schedule 2, page 31, line 16, at end insert—

“(2A) A sea fishing licensing authority must attach to any sea fishing licence appropriate conditions with respect to the safety of the boat and its crew.”

This amendment would require the licensing authority to set appropriate conditions regarding safety when granting a sea fishing licence.

It is good to see everyone back for more fish fun and games. The amendment relates to the conditions attached to a sea fishing licence. As Jerry Percy, who represents the New Under Ten Fishermen’s Association, said in last week’s evidence session:

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

Just last week, a report came out on the tragic sinking of the *Solstice*, a trawler from the constituency I represent. It is a tragedy that too many fishermen die each year catching our fish suppers. We touched on safety during our discussions of amendments 41 and 42 to clause 1, “Fisheries objectives”, and schedule 2 provides another opportunity to address the urgent need for improvements to safety in the industry by setting suitable conditions in relation to sea fishing licences.

Yesterday, in the annual fisheries debate—because we have not had enough debates about fishing, so one more was welcome—I paid tribute to all the fishers who lost their lives at sea. Normally the debate starts each year with such tributes, but yesterday it kicked off with an argument over Brexit and fishing. I welcomed the Minister sticking to that convention in his remarks and paying tribute to the six people who died at sea in the past year. It showed his class in not forgetting, or allowing Brexit to overshadow, that important tradition, and I thank him for that.

Returning to amendment 64, fishermen surveyed as part of Seafarers UK’s recent “Fishing for a Future” research publication reported that

“accidents at sea were commonplace”

with many

“having experienced capsized and sinking vessels as well as falling overboard, while over a third reported...injuries received as a result of accidents.”

Others reported an impact on their health as a result of their working conditions. Those research findings are supported by the latest statistics from the Marine Accident Investigation Branch, which revealed that five fishermen died in separate incidents between the months of September and November 2017, while the Sea Fish Industry Authority has identified 535 serious injuries to fishermen in the past 10 years. Sadly, there were six deaths in the past year, as the Minister noted in yesterday’s debate. Back pain and arthritis are common health conditions experienced by fishermen as a consequence of their work environment. Typically, injuries experienced by fishermen surveyed in the “Fishing for a Future” report included

“fractures, partial loss of fingers and fingertips and a lost thumb. While many hand injuries were caused by filleting knife accidents, others were winch or hauler accidents. Jellyfish stings and various crush injuries from equipment such as a clam dredge, pots, net bins,”

and other gear were also reported.

The Opposition would like to use this Bill to make the case for fishing to be a better and safer place to work for all our fishers.

Marine safety is an issue for many small boats because of the pressures on those boats, and because—as we discussed the other day—the 10-metre limit has led to different configurations of fish for strength and capacity, rather than for stability. There seems to be good universal agreement that personal locator beacons attached to lifejackets are good things, but buying new lifejackets with PLBs and registering them involves a cost to fishermen.

Seafarers UK, responding to the fisheries White Paper, made other recommendations, which we also want to flag in relation to the requirements for sea fishing licences. The first of those recommendations is the maintenance of a UK-wide standard for “fishermen’s health, safety and welfare”

to ensure a commonality of approach among all the UK’s Administrations. The second is the establishment of a successor to the European maritime and fisheries fund to support small-scale, low-impact, inshore fishermen and small fishing ports in making enhancements to vessels, infrastructure and ports, particularly in respect of enhancing safety. I am grateful that the Minister spoke about the money allocated to that in the Budget.

Seafarers UK also recommended that a co-ordinated approach should be developed to training new entrants to the fishing industry to help future generations of fishers to begin their careers in a safe and sustainable manner; that the views of small-scale, low-impact fishermen should be heard during consultations on legislative changes and fisheries management; and that the proposed changes should be financially supported and/or proportionally costed according to their impact on a fisher’s livelihood and their ability to pay. Finally, it recommended that we share the ambition of the Fishing Industry Safety Group and many others to reduce fishing fatalities at sea and in port to zero.

The amendment is about how we can ensure that sea fishing licences take proper regard of the safety considerations that affect the day-to-day lived experience of our fishers. I will be grateful to hear the Minister's response.

The Minister for Agriculture, Fisheries and Food (George Eustice): We discussed safety under a previous group of amendments. Safety is incredibly important, as fishing is the most dangerous occupation. As the hon. Gentleman said, tragically in the past year six people have lost their lives while fishing to put food on our table, so we absolutely recognise the importance of the issue. As he is aware, this is a priority for my hon. Friend the Shipping Minister, who held a summit with representatives of fishing organisations this summer. The hon. Gentleman will also be aware that in the most recent Budget, the Treasury announced a fund to support investment to help safety at sea. Also, we recently announced additional matched funding for the EMFF fund to support coastal communities and measures including safety improvement.

As I explained in a previous sitting, we do not believe it is necessary to add a safety requirement to a fishing licence for the simple reason that provisions on the safety of any vessel, whether a fishing vessel or another type of vessel, are already covered by the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, which applies to all domestic vessels. It is not possible for a person to get a fishing licence at all unless they have already crossed that threshold and their vessel has passed a seaworthiness test. In the absence of that, it is not possible to get a fishing licence. That provision has already been made.

As I also mentioned previously, there are some issues with some of the under-10-metre vessels. I described the rather bizarre practice that some people engage in of chopping the end off their boat, selling their quota and then claiming that they are under 10 metres to access the pool. There are some concerns about the resulting stability, so we are looking at a different way of measuring inshore, low-impact fishing vessels—perhaps by looking at vessel size or another measure. Our White Paper highlights that and makes provision for us to consider a better way.

From next year, we will require that an inshore vessel monitoring system be used. The new IVMS system will be a requirement for all smaller vessels. It sends a signal every two minutes, so if there is a problem, the Maritime and Coastguard Agency will easily be able to detect where those vessels are.

Mike Hill (Hartlepool) (Lab): On a point of clarification, will the IVMS be extended to what would be considered leisure fishing under-10 craft?

George Eustice: No. It will be a requirement for anybody who is engaged in commercial fishing, but there are other systems, including the automatic identification system, which some leisure craft use as a safety device. The IVMS system is for those who are fishing commercially.

Bill Grant (Ayr, Carrick and Cumnock) (Con): There is merit in this amendment on the safety of those who go to sea, but one wonders whether the Bill is the wrong

place for it. I sense that there is need for greater training to embed a health and safety culture in those who go to sea. We have some way to go in that regard.

George Eustice: My hon. Friend makes a very important point. As I said, other pieces of primary and secondary legislation make provision for the seaworthiness and safety of vessels, so it does not need to be a condition of a fishing licence. It is absolutely the case that we need to take safety more seriously. As the right hon. Member for Orkney and Shetland said in a previous debate, sometimes attitudes to safety are not what they ought to be.

A lot is done by way of training. Seafish runs a number of projects in this area, and there are marine schools around the country. Indeed, when I visited Shetland several years ago with the right hon. Gentleman, we went to a marine school that trains fishermen in safety and vessel handling. We have a number of institutions, establishments and projects that support training, and over the past few years about 500 fishermen have been through those training courses and gone on to enter the industry.

I hope that I have been able to reassure the hon. Member for Plymouth, Sutton and Devonport. As I said in our previous debate, we absolutely take safety seriously. He makes an important point, but it is covered already under the merchant shipping and fishing vessels regulations and therefore does not need to be added to the schedule.

Luke Pollard: I am grateful to the Minister for setting out that position. It would be useful if he and his colleagues in the Department for Transport reflected further on certain areas. He spoke about dumpy boats—boats with the ends cut off to get under the 10-metre limit—but another concern on those smaller boats is swapping the type of gear, which can affect stability: gear types might be swapped over without the stability assessment taking place to ensure that the vessel goes to sea safe.

The Minister should also reflect on where EMFF funding goes, to ensure that safety is one of the criteria applied to new sea fishing licensing so that we have the highest standards possible. I know that he is working with DFT colleagues to do that, but the opportunity for us to reset our fishing framework and to have high levels of marine safety is one that we need to seize with both hands, whether it is a Department for Environment, Food and Rural Affairs responsibility or a DFT one.

I would also be grateful if the Minister continued conversations with his colleague the Shipping Minister, especially to pick up some of the recommendations that have come out of marine accident investigation branch reports that have not yet been implemented by the Government—a number are still outstanding. Further consideration of those recommendations would greatly enhance the marine environment. However, on the basis of the Minister's response, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 65 to schedule 2, page 31, line 24, at end insert—

“(6) The conditions attached to any licence must include a national landing requirement prescribed in regulations under section (National landing requirement).”

[Luke Pollard]

This amendment would require a 'national landing requirement', defined in NC13 to be attached to licence conditions for any boat specifying the percentage of the boat's catch which must be landed at a UK port.

The Chair: With this it will be convenient to discuss new clause 13—*National landing requirement*—

“(1) The national landing requirement is the percentage of the boat’s catch that was caught within British fishery limits in any given quarter which must be landed at a port in—

- (a) the UK
- (b) the Isle of Man
- (c) Guernsey, or
- (d) Jersey.

(2) The Secretary of State must by regulations define the national landing requirement for each species in each UK fishing zone, and any such requirement must be not less than 50%, except where the Secretary of State determines it would be inappropriate to have a national landing requirement of 50% or more.

(3) Where the Secretary of State determines that the national landing requirement for any species is to be less than 50%, the Secretary of State must publish the reasons for such a determination.

(4) Regulations under this section are subject to the affirmative procedure.”

This new clause would require the Secretary of State to set a 'national landing requirement' to be attached to licence conditions for any boat specifying the percentage of the boat's catch which must be landed at a UK port.

Luke Pollard: We have heard from Ministers that we will get more fish as we move from relative stability within the common fisheries policy to zonal attachment outside the CFP. That is welcome and something that the Minister knows the Opposition support as much as Government Members.

Given that we are to get a whole lot more fish, we believe that the Bill misses a trick when a requirement to land fish in UK ports is omitted. For every one job at sea, there are 10 jobs at home in fish processing. Indeed, fish processing is a part of the fishing industry that does not get the attention it deserves—it was briefly mentioned in the annual fisheries debate yesterday, including by my hon. Friend the Member for Great Grimsby (Melanie Onn)—but we need to talk more about how a new and refreshed fishing framework could provide more jobs on land as well as at sea.

We call on the Government to make it a requirement for anyone fishing under a UK quota to land at least 50% of that catch in a British port, which would support port and fish processing jobs. We also want them to consult on increasing that in line with increased investment in our ports and coastal communities, as and when more capacity can come online. Along with reallocation of quota, which I will speak about later, that would bring about a renaissance in the UK fishing industry. Such a measure would show firm determination to make real the promises of taking back control, and the benefits of a revised fishing framework to help all our coastal communities.

A national landing obligation requiring 50% of fish caught under a UK quota to be landed in a British port could make a real difference to coastal communities. Such communities have been held back by an unfair system, as well as the impact of austerity which, as we

know, has been hardest felt in coastal communities such as the one that I represent in Plymouth. They are some of the most beautiful and historical places in the UK, but there is a genuine feeling in those communities that they have been held back and that the system is not working for them. Whether or not Members agree entirely with all the principles expressed in our amendment and new clause, that is a sentiment that anyone representing a coastal town or city will be familiar with.

11.45 am

The large outward flows of young people due to lack of opportunity create serious demographic challenges and a vicious cycle of isolation. Coastal communities have higher rates of unemployment and lower wages. Five of the top 10 local authorities in Britain with the highest unemployment rates are coastal communities. Among the 25 local authorities with the highest rates of insolvency, 16 are coastal—indeed, Plymouth is ranked second and first for coastal communities. We also know that 10 of the 20 local authorities in England and Wales with the highest proportion of people in poor health are coastal communities. Fishing will not in itself reverse all that decline, but it could make a big difference.

Alan Brown (Kilmarnock and Loudoun) (SNP): The hon. Gentleman is making a valuable point. We have heard evidence about rejuvenating coastal communities, and he has given examples from his constituency. Would the amendment and new clause deliver what he hopes they will deliver? They might lead to additional landings going to existing big ports. Is there not also a risk that they would impinge on devolved settlements by not allowing devolved Governments to set their own landing criteria?

Luke Pollard: In fact, much of the inspiration behind the amendment and new clause came from some of the work by the Scottish Government, who looked at having a Scottish landing obligation to land fish caught under Scottish quotas in Scottish ports. There needs to be agreement with the devolved Administrations that more fish caught under UK quota being landed in UK ports is a good thing and that the benefits can be shared across our United Kingdom.

Fishing is an important source of income for some of the most deprived communities in Europe. West Wales, including Milford Haven, is ranked as the poorest area in Europe. West Cornwall is second; Lincolnshire, including the Grimsby area, comes in fifth; Devon is 13th and Tyne and Wear is 20th, according to Eurostat statistics. Many others are rural areas that have fewer alternative employment opportunities, such as Shetland, Stornoway and Brixham, as we heard in the fisheries debate yesterday.

The amendment could and, I think, would create more jobs in those coastal communities and was backed by Members from all parts of the House speaking on Second Reading. My hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) said that

“the fishing industry is not just about the catching side; there is still a very important processing and aquaculture industry alongside it...It is an important provider of jobs in...Grimsby...with some 4,200 jobs dependent on the sector. These processing plants also export much of their product into the EU, in a market worth £1.3 billion, where we still enjoy a trade surplus. It is therefore

vital in the drive to create world-leading fisheries that processing is not forgotten”.—[*Official Report*, 21 November 2018; Vol. 649, c. 926.]

My right hon. Friend the Member for Tynemouth (Mr Campbell) said that he believes

“that there is still a strong case for ensuring a link between landings and home port, because it is important to recognise that fishing is more than just about catching fish; there are also issues about the sustainability of ports and port jobs.”—[*Official Report*, 21 November 2018; Vol. 649, c. 936.]

Peter Aldous (Waveney) (Con): The hon. Gentleman is making a good point. As we will see during the course of the day, he and I have a lot in common in what we are trying to achieve through the Bill. My concern about the amendment—it was raised just now by the hon. Member for Kilmarnock and Loudoun—is whether it would just result in more of the opportunities and landings going to those ports with existing infrastructure. I think of the Lowestoft producers organisation, which lands all its fish in the Netherlands or in Peterhead, in the constituency of my hon. Friend the Member for Banff and Buchan.

The Chair: Interventions must be brief.

Peter Aldous: Is there not a concern in that situation that those fish might just all be landed by the Lowestoft PO in Peterhead?

Luke Pollard: I thank the hon. Gentleman. Actually, the next line of my speech says, “On the other side of the House my partner in crime, the hon. Member for Waveney said”. I think we are spending far too much time together.

In respect of what the hon. Gentleman has said now and on Second Reading, the economic link policy is important. Fishers want it to be included in the Bill. It needs to be conducted and implemented in conjunction with other policies around building port capacity and supporting smaller ports in particular. We know that the EMFF has been instrumental in driving and refreshing port capacity, such as fuel and ice plants. They are not particularly sexy topics, but they are vital to ensuring that our fishing works. We also know that many of the fish landed at smaller ports might be physically taken off the boat in a smaller port, but they are officially landed when they get to a larger port, where they can go into auctions. That is the case in much of the far south-west, for instance, where fish landed right across the peninsula are taken by truck to Plymouth. The majority of the fish landed in Plymouth are landed by truck rather than by boat. I think the policy that we are discussing needs to be viewed in conjunction with that. None the less, the economic link is a strong one. Indeed, the next line in my notes, under the hon. Gentleman’s speech, is “I could not agree with him more” on some of those things.

Importantly, our amendment has the support of the industry as well. Fishers want the creation of a strong economic link, because of the injustice of seeing fish caught under UK quota by foreign boats—caught, in some cases, within sight of our shores and then exported to foreign countries, where the jobs and the benefits of that economic activity are held by other people, rather than the people in the UK. That is a source of injustice and annoyance for many people across our fishing

communities, and that is something that they are hoping the measure will reflect. Indeed, in one of the evidence sessions, we heard from Aaron Brown of Fishing for Leave that he backed this amendment.

I think that this is an aspect of the Bill that the Department overlooked in preparing the text, so I would like to make a sincere offer to the Minister. If he commits to working with the Opposition and the industry to craft a national landing requirement as an amendment to the Bill that he can table on Report, I will not feel it necessary to press this amendment to a vote and have the Minister vote against this most sensible principle. I think we have a real opportunity to create a provision that includes an economic link in the text of the Bill and that hon. Members on both sides of the House will be able to support when it comes to the Bill’s transition.

Owen Smith (Pontypridd) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. I rise to speak briefly in support of the amendment and new clause tabled by my hon. Friend the Member for Plymouth, Sutton and Devonport. In doing so, I am also reflecting the views of the Welsh Government, who are very supportive of this idea. Complementing the remarks made by hon. Members from the Scottish National party, I think it could be reflected in the way in which subsequent legislation and regulations about both quotas and landing requirements might be applied in Wales and in Scotland.

Milford Haven, which my hon. Friend mentioned, is a classic example of an area of Britain where there was once a thriving fishing industry but there is now significant poverty and absolutely no fishing industry. I do not believe that any boats go out of Milford Haven now, and the only boats operating there with any significance are foreign-owned. There was once a processing industry in the area, not just in Milford Haven but in Pembroke Dock, Aberaeron, Aberporth and, indeed, lots of the villages along Cardigan bay—traditionally one of the richest fisheries off the UK. Small-scale and artisanal in many respects, it has completely disappeared.

If there is any opportunity to effect a renaissance of processing through the landing requirement, the changes to quota and that overall sense of an economic connection in the Bill and at the heart of future legislation, it would be remiss of us not to try to bring that about. I think that this is a very sensible suggestion from the Labour Front Bench and I hope that the Minister will reflect on how important it, or perhaps a similar measure, could be to bringing about a renaissance in the processing industry and in the towns that might thereby survive.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op)
rose—

Mr Alistair Carmichael (Orkney and Shetland) (LD)
rose—

The Chair: My brain has gone completely blank. The hon. Gentleman on the Opposition Front Bench—*[Interruption.]* It is Mr Sweeney.

Mr Sweeney: I thought that you went to school in Glasgow, Mr Gray.

The Chair: I apologise, Mr Sweeney. It was one of those moments when I had not realised that you were going to stand.

Mr Sweeney: Thank you for calling me, Mr Gray. I rise in support of my hon. Friend the Member for Plymouth, Sutton and Devonport and this very well thought through amendment, because it ties in exactly with the coherent position that Labour has had on industrial strategy, which is about maximising the prosperity agenda for the United Kingdom.

We look at vertical integration of the industry. We have to look at the source of fishing, at sea, but also at how the supply chain operates and maximising the industrial benefit for the United Kingdom. That is not simply about the fish processing side; it aims at rejuvenating the whole UK port infrastructure, including boat and ship repair, and shipbuilding, and the associated industries that would benefit from having a tie to particular ports. Smaller ports such as those on the west coast of Scotland have suffered decline, and we can see an opportunity, through the tying of catches to UK ports, to create demand in those ports, generating new activity and industrial growth. That would be a huge benefit for the highlands and islands particularly. They have had significant economic challenges because of their isolation. That needs a focused effort.

Alan Brown: Can the hon. Gentleman explain how the amendment and new clause would rejuvenate ports in the highlands and islands? I do not see the direct link. The point was made earlier that additional landings coming to the UK might still just go through existing big ports.

Mr Sweeney: They would create a framework within which those opportunities could be generated by devolved Administrations. The Scottish Government could augment that. The amendment and new clause would create a fundamental framework that would drive demand into UK ports. That is the opportunity, which would be an important baseline measure in the Bill, and could be developed. We had an interesting debate yesterday on the centenary of the Iolaire disaster, and one of the conclusions was that highland and island communities suffer significant isolation, and that it is important that their distinctive economic and social needs should be met by Parliament. The amendment and new clause would benefit them a great deal.

Mr Carmichael: I have sympathy with the amendment, but I want to add a few words of caution. In my time in Parliament, I have often supported campaigns to land more fish in our own ports. Obviously it is important for the economic viability of coastal ports. My worry about the amendment is that the law of unintended consequences could come into play. Such a requirement would be quite challenging for some of the larger pelagic boats in my constituency. I anticipate that a significant proportion of their catch would probably currently be landed in Norway or Denmark. Essentially, my instinct is that fishing boats should be able to land wherever they get the best price for their fish. If the Government were to put into a Bill something that would limit that ability, it would be a bit of a blunt tool.

David Duguid (Banff and Buchan) (Con): As the right hon. Gentleman and the Minister know, many of the concerns that the right hon. Gentleman raises would be shared by pelagic fishermen in my constituency as

well. Clearly, they can, and choose to, land in Norway, Denmark and other places for economic and logistical reasons. Does he agree that if the Government or the Scottish Government or other devolved Administrations want to encourage the development of local industries, so that such economic and logistical benefits can be realised locally, that would be better than setting an arbitrary percentage limit?

Mr Carmichael: Yes. In essence I agree with the hon. Gentleman about that. When I practised law in his constituency, Macduff was omitted from the list of designated ports. That was virtually the end of—or it was at the time a real threat to—the processing that was done there. When we want to consider building infrastructure—not just landing infrastructure, but ice houses, processing plants and the rest—there are probably other ways we should go first, before doing something as blunt as what is proposed. In relation to this Bill, the National Federation of Fishermen's Organisations is strongly advocating that we set up advisory councils for fisheries administration, for example. It seems to me that this is exactly the sort of decision that those advisory councils should be tackling, because the fishing industry itself knows best how to deal with that infrastructure.

12 noon

The working reality is that fishermen want to land in their home ports if they can, because the people who work in the fish processing sector are generally their friends, neighbours and family, so they want to support them. If we work collaboratively with the industry, we will get a better and more workable arrangement, which will achieve the same aim. I am in sympathy with the ends we are trying to get to here; I just fear that it is a bit of a blunt tool that suffers a little bit from the traditional way of thinking of fisheries management as something that starts in Whitehall, which everybody else must then just work around. If we are to have a target of this sort, we should let the industry work it out for itself.

George Eustice: I will explain some of the background to the existing economic link, because my contention is that the amendment is both unnecessary and potentially unhelpful in that it could frustrate or limit our ambitions to improve that link. A landing requirement is already included on all UK fishing vessel licences as part of our existing economic link condition. Paragraph 1 of schedule 2 to the Bill already includes powers to attach licence conditions requiring the landing of a catch into the UK.

Hon. Members should understand the background. The genesis of the current economic link was an important test case, called the Factortame case, which gained notoriety because, rather shamefully, the European Court effectively held that European law was indeed supreme over laws made by this Parliament. It was a controversial judgment, because it was the first time that people started to realise that membership of the European Union was highly detrimental to our sovereignty. It was only through another notorious case a decade later, the "Metric Martyrs" case, that the judgment of our Supreme Court—I think it was the House of Lords in those days—held that if Parliament explicitly revoked the European Communities Act 1972 or explicitly set aside elements of EU law, Parliament's supremacy could be restored. Thankfully, we have all voted to trigger the

article 50 process, and the EU (Withdrawal) Act 2018 has now passed Parliament and revokes the European Communities Act. That is the background.

After we lost the Factortame case, the Commission held that the UK should benefit from UK quota, so in 1999 we introduced the economic link condition. The current condition, which is attached as a condition on all vessels, says that they must land at least 50% of their catch of quota stocks into UK ports, have at least 50% of their crew normally resident in the UK, spend at least 50% of operating expenditure in UK coastal areas or, finally, demonstrate other real economic links such as contributing some of their quota to the inshore pool. Thus, we already have a comprehensive set of economic links.

We intend to review the economic link to see whether it can be strengthened. Perhaps on certain species it would be appropriate to attach a condition that says the proportion should be higher than 50%—perhaps considerably higher. Earlier this summer I visited the Faroes, and the Faroese Fisheries Minister told me that he had a proposal that said all Faroese vessels must land 80% of their catch into the Faroes. The Faroese Parliament, in its wisdom, decided to move that to 100% of the catch. The difficulty, he explained to me, is that the Faroes now has a problem: its fishermen are sometimes effectively held to ransom by a small number of processors on the Faroes, because they are required by law to land all their fish in the Faroes, which means Faroese fishermen do not always get the price they should get.

That links to a very important point that we heard in evidence from Bertie Armstrong from the Scottish Fishermen's Federation, also made eloquently by the right hon. Member for Orkney and Shetland: we want to be able to retain the ability for fishermen to land their fish in the place where they will get the highest price. If there are too many onerous restrictions on landing, on some species fishermen may be put in a position where they can be held to ransom and end up being price takers rather getting a fair price for their catch. I am sure that is not what the hon. Member for Plymouth, Sutton and Devonport intends.

I can reassure the hon. Gentleman that the economic link already exists and provides for all the things he seeks to achieve in the amendment, and more besides. We should review and strengthen the economic link as we leave the European Union. We want to do that in collaboration with other parts of the UK; we want to talk to the Scottish in particular, who have strong views, so we can have an agreement for a UK economic link. We need some dialogue with the devolved Administrations, but we must recognise that we should be cautious on some species, since we do not want to put our fisherman at a disadvantage and force them to take lower prices than they could otherwise receive.

I hope, on that basis, the hon. Gentleman will withdraw the amendment. We would be more than happy to share with him some of our thinking about how we could improve and refine the economic link in time for Report.

Luke Pollard: I am grateful for hon. Members' contributions. It might be helpful to direct the Committee's attention to new clause 13, especially subsections (2) and (3). It talks about the ability of the Secretary of State to say that some species might not necessarily

need to hit 50%, and if so to publish the reasons why. That would address the concerns the Minister raised. The example of the Faroes provides the reason the requirement is not 100%, but at least 50%, with the ability to vary it, should be required.

That is an important consideration because, at the moment, the fishing community does not believe the economic link works in the way the Minister tried to reassure us of. There is a strong sense that, actually, fish caught under UK quotas are not being landed in UK ports and we are not receiving the benefits. That is certainly a sentiment on every quayside, be it in Devon and Cornwall in the west country, through the east coast and up to Scotland.

George Eustice: Does the hon. Gentleman not accept, though, that in 1999 the Labour Government introduced the current economic link, which required 50% of quota stocks to be landed in a perfectly sensible way for 20 years? Given that attaching a condition to a vessel licence has worked for 20 years, why do we need to change that?

Luke Pollard: I simply do not think it is working—it is not carrying the confidence of the industry. Part of the amendment is about being clear to the industry what kind of objectives we want in a revised fishing portfolio. The contributions on Second Reading and the feedback on the White Paper from fishers show that a strengthened economic link is an important part of that.

It is important that we talk about why a strengthened economic link is so important. As the hon. Member for Glasgow North East mentioned, it provides the additional trades and jobs that come from that. The industry's confidence in that economic link is not there. I invite the Minister to spend more time on the fish quays speaking to fishers about the economic link, because that is not the view that has been expressed to me and my colleagues.

I am slightly disappointed that the Minister did not take up the genuine offer I made to work to find a better form of words. There is a real sense that this provision should be better than it is at the moment. I would be very happy to see if, on Report, we can strengthen that economic link in the schedule. At the moment, 50% is required. The Minister seeks not to allow any changes in our quota allocation after we depart the EU unless they are better than we currently have—we will come to that. The same principle of getting a better deal than we have at the moment should apply to the economic link. If the Minister wants to work with us to improve schedule 2 to include “at least 50%”, I will be happy to work with him. As he is looking at me blankly, I suspect he has not been given permission to do so. I will therefore press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 12.

Division No. 6]

AYES

| | |
|---------------------|------------------|
| Debbonaire, Thangam | Pollard, Luke |
| Hill, Mike | Smith, Owen |
| Pennycook, Matthew | Sweeney, Mr Paul |

NOES

| | |
|-------------------|------------------|
| Aldous, Peter | Jones, Mr Marcus |
| Brown, Alan | Lefroy, Jeremy |
| Duguid, David | Morris, James |
| Eustice, George | O'Hara, Brendan |
| Grant, Bill | Stewart, Iain |
| Hollinrake, Kevin | Tracey, Craig |

Question accordingly negatived.

Luke Pollard: I beg to move amendment 66, in schedule 2, page 31, line 24, at end insert—

“(6) Conditions attached to any sea fishing licence must include a prohibition on the use of any form of electric pulse beam trawl fishing.”

This amendment would require sea fishing licences to prohibit electric pulse beam trawl fishing.

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

Amendment 92, in clause 14, page 8, line 21, after “11(5)” insert

“or section (*Ban on electric pulse fishing*)”

New clause 9—*Ban on electric pulse fishing*—

“A person commits an offence if they use, in order to catch fish, any form of electric pulse fishing technology on towed or otherwise mobile equipment within British fishery limits.”

Luke Pollard: The amendment relates to creating a licence restriction that prohibits any form of electric pulse beam trawling in UK waters. We have heard in previous debates about that form of fishing and we have an opportunity in this Bill to set a clear direction that we do not accept it. It needs to appear in the Bill rather than as a commitment so that we send a clear message to our EU friends and anyone thinking about that type of fishing that it is not something the UK Parliament will accept.

The amendment aims to prohibit a form of fishing currently taking place in UK waters that is known to cause excess harm to our marine life and could have widespread negative effects that have yet to be adequately researched. Members will likely be aware that electric pulse beam fishing uses electrodes attached to nets to send electrical signals to the surface of the seabed, driving some fish into the nets. Although fishing with electricity has been banned in the EU since 1998, in 2007 an exception was made for electric pulse beam fishing, ostensibly to allow some boats to test the impact on fish stocks and the ocean ecosystem. It is currently centred on the Dutch fleet. According to some of the latest figures, 84 Dutch vessels use that method, but as we heard on Second Reading from my partner in crime, the hon. Member for Waveney, that is now up to nearly 100 vessels. We need to act now on this form of fishing, before it becomes more widespread and is seen as irreversible and as a standard for fishing to adopt. The Government have a choice with this amendment. I hope they will side with the environment and small-scale fishermen against that type of fishing and not with those who promote that untested and expensive new technology.

The Marine Conservation Society’s head of fisheries and aquaculture has made it clear that such a form of fishing cannot currently be permitted on a large scale if we are serious about protecting marine life. He said:

“There remain large gaps in understanding on impacts to other species and processes, especially after long-term exposure. The method is also known to break the vertebrae of large cod and it’s unclear if similar damage could be inflicted on other large animals.”

I invite the Committee to think for a moment about what it means to break the vertebrae of large cod in a marine environment and the physical force needed to break the vertebrae of large cod if it were due to electrical impacts. It is clearly a form of fishing that causes distress and harm. There are particular concerns about the magnitude of the fishing currently using this method. The MCS added:

“We’re not talking about a minor modification to net configuration—we’re talking about the industrial scale use of electricity on the seabed.”

It is not a test-bed fishery. It is now a de facto commercial fishery and we need to be aware of it.

12.15 pm

Electric pulse beam fishing is truly a technique that would shock any lover of the marine world. According to *The Times*, British fishermen have said that

“the sea is a graveyard after a visit by the overseas boats”

using this type of fishing method. An area of immediate concern is the pulse trawlers currently operating in Dogger Bank, the marine protected area in the North sea. Marine conservation charities tracked a Dutch vessel fishing in that manner at Dogger Bank over three months. Their data indicated that other pulse trawlers had also fished there. The area is legally protected because of its unique and important habitat. We should not allow this untested method to be carried out there of all places.

There is rightly a growing movement against electric pulse beam fishing. In January, the European Parliament voted to ban it, although the European Commission says that it needs to continue to study its impact—something that I disagree with. More than 200 top chefs across Europe have pledged to stop sourcing seafood obtained by electric pulse fishing, and the US, China and several other countries have already banned it.

Across Parliament, there is an understanding of what is at stake. The Chair of the Environment, Food and Rural Affairs Committee, the hon. Member for Tiverton and Honiton (Neil Parish), said on Second Reading that pulse fishing

“causes huge damage to not only the seabed but, potentially, fish stocks.”—[*Official Report*, 21 November 2018; Vol. 649, c. 916.]

The hon. Member for Waveney—I promise I will stop quoting him shortly, when he stops saying sensible things to quote—added during that debate that there is evidence that pulse fishing

“is devastating fish stocks, wreaking havoc upon the marine environment and preventing local East Anglian fishermen from earning a living.”—[*Official Report*, 21 November 2018; Vol. 649, c. 954.]

Even the current Foreign Secretary has warned of the dangers. His website states:

“The evidence so far indicates that while the impact on the seabed is typically smaller than for traditional beam trawling, there are some detrimental effects on fish species such as cod.”

I would perhaps go further, but it is good to see that he has taken an interest as well.

The Minister has said that powers exist elsewhere in the Bill to require or preclude certain types of gear or fishing methods, but that reassurance is insufficient.

Bill Grant: I have two concerns about a blanket ban. I sense that there is a degree of evidence, but we need to be absolutely certain about that evidence and the damage that the method is alleged to be doing before we comprehensively ban it. My other concern is whether there is a risk it might dilute the authority rightly placed with the devolved Governments. The Scottish Government are trialling electric pulse fishing in the Firth of Clyde. There have been some land-based objections, strangely enough, but do we risk taking away the powers that are rightly devolved to the various Administrations if we put a blanket ban on it?

Luke Pollard: I am grateful to the hon. Gentleman for his intervention. I think there is a clear understanding in fishing communities that we should not be encouraging electric pulse beam trawling. There is a big distinction between a sensible trial that seeks to get scientific data and what we have now in UK waters, especially off the east coast of England, where we have a de facto commercial fishery, fishing at scale using this method and potentially causing huge environmental damage. I take his point about science and evidence, but that commercial fishery has existed for more than a decade.

Mike Hill: My hon. Friend mentions the east coast. He is right that such fishing has had serious consequences. Is it therefore not right to ban it, until the scientific evidence shows otherwise?

Luke Pollard: My hon. Friend makes a very good point. I would personally go further, but he makes a very good case for a precautionary ban, as has been imposed by a number of other countries. It is worth bearing in mind that the EU has already banned electric pulse beam trawling, but has allowed the trial. In setting a new framework for fishing after we leave the European Union, certain types of fishing gear and methodologies should be outlawed. We should make the case that we will not accept certain things in our waters, electric pulse beam fishing being one of them.

The stated objective of my party in relation to the Bill is to ensure that UK fishing has the most sustainable fisheries in the world. That means not only having the rules in place, and the enforcement, incentives and backing of the industry, but making clear statements that set the tone and approach for sustainable fishing. I want the message from the Committee to be that we stand united in banning electric pulse beam trawling because of its environmental impacts, and we support the fishing communities that want it to be banned. I ask the Minister to agree with that, to ensure that there is no division here between the Government and Opposition parties.

Electric pulse fishing is extremely lucrative. One study financed by the Dutch Ministry of Economic Affairs found that Dutch fishermen using standard beam trawlers broke even in 2014, while their electrically powered competitors earned a whopping €17 million. That is a huge difference, and it is a very powerful interest to go up against, but conservation means nothing if we are unwilling to go against well-financed groups intent on exploiting our natural environment and causing severe damage to our marine environment. I hope that all Members will take that concern on board, and support the amendment.

Peter Aldous: It is a pleasure to serve again under your chairmanship, Mr Gray. I will speak to amendment 92 and new clause 9 in my name, which relate to electric pulse fishing.

As we heard from the Opposition spokesman, pulse fishing is the process by which commercial trawlers, towing electrodes, emit bursts of electricity into the seabed to force out fish such as flatfish, shrimp, sole and plaice buried in the mud. The electric shock makes the fish convulse and flip upwards into the trawler's net. The method is not used by British-owned vessels; it is practised largely by the Dutch in the North sea, often in British waters. They argue that pulse fishing is better for the environment than traditional trawling and, as we have heard, they have issued permits for up to 100 pulse trawlers to operate. They point out that pulse trawlers use up to 46% less fuel and catch 50% less unwanted marine life than other trawlers.

However, the practice is strongly opposed by English and French fishermen, who have seen its devastating impact at first hand. Moreover, there is a lack of scientific evidence to justify it generally, although the Centre for Environment, Fisheries and Aquaculture Science is carrying out extensive ongoing research. The feedback I receive from East Anglian fishermen is that pulse trawling has a devastating effect on the marine environment. They find dead fish left behind with broken backs. The practice rips up life on the seabed surface and uses large scouring devices to extract buried fish, damaging underlying sediment. The practice is indiscriminate and is destroying a variety of marine life and ecosystems, particularly in the North sea.

As we have heard, pulse fishing is technically illegal in the EU, the US and China. However, an exemption allows EU countries to catch up to 5% of their annual fishing quota in the North sea using what are termed "innovative" methods in the name of research. For some reason, pulse fishing is one of those methods. In January, the European Parliament voted to ban commercial fishing using an electric current in EU waters. The amendment calling for a total ban on pulse fishing was passed by 402 votes to 232, with 40 abstentions, although the ban has not yet come into place.

I summarise my thoughts as follows. First, in pursuing the precautionary approach, given the clear evidence of its devastating impact, pulsing should not take place at all. The Dutch argue that they are conducting a trial. In practice, it is no such thing. They have set up a whole industry based on a completely inappropriate fishing practice. They have exploited a loophole in the common fisheries policy and EU regulations for their own commercial advantage. There must be no such loopholes in our UK fishing policy, for which the Bill will provide the framework.

Secondly, pulse fishing has a devastating impact both at sea and on land. It destroys the marine environment and takes fish that should be caught and landed by UK fishermen and processed in Britain back to the Netherlands, and then, absurdly, often back to the UK for sale.

Thirdly, although the practice still takes place, it has been condemned and voted down by the European Parliament. The UK Parliament should do likewise. In some respects, I accept that primary legislation such as this Bill may well not be the right place for such a ban on a specific practice. However, we need to send a clear message right from the outset that there is no place for electro-pulse fishing in the future management of UK

[*Peter Aldous*]

waters when we leave the EU and when the Bill, which I assume will receive Royal Assent, comes into effect. The Minister and I have spoken at length on this matter over the last few months. I am grateful to him for doing that. In answering, can he provide me with an assurance that electro-pulse fishing stops immediately that we leave the EU and the Bill comes into force? If he cannot, I believe the ban needs to be on the face of the Bill.

Mr Carmichael: I think it is fairly well known in the House that I am essentially a simple soul. I lead my life according to some basic rules, from which I do not depart. One of them is to never mix water and electricity. No good ever comes of it. This amendment touches on one other example of that basic truth, from which we should not depart. It is quite remarkable that occasionally the industry manages to throw up new, innovative ways of doing things that are self-evidently wrong.

When I was first elected to this House, one of the biggest complaints from the industry at that time was the operation of the Danish industrial fishery in the North sea hoovering up just about anything that was in the water, with mesh sizes in the region of 2 mm or 3 mm. It was as unsustainable a fishing method as one could imagine, and it was rightly stopped—eventually. This is another such example. It is self-evident that this sort of thing should not be allowed. The precautionary principle, about which the hon. Member for Waveney spoke, is absolutely the right approach to take. Whether that needs to be done through primary legislation is another matter, but we have primary legislation. This is the first time in my 17 and a half years as a Member of Parliament that we have had a specific fishing Bill. Since we have it, why do we not use it?

George Eustice: This is an important issue, which I have discussed many times with my hon. Friend the Member for Waveney. I want to explain the arguments that advocates of pulse trawling put forward, the arguments against it, and my position and the one we have therefore adopted within the EU at the moment, as well as how I tend to address this issue. I think I have a solution that may be even faster than the passage of the Bill.

The advocates of pulse trawling make a reasonable argument that conventional beam trawling literally drags a chain across the seabed, destroying and crushing everything in its path, to get flat fish to jump up into the nets, whereas a pulse beam trawler does not drag a chain across the floor of the seabed, but hovers above the seabed and sends the electric pulse down. There is evidence that this type of fishing uses less fuel, so the carbon footprint of fishing vessels using this method is lower.

However, the opponents—I am one—point to a number of other problems. First—this is why fishermen in my hon. Friend's constituency are so concerned—although pulse trawling does not disturb the seabed to the same extent as conventional beam trawling, it makes it possible to fish areas that could not otherwise be fished. Paradoxically, the ability to fish parts of the ocean where conventional gear types could not have gone means that areas of the seabed that might have been seen as a sanctuary for some flat fish, because it was technically not possible to fish them, can now be fished.

That increases fishing pressure, because there are more vessels able to catch more fish in more areas, more quickly.

Secondly, as my hon. Friend pointed out, there are lots of anecdotal reports of gadoids, in particular cod, having their backs broken by this technique. There is evidence from some of the tank studies that it can affect the navigation of some fish. The electric pulse can disturb their navigation and affect their ability to feed and migrate. The third problem is that we do not really know what impact the electric pulse might be having on smaller organisms—young fry, small lobsters, eggs and other types of early-developing sea life. We do not know the full impact of that, and there are concerns that it could be having a detrimental effect, breaking the food chain and therefore causing other problems.

12.30 pm

For all those reasons, my view, in common with the right hon. Member for Orkney and Shetland, is that water and electricity do not mix very well. My view for at least the past 12 to 18 months has been that we should adopt a precautionary approach. That is the position that we adopted at the European Council. The UK has called for a moratorium on the practice until there is scientific evidence about whether it is problematic.

It is important to recognise that this is a scientific derogation, so it should be used in a very limited way to gather evidence. It should not be like the scientific whaling that the Japanese, for instance, advocate. It should not be a sham argument to allow commercial fishing under a scientific derogation.

Because of the position that the UK has adopted at Council, and because of the position that the European Parliament has adopted, which the shadow Minister highlighted, the strong direction of travel at the moment in the EU is to take up our suggestion of a moratorium. I think the EU will do that if we continue to be bound by it during an implementation period.

My final point is that a lot of these vessels operate for some of their time in the UK six to 12-mile zone, which I know is another point of contention for fishermen in the constituency of my hon. Friend the Member for Waveney. Last year the Government gave notice that we intend to quit the 1964 London fisheries convention, and therefore revoke the access that countries such as the Netherlands have in our six to 12-mile zone. That, in addition, will help.

Turning to my solution, the pulse trawling prohibition and the derogation are contained in technical conservation regulation 850/98. Article 31 of that regulation establishes the pulse trawling prohibition, and article 31a establishes the derogation. Under the European Union (Withdrawal) Act 2018, regulation 850/98 will be coming across into UK law. We anticipate laying a statutory instrument to give effect to that in January, probably before Report. I have instructed officials to ensure that when the prohibition under article 31 is brought across and established under the European Union (Withdrawal) Act, the derogation in article 31a will no longer apply to foreign vessels. That means that the 84 Dutch vessels—perhaps more now—will automatically cease to have the right to practise pulse fishing if we leave the European Union without an agreement at the end of March. In the event that there is an implementation period, we will of

course still be bound by whatever EU rules pertain, but even in that circumstance, the direction of travel in the EU, following the position I adopted at Council, will be to introduce exactly the type of moratorium that I have been arguing for.

I hope I can assure the shadow Minister and my hon. Friend that the European Union (Withdrawal) Act, in bringing across regulation 850/98 in the way I have described, while removing the scientific derogation under article 31a for foreign vessels, will give them an early solution to this problem. Therefore, placing this new clause on the face of the Bill is unnecessary. I am happy to share the draft of the statutory instrument that we intend to introduce in January with my hon. Friend and the shadow Minister before Report so they can see exactly how we intend to deal with this problem.

Peter Aldous: I am grateful to the Minister for looking into that, and for the work he has done and the solution he outlines. I must say that, at face value, it appears to address my concerns and I believe the shadow Minister's concerns also, although he will give his views in a moment. On that basis, I am prepared not to press my amendment or new clause to a vote, but I put the Minister on notice that, if his solution has not happened by the time we get to Report, I will take the matter up again. I am grateful to him for taking this seriously, because off the East Anglian coast people are absolutely livid about it. It is creating havoc and it must be addressed. I have met the Dutch Government, who were very pleasant, but it is clear that they will carry on until they are told to stop, and we must tell them to stop as soon as possible.

Luke Pollard: I am grateful to the Minister, who, as has just been mentioned, has clearly put a lot of thought and effort into looking at how this practice can be banned. If the statutory instrument is indeed laid in January before Report, that gives us an opportunity to consider all the detail. However, if that is insufficient, the amendment will be coming back on Report. The Minister specifically spoke about foreign boats in relation to this matter, but according to Marine Management Organisation figures there are 11 boats in the UK that were initially equipped with electric pulse beam trawling equipment, and three of them are still equipped with it. Can he confirm whether the SI that he mentioned would include UK boats as well?

George Eustice: There are currently six UK-registered vessels that are licensed to use the derogation. Only three currently do. I think they are Scottish vessels, and the Scottish Government have their own particular view on this, but only three UK vessels use it. If we were serious about doing a genuine scientific experiment to explore this further, doing so with three vessels would make sense. If we then wanted a total prohibition with no scientific exemption at all, we have plenty of powers in the Bill, once it is passed, to do precisely that. I believe the overwhelming pressure here is coming from those 84 Dutch vessels, and if we can deal with that, we will have solved the problem.

Luke Pollard: I am grateful for that answer. On the basis of the Minister's commitment to lay the SI in January and to ensure that it is sufficiently robust to

address the concerns that both the hon. Member for Waveney and the Opposition have suggested, I am happy to withdraw the amendment. However, I give notice that it will be coming back if the SI is not sufficiently robust to address those concerns. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Peter Aldous: I beg to move amendment 22, in schedule 2, page 31, line 24, at end insert—

“1A The Marine Management Organisation must, within one week of a sea fishing licence being issued in respect of a foreign fishing boat, publish—

- (a) any conditions attached to that licence, and
- (b) the estimated monetary value of that licence.”

There is concern that there are no provisions in the Bill that foreign vessels must comply with the same standards as UK vessels. Access by foreign vessels to UK waters should be contingent on compliance with the same environmental standards that are applicable to UK vessels, to ensure a level playing field and a high level of environmental protection. I raised this concern on Tuesday when speaking to amendments 21 and 83 and new clause 8. That said, I would welcome the Minister's reassurance that this is not what I would describe as the Bill's Achilles' heel.

Luke Pollard: Again, the hon. Member for Waveney has raised a good point about an issue on which we need greater transparency, to continue the theme we touched on with amendment 33. On that basis, the Opposition concurs with him.

George Eustice: I will take this opportunity to explain how the current licensing system works. I think I can reassure my hon. Friend the Member for Waveney that what he seeks to achieve is already in the public domain and published on the MMO website.

The UK has three different types of licence: categories A, B and C. In most cases, a category A licence is used, which is issued to both under-10 metre and over-10 metre vessels and allows them to fish for specific quota and non-quota species. Licences for certain other species, such as shellfish or deep-sea stocks, are granted in addition to, rather than instead of, that category A licence. Conditions attached to the licence set out the specific requirements to which the vessels must adhere, such as the economic link requirement and reporting obligations. Conditions related to different fisheries indicate the species that can be fished and the area where they can be fished.

The licences and conditions are already published, on the MMO website. When foreign vessel licences and associated conditions have been agreed, they will be published on the Government's website and so will be accessible to the public, as they are now through the MMO website. The MMO already publishes on its website the conditions it places on English licence holders.

Our intention is for foreign licences to be time-limited and definitely not tradeable—another issue that my hon. Friend the Member for Waveney was concerned about—so there is no prospect of a foreign vessel licence accruing a monetary value. The other matters on which he sought assurance are already published by the MMO.

Peter Aldous: I am grateful to the Minister for his response and for clarifying the matter. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 75, in schedule 2, page 34, line 19, leave out “negative” and insert “affirmative”.

The observant in Committee will have noticed that this amendment is similar to amendments 23, 70, 71, 76 and 77, but we have not yet reached those. Members will not have to endure this speech six times; they need not worry—I have six separate speeches.

The amendment might seem rather esoteric and, I dare say, boring, techy or legalistic, but it is an important part of how much transparency the new fisheries regime after we leave the EU will have, and how much scrutiny will be given. We have previously tested this important issue with the Minister, on the Agriculture Bill. The negative procedure is provided for in several places throughout this Bill. The Labour party was concerned about that during the passage of the European Union (Withdrawal) Act 2018, and we have not stopped worrying about where it sits in this Bill. Curiously, there are far fewer instances of the negative procedure in this Bill than in the Agriculture Bill. That is welcome.

The Bill also has a higher proportion of duties than powers. The opposite was the case in the Agriculture Bill, so some of our scrutiny of and pressure on the Minister has had some effect. The House of Lords Delegated Powers and Regulatory Reform Committee reports on both Bills helpfully drew attention to how they had been drafted differently, even though they were produced by the same Department and are the responsibility of the same Minister—he is a lucky gentleman to be covering so many important issues. That is curious, to say the least, and perhaps points to the enormous pressure that the Government’s approach to Brexit places on officials and Ministers.

I acknowledge that the Delegated Powers and Regulatory Reform Committee report on the Bill was very kind to Ministers. It stated that of the 15 delegated powers in the Bill, “only four” were governed by the negative procedure and, according to the Committee, “justifiably so”. We seem to have identified two more instances than that Committee did, and we do not necessarily agree that all six are justifiable—hence our six amendments for a move to the affirmative procedure instead.

We believe that enhanced scrutiny is an important part of the process, so it should not simply go through on the nod. The amendment is concerned with regulations that might impose charges, so it is particularly important to consider the level of scrutiny. I would be grateful if the Minister would address those points.

George Eustice: As the hon. Gentleman has highlighted, the Government believe that in this Bill we have struck the right balance between the need for parliamentary scrutiny and the need to be able to react quickly. As he pointed out, although the Lords Delegated Powers and Regulatory Reform Committee was rather critical of the number of negative resolution powers the Government sought in the Agriculture Bill, it gave us a glowing report with respect to the Fisheries Bill. It said:

“Of the Bill’s 15 delegated powers that have a parliamentary procedure, only four are solely governed by the negative procedure, and justifiably so”,

so our approach to those powers has that Committee’s support.

12.45 pm

I simply point out that paragraph 7 of schedule 2 replicates a power that has existed since 1967—prior even to our joining the EU. It simply rolls the status quo over; we are not using it to grab any new power. The procedure followed in that paragraph is the same for all provisions we are replacing in the Sea Fish (Conservation) Act 1967. Section 4(4) of that Act, on the power to charge for licences, is crucial, as is section 4B, which provides for the manner in which licences may be granted, revoked or suspended. We are rolling forward a power that already exists under the 1967 Act.

The orders under those existing powers are made via the negative procedure. Section 4B of the 1967 Act states:

“Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament”,

which were the terms used to indicate the negative procedure in 1967. I hope I have reassured the hon. Gentleman that the Delegated Powers and Regulatory Reform Committee did a thorough job of examining the Bill and reached the conclusion that we are only mirroring what has existed since 1967, which pre-dates even our membership of the EU.

Luke Pollard: I am grateful to the Minister for those clarifications. In the time he took to respond, I managed to chop up my speech into seven small component parts, so we can revisit those points later. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: My instinct is that we have had sufficient debate on schedule 2.

Schedule 2 agreed to.

Clause 14

PENALTIES FOR OFFENCES

Peter Aldous: I beg to move amendment 93, in clause 14, page 8, line 21, after “11(5)” insert “or section (*Ban on sandeel fishing*)”.

The Chair: With this it will be convenient to discuss New clause 10—*Ban on sandeel fishing*—

“A person commits an offence if they fish with the intent of catching any species in the genus *Ammodytes*.”

Peter Aldous: The amendment and new clause relate to sand eel fishing. The amendment raises similar issues to those we have debated on electric pulse fishing. I will not press the amendment or the new clause to a Division, but I raise the matter in order to highlight the importance of pursuing an ecosystem-based approach to future management of fishery stocks. I am particularly grateful to the RSPB, the Angling Trust and Fishing for Leave for their guidance and advice.

The sand eel, which is a small, energy-rich shoaling fish, is a key prey species for many seabirds, underpinning the breeding success of terns, kittiwakes and puffins. Sand eels are also eaten in large numbers by harbour porpoises, other sea mammals and commercially important table fish, such as cod, whiting and mackerel. As such, the sand eel plays a pivotal role in the food web between the primary productivity of plankton and the top predators.

Diminishing abundance of sand eels, however, in combination with other pressures in the marine environment, has driven a major decline in the UK's seabird population. In Scotland, 12 indicator seabird species were 50% less numerous in 2015 than they were in 1986. To address that impact, in 2000 the EU created a closed area of 20,000 sq km extending offshore from the coast of north-east Scotland to Northumberland. It is a box that keeps the Danish sand eel fishing fleet, which has almost all the EU sand eel quota, away from sensitive seabed colonies. This industrial seabed fishery continues elsewhere in the North sea, mainly on the Dogger Bank, of which the UK part is a key focal area for the fleet. RSPB research indicates that the Dogger Bank fishery could have a detrimental impact on kittiwake productivity on the adjacent Yorkshire coast.

Related to that, the sand eel stock assessment model used by the International Council for the Exploration of the Sea to set EU catch limits does not address the needs of seabirds, cetaceans or other marine wildlife when setting levels of commercial exploitation of sand eels, such that insufficient sand eel is set aside for the wider ecosystem. In failing to cater adequately for the needs of seabirds and other marine wildlife, the management of the fishery at present falls short of meeting an ecosystem-based approach.

To improve the situation, the RSPB suggests three alternatives, the first of which is stopping sand eel fishing in UK waters. The UK could champion that approach as an exemplar in pursuing an eco-based system. That is already done off the US coast. There would be very limited financial cost to UK commercial fishing, though there is the risk of reciprocal denial by Denmark of UK fishing opportunities in Danish waters for white fish. I am also mindful of advice provided by the Angling Trust that there are five species of sand eel in UK waters, all with the genus *Ammodytes*. The only one that has generated widespread concern is the industrial fishery for *Ammodytes marinus* in the North sea.

The other four species are subject to very small levels of fishing mortality. *Ammodytes tobianus* is the species targeted for bait—both commercial and recreational—and it is estimated that the combined landings of both anglers and fishermen who catch their own and commercial catches are no more than 50 tonnes a year across the whole UK. The Angling Trust is concerned that the provisions would prevent anglers from fishing for *tobianus* to use as bait, as well as having a hugely negative impact on businesses in the angling bait market, such as the market leader, *Ammodytes*, a Cornwall-based company that catches and processes *Ammodytes tobianus* for the bait and aquarium markets.

The second option is to make the total allowable catch of sand eel more precautionary by reducing fishing mortality, leaving at least one third of the stock for the provisioning needs of seabirds, cetaceans and other

marine wildlife. The third and final alternative is to extend the existing sand eel closed area south to Yorkshire and the Humber, to cover the Dogger Bank area.

I am conscious that I have probably delayed Committee members' lunch, but I believe that how we manage sand eel fishing provides an extremely relevant case study as to how future UK fisheries can be managed in a sustainable and environmentally sensitive way, adopting an eco-based approach. I would welcome the Minister's view of how he sees the system operating in practice according to the Bill's provisions.

Luke Pollard: Following the hon. Gentleman's speech, we are all now aware of the humble sand eel, which is an important component of food webs in the north Atlantic. It is at the bottom of the marine food chain and is part of the diet of cod, mackerel, porpoises and seabirds such as Arctic terns and kittiwakes, especially in breeding season.

We also need to be aware of research led by the British Trust for Ornithology and the Joint Nature Conservation Committee that indicates that populations of kittiwakes, terns, fulmars and shags are impacted by sand eel farming in the North sea. Those conservationists are concerned that the boats that catch thousands of tonnes of sand eels each year to be turned into animal feed and fertiliser deprive seabirds of a vital source of food.

We have heard calls for a ban on sand eel fishing in the central North sea, most recently from the Fishing for Leave representative in our evidence session, but we would like more evidence about the practice. I would be grateful if the Minister dealt with how we can pick up the points raised by the hon. Member for Waveney but also ensure there is sufficient scientific evidence and understanding of the stock baseline for sand eels, which seem at the moment to be missing from the debate.

Mr Carmichael: Anyone seeking evidence of the issue the hon. Member for Waveney raised is more than welcome to come and visit us in Orkney or Shetland and look at the cliffs. Cliffs that were once white with seabirds and other things—evidence of seabirds—are often empty at times of the year when they should be full. That causes enormous concern in our community. It is a good example of the way an ecosystem-based approach can bring benefits to the community beyond the fishing industry. Nature tourism is one of the liveliest and most rapidly growing sectors in our local economy, and it is a welcome boost. The sand eel fishery self-evidently has been a foolish enterprise for many years, and I very much endorse the hon. Gentleman's comments and his efforts to end it.

George Eustice: My hon. Friend the Member for Waveney, having got important concessions on the Dutch fleet, turns his attention to taking on the Danes. As he knows, sand eels are a shared stock, but about 90% of the sand eels caught in the UK's exclusive economic zone are caught by the Danish fleet around Dogger Bank, although Sweden also has some interest in this area.

We are giving consideration to the issue, but, as my hon. Friend acknowledges, access to the sand eel stock is the most important access that Denmark receives from the UK, so we will have to consider it in the

[George Eustice]

context of our annual fisheries exchanges. There is a full data assessment for the stock, and ICES provides annual recommendations for a TAC on sand eels in the Dogger Bank area. In recent years, with the exception only of 2016, the TAC has been set in line with ICES recommendations.

The issue with a unilateral ban on the fishing of all sand eels in all UK waters is that we would be likely simply to displace that fishing activity, so there would be unsustainable catches of sand eels in waters outside the UK EEZ. However, my hon. Friend highlighted a number of measures we could consider to address that. First, as he pointed out, the so-called Wee Bankie sand eel fishery has been closed since 2000. As we leave the EU, I certainly would like to explore whether we could consider a similar closure in a particular area to try to protect the sand eel population closer to shore, where birds are more likely to be, so they have a food source.

The second approach to which my hon. Friend alluded is to do something more akin to what we do in some shellfish sectors. We have a principle in cockle fisheries of reserving a proportion of cockles for wading birds so we do not deprive them of a food source. Local inshore fisheries and conservation authorities take into account

the needs of wild birds when setting catch limits for cockles. Given the way ICES advice is generated, based as it is on maximum sustainable yield, it tends not to place great weight on such considerations, but there is no reason why, in the context of future UK-EU bilateral negotiations, we should not seek to argue that there should be more restraint on species such as sand eels where they have an important role as a food source for birds.

This is a complex area, and some scientists would say that it is not just sand eels that are used but other species, too. However, I am certainly happy to say that we will look at it, and I hope my hon. Friend does not feel the need to press the amendment to a vote.

Peter Aldous: I am grateful to the Minister for that explanation and for the reassurance he provided. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 14 ordered to stand part of the Bill.

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

1 pm

Adjourned till this day at Two o'clock.