

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## FISHERIES BILL

*Tenth Sitting*

*Monday 17 December 2018*

*(Evening)*

*[Part II]*

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Title amended.  
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**Friday 21 December 2018**

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

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

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

# Public Bill Committee

Monday 17 December 2018

(Evening)

[Part II]

[JAMES GRAY *in the Chair*]

## Fisheries Bill

### New Clause 4

#### AMENDMENTS THAT COULD HAVE BEEN MADE UNDER EXISTING POWERS

“(1) Where—

- (a) any provision of this Act amends or revokes subordinate legislation, and
- (b) the amendment or revocation could have been made under a power conferred by an enactment,

the amendment or revocation is treated, for the purpose of making further provision under that enactment, as having been made under it.

(2) In this section—

‘enactment’ has the same meaning as in the European Union (Withdrawal) Act 2018;

‘subordinate legislation’ has the same meaning as in the Interpretation Act 1978.”—(*George Eustice.*)

*This new clause would ensure that the amendments of statutory instruments made by the Bill do not limit what can be done under the powers under which the instruments were made.*

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 5

#### LEGISLATIVE COMPETENCE OF THE NATIONAL ASSEMBLY FOR WALES

“(1) The Government of Wales Act 2006 is amended as follows.

(2) In section 108A (legislative competence), after subsection (4) insert—

‘(4A) References in subsections (2)(b) and (3) to Wales include, in relation to a relevant provision of an Act of the Assembly, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A provision of an Act of the Assembly is “relevant” if it relates to fishing, fisheries or fish health.’

(3) In section 157A (devolved Welsh authority), after subsection (8) insert—

‘(9) References in this section to Wales include, in relation to a relevant function of a public authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.’

(4) In Schedule 3, in paragraph 9 (Parliamentary and Assembly procedure applying to exercise of legislative function transferred to Assembly under GOWA 2006), after sub-paragraph (6) insert—

‘(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.’

(5) In Schedule 7A (reserved matters)—

- (a) in paragraph 9, after sub-paragraph (4) insert—

‘(4A) References in this paragraph to Wales include, in relation to a relevant function of a tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a tribunal is “relevant” if it relates to fishing, fisheries or fish health.’

(b) in paragraph 195, after sub-paragraph (3) insert—

‘(3A) References in this paragraph to Wales include, in relation to a relevant function of an authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.’

(6) In Schedule 11, in paragraph 33 (Parliamentary and Assembly procedure applying to exercise of legislative function transferred to Assembly under GOWA 1998), after sub-paragraph (6) insert—

‘(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”—(*George Eustice.*)

*This new clause would extend the legislative competence of the National Assembly for Wales to include provision about fishing, fisheries or fish health in the offshore part of the Welsh Zone.*

*Brought up, and read the First time.*

9 pm

**The Minister for Agriculture, Fisheries and Food (George Eustice):** I beg to move, That the clause be read a Second time.

New clause 5 essentially addresses an inconsistency between the devolution settlements for Wales and for Scotland and Northern Ireland. Unlike the devolution settlements for Scotland and Northern Ireland, the National Assembly for Wales does not currently have legislative competence in relation to fisheries in the offshore area, although it already has executive competence for those areas. The Bill, combined with our withdrawal from the European Union, will mean that the devolved Administrations will have more powers than ever before, and we believe it is right for this modification to be made so that the Welsh Government can exercise their legislative competence as set out in the Bill.

The new clause, therefore, will enable the Assembly to make primary legislation on fishing, fisheries and fish health for the whole Welsh zone. The Welsh offshore region is the area of sea outside the territorial sea—that is, beyond 12 nautical miles from the coast, but within the exclusive economic zone. It is a relatively small area, stretching at its greatest extent to 30 nautical miles from the coast of Wales. Without this new clause, the National Assembly for Wales could not make its own primary legislation relating to fisheries in the Welsh offshore region and the management of fisheries in Welsh waters would be more piecemeal and less effective.

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): There are a couple of points I want to make on this new clause. I understand that the Welsh Labour Government have raised concerns with the Government regarding the National Assembly’s legislative competence for fisheries matters beyond Welsh inshore waters. The Welsh Government are seeking to bring the National Assembly’s competence in line with Welsh Ministers’ Executive competence, which would make the introduction of a pan-UK framework less complex. The Minister’s letter to the Committee about new clause 5 explained that this is designed to address the need for an extension to the Welsh Government’s legislative competence to bring Wales in line with Scotland and Northern Ireland.

Can the Minister formally confirm for the record that new clause 5 adequately addresses the issues raised by the Welsh Government regarding the Bill, and that they have been consulted on and have agreed to the terms of new clause 5? Can he also explain why this issue was not addressed at an earlier stage, so that the Bill could be introduced in a more complete form? Furthermore, I understand that the Welsh Government have also raised concerns in relation to clause 18 and the Marine and Coastal Access Act 2009. Can the Minister tell the Committee when discussions on those issues will be concluded, and whether he plans to table further amendments to deal with them during the Bill's progress?

**George Eustice:** I can indeed confirm that we have developed the new clause in conversation with the Welsh Government. It was a specific request that they made after the Bill had been published and as it approached Second Reading, and we needed to go through the Government write-round process to get agreement to make the change. Obviously, there was earlier legislation as recently as two years ago in which Executive competence was given to the Welsh Government. At that point, they did not ask for legislative competence; I think everybody can agree that that was probably an oversight at the time and it is now important that they have that legislative competence. I can reassure the hon. Gentleman that this amendment, as drafted, enables the Welsh Government to have the legislative competence that they seek, that it has been developed in discussion with them and that it therefore addresses their concerns in that regard.

*Question put and agreed to.*

*New clause 5 accordingly read a Second time, and added to the Bill.*

## New Clause 22

### FISHERIES AGREEMENT BETWEEN THE UK AND THE EU

“(1) This section applies if—

- (a) the United Kingdom and the EU enter into a withdrawal agreement, and
- (b) pursuant to that agreement, the Secretary of State enters into negotiations with the EU, on behalf of the United Kingdom, for an agreement about the management of shared stocks (a ‘fisheries agreement’).

(2) The Secretary of State must pursue the following two objectives when negotiating a fisheries agreement.

(3) The first objective is that the agreement should provide for annual negotiations to determine fishing opportunities.

(4) The second objective is that the agreement should have the effect that Union fishing boats are not granted access to UK waters in any year unless the fishing opportunities for that year that are available for distribution by the United Kingdom are (looked at in the round) greater than those that would have been so available under relative stability.

(5) The reference in subsection (4) to the fishing opportunities for any year that would have been available for distribution by the United Kingdom “under relative stability” is to the fishing opportunities that would, in the opinion of the Secretary of State, have been so available for that year under the common fisheries policy, were the United Kingdom still a member of the EU.

(6) In this section—

‘exclusive economic zone’ has the meaning given by Part 5 of the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941);

“fishing opportunities” means—

- (a) the maximum quantities of shared stocks of particular descriptions that may be caught annually in particular areas within UK and Union waters, and
- (b) the maximum number of days that fishing boats may spend at sea annually, in particular areas within UK and Union waters, fishing for particular descriptions of shared stocks;

‘shared stocks’ means stocks of sea fish which are found—

- (a) in waters within the exclusive economic zone of the United Kingdom, and
- (b) in waters within the exclusive economic zone of a member State;

‘UK waters’ means waters within British fishery limits;

‘Union fishing boat’ means a fishing vessel flying the flag of a member State and registered in the EU;

‘Union waters’ has the meaning given by Article 4 of the Common Fisheries Policy Regulation;

‘withdrawal agreement’ means an agreement setting out the arrangements for the withdrawal of the United Kingdom from the EU in the terms (or essentially in the terms) endorsed by the meeting of the European Council held on 25 November 2018.”—(*George Eustice.*)

*This new clause would require the Government, when negotiating an agreement with the EU about fisheries, to pursue the objectives that fishing opportunities should be subject to annual negotiation, and that the UK should receive more fishing opportunities than it does under the common fisheries policy.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 1

### SEA FISH INDUSTRY AUTHORITY: POWERS IN RELATION TO PARTS OF UK ETC.

“(1) The Fisheries Act 1981 is amended as follows.

(2) In section 2(1) (duties of the Authority)—

- (a) after the third “of” insert, “(amongst other things)”,
- (b) delete the words “as a whole”.

(3) After section 3 (powers of the Authority), insert—

“3A Exercise of functions in relation to different parts of the UK etc.

The Authority may exercise its functions separately and differently in relation to—

- (a) the sea fish industry in different parts of the United Kingdom,
- (b) sea fish and sea fish products landed in different parts of the United Kingdom,
- (c) sea fish and sea fish products trans-shipped in different parts of the sea within British fishery limits adjacent to different parts of the United Kingdom.

#### 3B Delegation of functions

(1) The Authority may authorise any other person to exercise on its behalf such of its functions and to such extent as it may determine.

(2) The Authority may give to any person authorised under this section to exercise any of its functions—

- (a) financial assistance (by way of loan, grant or guarantee),
- (b) other assistance including assistance by way of the provision of property, staff or services, for the purposes of those functions.

(3) The giving of authority under this section to exercise a function does not—

- (a) affect the Authority's responsibility for the exercise of the function, or
- (b) prevent the Authority from exercising the function itself."

(4) In section 11 (accounts and reports), after subsection (7) insert—

“(7A) The report must include details of how income received from levies imposed under section 4 has been applied in the financial year in respect of each part of the United Kingdom by the Authority in exercising its functions including in particular details, in respect of each part of the United Kingdom, of how the income has been applied by the Authority in—

- (a) promoting the efficiency of the sea fish industry in that part,
- (b) promoting the marketing and consumption of, and the export of, sea fish and sea fish products relating to that part.”

(5) In schedule 1 (the Sea Fish Industry Authority), in paragraph 16—

- (a) before sub-paragraph (1) insert—

“(A1) The Authority must appoint a committee for the purpose of assisting the Authority in the exercise of its functions in relation to the sea fish industry in Scotland.

(A2) The committee is to consist of or include persons who are not members of the Authority.

(A3) The Authority must consult the committee on the exercise of its functions in relation to the sea fish industry in Scotland.”

- (b) in sub-paragraph (1), before “committees” insert “other”,

- (c) in sub-paragraph (2), for “such committees” substitute “committees appointed under this paragraph”.—

(*Brendan O’Hara.*)

*This new clause would give the Sea Fish Industry Authority greater flexibility to exercise its functions separately and differently in different parts of the UK. It would also require Seafish to report how income received from the levies it imposes has been applied in respect of each part of the United Kingdom.*

*Brought up, and read the First time.*

**Brendan O’Hara** (Argyll and Bute) (SNP): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Mr Gray. I rise to speak to new clause 1, which has been tabled in my name and in those of my hon. Friends the Members for Kilmarnock and Loudoun and for Edinburgh North and Leith (Deidre Brock).

It has been a long-held view of the Scottish Government, and, indeed, of many in the sector, that Seafish, because of the way it is currently constituted, is not sufficiently flexible to meet the needs of the entire sector and requires radical reform. Many have made the case that there is an inherent flaw in Seafish attempting to represent all of the UK while operating in an area in which policy is devolved. In trying to represent the whole of the UK fishing industry, Seafish is viewed by many as providing insufficient support to the sector in Scotland, which all too often results in the poor or unsatisfactory marketing and promotion of Scottish seafood.

The main objective of the new clause is to devolve both the control over funding and the Executive powers of Seafish to Scottish Ministers. It would also devolve control of the Scottish aspects of the fishing levy, giving Scotland a key role in deciding how the Scottish share of the fishing levy should be spent. We believe that this new model will provide much greater flexibility for Seafish to exercise its functions separately and differently in the different parts of the UK. The new clause would

also require Seafish to report the income it receives from the levies it imposes and how those are applied in each part of the United Kingdom.

As I have often said in Committee, not only is fishing devolved but there is absolutely no standardised version of the fishing industry across the UK. From Truro to Thurso and beyond, it is multi-layered, complex and nuanced, and is often very localised. Given that there is no one single fishing industry pursuing a common set of clear, shared objectives, it is surely ludicrous that we still have a one-size-fits-all fishing authority charged with securing a sustainable, profitable future for all parts of the seafood industry. How can Seafish practically offer regulatory guidance and service to the industry—including catching, aquaculture, processors, importers, exporters and distributors of seafood—as well as looking after restaurants and retailers in such a complicated and differentiated industry?

This is not an attack on Seafish or the people who work there. Rather, it is recognising that, with an aggregated coastline of almost 20,000 miles containing a host of different fishing practices and interests, it is in an almost impossible situation in trying to work in the best interests of everyone.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): I have made the same point as the hon. Gentleman often enough myself. However, the industry in Scotland surely encompasses the full range of practices that he identifies across the whole of the United Kingdom. How would devolution help to address that?

**Brendan O’Hara:** I absolutely agree with the right hon. Gentleman. I represent a west coast constituency and he represents a northern isles constituency, which are vastly different from that represented by the hon. Member for Banff and Buchan. It is about devolving power to as local a level as one possibly can. If Scottish Ministers are given the power to act on behalf of a much smaller area and a much smaller concentration of the industry, I think it will much better serve the industry as a whole across Scotland.

The Bill gives us the perfect opportunity to reform the current system to ensure that that levy can be better used to promote the range and quality of Scottish seafood, both at home and abroad. If Scotland were allowed to take these investment decisions, it would allow us to properly support the industry by promoting the quality and excellence of Scottish seafood products, both at home and across the world. It would also allow us to maximise the benefits of Scottish provenance, which is so important when marketing ourselves, particularly abroad, while supplying top-quality products to consumers.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): The Labour party fully supports the new clause, which seems like a sensible measure that would allow for a degree of variation in the way that the Sea Fish Industry Authority operates in different parts of the UK to reflect the fact that every part of the UK has a distinctive fishing industry that reflects its local circumstances, as the hon. Gentleman said. The new clause also requires Seafish to report on how the income received from the levies it imposes has been applied in each part of the United Kingdom. Again, that seems like a sensible suggestion to ensure that there is transparency in the way in which the levy is applied in each part of the UK. Therefore, we will support the new clause.

**George Eustice:** We disagree with the new clause and think that it is unnecessary. The issue of Seafish and the seafood levy was looked at in detail as part of the Smith Commission recommendations as recently as 2014. The new clause would go beyond what that commission recommended, which was that the power to impose levies should not be devolved to the Scottish Parliament.

However, we have taken account of some of the issues raised by the Scottish Government and by Richard Lochhead, the Minister at the time. In response, as well as having permanent Scottish representatives on its main board, Seafish established a separate Seafish Scottish advisory committee early this year to advise the board on how the levy should be invested in Scotland. The Scottish industry is also well represented in the sector panels that advise on Seafish's UK priorities, as I have said.

In 2011, a consultation on the Sea Fish Industry Authority's regional structures showed little industry support for the kind of devolution of the levy that the hon. Member for Argyll and Bute outlines. Indeed, just 20% of stakeholders supported such a model. A Scotland-focused levy would reduce Seafish's overall ability to carry out its UK-wide priorities. It would reduce economies of scale and potentially cut across some of our other approaches as a UK-wide entity.

The levy setting already requires the consent of all the devolved Administrations. Periodically, when we want to review the levies, we have a discussion with the Scottish Government about exactly what they should be. There are arguments about which should go up and which should go down, but we have achieved unanimous agreement that we should make the levy change only once, so I do not accept that Scotland does not have sufficient influence at the moment.

Seafish publishes an annual report that sets out in great detail all its activities and funding, how it operates and what its priorities are. I therefore do not believe that we need additional requirements in that regard, since it is already done.

**Mr Carmichael:** I thank the hon. Member for Argyll and Bute for tabling the new clause, because it is an important topic to discuss and there is no doubt that our current system is capable of improvement. I sound a couple of notes of caution, however, in relation to the proposal for devolution.

We risk breaking up the support that is available by geography rather than by sector. The inshore fishermen in the hon. Gentleman's constituency, who are catching nephrops, langoustines and others, probably have a fairly strong community of interests with those who are catching in the Irish sea and in the south-west.

Likewise there will be a community of interest in the other sectors, such as the pelagic sector at the other end of the country, the white fish sector and so on. Although I would never close the door on that sort of thing, from my experience, I would require a bit more persuasion that the industry wants or is asking for that kind of reform.

9.15 pm

**Brendan O'Hara:** The Minister said that this issue was talked about in 2014. I think he would agree—I suspect that no one would disagree—that in politics 2014 seems a long time ago and much has changed.

I appreciate the support from the hon. Member for Glasgow North East, who talked about transparency, and he is absolutely right. In response to the right hon. Member for Orkney and Shetland, it is really important that this new clause is seen as a genuine attempt to improve Seafish. We are not seeking to undermine Seafish; we are seeking to improve how it works and how it can work best for the multitude of Scottish fishing industries. I agree that there is a community of interest, particularly in Northern Ireland, but that community of interest will be severely undermined by the imposition of the backstop that we talked about earlier this evening.

This change would work because it would allow a Scottish Seafish to promote all Scottish seafish across both coasts and the northern isles, and it could work. At the moment, Seafish does not work well for Scotland.

**Mr Carmichael:** I just want to tease out the issues here a little bit. I ask this question in a spirit of genuine inquiry, because I do not know the answer to it, but I would think that a lot of the inshore boats—the foreign boats in particular—around the hon. Gentleman's constituency and certainly on the Clyde will fish as far down as the Isle of Man and around there, so what, in this context, actually constitutes "Scottish seafish"?

**Brendan O'Hara:** One would presume that it is where the catch is landed, or where the boat is registered. So when a boat comes back to Tarbert, or Oban, or the right hon. Gentleman's home island of Islay, that would constitute "Scottish seafood". I do not need to tell him how important that Scottish provenance is and how important it is to get those langoustines to Madrid or Paris as quickly as we possibly can. If we have an organisation that is at front and centre about Scottish provenance, I think that would certainly be a step in the right direction.

As I say, I do not think that Seafish is working particularly well for Scotland at the moment and that is something we have to address. So, with your permission, Mr Gray, I will push this new clause to a vote.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 7, Noes 9.*

#### Division No. 15]

#### AYES

Brown, Alan	Pollard, Luke
Debbonaire, Thangam	Smith, Owen
Hill, Mike	Sweeney, Mr Paul
O'Hara, Brendan	

#### NOES

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

*Question accordingly negated.*

#### New Clause 2

##### FISHERIES PAYMENTS TO THE SCOTTISH MINISTERS

'After exit day, the Secretary of State must make available to the Scottish Ministers each year sums which are at least equivalent to the sums made available to the Scottish Ministers in

the year prior to exit day for the purpose of expenditure under the European Maritime and Fisheries Fund (established under Article 4 of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund).’—(*Alan Brown.*)

*Brought up, and read the First time.*

**Alan Brown** (Kilmarnock and Loudoun) (SNP): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Mr Gray. I bet you are delighted to be here in the final sitting tonight; the rest of the House has probably adjourned.

The new clause would ensure that the vital contribution that is made by the current European Maritime and Fisheries Fund to support sustainable growth in Scottish fisheries and aquaculture, inland waters, the seafood supply chain, conservation of the marine environment, and growth in jobs in coastal communities will be maintained in the future.

However, I must also add that the UK Government should be doing more to assess future opportunities such as rejuvenating coastal communities, and identify where infrastructure and subsequent funding might be required to maximise those opportunities. That would result in a bottom-up and needs-based approach that would lead to the establishment of a proper fund and the associated long-term planning. If we are to achieve the nirvana of catching more fish, landing them in Scottish and UK ports and processing them, further investment will clearly be required. The replacement EMFF would be an ideal vehicle for investment leverage.

Devolution is key here. We cannot possibly allow a repeat of DEFRA stealing the £160 million convergence uplift that is due to Scottish farmers—a redistribution that could have significant effects on future funding to farmers once historical payments are taken into account under any new UK scheme. Scotland currently receives 44% of EMFF moneys; that is obviously way higher than the pro rata figure per head of population, but it makes sense given the demographics of the fishing industry. I must put it on the record that there is no way we would ever countenance any future funding being allocated on a Barnett basis.

The situation appears even more stark when we look at the 2017 industry figures: 55% of employment in the sector overall, 58% of fishing industry employment and 75% of aquaculture industry employment are in Scotland. Scotland also accounts for 50% of fish processing, 67% of landings in the over-10-metre sector and 32% of landings in the under-10-metre sector. In a devolved context, it therefore makes sense that post Brexit, as an absolute minimum, the same allocation be made to the Scottish Government in the interest of effective distribution. Indeed, from the statistics I have cited, there is a clear case that Scotland should have further funding. I certainly would not want to see that happen to the detriment of other communities in the UK, but at the very minimum we should receive the equivalent of what we get now.

**Mr Sweeney:** I support new clause 2, which is a frankly common-sense measure. It is imperative that, as a result of the UK leaving the European Union, the industry must have both the certainty and the financial underpinning that it requires. The new clause would ensure that, so surely it must appeal to Government Members who want to provide such certainty. I appeal

particularly to Scottish Conservatives present, who surely want to uphold the interests of Scottish fisheries. Here is a real test of whether they are part of Team Ruth or Team May: will they uphold the interests of the Scottish fisheries?

The removal of the EMFF presents a significant challenge across industry in Scotland. My own experience—

**David Duguid** (Banff and Buchan) (Con): The hon. Gentleman will be aware of the announcement made recently—last weekend, I think—about funding in the implementation period. As the hon. Member for Kilmarnock and Loudoun will probably also appreciate, it was not Barnettised; I think the overall figure was £32.7 million, with £16.4 million going to Scotland. Does the hon. Member for Glasgow North East welcome that?

**Mr Sweeney:** All I am looking for is a simple guarantee that there will be no financial detriment to Scottish fisheries. If you can encourage your colleague the Minister—

**The Chair:** I cannot, but he might.

**Mr Sweeney:** Sorry, Mr Gray. If the hon. Gentleman can encourage his colleague the Minister to stand up and give that assurance, we will all be very happy and so will Scottish fisheries. That is all we are looking for—not smoke and mirrors or absolute figures cited in isolation, but an absolute guarantee that there will be no financial detriment as a result of this change.

As I was saying, there is a challenge facing the whole of Scottish industry because we are not sure what the so-called shared prosperity fund will look like. It will replace several models of European funding—including regional selective assistance, which I know from my former role at Scottish Enterprise was a crucial tool for promoting industrial development in Scotland—so we have to be very certain that there will be no financial detriment to industry as a result. An assurance to that effect would be welcomed by Scottish industry, including the fishing industry.

It is incumbent on the Minister to support the new clause because it would provide that degree of certainty. I thought that that was what the Conservative party was all about: providing certainty to business and allowing enterprise to flourish. Is that not music to your ears? I think you ought to stand here—

**The Chair:** They.

**Mr Sweeney:** Sorry, Mr Gray—it is rather late and I am forgetting my pronouns. I think they ought to stand here and support the new clause.

**Mr Carmichael:** I have essentially reached the same conclusion as the two previous speakers, for slightly different reasons. The EMFF money has been of massive significance to the industry and to communities around the UK coastline. I support some sort of guarantee that that money will continue to go to our fishing industries and communities. The amendment deals, of course, only with guaranteeing that the money will continue to go to Scotland, but it would be unthinkable that the same would not then apply to fishing communities in Wales, Northern Ireland and, indeed, England. I would not start from this position; but ultimately, from the

point of view of the industry in the communities, I think the amendment would get us to where we need to be. For that reason I support it.

**George Eustice:** I disagree with putting a provision of this nature in the Bill, for reasons I shall explain. It is very important with legislation to separate the legal powers that we seek, to engage in such activities as giving financial assistance to the fishing industry, from the way those obligations are funded. That is, and always has been, predominantly a matter for the spending review. Such a provision would be unhelpful.

As to the legal powers, we have set out in clause 28, for England, the legal powers we need to make grant payments; so we are not, as was suggested, relying on some shared prosperity fund. There will be bespoke grants for the fishing industry, and we set out the powers to do that for England in clause 28. Clause 28(8) sets out the fact that there will under schedule 4 be similar powers for the Welsh and Northern Ireland Governments.

Ironically, at the time the Bill was drafted and on Second Reading, the Scottish Government told us they did not want the powers; so I put it to the hon. Member for Argyll and Bute that before the Scottish Government start to say that we must guarantee the money, they should work out how they will guarantee how they will get the legal powers to pay any money out in the first place. They are now asking us whether we may be able to make amendments later, to include those powers.

At the moment there is clearly a gap in the Bill, but that is a consequence of the position that the Scottish Government have adopted, so that they do not have the legal powers to make any grant payments.

**Mr Carmichael:** The Minister said earlier that the money should come through the spending review, as has long been the case. The EMFF funds have never been part of the spending review; he should know that. The amendment would guarantee the money as a funding stream for the future. What guarantees are there for that funding stream in clause 28?

**George Eustice:** EMFF comes from the EU budget and is part of the EU's budget when it is set. It is typically set for a period of five years and is reviewed periodically. As recently as 10 December, the Secretary of State announced that the Government will put in place new domestic long-term arrangements for post-2021, which will enable us to create schemes similar to the EMFF in each of the four Administrations. In addition, he announced an extra £37.2 million of funding to boost the existing EMFF programme, to help the fishing industry prepare for the opportunities coming its way, as my hon. Friend the Member for Banff and Buchan pointed out.

I do not, therefore, believe that the new clause is necessary or appropriate. We have demonstrated, as recently as last week, our commitment to funding fisheries in the future. The Bill makes explicit provision for grants to be made in three of the four Administrations and I would simply say that the hon. Member for Kilmarnock and Loudoun should first consider obtaining the legal powers.

**Luke Pollard:** In response to an earlier intervention from the hon. Member for Stafford the Minister set a baseline, effectively, on relative stability—about what

that meant. Is not it appropriate that there is also a baseline set on funding shares, which is effectively what the amendment says—so that no pennies are lost for Scotland or, indeed, any other part of the UK? Is not that a key attribute, which should be embedded, to follow the logic of what the Minister said to one of his hon. Friends?

9.30 pm

**George Eustice:** I do not think it is the same logic at all. That was a different clause, addressing a different issue—a negotiation with the European Union or a bilateral negotiation with a different country. It was not at all about a collective position that a Government might take with the Treasury. That is different. The Treasury might sometimes adopt positions that not everyone would agree with, but it is certainly not a foreign country; it is part of the Government. For all those reasons I oppose new clause 2 and I hope the hon. Member for Kilmarnock and Loudoun will withdraw it and perhaps consider what might be done on Report to ensure that Scotland has the legal powers it needs to do this.

**Mr Sweeney:** Even though the new clause may not succeed, it would be worthwhile as a matter of record if the Minister could provide assurances to the industry that it is the Government's intent that there should be no financial detriment as a result of the changes to the EMFF and the transition to the new financial frameworks that may supersede it.

**George Eustice:** I think we have demonstrated our intent in the announcements we have made just in the last week that there will be new schemes to replace the EMFF, and the fact that the current scheme will be boosted by £37 million. I oppose new clause 2.

**The Chair:** Mr Lefroy, you look as though you are trying to get my attention, or the Minister's attention. If you wish to speak, you can just stand up.

**Jeremy Lefroy (Stafford) (Con):** Thank you, Mr Gray; I was not sure whether I could come in once the Minister had finished. The new clause comes to an important point regarding both fisheries and agriculture. Until now we have had one line on the budget, something like £8 billion to £10 billion a year net, that we have been paying to the European Union. That includes subsidies in fisheries, agriculture and many other areas, such as regional funds. All those budget lines will now be on the national budget, and they will not be guaranteed in the same way that they were before, through the mechanisms of the common agricultural policy or the common fisheries policy.

I think there is a justifiable concern across the fisheries sector and across the agricultural sector that, because these budget lines will now be subject to Treasury action—hopefully positive Treasury action, but not necessarily—there will therefore potentially not be the same kind of long-term commitment to fisheries and agricultural funding that we see under the CFP and CAP. Would the Minister very kindly give us some fairly strong reassurances on the record about the Government's intentions on fisheries funding for the medium to long term, and not just in the short term? Obviously the CAP is ultra vires here.

**George Eustice:** I am grateful to my hon. Friend for making that point. I understand his anxiety; this is the first time in half a century that we are taking control of these policies. I will simply say that the point he raises could be applied to any other area of Government spending. We could argue that there is no guarantee that we will increase spending on the national health service or on schools, and yet we do, because of political pressure brought to bear by hon. Members on both sides of the House, not least on this side. Of course, it is always open to hon. Members, if there is a Budget put forward on the Floor of the House with which they disagree and which does not contain the elements they seek, to vote it down. When we leave the European Union, new checks and balances will come in, and those checks and balances will be the opinion of hon. Members such as him, not the European Union.

**Jeremy Lefroy:** My hon. Friend is right, but he knows perfectly well that we are not the Bundestag, where they go through budgets line by line; in this House it is in effect an all or nothing thing. Nobody is going to put a Budget in jeopardy over an area such as fisheries, which—absolutely vital though it is—is a relatively small part of the Budget. That points to a real problem that relatively small areas of public expenditure, which are nevertheless extremely important, have in the way we deal with budgets.

**George Eustice:** I understand that point, but conversely, one could say that the DEFRA budget is small compared with other Departments such as the Department for Work and Pensions or the Department of Health and Social Care. Big changes to our budget actually make a small difference to the overall maths, so far as the Treasury is concerned, so that argument can be made either way.

As I said earlier, we also have the levies, charges and tender incomes referred to in earlier clauses. I gave an undertaking that, on Report, we will seek to give more clarity to hon. Members about how those funds might be deployed to support our fishing objectives.

**Alan Brown:** The Minister is optimistic about the future prospects and in thinking that I will withdraw the new clause. I thank the right hon. Member for Orkney and Shetland and the hon. Member for Glasgow North East for their contributions.

I think the hon. Member for Stafford actually made the point for me when he expressed his concerns, and looked for reassurances from the Minister, that the money will go to the Treasury. Frankly, I do not trust the Treasury. I say to the hon. Member for Banff and Buchan that at one point there was a £1 billion fund for carbon capture and storage that looked like it was going to go to Peterhead, but the Treasury overrode the Department for Business, Energy and Industrial Strategy and withdrew the funding. That is the problem with funding reviews by the Treasury: it can put a red pen through the funding at any time it likes. The Treasury holds the purse strings.

**David Duguid:** The general point that I think the hon. Gentleman is trying to make is that, while we are in the EU, we get the EMFF. However, does he accept that there is no guarantee of that same level of EMFF funding for member states in the future?

**Alan Brown:** No, there is not. That will be part of the settlement with the EU. However, the point is that the Treasury will control the funding. It will come back to the UK Government, and we are asking for a guarantee of funding at least equivalent to EMFF. It will be in the gift of the UK Government to do that. That is the whole point of the new clause, and that is why I was drawing attention to the fact that no guarantees are given in the Bill; it is left to the Treasury and is therefore a risk.

The Minister made an argument about the legal powers. The Scottish Government obviously believe they have the legal powers to give the grants, but that is an argument for another day. That would not stop that money being guaranteed for Scotland. I take the point of the right hon. Member for Orkney and Shetland that other areas will want the same guarantees. That is fine. I touched on how, going forward, I would like to see Scotland get more funding, but not to the detriment of other fishing communities around the UK. With that, I will press the new clause to a vote.

*Question put, That the clause be read a Second time.*

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

#### Division No. 16]

#### AYES

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

#### NOES

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

*Question accordingly negatived.*

#### New Clause 3

##### SEA FISH INDUSTRY LEVIES

“(1) The Fisheries Act 1981 is amended as follows.

(2) In section 4 (levies)—

(a) in subsection (2), for “Ministers” substitute “appropriate Ministerial authority”,

(b) in subsection (7), for “Ministers” substitute “appropriate Ministerial authority”,

(c) after subsection (8) insert—

“(8A) In this section, “appropriate Ministerial authority” means—

(a) in relation to sea fish or sea fish products landed in Scotland or trans-shipped within the Scottish zone, the Scottish Ministers,

(b) in any other case, the Ministers.”,

(d) in subsection (9), after “order” in both places where it occurs insert “of the Ministers”,

(e) after subsection (9) insert—

“(9A) Any order of the Scottish Ministers—

(a) under subsection (2) is subject to the negative procedure,

(b) under subsection (7) is subject to the affirmative procedure.”.

(3) In section 11 (accounts and reports), after subsection (2) insert—

“(2A) The statement of accounts must specify the total amount of income received in the financial year from levies imposed under section 4 in relation to sea fish or sea fish products landed in Scotland or transhipped within the Scottish zone.”.

(4) In section 14 (interpretation of Part 1)—

(a) in the definition of “the Ministers”, in paragraph (c), after “with” insert “(except in the case of an order under section 4(2) or (7))”,

(b) after that definition insert—

““Scotland” and “the Scottish zone” have the same meanings as in the Scotland Act 1998 (see section 126(1) and (2) of that Act);”.

(5) In schedule 2 (Sea Fish Industry Levies)—

(a) for “Ministers” in each place where it occurs substitute “appropriate Ministerial authority”,

(b) after paragraph 3 insert—

“4 In this schedule, “appropriate Ministerial authority” has the same meaning as in section 4 of this Act”.—  
(Alan Brown.)

*This new clause seeks to devolve control of the Scottish aspects of levies imposed by Seafish to the Scottish Ministers to ensure inter alia that levies imposed in relation to fish or fish products landed in Scotland, or transhipped in Scottish waters, require confirmation by Scottish Ministers, and that Scottish Ministers may by order increase the rate of such levies.*

*Brought up, and read the First time.*

**Alan Brown:** I beg to move, That the clause be read a Second time.

I will try to brief. The new clause would effectively devolve control of the Scottish aspect of levies imposed by Seafish to Scottish Ministers, ensuring that levies imposed on fish or fish products landed in Scotland, or transhipped in Scottish waters, require confirmation by Scottish Ministers. It would also mean that Scottish Ministers may, by order, increase the rate of such levies.

As my hon. Friend the Member for Argyll and Bute touched on, it is a long-held view of the Scottish Government that the existing Seafish levy is not fit for purpose, providing inadequate support to the sector in Scotland, resulting in insufficient marketing and promotion of Scottish seafood. Levies should not be uniform across the UK and should be placed in the hands of devolved Ministers to determine best procedure and practice in their own nations and regions. This issue is similar to the red meat levy, which was also a long-running sore. The UK Government accepted changes to the Agriculture Bill to resolve that to the satisfaction of the Scottish Government. I hope the Minister will see fit to do likewise with these proposals.

**Mr Sweeney:** I support new clause 3, which seeks to devolve control of the Scottish aspects of levies imposed by Seafish to Scottish Ministers. Inter alia, it would require confirmation from Scottish Ministers for levies imposed in relation to fish or fish products landed in Scotland, or transhipped in Scottish waters, and allow Scottish Ministers to increase the rate of such levies by order.

It seems that the new clause makes sense and would allow Scottish Ministers to determine the rate of levy that best suits the industry in Scotland. The purpose of devolution is to allow for degrees of variance to best suit that country’s interests, and the new clause achieves that. We will support it.

**George Eustice:** As with the earlier amendments, I disagree with new clause 3. It goes beyond what was recommended by the Smith Commission, which looked at this issue as recently as 2014. There is no industry support for devolving the Seafish levies. Scottish Ministers already have responsibilities towards Seafish, including with regard to appointments to the board, which are agreed across all four Administrations of the UK. As I said earlier, there is already a Scottish advisory committee to Seafish. It is not appropriate to start to have different levies when parts of the fleet will land fish in different ports around the UK. That would create an unacceptable level of bureaucracy for a relatively small organisation such as Seafish.

**Alan Brown:** Did the Smith Commission really look at this and the likes of the red meat levy in detail? What recommendations did it make about the red meat levy?

**George Eustice:** It did look at the issue in detail. The then Scottish Minister, Richard Lochhead, made strong representations about it. In particular, I remember that he wanted to introduce a levy on salmon producers in Scotland. That was one of the thoughts behind the change that he advocated. Those suggestions were considered by the Smith Commission, but rejected. I believe that we should accept that decision, as it looked at the suggestions in detail, and I oppose new clause 3 for that reason.

**Alan Brown:** I was hoping for a more conciliatory tone from the Minister when I raised the example of the red meat levy, where the UK Government changes were very welcome.

**George Eustice:** The position with the red meat levy is different. Scotland and Wales feel that they do not get a fair share of the levy because the animals come from there and travel across the border to be slaughtered, and the levy is collected at the point of slaughter. That is not the case with the way that the seafood levy is collected. This is a different issue, about whether it is appropriate to devolve those particular levy charging functions. We do not believe it is.

**Alan Brown:** I take the Minister’s point about the geographical nature of the red meat levy, and there were concerns that my new clause was about only Scotland, so I accept that. Nevertheless, I will press the new clause to a vote.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 7, Noes 9.*

#### Division No. 17]

#### AYES

Brown, Alan	Pollard, Luke
Debbonaire, Thangam	Smith, Owen
Hill, Mike	
O’Hara, Brendan	Sweeney, Mr Paul

#### NOES

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

*Question accordingly negatived.*

9.45 pm

**The Chair:** We now come to new clause 8.

**Peter Aldous** (Waveney) (Con): New clause 8 relates to the West Lothian question set to fish, which we debated in some detail last Tuesday on amendments 15 to 19. I tabled the new clause as a probing amendment at that stage, and at this stage I do not wish to move it.

### New Clause 11

#### MANAGING SHARED STOCKS

“(1) Where shared stocks of common interest are also exploited by other coastal states, the Secretary of State must engage with those states with a view to ensuring that—

- (a) shared stocks are managed in accordance with the UK’s international law obligations and in accordance with the objectives of this Act;
- (b) fishing mortality is below levels which will restore or maintain those shared stocks above levels capable of producing the maximum sustainable yield; and
- (c) the impacts of fishing on the marine environment are avoided or, where avoidance is not possible, demonstrably minimised.

(2) The Secretary of State must endeavour to establish bilateral or multilateral agreements with other coastal states for the joint management of shared stocks of common interest.

(3) Where no formal agreement is reached, the Secretary of State must make every effort to reach common arrangements with other coastal states for fishing of shared stocks of common interest.

(4) Where neither a formal agreement nor a common arrangement is reached, the Secretary of State must—

- (a) take all necessary steps to ensure that fishing of shared stocks of common interest is carried out such that the relevant stocks are maintained above levels capable of producing the maximum sustainable yield; and
- (b) provide and make publicly available an annual report to the appropriate legislature outlining the steps taken pursuant to subsection (a) above.

(5) In setting total allowable catches in the UK exclusive economic zone for shared stocks of common interest, the Secretary of State may not increase the total allowable catch for any particular shared stock for UK fishing vessels apart from in the circumstances provided for in subsections (6) and (7).

(6) Where a coastal state with which a shared stock is jointly managed has reduced the total allowable catch available within its territory and—

- (a) the Secretary of State is confident that this new total allowable catch will be complied with and enforced; and
- (b) the coastal state consents to the UK increasing its total allowable catch,

then the Secretary of State may increase the UK total allowable catch by an amount not exceeding the amount by which the other coastal state has decreased its total allowable catch.

(7) Where the best available scientific advice on a shared stock confirms that fishing mortality of that stock can be increased without reducing the stock below a level capable of producing the maximum sustainable yield, then the Secretary of State may increase the UK total allowable catch in proportion to the change in recommended fishing mortality and the UK’s agreed share of total allowable catch for that stock.”—(*Mr Carmichael.*)

*The purpose of this amendment is to set clear sustainability criteria in relation to negotiations with other countries to ensure that a clear and robust process can be developed to prevent overfishing.*

*Brought up, and read the First time.*

**Mr Carmichael:** I beg to move, That the clause be read a Second time.

We come back almost full circle to how we deal with what are known as shared stocks. It is pretty clear that that is going to be a subject of some political and commercial significance when we move to the next stage of negotiations on the future relationship with our current EU neighbours.

We have observed a number of times that the principle of sustainability was front and centre in the White Paper when it was published, but somehow does not seem to have made the transition into the Bill. New clause 11 would put sustainability back into the Bill as it relates to our management of shared stocks. It seeks to give a framework under which we would seek to reach agreement with neighbouring countries, third countries and the EU. I would suggest that the principles are fairly straightforward and sound and that this is exactly the sort of thing that the Government should have in the Bill if it were to be, as the hon. Member for Plymouth, Sutton and Devonport suggested earlier, a sustainable Fisheries Bill.

**Luke Pollard:** The Bill makes no firm commitment on how a shared stock should be sustainably managed, which was one reason why we spoke about shared stocks in the objectives right at the start of our consideration of the Bill. That is extremely concerning, as setting clear sustainability criteria in relation to negotiations with other countries would help to avoid, for example, another mackerel wars scenario.

However, I have some questions about subsection 6 of the new clause, in particular about its unintended consequences for the total allowable catch. It suggests that if, for any reason, a country reduced its allowable catch on sustainability grounds, the other countries in that shared stock would ramp up to get to the total allowable catch, which could have implications for sustainability. It would be interesting to know from the right hon. Gentleman how that might work and how he might allay any concerns on that point.

**George Eustice:** I do not agree with the new clause. It is unnecessary and could have unintended consequences.

As a country, we already have clear obligations under international law—under both the UN convention on the law of the sea and the UN fish stocks agreement—to co-operate on the management of shared stocks. That is an international obligation that we have as a signatory to both UNCLOS and the UNFSA. Notably, article 63 of UNCLOS requires the UK and all other signatories to

“seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks”.

Both UNCLOS and the UNFSA also contain obligations to achieve maximum sustainable yield.

I do not accept the analysis that there is nothing on sustainability in the Bill. Clause 1, right at the start of the Bill, contains a list of sustainability objectives, including a commitment to MSY and all the objectives that are currently written in the basic EU regulation on the common fisheries policy.

A more likely scenario is that other countries, whether that be Norway or the European Union, would choose to fish unsustainably. In the event that we could not get an agreement, the suggestion here is that we would still

set our own catch well below that of other member states. Subsection (6) seems to suggest that other states might set their quota well below maximum sustainable yield, meaning that we could set it higher, provided we had the permission of other member states.

I am not sure what scenario the right hon. Member for Orkney and Shetland envisages. A more likely scenario is that the UK will insist on sustainable fishing, as we always have, since ours is the country that champions sustainable fishing more than any other, but another country might not agree to do so. If we could not get an agreement, that other country might fish unsustainably outside of an agreement.

Our remedy for that, as things stand, is to be very clear, as we were in our White Paper, that access to UK waters is conditional on other foreign countries fishing sustainably. We will have strong leverage to be able to say to our neighbours: “Unless you fish within an agreement and within levels that are sustainable, we will not grant you the access to our waters on which you depend.” That puts us in a strong position. The new clause seems to suggest that the UK is the country that will want to fish unsustainably while everybody else—our neighbours—are the good guys. I suspect the opposite will be the case, but we have other remedies to ensure that we can deliver sustainable fishing by our neighbouring countries.

For all those reasons, and because we already have legal commitments, including in clause 1, and to a joint fisheries statement, I oppose the new clause.

**Mr Carmichael:** It is a pity that the Minister’s appetite for declaratory clauses appears to have been sated by the introduction of new clause 22. I confess that I struggled to follow some of his reasoning. It comes to the point about subsection (6). Essentially, the Minister seems to be saying that we will behave in such a way that it is unnecessary for us to include the provision in the Bill, because those are our international obligations, although we are not expecting anybody else to follow their international obligations in the same way. I confess that I do not understand the logic of that.

However, having said that, the sustainability point remains. We know from experience of the common fisheries policy that, unless there are principles such as sustainability everywhere, Governments and fisheries managers are always very ingenious at finding ways not to follow them.

Given the lateness of the hour and the fact that we will probably want to return to this issue on Report with a broader audience, I am not minded to press for a Division at this stage, so I beg to ask leave to withdraw the new clause.

*Clause, by leave, withdrawn.*

### New Clause 12

#### DUTY TO ENSURE ADEQUATE MONITORING AND ENFORCEMENT

“(1) The fisheries policy authorities must ensure that all fishing vessels fishing within British fishery limits and all UK vessels fishing both within and outside of British fishery limits must have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at least every 20 minutes and sharing such position data with the relevant fisheries policy authorities.

(2) The fisheries policy authorities must ensure that all fishing vessels over ten metres length overall fishing within British fishery limits and all UK fishing vessels over ten metres length overall fishing within and outside of British fishery limits must have electronic monitoring equipment in order to—

- (a) provide detailed and accurate documentation of all fishing activities, monitoring of compliance with fisheries and marine management measures and the ability to record levels of discarding, as well as details of catch of species, whether subject to catch quota or otherwise, and
- (b) enable the estimation of the size and quantity of the marine biological resources taken or transported and to enable the identification, to the extent possible, of—
  - (i) the species of marine biological resources taken or transported;
  - (ii) the types and features of fishing gear used, and
  - (iii) any technical bycatch mitigation measures used.

(3) The fisheries policy authorities must ensure that a comprehensive enforcement framework is developed in accordance with Council Regulation (EC) No 1005/2008, as amended from time to time.

(4) The fisheries policy authorities must by regulations make provision for any technical requirements necessary to implement this section.”—(*Mr Carmichael.*)

*The purpose of this amendment is to strengthen the existing mechanisms for monitoring and control to help prevent illegal, unreported and unregulated fishing. This includes requiring transmission of position data at least every 20 minutes and requiring electronic monitoring equipment on the majority of vessels capable of carrying such technology.*

*Brought up, and read the First time.*

**Mr Carmichael:** I beg to move, That the clause be read a Second time.

This is a very much a probing new clause. There is little in the Bill—arguably nothing—that deals with monitoring and enforcement. This proposal, authored by Greener UK, is to have real-time reporting with technological devices and CCTV cameras. Those are live issues within the industry, and between industry scientists and conservationists. It is unfortunate that there is nothing at all in the Bill on the matter, so I have tabled the new clause to give the Minister an opportunity to explain what the Government will do about monitoring and enforcement, close to the implementation of the Bill.

**Luke Pollard:** We heard evidence on this subject from the director of the Marine Management Organisation, Phil Haslam, who said in relation to enforcement activities around fishing:

“The budget reduction since inception has been in the order of 60%”.—[*Official Report, Fisheries Public Bill Committee, ; c. 50, Q101.*]

That is simply unsustainable if we are to have properly enforced, well-protected and well-managed fisheries after Brexit. A number of concerns were voiced in the evidence sessions and since. We know that the number of hours of surveillance has dropped significantly since 2010, from 16,000 to just 2,000 now.

If we are to avoid a repetition of the scallop wars, but in UK rather than French waters, we need to ensure that we have sufficient levels of enforcement. It is good news that the Government have decided not necessarily to scrap all the Batch 1 River class offshore patrol vessels. That is a positive step forward, but there has still

[*Luke Pollard*]

been no commitment on the number of hours those OPVs may be deployed for enforcement activity; there has just been a headline about their continued service, but with no certainty as to what that will mean.

We need to get much better on enforcement. There are serious concerns in the fishing industry about the focus on enforcement activities by UK ships enforcing in UK waters, which are targeting UK boats rather than foreign boats, which seem to have a lower standard when it comes to a number of different areas. The Government need to get better at enforcement, because the Opposition do not currently have confidence in their ability to enforce in our waters properly, especially when quota will be drawn down against our EU friends after Brexit, as we move from relative stability to zonal attachment. There are serious concerns about whether there is sufficient capacity within the enforcement branches of the Royal Navy's fisheries squadron.

I will also press the Minister on what that means for inshore vessel monitoring systems. Earlier we asked whether EU boats should have the same requirements to obey the high safety standards and marine environmental protections. Can he confirm that all foreign boats will be required to have IVMS if they are in UK waters after Brexit, as that will help us in our enforcement activities?

**George Eustice:** I shall try to strike a more conciliatory tone in my response to this new clause, following the comments from the right hon. Member for Orkney and Shetland. I believe that the new clause is unnecessary, although it does highlight an important issue: enforcement. The new clause duplicates existing legislation, including the so-called control regulation—Council Regulation (EC) No 1224/2009—which will be rolled forward into retained EU law. Therefore, the requirements for vessel monitoring systems and data transmission and the provision of information such as logbooks will continue to apply to any vessel fishing in our waters.

In addition, as I made clear earlier, DEFRA has recently consulted on extending VMS requirements to UK vessels under 12 metres in length. Work on this is at an advanced stage and we anticipate bringing forward the regulations next year. The UK also has obligations under the United Nations convention on the law of the sea and the regulations on illegal, unreported and unregulated fisheries, and that requires effective monitoring and enforcement in any event. Also, clause 31 enables the Secretary the State to make regulations to introduce further provisions pertaining to enforcement and control.

The shadow Minister questioned the capacity for enforcement. As we discussed earlier, the three existing fisheries patrol vessels will remain in service—the decision to decommission them has been delayed. In addition, four new offshore patrol vessels will come into service next year. Finally, we have been doing some work with the Border Force cutters, and four vessels operated by the Border Force are capable of doing fisheries work. We have been training Border Force personnel to do fisheries protection work. Finally, on top of all of that, we are in discussions with the Maritime and Coastguard Agency on aerial surveillance, so there will be a substantial uplift in enforcement capacity.

The hon. Member for Plymouth, Sutton and Devonport mentioned funding. That will depend on how much of that capacity we need according to the type of scenario.

At this stage, the important thing is to ensure that all of the capacity is there. If we need to access it, we can do so very quickly.

**Luke Pollard:** Briefly, EU boats are currently required to have IVMS, but there is a data-sharing agreement between all EU member states. Will the Minister confirm that data sharing agreements are in place for IVMS on EU boats and the UK authorities after we leave the EU?

10 pm

**George Eustice:** There will need to be an agreement on that, but obviously we have those data-sharing agreements with other neighbours, such as Norway, Iceland and the Faroes. In the absence of such an agreement, there will be no access whatsoever to European vessels. They will not be able to come into our waters unless they comply with our data requirements.

**Mr Carmichael:** Earlier this evening, when Mr Hanson was in the Chair—

**The Chair:** Happy times.

**Mr Carmichael:** The joy is matched by your own presence in the Chair, Mr Gray, I assure you.

The challenge was put down that we should have Home Office Ministers on our fishing boats. It seems that the best we are going to get is some Border Force officers on a fishing boat, and not necessarily in the circumstances that we might have voted on for the purpose that we were discussing.

I said at the start that the new clause was intended to be probing. I think that the Bill would benefit from the inclusion of provisions on enforcement and monitoring. I hope that the Minister will reflect on that. Otherwise, we might wish to return to the matter on Report. I am pretty certain that my noble friends will have an approach to this. In the meantime, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**The Chair:** To keep the Committee up to date, there is some confusion about new clause 25, which appears on the selection list in error. There will be no further debate on new clause 25, which has already been voted on in a group earlier today.

## New Clause 14

### DUTY TO CO-OPERATE

“(1) A fisheries policy authority must co-operate with other fisheries policy authorities in the preparation and application of the JFS and any SSFS, the licensing of fishing boats, enforcement against illegal fishing activity, the determination and distribution of fishing opportunities and the prevention of discards.

(2) A fisheries policy authority may share information with another fisheries policy authority for the purpose of discharging its duty under subsection (1).”—(*Luke Pollard.*)

*This new clause would place a duty to co-operate on all fisheries policy authorities in carrying out their functions under this Bill; and would provide for the sharing of information between fisheries policy authorities.*

*Brought up, and read the First time.*

**Luke Pollard:** I beg to move, That the clause be read a Second time.

The debate on new clause 25 was a good one, and we can always revisit it. This new clause is about the duty to co-operate. The Minister has already decided that there is no need for a dispute resolution mechanism in relation to the different national fishing authorities in preparing the joint fisheries statement, or the Secretary of State's fisheries statement—a position that the Opposition disagreed with. In the event of not having a system for resolving disputes, it would be important to have a duty to co-operate in the Bill.

The amendment has been drafted with the support of the Blue Marine Foundation. The CFP provides the glue that currently holds UK fisheries governance together. Without it there is a danger that the various devolved Administrations, the MMO and the IFCA's will draft different regulations, since they will essentially have control over their own areas with no statutory obligation to speak to anyone else or have due regard to what happens in neighbouring waters. The effect of this fracturing of regulation was highlighted by the Pitt review after the catastrophic 2007 floods, where administrators had differing operational practices and poor communication within them. The new clause seeks to resolve that in relation to fisheries.

The fracturing of regulation was deemed to exacerbate the harm caused by flooding. Marine regulation faces the same problem. Two different landing sizes for the same species in different adjacent areas, for instance, would have the effect of making some regulations inoperable and confusing. Without a duty to co-operate, fisheries administrations would be acting together in an ad hoc manner and co-operation would be seen as an add-on to their core purpose. This duty would put co-operation at the centre of the administrations, where it needs to be.

The new clause is similar to section 13 of the Flood and Water Management Act 2010, which followed the recommendations of the Pitt review. It does not replace the arrangements of the CFP but would go part of the way towards putting EU law into workable UK law.

**Alan Brown:** Given that we already have co-operation on the joint fisheries statement, can the hon. Gentleman explain how his new clause would create an additional level of co-operation?

**Luke Pollard:** Effectively, because the Government have decided to vote down the very sensible proposal of having a dispute mechanism to resolve any disputes in preparation of the joint fisheries statement and the Secretary of State's fisheries statement, the new clause seeks to ensure that all national fisheries bodies have a duty to co-operate and that there is no dispute in the preparation of the joint fisheries statement policies. That is why it is so important that an obligation to co-operate is placed on all authorities, to avoid some of the disputes that we otherwise anticipate, especially in the complex waters between England and Scotland, and ensure that the Scottish and English fisheries authorities can set appropriate levels.

**Alan Brown:** How would we define and assess that co-operation, and who would make the call on how effective it is? I might argue, for example, that the UK

Government are not co-operating on a certain aspect, whereas the UK Government might say, "Well, we are co-operating." Different people would have different perceptions. How would this function in reality?

**Luke Pollard:** The duty to co-operate is a well-established legal text within primary legislation, so there is already an established understanding of what that means. On that basis, I will sit down and let the Minister respond.

**George Eustice:** I know that we have discussed this issue earlier, but it is already provided for elsewhere in the Bill. I invite the hon. Gentleman to look at clause 5(1), in particular, which states:

"The fisheries policy authorities must prepare and publish a JFS before 1 January 2021."

There is therefore already a legal obligation on all the fisheries policy authorities. Also, clause 3(1) states:

"A JFS may only be prepared by the fisheries policy authorities acting jointly".

The fact that every fisheries policy authority is under a legal obligation to agree a JFS, and the fact that statement can be established only by those authorities acting jointly, already gives effect to a legal requirement to act jointly and in good faith to agree such a statement.

**Luke Pollard:** The title of clause 5 refers to "the first fisheries statements". Can the Minister suggest what will happen in the event of a dispute on the second or third statements?

**George Eustice:** In the event that the statement is amended, the same rules apply. It can only be applied by the authorities acting jointly and we will have to agree these things. The first statement must be done by 2021, but any statements after that will obviously also be required, because there is a requirement to have a JFS. There will be more than one and the Bill also sets out that the statement must be reviewed at least every three years.

**Luke Pollard:** I thank the Minister for those remarks. They do not go much of the way towards reassuring us that the second or third fisheries statements will have any element of co-operation. Therefore, in the absence of a dispute resolution mechanism, which would address disputes in preparation for fisheries statements, and in the absence of him taking on board the duty to co-operate, I think we are storing up trouble that we can quite clearly anticipate in future. I suspect that, as I mentioned previously, some industrious journalist will dig out this *Hansard* report when there is a dispute between the different national fisheries authorities, and it will then be flagged to the wider public that this was anticipated and not resolved.

**The Chair:** I think that was an intervention on the Minister, who will now conclude his remarks.

**George Eustice:** It was a long intervention, but I have been guilty of that myself at times.

I will just point out that clause 5 goes on to say, in subsection (3):

[George Eustice]

“The fisheries policy authorities must review a JFS they have prepared and published whenever they consider it appropriate to do so and in any event—

(a) before the end of the period of 6 years beginning with the day on which it was published, and

(b) before the end of the period of 6 years beginning with the end of the most recent review.”

I therefore do not share the hon. Gentleman’s analysis that the duty to co-operate and to work jointly, and the legal obligation to have a fisheries statement, expires after the first one. Clause 5(3) is clear that that becomes an enduring obligation, and I am happy to make that clarification.

Those are the reasons why I oppose the new clause. As I have said many times, the Bill respects the contours of our devolution settlement. We have a long-standing track record of successful concordats and memorandums of understanding that deal with fisheries. When we approach an issue such as the December Council and annual fisheries negotiations, we send a UK delegation. We have a good track record of working together and I believe that the approach we have outlined here is the best one to ensure that we have a UK framework to deliver on those sustainability objectives.

**Mr Carmichael:** I support the new clause, which I think would improve the Bill. I certainly take the view that a dispute resolution mechanism would be preferable. In the absence of that, however, having a duty to co-operate would at least allow for a situation in which any party that was not co-operating could be subject to judicial review, because they would be in breach of a duty given to them under the law. For the Minister to say that there is an imperative to reach an agreement on the face of the Bill presupposes that everybody will work in good faith. In the event that people are not working in good faith, there has to be a mechanism for identifying that. The Bill is currently deficient in that regard. The new clause is second best, but it would be better than nothing.

**Luke Pollard:** I think that the points have been well established, but I suspect that the Minister will not accept the new clause. I suggest that he thinks carefully about the context in which we are raising concerns here, in good faith, to avoid trouble in future. I suggest that he considers bringing back an element of it when the Bill is considered in the other place. On that basis, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

### New Clause 15

#### EXPERT ADVISORY COUNCIL ON FISHERIES

“(1) The Secretary of State must establish a body called the Expert Advisory Council on Fisheries for the purpose of exercising the functions in subsections (4) to (6).

(2) The Expert Advisory Council on Fisheries shall consist of as many people as the Secretary of State considers appropriate.

(3) Before appointing any person to the Expert Advisory Council, the Secretary of State must consult with—

(a) the other fisheries policy authorities, and

(b) any other such organisations as the Secretary of State considers appropriate.

(4) The Secretary of State must have regard to the advice of the Expert Advisory Council on Fisheries before—

(a) publishing or amending a Secretary of State fisheries statement,

(b) making or withdrawing a determination of fishing opportunities under section 18, and

(c) making any regulations under this Act, unless those regulations are made under—

(i) this section, or

(ii) section 42.

(5) The Secretary of State shall publish the Expert Advisory Council on Fisheries’ assessment, for a calendar year, of the state of UK fisheries, including—

(a) current stocks and their sustainability,

(b) species distribution within the Exclusive Economic Zone,

(c) the status of employment and skills in the fishing industry,

(d) present total catches and future projected total catches, by both volume and monetary value, and

(e) the economic and social value and impact of the fishing industry on coastal communities.

(6) The first annual assessment under subsection (5) shall be published within 12 months of this section coming into force, and each subsequent assessment must be published within 12 months of the previous such assessment.

(7) For a calendar year, no determination may be made under section 18 until the annual assessment under subsection (5) has been published for that year.”—(Luke Pollard.)

*This new clause would place a duty on the Secretary of State to establish the Expert Advisory Council on Fisheries, and provides for the Council’s membership and functions.*

*Brought up, and read the First time.*

**Luke Pollard:** I beg to move, That the clause be read a Second time.

It is important that we stop using the fishing industry as a political football. This is what the expert advisory council would seek to do, and it would do so by giving a say to those who know the industry best and have its best intentions at heart. The new clause has the industry’s support. Barrie Deas from the National Federation of Fishermen’s Organisations told the Committee in evidence that his organisation would like to see an

“advisory council of people with experience of the industry, who understand the complexities of a highly diverse and complex industry”

as well as being

“a kind of filter for legislation”

that could also

“make recommendations and provide advice on new legislation coming through.”—[Official Report, Fisheries Public Bill Committee, 4 December 2018; c. 15-16, Q26-27.]

An advisory council would run new ideas past a panel of experts who understand the complexities and nuances of fisheries. The NFFO recommends the Australian model for reference. It suggests that an advisory council would formally guide policy and promote collaboration between central Government, the devolved Administrations, industry, scientists and other key stakeholders, allowing for

“an ongoing dialogue in a naturally variable industry”

and guaranteeing that sustainability issues are fully considered, as well as playing a leading role in the use of secondary legislation to ensure an agile and responsive approach to fisheries management.

On a final point, the NFFO has also pointed out that the Bill is right to forecast an important role for secondary legislation. It suggests that the common fisheries policy

would be inflexible and rigid, and that it is therefore more important for there to be expert input. Further talks about delegated powers used appropriately would allow a more dynamic approach and would protect against unbridled use of such delegated powers. The NFFO would like to see an advisory council playing an influential role in advising the Government on the requirements of each piece of secondary legislation.

Phil Haslam backed up this argument in our evidence session, saying that anything that increases the dialogue between scientists “can only help” in that respect. He was referring to the provisions of an expert group that would include scientists, conservationists, industry representatives and those responsible for enforcement. We hope that the Government can support this very sensible amendment, which has industry backing.

**Mr Carmichael:** Fisheries management, and the politics surrounding it, is always at its worst when all the various stakeholders and parties retreat to their own silos and just lob howitzers at each other. We have seen how that works at different points over the years. It is unproductive. The secret to effective fisheries management, in my view, has always been to require there to be credibility from the system in the eyes of the industry, meaning that the industry has to be involved in the dialogue every step of the way. Getting fishermen, scientists, conservationists and the various Government agencies all in the room at the same time makes perfect sense. We have seen some measure of progress in this regard since 2002 and then in 2012, with the creation and then the strengthening of regional advisory councils, which—although they are an imperfect animal—have been a vast improvement on what we had before. This is a mechanism by which the industry, scientists, conservationists and others can all be kept in constant dialogue.

That would be an eminently sensible move, and the Minister would do well to note that this is essentially the policy put forward by the National Federation of Fishermen’s Organisations. Its willingness, as the voice of our industry, should be rewarded and encouraged. For that reason, I support the new clause and hope that the hon. Member for Plymouth, Sutton and Devonport will push it to a vote if the Minister does not have something positive to say about it. If he does push it to a vote, I will support it.

10.15 pm

**George Eustice:** I do not think that the new clause is necessary, because we already have extensive involvement with stakeholders, including environmental NGOs and the fishing industry. We are working with the industry now to establish what type of advisory infrastructure we might want to put in place after we leave the European Union, but we do not believe that it is necessary to put that on a statutory footing.

I want to explain to hon. Members what we do every year in the December Council. Every year, in September, we rotate around the UK—this year we were in London and the previous year we were in Cardiff. Everyone with an interest comes, from green NGOs to fishing representatives. We talk them through the stock assessments and the approach that we intend to take at the December Council. Through a day-long session with DEFRA, that wide group has input on the negotiating stance that we will take. We follow that up with a series of smaller

meetings with individual groups such as green NGOs, groups with fishing interests and producer organisations, to get a clearer and more detailed input on their own particular issues. That, of course, informs our negotiating position.

In addition, we have a number of other models, such as the scallop industry consultation group. We also work closely with other fisheries science partnerships around the country and have an expert advisory group already set up to consider EU exit issues. None of those bodies is on a statutory footing, but all of them are useful to us. Obviously, we are considering how those could play into the future.

**Mr Carmichael:** I commend the Minister for all those moves—they are exactly what he should be doing. However, this issue requires a Minister to be prepared to engage in that way. The Minister has been a Member for a good few years; he has certainly seen a few Fisheries Ministers in his time, and before he came to the House he saw other Fisheries Ministers who had a very different approach. Does he not understand that there is merit in putting the issue on the face of the Bill, to ensure that those who follow him will be required to undertake the same laudable steps that he himself has taken?

**George Eustice:** In fairness to all my predecessors, I should say that the convention that I have abided by was established a long time ago. Indeed, after the devolution settlement, the last Labour Government established the convention of a UK-wide delegation and we have had these stakeholder meetings annually ever since.

As I said, a number of other ad hoc advisory groups have been set up. The problem with putting a statutory body in the Bill in the way proposed is that that might become too rigid. The ability to bring together the relevant group of experts to address a particular challenge, through a particular taskforce—as we have done on scallops and EU exit, for instance—gets weaker.

We would also have to give a lot of thought about who should be on that advisory group. For example, we would need to consider which of the green NGOs had to be on there: it could not just be fishing interests, but would have to include many others besides. Nor is it clear that even a so-called panel of experts from the fishing industry and green NGOs would be able to do the work needed to draft and provide an annual assessment of the stocks; CEFAS does that highly technical piece of work—rightly, our technical and scientific experts provide that work for us. It is, of course, open to those who think they can to challenge such assessments, but the issue is not a matter of opinion but of scientific assessment that must be provided by groups such as CEFAS.

This raises an important point about how we engage with industry and green NGOs. I believe that we do so very effectively. We are not saying that we have a closed mind on having advisory groups in the future; we simply do not believe that the matter needs to be placed on a statutory footing—that would be too rigid and prevent us from being able to bring on board the expertise we need.

As I said, we will be talking with industry in the months ahead. I hope that I can reassure the hon. Member for Plymouth, Sutton and Devonport that when we return on Report we may be in a stronger

[George Eustice]

position to outline the type of approach we intend to take, to ensure that we have input from industry and environmental NGOs.

**Luke Pollard:** I realise that I have committed a schoolboy error in not following the advice of the Environment Secretary. The amendment starts:

“Expert advisory council on fisheries”.

If only we had called it the pre-eminent voices’, the greybeards’, the boffins’, the experienced practitioners’, the aficionados’, the hotshots’ or even the maestros’ advisory council, we might have got it through.

The new clause is the only real change that the NFFO wanted to the Bill. Although I would have liked the NFFO to push further on a number of areas, it decided to push only on one—this area. To deny the key concern of the key stakeholder for the fishing industry across the UK and describe it as too rigid will not sit well with the fishing federations across the country.

**Brendan O’Hara:** The hon. Gentleman is making a compelling case. Can he guarantee that his new clause will not impinge on the devolution settlement, but will fully respect the devolved competencies in Edinburgh, Belfast and Cardiff?

**Luke Pollard:** It absolutely should do that. That gives the Secretary of State the ability to have some flexibility. Effectively, we have a Government who consult, but do not like a requirement to consult, and who are engaging with expert voices, but do not want an expert group. I have to say to the Minister that his reassurance, “Don’t worry, this will be okay on Report,” would have been a lot more reassuring if that engagement and work had been done prior to the Bill’s coming out.

**George Eustice:** Does the hon. Gentleman not accept that it is already there? I have just explained in great detail how, every year as we approach a December Council, we engage a wide range of organisations.

**Luke Pollard:** Indeed, and Barrie Deas of the NFFO described the advisory set-up that exists already under the CFP. He has noted that its abolition via our exit creates a gap that needs to be filled by expert advisory groups, which is what the new clause suggests.

I understand that the Minister may not want to accept an amendment from the Opposition, so I encourage him to take the wording of it and tweak it ever so slightly, so that he can “make it his own”—to borrow a bit of Louis Walsh from “The X Factor”—and then bring it back later in the Bill’s progress, because this is something that the fishing industry wants. On that basis, I will be pushing the new clause to a Division.

*Question put.* That the clause be read a Second time.

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

#### Division No. 18]

#### AYES

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

#### NOES

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

*Question accordingly negatived.*

#### New Clause 16

##### PLASTIC WASTE PRODUCED BY FISHING ACTIVITIES

(1) The Secretary of State may make regulations to control the creation and disposal of plastic waste during fishing activities.

(2) Regulations under this section may make provision—

- to prohibit the disposal of plastic items while at sea;
- to require plastic items to be disposed of at specified onshore processing facilities;
- to require the amount of plastic waste produced during fishing activities to be recorded; and
- to prohibit the use of certain categories of plastic item during fishing activities.

(3) Regulations under this section are subject to the affirmative procedure.—(Luke Pollard.)

*This new clause would enable the Secretary of State to make regulations to control the creation and disposal of plastic waste during fishing activities.*

*Brought up, and read the First time.*

**Luke Pollard:** I beg to move, That the clause be read a Second time.

We are nearly there now. We can all agree that more needs to be done to tackle the global crisis that is marine pollution, but better regulation is needed to ensure that the fishing industry plays its full role in tackling marine plastics.

The statistics on marine plastics waste are really shocking. Greenpeace estimates that 12.7 million tonnes of plastic end up in our oceans each year—the equivalent of a truckload of rubbish every minute. The waste includes everything that you might expect from our throw-away society, from plastic bottles and bags, to fruit stickers and disposable razors. It also includes plenty of waste produced by the fishing industry itself.

It has been heartening to see the war on plastics go from being something of a fringe issue to entering the mainstream, particularly since the broadcaster David Attenborough’s “Blue Planet II”. People across the country are switching to reusable bags, bottles and coffee cups, but the fishing industry has not yet fully faced up to the damage that some of its practices and its use of plastics are doing to the marine environment. The Environment Secretary found “Blue Planet II” so upsetting that he told *The Guardian* he had been “haunted” by images of the damage done to our oceans. I therefore wholeheartedly expect the Minister to support the new clause, which would help exorcise the Secretary of State’s demons.

**Mike Hill** (Hartlepool) (Lab): My hon. Friend mentions plastics. In the light of the proven effects of microplastics on the marine environment and wildlife, does he agree with me and environmental movements such as Plastic Free Hartlepool that the Bill presents a perfect opportunity to introduce long-overdue protective measures?

**Luke Pollard:** I agree that to tackle microplastics, especially the plastic waste generated by the fishing industry, we first have to deal with the macroplastics that are breaking down to form microplastics in many cases.

To take one example, which shows the scale of the problem, a study by the conservation group The Ocean Cleanup looked at the so-called great Pacific garbage patch—an area of floating rubbish estimated to be three times the size of France. It found that most of the 79,000 tonnes of plastic in the patch is abandoned fishing gear, as opposed to the plastic bottles or packaging that we tend to focus our efforts on. That rubbish included fishing nets and a range of other abandoned fishing gear, such as ropes, oyster spacers, eel traps, crates and baskets.

In the EU, it is estimated that approximately 20% of gear is lost at sea. The reasons for that range from accidents, storms and entanglement to intentional abandonment. A particular concern with fishing waste is that, by design, it will cause problems for marine life. Much of the waste has been dubbed “ghost nets”, a term that may be familiar to hon. Members, which refers to purposefully discarded or accidentally lost netting that drifts through the ocean and entangles whales, seals and turtles. Some estimates suggest that 100,000 marine animals are strangled, suffocated or injured by plastics every year.

Today, I met Christian Marr from Andrew Marr International—the fishing company, rather than the BBC journalist—who set out the extra steps to which his Jubilee fishing boats go to retrieve car tyres, plastic pollution and even washing machines from their nets while at sea. He also explained that he wants more ports to provide rubbish facilities so that waste generated by fishers at sea is landed and disposed of responsibly—which, to be honest, does not always happen—rather than discarded overboard. He made the good point that, if fishers leave for a week with their shopping delivery and get back without any shopping waste, there is only one place where that waste could have gone. The issue is partly about encouraging behaviour change in the fishing sector. Not all fishers do it, but some do, which is why tackling plastic waste is important.

It is clear that more can and should be done to tackle fishing’s plastic pollution problem, but progress has so far been slow. Conservation efforts would benefit from better data on the problem. The new clause would enable the Secretary of State to ensure that the amount of plastic waste produced during fishing activities is recorded and widely understood. It would also allow Ministers to regulate to prohibit the disposal of plastic items while at sea and to require plastic items to be disposed of at specified onshore processing facilities.

The new clause contains common-sense enabling steps that would strengthen the Secretary of State’s powers to tackle the problem. The Government like to say that marine waste is a priority for them, so I hope that the Minister will support the new clause.

**Mr Carmichael:** The inclusion of such a clause should be supported. If someone walks along any beach these days, they will see discarded rope, net, broken floats and old floats. Unfortunately, a lot of the plastic waste on our beaches comes from the fishing industry. There is a mixed experience with regard to the industry and its approach to that. There have been several really good

initiatives over the years, some of which I have supported, particularly Fishing For Litter. Such things should be encouraged.

It is in the industry’s interest to ensure that the amount of plastic in the oceans, which then breaks down and becomes the microplastics that the hon. Member for Hartlepool referred to, is not there, because it will have an adverse effect on the fish that are caught. What enters the food chain has a consequence. What we have here is a power—a stick that the Minister may hold behind his back—to concentrate minds in the event that the initiatives taken by the industry are not pursued as universally and rigorously as the gravity of the situation demands.

10.30 pm

**George Eustice:** This is an important issue. We all know that the challenge of plastics in our ocean has risen up the agenda significantly since “Blue Planet II”. As the right hon. Member for Orkney and Shetland pointed out, there are a number of important initiatives out there. We have supported, for instance, the Fishing For Litter initiative that he cited. In addition, the Government recently made available £200,000 to support a research project looking specifically at microplastics derived from tyres and clothing. However, we all know that in the context of fisheries the biggest challenge is perhaps that of ghost nets or lost nets, particularly when they have the monofilaments that can cause so much damage to our marine environment. I will address those areas specifically.

First, I draw hon. Members’ attention to clause 31(4)(i), which specifically cites “the retrieval of lost or discarded sea fishing equipment” as one of the areas where the Government can legislate through technical measures to address a particular challenge. I believe that the Bill already, through that subsection, addresses the issue of lost fishing equipment, including nets.

In addition to that provision in the Bill, there are existing provisions that we intend to retain. Notably, the Council control regulation 1224/2009 is being brought across through the European Union (Withdrawal) Act 2018. That control regulation already requires that lost fishing gear retrieval must be attempted as soon as possible. It also requires that if retrieval is not possible, fishermen must inform the UK authorities within 24 hours—by notifying the UK Fisheries Monitoring Centre or through an electronic logbook. There is already a reporting requirement for lost gear that cannot be retrieved. The Marine Management Organisation also has guidance in place to assist fishermen to comply with those regulations.

I think that the combination of the powers set out in clause 31 and the retained EU law that already exists on the problem of lost fishing gear addresses the issue sufficiently, and there is therefore no need for the additional powers outlined by the hon. Member for Plymouth, Sutton and Devonport in new clause 16.

**Luke Pollard:** I thank the Minister for that response. Again, it is disappointing. Given that we have an urgent crisis around marine plastics, the strong voice of this House, united on a cross-party basis, should go out to say that extra steps will be taken to tackle marine waste. Putting that in the Bill, not hidden away in a subsection about the retrieval of lost gear—not something that I

[*Luke Pollard*]

am convinced takes place in the way that the Minister suggests—would have sent a better tone to the industry, and to all voters concerned about marine plastics.

I am disappointed that the Minister has not picked this up. Again, I suggest that he looks seriously at the wording and considers tabling an amendment of his own on this matter later on. I would like to press the new clause to a vote.

*Question put, That the clause be read a Second time.*

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

#### **Division No. 19]**

#### **AYES**

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

#### **NOES**

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

*Question accordingly negated.*

#### **New Clause 17**

##### FISHING CO-OPERATIVES

“(1) The Secretary of State must promote co-operatives within the fishing industry, and such promotion may include—

- (a) offering financial assistance for the creation or development of fishing co-operatives within the following aspects—
  - (i) landing;
  - (ii) catching; and
  - (iii) processing
- (b) establishing bodies to provide practical support and guidance for the development of new co-operatives.
- (c) issue guidance on the practical steps which can be taken pursuant to the establishing a new co-operative.

(2) Financial assistance under sub section (1) may be given by way of grant, loan or guarantee, or in any other form.

(3) An organisation shall be recognised as a fishing co-operative if it meets the following conditions—

- (a) it is—
  - (i) registered with the Financial Conduct Authority as a co-operative; or
  - (ii) constituted under the Co-operative and Community Benefit Societies Act 2014; and
- (b) it operates in a sector of the fishing industry described in 1(a)(i), (ii) or (iii).”—(*Luke Pollard.*)

*This new clause would require the Secretary of State to provide financial assistance, establish support and issue guidance in order to promote co-operatives in the fishing industry.*

*Brought up, and read the First time.*

**Luke Pollard:** I beg to move, That the clause be read a Second time.

Members will be pleased to hear that this is the last new clause that I will move this evening, but it is an important one. The Labour party has a manifesto

commitment to double the size of the co-operative sector. The UK fishing industry contains a range of co-operatives operating in the catching, landing and processing sectors. The UK fishing industry, specifically the concentration of ownership and quotas, is in need of reform.

As we have already discussed, as we seek to gain greater and more sustainable use of the vast resources in the seas that surround our islands, we need to do so in a way that spreads wealth and ownership in the UK fishing industry. Greater diversity in ownership will benefit the industry and the communities that rely on it by challenging the dominant players and giving access to new entrants.

The fishing community has a long history of co-operation and co-operatives. The benefits of co-operatives are clear: increased productivity, increased resilience and the spread of economic democracy.

**Mr Sweeney:** Does my hon. Friend recognise that an exemplar of co-operation in the fisheries sector is the Scottish Seas co-operative, which covers numerous ports from Fraserburgh and Peterhead to all round the west coast? It encompasses 60 vessels and more than 250 fishermen, which is a huge opportunity for smaller fishermen to make a significant economic impact and to exert leverage on a market that is increasingly dominated by larger retailers and processors.

**Luke Pollard:** My hon. Friend makes a good point. The success of the co-operative sector in the fishing industry has been a hidden secret. People who advocate co-operatives, as I do as a Labour and Co-operative MP, need to speak louder about that success story.

Further encouraging co-operative ownership and ways of working is common sense in many ways. New co-operatives in the differing aspects of the industry can be the building blocks of new community wealth for communities around the coast. We believe in the co-operative model, which is an important tool for rebuilding a fairer, and therefore better, fishing industry. The Government have important role to play in encouraging that development.

The Bill provides the opportunity to place new duties on the Secretary of State to support the expansion and development of co-operative businesses in all aspects of the fishing industry. Alongside our proposed quota reallocation to extend opportunities, support should be given to existing fishing co-operatives to grow, and to new co-operatives to start up. That should be targeted at coastal towns and communities where the fishing industry has been in the steepest decline. By supporting the new duties, the Government will show that they are interested not only in the status quo but in embracing their role in reshaping the industry and spreading economic democracy.

**George Eustice:** I agree that co-operatives have an important role to play in the fishing industry. In many ways, the industry is already dominated by producer organisations, which are a form of co-operative. Those organisations are formed by effectively pooling the quota that was attached to individual vessels. The vessels that join the producer organisation then pool their fishing opportunities and fish against them as a co-operative movement. They already dominate.

DEFRA has supported discussions and plans on the development of producer organisations in the inshore sector. When Jerry Percy gave evidence, we heard that he was keen to progress that. Some of the inshore under-10-metre fleet seek to support one another, come together as a co-operative and manage their own quota. We in DEFRA have said that we are open to doing that and to facilitating that for the inshore fishermen who would like to join such a co-operative.

I also point out that clause 28(1)(c) creates a power for Secretary of State to give financial assistance for the “reorganisation of businesses involved in commercial aquaculture activities or commercial fish activities”.

There is provision in that clause for the Secretary of State to give financial assistance to co-operatives or to support producer organisations, so the power is there, should it be needed.

In conclusion, I agree that the co-operative model has an important role to play, but I argue that the sector has long co-operated through the existing producer organisation structure, and that the powers exist in the Bill to support that model further.

**Luke Pollard:** I think what the Minister said at the end was, “We support co-operatives and want to further their development,” but he just chose a way to shoot down the new clause nicely

**George Eustice:** What I was actually saying was that we do not need the new clause because there are powers elsewhere in the Bill to support co-operatives.

**Luke Pollard:** I am very pleased that the Minister managed to end the discussion by pointing out a clause that includes the word “aquaculture”, because that is one of our favourite points. Supporting the development of co-operatives is important and something that we should be encouraging, so I encourage the Minister to take it seriously. As a result, for the final time, I will press the new clause to a vote.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 5, Noes 9.*

#### Division No. 20]

##### AYES

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

##### NOES

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

*Question accordingly negated.*

**The Chair:** We now come to new clause 23.

**Mr Carmichael:** The issues that I sought to explore in relation to new clause 23 were well explored earlier in our proceedings, and accordingly I am not seeking to press it.

#### Title

*Amendment made:* 10, title, line 11, after “fisheries;” insert—

“to make provision about the legislative competence of the National Assembly for Wales in relation to fishing, fisheries or fish health in the area of the Welsh zone beyond the seaward limit of the territorial sea;”—(*George Eustice.*)

*This amendment to the long title of the Bill is consequential on NC5.*

**George Eustice:** On a point of order, Mr Gray. I do not want to detain hon. Members any longer than necessary but I want to record my thanks to the Clerks and all hon. Members for their work on the Committee, and in particular for staying so late this evening when the House has long since adjourned.

**Luke Pollard:** Further to that point of order, Mr Gray. I add my thanks to the Committee staff, the Clerks and all the stakeholders who have contributed so much to the passage of the Bill, and I wish it best speed.

With your permission, Mr Gray, I also wish the Minister the best of luck at the fisheries summit. As he controls the programme motion, perhaps next time he finds himself with a fisheries Bill and a fisheries summit at the same time, it might be wise to adjust one so that he can attend the other. I wish him the best of luck for the remaining sessions of that summit and hope he comes back with a good deal for our fishers.

**Mr Carmichael:** Further to that point of order, Mr Gray. I associate myself with those comments. It is at least eight and possibly nine years since I last sat on a Public Bill Committee. In fact, if I say that the last time I sat on a Bill of this sort it was a Standing Committee, you will understand, Mr Gray, that that takes us back to at least before 2010.

In addition to those we have already thanked, we should record our thanks to those who gave evidence to the Committee. As a neophyte in that regard, I thought that was enormously helpful. That innovation has enormously improved our procedures. Finally, I associate myself with the best wishes with which we send the Minister to Brussels. It has clearly not been an easy year but I hope he will do everything he can to bring home the best possible settlement because the sustainability we have spoken about in theoretical terms during the Committee is very much at stake in practical terms.

**Brendan O’Hara:** Further to that point of order, Mr Gray. I associate the Scottish National party with the previous comments. Our sincere thanks to the Clerks and all hon. Members who have made this such an interesting, good-natured and serious Committee investigation of the Fisheries Bill. As everyone does, I wish the Minister the best of luck in his endeavours when he meets the rest of his EU counterparts. Finally, Mr Gray, thanks to you and Mr Hanson for chairing the proceedings.

**The Chair:** I am most grateful, Mr O’Hara. For a minute, I thought we had been forgotten. I will pass those thanks to Mr Hanson. Those were, of course, entirely bogus points of order, but they were none the less very welcome.

*Bill, as amended, to be reported.*

10.44 pm

*Committee rose.*

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

FISH13 RSPB

FISH14 Honor Frost Foundation (HFF) Steering  
Committee on Underwater Cultural Heritage



