

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL

Tenth Sitting

Monday 17 December 2018

(Evening)

[Part I]

CONTENTS

CLAUSE 38 agreed to.

SCHEDULE 7 agreed to.

CLAUSES 39 TO 43 agreed to, one with an amendment.

Adjourned till this day at Nine o'clock.

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

not later than

Friday 21 December 2018

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The Committee consisted of the following Members:

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

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

Public Bill Committee

Monday 17 December 2018

(Evening)

[Part I]

[DAVID HANSON *in the Chair*]

Fisheries Bill

7 pm

Clause 38 ordered to stand part of the Bill.

Schedule 7

POWERS RELATING TO THE EXPLOITATION OF SEA FISHERIES RESOURCES

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 68, in schedule 7, page 57, line 15, leave out “and” and insert “or”.

This amendment would amend the Marine and Coastal Access Act 2009 to enable the Marine Management Organisation to make byelaws to protect marine features in circumstances where the need for protection is not necessarily urgent.

It is good to see that Government Members managed to refresh themselves appropriately during our short break. I will not carry on speaking until Opposition Members return. You will be pleased to hear, Mr Hanson, that we have a long oratory ahead of us about the protection of the marine environment and shipwrecks, so you can look forward to that. In all honesty, this should be relatively brief. It picks up on the discussion that we had on the aquatic environment the other day.

The amendment seeks to expand the remit to protect marine features when it is not specifically urgent to ensure we care for our marine environment proactively. I will not go on about shipwrecks too much; we have already been through a number of reasons why protecting them is important. However, last week when I referred to archaeological and historic features, the Minister contended that archaeology is addressed by marine licensing under the Marine and Coastal Access Act 2009 and the Protection of Wrecks Act 1973. It is important to note that fishing is not subject to marine licensing under the MCAA because licensing offers no protection in respect of wrecks. In addition, the Protection of Wrecks Act does not restrict fishing activity, and assurances were given during its introduction to that effect back in the '70s:

“The situation of designated historic wreck sites is different. There will be no bar on any kind of fishing from the surface, either commercially or for sport.”—[*Official Report*, 4 May 1973; Vol. 855, c. 1706.]

So said a politician in the '70s, long before I was born. A member of the Lords said:

“My Lords, the Bill does not prohibit navigation, anchoring, fishing or bathing within these restricted areas, except when those activities amount to obstruction of an authorised salvage operation.”—[*Official Report, House of Lords*, 17 May 1973; Vol. 342, c. 931.]

That is why the Opposition believe that it is necessary to have specific provisions for archaeological and historic features within fisheries legislation. I am grateful for the support of the Honor Frost Foundation Steering Committee on Underwater Cultural Heritage, which dug out those records from the 1970s. The amendment is necessary to ensure that underwater and aquatic environments are protected, especially the historic wreck sites. Will the Minister address those concerns?

The Minister for Agriculture, Fisheries and Food (George Eustice): I thank the shadow Minister for his contribution. The real purpose of schedule 7 is to make consequential amendments to the Marine and Coastal Access Act to ensure that the suite of powers contained in the Act, to make byelaws both within and outwith marine conservation zones, can be extended to the English offshore region: the zone that would currently be affected predominantly by EU law and the common fisheries policy.

Amendment 68 proposes deleting the word “and” and inserting the word “or”. The schedule states that “there...may be reasons for the Secretary of State to consider whether to designate the area as an MCZ”.

The amendment would add the word “or” before the phrase,

“that there is an urgent need to protect the feature.”

New section 9 specifically relates to section 132 of the Marine and Coastal Access Act and the designation of marine conservation zones. It gives the powers to designate in those zones where there is an MCZ and where there is an urgent need to protect a feature: in other words, where it is under consideration to designate a zone as a marine conservation zone, but there is an urgent threat to that emerging policy and therefore a need to act expeditiously.

In the narrow context in which paragraph 9 operates, which is simply around the designation of marine conservation zones, the use of “and” is the appropriate link between paragraphs (2)(1A)(a) and (2)(1A)(b) because they are interdependent. This particular power would be used in circumstances only in which someone intended to have a marine conservation zone. Other parts of schedule 7, not least paragraph (6), set out broader byelaw-making powers that can be used, whether or not the feature that somebody attempts to protect is in a designated marine conservation zone.

I hope that I have been able to explain to the hon. Gentleman why “and” is used in the paragraph—because the sub-paragraphs are interdependent—rather than “or”, which suggests that they should stand alone. As I said, this is within the narrow context of a soon to be designated marine conservation zone.

Luke Pollard: I thank the Minister for his remarks. I suspect that his officials will revisit provisions on the protection of wrecks when the Bill goes to the House of Lords. The Minister will be relieved that he will not have to repeat his speech about the aquatic environment for a bit.

Importantly, the purpose of the amendment on protecting our marine heritage is to make sure that conflict between fishing and the protection of our natural and marine heritage sites on the seabed is understood and managed in advance of its arising. However, on the basis of the Minister's remarks, and in anticipation of

our friends down the corridor making similar forceful arguments on the basis of what the Minister said, I am happy to withdraw the amendment at this time. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the schedule be the Seventh schedule to the Bill.

George Eustice: Schedule 7 simply defines the byelaw-making powers, provided for under clause 38, conferred on the Marine Management Organisation and Ministers of the devolved Administrations for the enforcement of marine conservation standards. Schedule 7 defines the scope and procedure for creating byelaws in the UK's exclusive economic zone by the MMO in England and Northern Ireland, or Ministers in Scotland and Wales, for the purpose of protecting the UK's marine environment.

Paragraph 1 introduces an amendment to the Marine and Coastal Access Act 2009, and paragraphs 2 to 5 address the nomenclature in that Act. Paragraphs 6 to 10 insert new clauses into the Act, providing the Marine Management Organisation with byelaw-making powers within the English offshore region for the purpose of preserving marine flora or fauna, marine habitats or types of marine habitat.

Question put and agreed to.

Schedule 7 accordingly agreed to.

Clause 39

REGULATIONS

Luke Pollard: I beg to move amendment 67, in clause 39, page 23, line 30, at end insert—

“(4A) Before making any regulations under this Act, the Secretary of State, Scottish Ministers, Welsh Ministers or the Northern Ireland department (as the case may be) must consult with affected stakeholders”.

This amendment would require the Secretary of State, Scottish Ministers, Welsh Ministers or the Northern Ireland department to consult with affected stakeholders before making regulations.

The Minister is keen to say that the Department for Environment, Food and Rural Affairs consults constantly and does not need legislation to help make sure that it does so. However, there are already some requirements in the Bill to consult, and Government amendment 6 added another duty to consult in clause 22, in response to a recommendation from the House of Lords Delegated Powers and Regulatory Reform Committee. Our amendment 67 simply seeks to put in place consistent duties to consult on all regulations provided for in the Bill.

As we have discussed, this duty is particularly important for regulations that receive less parliamentary scrutiny, or none at all, to make sure that affected individuals, businesses and communities have an adequate opportunity to make their views known before the law is put in place—especially when laws are introduced afresh after we leave the European Union. I am sure that the Minister will have spotted other duties to consult in clauses 19, 29, 36, and schedule 1, which requires an element of consultation on the joint fisheries statement, as well as schedules 5, 6 and 7. Our amendment seeks to make sure that, before any regulations are made, there is sufficient consultation with the relevant stakeholders.

Alan Brown (Kilmarnock and Loudoun) (SNP): The amendment refers to Scottish Ministers. Will the hon. Gentleman explain how it would work in practice? Who would decide whom Scottish Ministers had to consult? If they were somehow deemed not to have consulted the relevant stakeholders, what would be the repercussions? Would the matter be reported back to the Westminster Government? Clearly the Scottish Government are responsible for their own legislation.

Luke Pollard: I am sure that the hon. Gentleman is not trying to suggest that the Scottish Government would make any regulations without consulting Scottish communities.

Alan Brown: Correct.

Luke Pollard: Therefore the point should be moot. The important thing is how disputes are regulated and managed in the Bill. We need to ensure that it gives confidence to environmental stakeholders operating in the sector, whether they are businesses, fishers or coastal communities, that they will be adequately consulted before any regulations are made under clause 39. It is an important principle to enshrine in the Bill that there must be sufficient good-quality consultation before any regulations are made.

George Eustice: As the hon. Member for Plymouth, Sutton and Devonport points out, we have included an explicit requirement in some clauses to consult where appropriate, generally in cases that raise specific issues that have a bearing on cost recovery, on the proposed sale of fishing opportunities—as in our new clause 22—or on devolved Administrations. However, I do not think it appropriate to have a statutory requirement to consult on every single measure that might be introduced under the Bill. Such a requirement would be very unusual; the Department's existing statutory obligations to consult relate predominantly to issues of food safety and food standards. As I have said before, we generally do not need encouragement to consult. Many consultations come across my desk; I often ask officials whether a consultation is really required, but our very strict internal Government guidelines and Cabinet Office guidance mean that we consult regularly on most issues.

I envisage that most of the issues covered by the Bill would be subject to a consultation. We have chosen to introduce a statutory requirement to consult on very significant matters—those that have cost implications for industry or potentially serious implications for the relationship with devolved Administrations—but that does not mean that we will not consult on many, many other provisions in the Bill. Indeed, I anticipate our doing so, but I do not believe that it would be appropriate to put that in the Bill.

Luke Pollard: I thank the Minister for his response, but it is a bit disappointing. The principle of consultation is a fine one. I note what he says about DEFRA undertaking a range of consultations during his time as a Minister, but winning the confidence and trust of the fishing industry after Brexit will depend on any changes to the rules having its full consent and support, whether those changes relate to quota allocation, safety, licensing or any other aspect of fishing. The best way of achieving that is by following the principle of consulting.

[Luke Pollard]

However, as the Minister has effectively committed to consulting on the key things, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 39 ordered to stand part of the Bill.

Clause 40 ordered to stand part of the Bill.

Clause 41

EXTENT

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

7.15 pm

George Eustice: Clause 41 simply confirms that the extent of the Bill is the whole of the United Kingdom, except in relation to schedule 6. It is a standard clause that appears in all Bills. Schedule 6 sets out the powers of the Welsh Ministers, the Scottish Ministers and the Northern Ireland Department. The Bill extends certain provisions to the Crown dependencies as a result of the UK representing them at an international level.

Question put and agreed to.

Clause 41 accordingly ordered to stand part of the Bill.

Clause 42

COMMENCEMENT

George Eustice: I beg to move amendment 112, in clause 42, page 26, line 29, after “Sections” insert “(Fisheries agreement between the UK and the EU), (Amendments that could have been made under existing powers) and”.

This amendment would ensure that NC22 and NC4 are commenced on the day of Royal Assent.

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

Government new clause 22—*Fisheries agreement between the UK and the EU.*

Government new clause 4—*Amendments that could have been made under existing powers.*

George Eustice: New clause 22 is a significant new clause that the Government have tabled to address some concerns that have been raised in the context of the draft withdrawal agreement, which has returned. As hon. Members will be aware, the draft withdrawal agreement that the House will consider in the new year contains a provision that says that, in the event of there being a future partnership and an agreement with the European Union, it will be necessary by July 2020 to have in place a new framework agreement for fisheries management between the EU and the UK.

New clause 22 simply sets out in statute a point of Government policy that was set out very clearly in our White Paper. As we leave the European Union and become an independent coastal state, it is our clear intention to move away from the current relative stability shares of quota, which are unfair on the British fishing

industry, and move towards something that is closer to zonal attachment for the majority of stocks—that is to say, it is about where the stocks reside. The effect of new clause 22 is to place a statutory obligation on the Government not to agree continued access at the current level for the European Union unless we receive an increase in fishing opportunities and secure that all-important departure from relative stability. That means that, in the event of our putting together a new partnership with the European Union, it will not be possible for the Government to conclude the partnership unless our fishing industry sees an increased share of the total allowable catch in return for that continued access.

The approach that we seek to take is similar to what already happens with the EU-Norway agreement, where a framework agreement runs for a number of years but certain presumptions underlie it. The presumption that will underlie our future economic partnership with the European Union, in so far as it relates to fisheries, is that, in return for granting continued access to the European Union, the quid pro quo for the British fleet will be a fairer share of the total allowable catch, which goes above and beyond that which is set out in the current relative stability shares.

Luke Pollard: I appreciate that the Minister is trying to put up a smokescreen by saying that this is a very important new clause and that this is the right place for it, but this justifies the critique of my hon. Friend the Member for Workington (Sue Hayman), who said that the Bill was hurried out too quickly, and that its implications had not been fully understood. An element as important as the Minister suggested new clause 22 is should have been included in the Bill in the first instance, and not added only when the political problems with the withdrawal agreement emerged.

I have a number of questions about the new clause. It includes the new term “Union fishing boats”. Will the Minister set out how that differs from the term “foreign fishing boats”, which is used in the rest of the Bill? We must make sure there are no loopholes that can be exploited in relation to the distinction between Union and foreign fishing boats.

In the event of what some in the fishing industry regard as the inevitable sell-out by people above his pay grade, can the Minister tell me how this Bill would be changed when there is potentially no additional quota or fish allocated to UK fishers? Can that be done for this part of the Bill under the Henry VIII powers that the Government possess, or would it require new primary legislation to alter this part of the Bill, in the event that there is a betrayal of fishers in any future negotiations? I ask that because the experience of fishing is that it was promised that it would be excluded from the transition period, only to find that those promises from the Secretary of State and indeed the fisheries Minister himself were worth nothing, which remains a very raw sore for many of our colleagues in the fisheries sector. There are some important aspects to this.

The principle is one that I can support: we should get a fairer share of fish. Relative stability has poorly served our coastal communities and fishing industry, and the move to zonal attachment is one that is supported by Labour as well as the Government. How that is done is uncertain in this Bill, and what promises will be delivered is also uncertain in this Bill, because so many

of those promises will be subject to the further negotiation that will follow if any deal is done and then if any economic and future partnership is put in place.

There is an awful lot of uncertainty in relation to that, and I would be grateful if the Minister could set out how the Bill can be changed should there be a betrayal of the fishing industry, and if he could explain the distinction between “Union” and “foreign” fishing boats.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Essentially, my position is not much different from that of the hon. Member for Plymouth, Sutton and Devonport. I fear that the Minister perhaps slightly oversells the importance of new clause 22 as it is drafted. Largely, it is yet another statement of good intent. Ultimately, the extent to which these intentions are delivered will be determined by the political will and authority that is put into them by the Government.

We know that something in the region of 40% of the fish caught in UK waters comes to the UK. When the Minister talks about fairer shares, he has—let us say—some significant leeway. If he or any of his successors were to deliver a deal that produced 41% or 42%, then by definition it would be a fairer share, but it would be far from the promises that were made to the industry at the time of the referendum.

I have no objection to new clause 22; I certainly would not vote against it. It is useful to have a clause of this sort in the Bill, but it is capable of being improved. I think that is something we will consider on Report.

Alan Brown: It is a pleasure to serve under your chairmanship again, Mr Hanson.

I think I am slightly more cynical than the previous two contributors. We know this was a much-trailed new clause, which was intended to give reassurance to the Brexiteers that the fishing industry will not be sold out. It was actually intended to sway those MPs, or, as the Minister put it earlier, convince those with concerns about the withdrawal agreement. Given the current chaos that the Government are still in, can the Minister say how that has gone, in terms of convincing those MPs that all is good thanks to this new clause?

Also, considering that throughout the sittings of this Committee the Government have voted down amendments that they say do not need to be in the Bill or that are covered elsewhere, particularly statements of good intent, it seems to me that this new clause is one of those superfluous clauses, which normally the Government themselves would speak out against.

I would not quite say that the new clause is in “Yes, Minister” language, but it is certainly drafted with loose language that is not particularly binding. Subsection (2) states:

“The Secretary of State must pursue the following two objectives”.

The “objectives” are things that we can actually agree on, so that is all well and good, but being asked to pursue something and being duty-bound to deliver it are vastly different propositions. We can ask anybody to pursue something, but the likelihood of them getting an outcome is slightly different.

Subsection (3) says:

“The first objective is that the agreement should provide for annual negotiations”.

Again, I agree that that is desirable, but clearly it is non-binding. It says “should” and we cannot bind the EU, the other side. That in itself stands out.

Subsection (4) is the standalone objective, which is that EU

“boats are not granted access to UK waters in any year unless the fishing opportunities...are...greater than those...available under relative stability”.

Again, that is fine as an objective, but no one expects EU boats to be banned outright from UK waters.

Subsection (5) provides a real get-out clause for the Secretary of State, because it provides for him or her to be the one who assesses whether the opportunities are greater than they would otherwise have been under the CFP. Where is the transparency in that assessment? How will it be carried out and who will be able to challenge it?

In many ways, the new clause is pointless, put in as a political means to an end—to sway Brexiteers, although it has not even been able to do that. I would like to hear the Minister’s views on that.

George Eustice: I wondered whether during the break too many hon. Members had spoken to Martin Salter—there are a lot of “glass half empty” perspectives.

Since the Bill was published and Second Reading, we have had the conclusion of the withdrawal agreement, which is now before the House. That final withdrawal agreement included the reference to the need to have a plan in place by July 2020. Concerns were expressed that fisheries might be bargained away, as a number of hon. Members have said. I therefore think that it is absolutely right, since it is not at all the intention or plan of the Government to do such a thing, that we put in place on the face of the Bill, in statute, the safeguard to ensure that we get a fairer share of the total allowable catch in exchange for future access.

Alan Brown: Again with reference to the language of “should” and “pursue”, how does the new clause—even when in statute—stop future trade agreements or even the final outcome of the EU withdrawal Bill, with the backstop and so on, doing something else? How does the new clause prevent the other scenarios under the EU (Withdrawal Agreement) Bill?

George Eustice: Because the second objective is clear: as a consequence of giving access to our waters, we want a fairer share of the total allowable catch. Having seen a few fisheries negotiations now, they have—put simply—three key variables: overall size of the catch for each stock, or the total allowable catch, and we argue each year about the science on each stock; the allocation of those stocks, or who gets what slice of the cake, and at the moment we get a very unfair slice of many stocks, in particular down in the channel and in the west country; and, finally, the issue of access.

In any fisheries negotiation, access is the trump card, because when push comes to shove, we can say to countries fishing in our waters, “If you think that you can catch that quantity of fish to have that share of the total allowable catch, catch them in your own waters.” That flushes out the positions of other states in that negotiation. As a country, we are in a powerful position, because within our exclusive economic zone we have a very large fisheries resource to which many other countries

[George Eustice]

seek to have access. The quid pro quo for future access to that stock will be that we have a fairer share of the total allowable catch—that is a normal dynamic in any fisheries negotiation. That is the approach we will take.

Alan Brown: I accept there is an opportunity for a greater share going forward, but the Minister is saying that if this measure is in statute, we move to that position quicker. Will he explain why the new clause will prevent the UK from getting into the backstop situation? How is that compatible with the backstop?

George Eustice: In a backstop situation, there is no withdrawal agreement, and there is no need for a fisheries agreement with the EU. That said, we would probably still seek to put one in place. In a backstop situation, however, the default is that we have complete control over access to our waters, there is no agreement on fisheries and there are no undertakings to give any access to the EU at all. It is also the case that in the backstop situation there would be tariffs on fisheries products that go into the European Union. That is the position as far as the backstop is concerned.

Alan Brown: Does the Minister accept that in the backstop there would not be tariffs on fish exported from Northern Ireland, but there would be tariffs on fish exported from the Great Britain mainland, thereby putting Scottish and other UK fisherman at a disadvantage compared with Northern Ireland?

7.30 pm

George Eustice: My understanding is that in the backstop there would be tariffs on all fish from the UK.

Alan Brown *indicated dissent.*

George Eustice: I will clarify that before the end of the debate, but principally, yes. The principle of the backstop—which we all want to avoid—is that there would not be tariff-free trade in fisheries products, but equally we would not be obliged to give any access to our waters.

Jeremy Lefroy (Stafford) (Con): Subsection (5) of the new clause talks about the opportunities that would have been available for that year under the common fisheries policy. Will there be some kind of sunset clause to the new clause? As time goes on and the common fisheries policy becomes more of a distant memory, it will be very difficult to calculate what the UK would have been able to get under the CFP in five or ten years' time. I can see how that would work for the next two or three years, but in five, 10, 15 or 20 years' time, the calculation will be very difficult, if not impossible, to make.

George Eustice: My hon. Friend makes a fair point, but we will know what the relative stability shares on each stock are at the point that we leave. Indeed, the relative stability share is what it says on the tin—relative stability means that nothing changes. The shares that we have for each stock have not actually changed since the early '80s, and we can still reference today's shares

based on what was agreed in the late '70s and early '80s. This is not a dynamic process; relative stability is set in concrete. That is part of the problem for us.

The shadow Minister asks why we refer to “Union” vessels rather than “foreign” vessels. The point is that there are foreign vessels seeking access to our waters from countries that are not members of the European Union, principally Norwegian, Faroese and Icelandic vessels. Therefore, “Union” vessels specifically refers to the EU fleet, rather than those from other third countries, which are not covered, although we would apply the same principles. He also asked whether the provision could be changed. It could be changed with primary legislation, but this particular provision could not be changed with a statutory instrument of the sort that he outlined. I believe that new clause 22 is an important new clause that clearly sets down the Government's approach to getting a fairer share of the total allowable catch on these stocks in exchange for any future access. I beg to move the Government's new clause 22 and amendment 112.

The Chair: We will come to the new clauses later in proceedings. The proposals before us at the moment is amendment 112 to clause 42.

Amendment 112 agreed to.

Luke Pollard: I beg to move amendment 110, in clause 42, page 26, line 29, after “43” insert “and section (Fishing industry skills strategy)”.

This amendment would require the Secretary of State to publish within 12 months of the Act coming into force a skills strategy for the fishing industry after consultation.

The Chair: With this it will be convenient to discuss new clause 24—*Fishing industry skills strategy*—

‘(1) Within 1 year of this section coming into force, the Secretary of State must publish a strategy for skills, employment and economic regeneration for the fishing industry.

(2) Before publishing a strategy under subsection (1), the Secretary of State must consult with—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers,
- (c) the Northern Ireland department,
- (d) representatives of the fishing industry,
- (e) any other person the Secretary of State considers appropriate.’

Luke Pollard: Amendment 110 and new clause 24 both aim to tackle one of the key issues currently facing the fishing industry, namely the shortage of skills and the potential for growing employment. Talking to those in the industry, I regularly hear concerns about the difficulty of attracting the next generation into fishing and the fears of people already engaged in the industry about the loss of European workers after Brexit. That is especially the case for those fishers in the north of England and Scotland.

We know that many crews contain no one under the age of 40. If boats are to capitalise on any increased quota in future, we will need a new approach to training and skills. By requiring the Secretary of State to publish a strategy for dealing with these issues, we hope that this problem will finally be taken seriously and steps put in place to address the skills and people shortages in fishing.

We appreciate the important role played by Seafish, the non-departmental public body sponsored by DEFRA. We are concerned, however, that Ministers have at times passed off their responsibility for training and skills by suggesting that that is mainly a matter for Seafish, not them. On this issue, we need leadership and strategy from the top, which is what the amendment seeks to create.

Looking at the Government's approach, it may be helpful to remind hon. Members of what the Minister previously set out. In a debate last year, he said:

"To secure the skilled workforce that the food, farming and fisheries sector needs for the future, Government and industry must work in partnership to prioritise training and skills."

He went on to highlight their industrial strategy and said that it would include

"skills as one of its core pillars",

as well as reforms to apprenticeships and the post-16 plan that features T-levels, which he said would create

"clear routes into the sector."—[*Official Report*, 25 April 2017; Vol. 624, c. 478WH.]

There is not time to pore over the Government's entire skills strategy in detail, but it is worth looking at where we are on the areas that the Minister previously highlighted and why that demonstrates the need for a dedicated fishing industry skills strategy.

Although the industrial strategy is more than 250 pages long and contains plenty of general skills policy, it does not mention fish or fishing once, which seems to show a disappointing lack of cross-departmental working between the Department for Environment, Food and Rural Affairs and the Department for Business, Energy and Industrial Strategy. It is all well and good for the Minister to state his commitment to improving fishing skills, but if he cannot convince his Government colleagues to mention fishing in the strategy papers, the problem will not receive the attention that all hon. Members present think it deserves. The obvious solution is for DEFRA to launch its own skills strategy with reference to what BEIS, the Department for Education and those in the devolved Administrations are doing, which the amendment would deliver.

On apprenticeships, we agree that they are a vital means of training up the next generation. The Whitby Fishing School, which has offered apprenticeships aimed at those newly entering the industry, is a good example. Andrew Hodgson, its business development manager, told *The Daily Telegraph* last year:

"We need some young blood coming in otherwise the industry is going to die a death."

He is right.

When my hon. Friend the Member for Halifax (Holly Lynch) visited the school, however, she found that it was experiencing difficulties in securing funding for courses. She discovered that the school finds it incredibly difficult to deliver courses that truly equip young people to work at sea and that tick the relevant boxes to secure funding for that training. The school had asked the Government to reflect on whether the framework in place for developing apprenticeships and training programmes was fit for purpose in attracting and retaining the fishers of tomorrow. We hope that a new skills strategy could provide the answers to those exact questions.

On T-levels, the Government have said that the subject range of T-level programmes will be defined by the Institute for Apprenticeships' occupational maps. We are

glad that fishermen are mentioned in the maps, but under the agriculture operative/technician cluster. Looking more closely at how T-levels will function, it is T-level panels that will develop the outline content for qualifications. Those panels are currently made up of employers that define the skills and requirements for the qualifications.

When we analysed the Government's picks for the agriculture, land management and production panel, which includes fishing, we were disappointed that not a single member was listed from the fishing industry. The Minister may be able to provide some explanation for that, but it certainly appears that T-levels, on their current design, will not provide any real focus on sorting out the skills shortages in fishing as a priority. Can the Minister also confirm that any T-levels that could cover fishing are not expected to be delivered until at least 2022? It is clear that the lack of detail about T-levels and fishing further proves the need for a dedicated skills strategy for the fishing industry.

Because of the effect that Brexit might have on the number of EU nationals able and willing to work at sea, an already dire recruitment situation is in danger of becoming catastrophic, particularly in several geographic locations around the UK. We face the real risk of fishers walking away from the industry as they cannot staff their boats. I hope that the Minister can offer some reassurance on that issue, which is made pressing by Brexit, and that hon. Members will consider backing this important amendment.

In particular, I ask the Minister to have words with his colleagues in the Home Office, who still do not regard fishing as a skilled profession. I challenge any Home Office Minister to go on a trawler and catch fish to see whether that is true or not.

The Chair: As a former Home Office Minister, I never went anywhere near a fish.

Mr Carmichael: Briefly, I support the amendment of the hon. Member for Plymouth, Sutton and Devonport in letter and spirit. This is not a new problem—it is not something that we would lay at the door of the current Government or any particular Government. The situation has been developing and getting gradually worse for years and years. The problem probably goes into much of what young people are told in schools: they see fishing as a dangerous occupation, requiring long hours at sea and long days' work in difficult circumstances, and they are generally discouraged from it. It will take a long time to turn that around and get back to the stage where fishing communities produce young men who want to go into the fishing industry.

David Duguid (Banff and Buchan) (Con): Does the right hon. Gentleman agree that there is no an overnight solution? We cannot just go to the local jobcentre and get a bunch of unemployed people; as the shadow Minister said, fishing is not an unskilled job. Does the right hon. Gentleman agree with the chief executive of the Scottish White Fish Producers Association that it could take up to 10 years at least to get to a point where we are no longer dependent on foreign labour?

Mr Carmichael: That is almost certainly going to be the case, but it is effectively a guess, because none of us really knows. It took us a long time to get to this point, and the only thing that is certain is that it will take a

[*Mr Carmichael*]

long time to get from here. The length of time it takes will be determined by the effort that both the industry and the Government are prepared to put in to turning the situation around. That is why a strategy such as this, led by the Government but with proper buy-in from the industry, will be crucial.

It may well be that as the industry develops, people will of their own volition see it as a more attractive proposition for the future, but that is certainly not the case now. I am open to argument as to whether it is necessary to have this issue in the Bill, but I want to see some movement on it, because as the hon. Member for Plymouth, Sutton and Devonport said at the end of his speech moving the amendment, we are in a quite dreadful situation at the moment, where fishing boats in parts of Scotland remain tied up because they cannot get the crew. We know that there are crew out there willing to work here, but they are unable to come here and we do not have the home-grown crew to put on those boats.

David Duguid: As the shadow Minister noted, as we leave the EU we will no longer have freedom of movement, but is it not the case, certainly in Scotland, that the vast majority of the foreign workers that the fishing industry is dependent on comes from outside the European economic area?

Mr Carmichael: It is very much the case. I think principally they are Filipinos, but there are some Ghanaians and people from other seafaring countries, and generally their contribution is very well regarded. I am constantly getting emails from skippers who are asking for a visa renewal for this or that individual. We are now in a bizarre situation where the only way we can get non-EEA nationals on to a boat is for them to have a transit visa—that is, they effectively come in as merchant seamen, which then requires the boats to operate outside territorial waters.

Bill Grant (Ayr, Carrick and Cumnock) (Con): I certainly share some of the sentiments expressed by my colleagues. In particular, speaking to skippers on the west coast of Scotland, one of the major issues is getting people to crew the vessels. While it is admirable that there are discussions on developing a strategy, does the right hon. Gentleman agree that the immigration policy has an immense part to play in securing staff for the vessels, and that the industry itself—which can be very financially rewarding, given the right climate and conditions—has an immense part to play in again attracting people to join it?

Mr Carmichael: That is absolutely the position. I know it is not the Minister's responsibility and this is about the skills strategy, but every time we debate this, the Immigration Minister always says, "Well, of course, what we want to be doing is growing our own labour." She is right about that; so here is an opportunity for the Government to follow through on their good intentions and ensure that we start to grow that labour for ourselves.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The right hon. Gentleman represents an island community; the distinctive needs of island communities must be reflected in this Bill. Does he recognise that the general trend is that fishing tends to be a family trade? Perhaps

we could look at ways to ensure that the trade becomes something that people choose to migrate to island and highland communities for. Would that not be beneficial?

7.45 pm

Mr Carmichael: That would be beneficial. I can think of a number of people I have known over the years who have done exactly as the hon. Gentleman suggests. However, the pool will still be those who grow up in fishing industries, who—to pick up on the earlier point by the hon. Member for Plymouth, Sutton and Devonport—get their first interest piqued by recreational angling. Those living in island or coastal communities can become interested when all the opportunities are around them.

The Minister has been to the NAFC fisheries college in Scalloway, Shetland. He has praised its work, as we all do. It is a fantastic institution, but it lives pretty much hand to mouth. With the best will in the world, there are not the resources at the moment to ensure a secure future for an institution such as that. If that formed part of a strategy, which would have to be a wide exercise, there would be an obvious sea of opportunity for institutions such as that. I commend the hon. Gentleman for moving the amendment; I suggest it is significant and an opportunity for the Minister to make good some of the sentiments that we have heard from Ministers in other Departments.

George Eustice: Right hon. and hon. Members have raised a very important issue. They will appreciate that it is predominantly an issue on which other Departments lead, such as the Department for Education on apprenticeships. Immigration, particularly of non-EEA crews, which is a contentious issue in parts of the UK—notably in Northern Ireland and Scotland—is a matter for the Home Office. Nevertheless, I have made representations on behalf of the industry to Home Office Ministers. At a recent debate, I said I would go back and have that discussion again. Right hon. and hon. Members will appreciate that I have not quite had the time to do that yet, but it remains on my to-do list. I will engage on the matter of non-EEA crews with the Home Office in the new year.

When it comes to skills, I am aware that some specific fishing issues have meant that the apprenticeships model has not always worked as well as it should. One of the issues that the industry has raised is that there is a practice of giving a share of the catch value to the fishermen on crews, which does not always sit very easily with how apprenticeships are structured, because those involved have to be on a fixed salary to access them. There are some challenging issues, such as that one, which the Department for Education is looking at.

However, I want to limit my comments to what the fishing industry is doing. The seafood industry leadership group, which has been sponsored and supported by the levy body Seafish, has established a special authority to deliver its Seafood 2040 strategy. Part of that includes delivery of a single cross-sector seafood training and skills plan and supporting businesses in the seafood supply chain to recruit workers with suitable skills.

We recently announced an additional £37.2 million of funding for new projects approved under the European maritime and fisheries fund during 2019 and 2020. Some of those projects could include the delivery of

skills and training. In addition, we have announced that the Government will put in place new domestic long-term arrangements to support the UK's fishing industry from 2021, with new schemes to support that.

Across the country we have some centres of excellence for training when it comes to fisheries. In England, we have the Whitby & District Fishing Industry Training School, which has a great track record. As a mentioned earlier, I visited Shetland with the right hon. Member for Orkney and Shetland a few years ago, which the marine training school is based. In recent years we have trained several hundred new fishermen through the various schemes, so it is not all bad news, but I recognise that there is more to do. In particular, that project of the seafood industry leadership group is best placed to pull together a skills plan in the area in question.

Skills is a devolved issue, and the inference with respect to new clause 24 is that there would be a UK-wide skills strategy, as there is a requirement to consult Scottish and Welsh Ministers and the Northern Ireland Department. I suspect that Scottish Ministers in particular would want rather more than a consultation on a devolved area. We can address the matter as England, and it will be for Scotland, Wales and Northern Ireland to address it for themselves.

I hope that I have reassured the hon. Member for Plymouth, Sutton and Devonport that I agree that this is an important issue and that there have been difficulties in the past with some design features of the apprenticeship scheme. We have raised those previously with ministerial colleagues and they have sought to address them. However, the new clause goes somewhat beyond the scope of the Bill, which deals with fisheries management and opportunities, rather than skills. Skills are a matter for a different Department.

Luke Pollard: I assure the Minister that we tried to get a lot of items selected that were outside the scope of the Bill. If we managed to sneak something in, that is because it is within the scope of the Bill, not outside as he suggests.

I am disappointed that the Minister did not pick up the gauntlet that the Opposition have set down, on the matter of skills, and take it more seriously. There is a skills crisis in the fishing industry and if we are to realise the opportunities that will come from Brexit, which the Minister has been so keen to extol, we will need more people in the fishing industry, in the catching and other sectors. That is why we need a cross-Government skills strategy—to support the development of skills across the UK.

The Minister mentioned that there are a number of areas of best practice, and indeed there are. Several places are doing a good job with skills, but the problem is that they are all struggling for funding and to make what they offer fit with other bits of Government policy that the Minister has set out. A skills strategy would present the opportunity to identify some of the problems and support areas of additional growth. The seafood industry leadership group seems to be on to the right thing, but I have said that it is not enough to allow Seafish and its other bodies to do all the work. We need senior leadership from Ministers, and, sadly, that did not seem to be forthcoming in the Minister's response. On that basis, we shall not withdraw the amendment, but press it to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 13]

AYES

Carmichael, rh Mr Alistair
Debonnaire, Thangam
Hill, Mike

Pollard, Luke
Smith, Owen
Sweeney, Mr Paul

NOES

Aldous, Peter
Duguid, David
Eustice, George
Grant, Bill
Hollinrake, Kevin

Jones, Mr Marcus
Lefroy, Jeremy
Morris, James
Stewart, Iain

Question accordingly negatived.

Mr Carmichael: I beg to move amendment 35, in clause 42, page 26, line 35, after “appoint” insert

“, provided such day shall not be later than 31 December 2020.”.

To ensure that the UK leaves the EU Common Fisheries Policy no later than December 2020.

The Chair: With this it will be convenient to discuss amendment 1, in clause 42, page 26, line 35, at end insert—

“(3A) The Secretary of State must make regulations under subsection (3) so that all provisions of this Act come into force no later than 31 December 2020.”.

Mr Carmichael: The amendment would make clear in the Bill that, if the provisions of the clause have not been brought into force by the end of the transitional period—31 December 2020—they will come into force at that point. The context for the amendment is the decision taken by the Government in March to concede that fisheries should be part of the transitional arrangements.

The Committee heard evidence from several people that that decision ran rather contrary to the expectations of the industry. Promises had been made, including by the Prime Minister herself, that, come 29 March 2019, we would leave the common fisheries policy, and that that would be the end of the matter. Perhaps at some point somebody will tell me why it was thought necessary to include fisheries in the transitional arrangements. Barry Deas of the National Federation of Fishermen's Organisations said that it was because fisheries is part of the general acquis. Bertie Armstrong, from the Scottish Fishermen's Federation, had a more political explanation, shall we say, saying that there were four or five countries that were not going to let the transitional arrangements go through unless fisheries were a part of it.

It is fair to say that the decision has caused a lot of angst and, indeed, anger in the fishing industry. There are historical reasons for that, which I will not go into in any great depth, but the Committee will know the references to the 1970s and those within the Heath Government who took the view that the industry was dispensable.

Alan Brown: I certainly agree with the right hon. Gentleman. There is clearly a lot of anger in the fishing industry, which I am pretty sure will welcome the

[Alan Brown]

amendment. However, how would it work in reality? We have heard the Prime Minister say that she might extend the transitional arrangements instead of using the backstop. If we get the amendment in statute, in theory fisheries would need to be excluded from that extended transitional period. Is it not the reality that an international agreement might override the amendment, and that the Government would come back and amend it, even if it is in statute?

Mr Carmichael: I am not entirely sure about an international agreement overriding the amendment. This is primary legislation made by Parliament. In effect, if the Government anticipate breaking their further undertakings—that is to say that the UK would be out of the common fisheries policy at the end of 31 December 2020—the amendment, if accepted, would in turn require to be amended. That would be cumbersome, which is why the Minister will doubtless not like it, but that, of course, is why the industry wants it. I have not spoken to a single member of the industry or a single representative of any fishing organisation who is prepared to take the Government's word on trust in relation to this matter. Given that we are where we are, and indeed that the Government are where they are, I think Members will understand that position.

If we are in a position to implement the clause earlier, it can be implemented earlier. The political declaration says that an early arrangement for fishing matters would be desirable, and I do not doubt that to be the case. However, like many in the industry, I do not see what could stop the four or five who were awkward, shall we say, over the creation of the transitional arrangements being awkward in relation to the final deal. The purpose of having 31 December 2020 as the implementation date is just one further encouragement to stiffen the resolve of Ministers.

8 pm

Luke Pollard: Earlier in the Committee's deliberations, we considered whether the Bill needed more flexibility when it came to the commencement debate. It is noticeable that with amendment 1, which accompanies the amendment in the name of the right hon. Gentleman, my neighbours from south-east and north Cornwall, whose constituencies are close to the Minister's, have tabled a similar amendment about the commencement date.

I share fishers' concern about the upcoming betrayal. It is no secret that I fear that people above the fisheries Minister's pay grade—the Environment Secretary, the Prime Minister and others—will be looking to betray fishing in the future negotiations. The idea of having a solid date for leaving the EU common fisheries policy is appealing to fishing and to people who do not disbelieve Ministers' words but have concerns about whether it can be delivered, given the strong and firm negotiating position of some of our EU friends in relation to this.

The key thing that the Opposition want to highlight is that the industry has every right to be concerned about our departure from the common fisheries policy. It was made promises about departing the CFP in relation to the transition, and they were repeated week in, week out up until a week before the Government's U-turn on that position. It has every right to be cautious

and sceptical about the Government's promises. The Government have seen fit to amend the Bill to require an improvement to our position in relation to relative stability in any future negotiations. Surely the same principle should apply to this area, and the Minister should want to attach a date to our exit from the CFP.

I want to ask a similar question to the one I asked about the Minister's earlier amendment. Will this be subject to primary legislation, or are there any Secret Squirrel or Henry VIII powers up the Minister's sleeve that will enable this to be adjusted in the event—or the inevitability—that article 50 is extended and the future of fishing within the CFP is betrayed?

David Duguid: It is a pleasure to serve under your chairmanship, Mr Hanson. Amendment 1 is a probing amendment relating to a concern raised by several hon. Members—[*Interruption.*] Give me a second to finish my first paragraph, and then I will give way to the hon. Member for Kilmarnock and Loudoun.

The concern has been raised by hon. Members including those who tabled the amendment—my hon. Friends the Members for South East Cornwall (Mrs Murray) and for North Cornwall (Scott Mann)—the right hon. Member for Orkney and Shetland and the shadow Minister. I do not know whether this will reassure Opposition Members. I am sure the Minister will forgive me for reiterating this concern, which I have raised relentlessly, not just with him but with Ministers and Cabinet members above his pay grade, and I will continue to do so.

Alan Brown: I was just chuntering from the sidelines. The hon. Gentleman said that this is a probing amendment. Does that mean that he is not deadly serious about it and is not willing to press it to a vote?

David Duguid: I have heard comments from the Minister that reassure me to some extent, but as the hon. Gentleman knows other things are afoot that make it very difficult to pass this amendment right now. I will comment further on Report.

This concern is shared not just by hon. Members but by the industry as a whole through representations from organisations including, but not limited to, the Scottish Fishermen's Federation and the Scottish White Fish Producers Association. The amendment addresses the timing of when we extricate ourselves from the influence of the common fisheries policy. Of course, we actually leave the common fisheries policy when we leave the EU. That is always what was promised, but because of the implementation period we will find ourselves under the influence of the CFP.

The Minister will be aware that, along with hon. Members from other coastal constituencies, I made representations, initially proposed by the Scottish Fishermen's Federation, at the start of the year that the impact of any transition period on fisheries should extend only nine months from Brexit date—to the end of 2019. In March this year, the intention to have a 21-month implementation period was announced. Given that this was an additional 12 months over what was proposed as a compromise, it was greeted with disappointment in fishing communities. However, it has been understood and broadly accepted on the basis that the final prize of being out of the CFP and being an independent coastal state was still very much in play,

and that the EU itself would not accept fisheries being cherry-picked out of the implementation period. I leave aside for the purpose of this discussion the EU's subsequent attempts to do that very thing—to cherry-pick fisheries and other aspects of the withdrawal agreement and the political declaration. That is for another discussion.

The industry was encouraged by and supportive of the White Paper, in no small part due to the repeated mentions of December 2020 as the moment we would take our place as an independent coastal state. However, that date is not reflected in the Bill. Amendment 1 seeks to put that date in the Bill, or at least to secure an assurance, which I invite the Minister to provide, that our exit from the influence of the CFP will be time-limited.

Alan Brown: The hon. Gentleman said that amendment 1 was a probing amendment and that this was not quite the right time to put the date in statute. When will be the right time? What will have changed by the time we get to Report to make such an amendment the right one?

David Duguid: I am looking forward to the Minister's response to the amendment. As the hon. Gentleman and the rest of the Committee know, a lot is happening—or not happening—at the moment, so we need to see what comes out of the next few weeks. I would be grateful if the Minister provided whatever assurance he can at this stage about how the Government will ensure that the CFP no longer applies to our fishermen beyond December 2020.

George Eustice: Both amendments seek to achieve the same purpose, which is effectively to make it harder to extend the implementation period beyond December 2020, as currently provided for in the withdrawal agreement. Underlying the amendments is the clear sentiment in the fishing industry, on which I think there is almost cross-party consensus, that we cannot get out of the EU fast enough. The common fisheries policy has been a disaster—we do not get a fair share of stocks—so it is entirely understandable that the fishing industry and others would like us to become an independent coastal state with our own seat at the table, negotiating our own fisheries resources and getting a fairer share of the total allowable catch, as soon as possible.

We currently envisage the implementation period running until the end of 2020. As we discussed earlier, in the event that we are unable to conclude a future partnership with the EU during that implementation period, and that that is apparent by July 2020, the Government will have a choice of one of two options. If we have made good progress and are close to getting a new agreement in place, there will be an opportunity to extend the implementation period. That might be for just a few months to ensure that things can be put in place. If, however, the Government judged that the prospects of getting a future partnership were low—or the prospects of getting one in the foreseeable future were low—they could opt to embrace the so-called Northern Ireland protocol backstop.

Alan Brown: Is what the Minister says not completely contrary to the answers he gave about new clause 22? He said the new clause would stop us being in a backstop position—it would override that—but now he says, “We can't accept this date because there's the potential of the backstop and extending the implementation period.”

George Eustice: New clause 22 applies explicitly in the case of our creating a new partnership—not extending the implementation period, not falling into the backstop, but actually having a new partnership. It prevents the Government from making concessions on fisheries for other advances elsewhere. That is the point. It is separate—it addresses the third option, where we get what we are aiming for, which is an agreement.

Alan Brown: Equally, in his answers to questions about new clause 22, the Minister said it was all about being outside the common fisheries policy, so why not accept a date?

George Eustice: Amendments 1 and 35 are not about our future economic partnership, which is a separate concern that we have addressed elsewhere—obviously the withdrawal agreement has its complexities. If in July 2020 we face either a short extension of the implementation period or going into the backstop, the Government will have a choice.

Mr Carmichael *rose*—

George Eustice: I will give way in a moment, but I want to clarify a point that I made earlier about tariffs, because I know that it raised eyebrows. The position is that if there is not a fisheries agreement, and if the backstop applies, there will indeed be tariffs on fisheries and agriculture products. However, special arrangements would be made to ensure that Northern Ireland vessels that land in Northern Ireland—and only Northern Ireland vessels that land in Northern Ireland—would not have to pay tariffs, although tariffs would apply to fish moved from Great Britain to Northern Ireland. I thought I should take the opportunity to correct the record because my earlier description was less comprehensive than it should have been, although elements of it were correct.

Mr Carmichael: “Less comprehensive than it should have been” is a very nice way of describing it. Should I take it from what the Minister says that, of the two options he describes, the backstop rather than an extended transition period would be preferable for the fishing industry?

George Eustice: From the very narrow perspective of the fishing industry, that is almost certainly the case. In the backstop, we would have complete control of our waters, whereas if the implementation period were extended, the current rules would continue to apply.

Mr Carmichael: How likely does the Minister think it that when the Cabinet comes to consider the position, as it will almost certainly have to at some point, the fishing industry will have its way against the other considerations under discussion?

George Eustice: Highly likely. One thing I can tell hon. Members is that the Prime Minister has absolutely championed fisheries throughout the negotiations. Indeed, that is the reason for the amendments that we have made and the reason why the withdrawal agreement made none of the concessions on fisheries that several people had anticipated. It was a clear red line that the Government held to.

Mr Carmichael: In saying that the Prime Minister has championed the fishing industry throughout the negotiations, the Minister is being a little less comprehensive than he might be. May I remind him that it was the Prime Minister and the right hon. Member for Haltemprice and Howden (Mr Davis) who agreed to the industry's being put into the transitional arrangements? If she had been championing it at that point, that would never have happened.

George Eustice: I understand the right hon. Gentleman's point, but I strongly disagree. I was involved in the final run-up to the withdrawal agreement. Of course there was pressure from the EU to give undertakings on access, but we refused to give any such undertakings. I believe that the agreement we have will be absolutely right for the fishing industry.

Mr Carmichael: If the Minister is right about that, why were Ministers, especially the Prime Minister, still making the promise until a couple of weeks before it was eventually sold out?

George Eustice: Both the Secretary of State and I argued clearly and strongly—and the Prime Minister shared our view—that it would have been preferable for fisheries not to be covered by the implementation period. We do not necessarily think that that was even necessary, but ultimately the transition period is a short one that lasts only until the end of December 2020. In the interests of an orderly Brexit, it was a concession that had to be made to get an implementation period for the short term. When it comes to our long-term partnership, we have been absolutely clear that we will make no such concessions.

Let me return to the amendments. Their impact would clearly be to make it rather more difficult for the Government to choose a course of action that extended the implementation period; indeed, that is probably the intention behind them. The shadow Minister, the hon. Member for Plymouth, Sutton and Devonport, asked how that could be undone. As with the previous amendment, it would require primary legislation. Things can always be undone, but that would need a Bill with parliamentary support, so it would not be easy to remove such a provision.

8.15 pm

My hon. Friend the Member for Banff and Buchan made a telling point: we are obviously in a rather fluid situation at the moment, with a withdrawal agreement that is still under discussion and that will be debated by Parliament shortly. I therefore ask both him and the right hon. Member for Orkney and Shetland to keep their powder dry on the particular issue of the date, because by the time this Bill appears on the Floor of the House for Report stage, I am sure we will have greater clarity about the nature of the terms on which we are leaving the European Union. If we were to leave the European Union without an agreement, amendments of this sort would no longer be necessary. The right time to consider amendments to the commencement date will be when the terms of the withdrawal agreement are clearer.

Luke Pollard: The fishing industry is known for its plain talking and I think that many people watching this sitting will be confused as to the Minister's choice

of words. May I invite him to express himself in plain English, so that the entire industry can see that he is basically hedging his bets? Is that his message—that the industry should not take solace in the idea that the provisions will be delivered on that date?

George Eustice: That is not what I am saying at all. I am saying that the amendment is unnecessary because we are confident that we will get a withdrawal agreement with the European Union. I am confident that will take effect before the end of the implementation period, and therefore I am confident that we will be negotiating as an independent coastal state in December 2020.

In so far as some people may have some doubt about the nature of the withdrawal agreement and what type of arrangement we might finally get with the European Union, my message is this: let us see what happens in January. Those events will transpire before this Bill returns on Report, at which stage we will be in a more informed position to make a judgement on such amendments. Therefore, I hope that my hon. Friend the Member for Banff and Buchan and the right hon. Member for Orkney and Shetland will keep their powder dry and consider this matter at a future date.

I do not know how many people are watching this sitting, but if there are many of them, as the hon. Member for Plymouth, Sutton and Devonport has said, I am delighted that there is such interest in this vital industry and in our taking back control of our own waters.

Mr Carmichael: If we ever make kicking the can down the road an Olympic sport, Ministers in this Government would win gold, silver and bronze virtually in perpetuity.

First, let me say that I do not doubt for a second the Minister's commitment to our fishing industry. That is why I am keen that we get him out to Brussels tonight to do the year-end negotiation. However, whatever words were coming out of his mouth, his body language was slightly different, and I think that the confidence that he speaks of is not actually met, and is certainly not matched, in the industry.

I pushed the Minister with a number of interventions in the course of his speech, not just because it was entertaining sport, although it undoubtedly is and can be, but because I wanted members of the Committee to see the position that the Government are in—the whole series of contradictions and broken promises that have brought us to this stage.

The hon. Member for Banff and Buchan said that his is a probing amendment. That matters, because if he were to vote with us—presuming that every Opposition member of the Committee were to support my amendment—the proposed date would go in the Bill. On the question of jam tomorrow, if, as the Minister says, there is a different situation come January, it would be open to the Government to table amendments on Report and change the date back again, or they could propose a different date, whatever that would be.

The amendment would send a greatly reassuring signal to the industry that it was being listened to and that its concerns were being acted on, and that the Government were not going to simply take things on trust. The hon. Member for Banff and Buchan, who

added his name to a virtually identical amendment, has the opportunity to deliver that and make the change. It is for him to decide. He is ultimately accountable to his constituents; we are all accountable to our constituents. It is for him to decide whether he takes the assurances from the Minister, given all their various inconsistencies and contradictions. For that reason, I will not withdraw my amendment but press it to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 9.

Division No. 14]

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 negated.

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

George Eustice: Clauses 39 to 43 will come into force on the day on which the Act is passed. Those are the later parts of the Bill. As we have discussed today, most of the Bill's provisions will come into force on such a day as the Secretary of State may make them by regulations. Different days may be appointed for different purposes. Hon. Members will understand that the Bill contains a broad range of purposes. That is why we believe it is important to have that flexibility to commence different parts of the Bill at different times.

David Duguid: Before the Minister finishes, I want to take the opportunity to thank the right hon. Member for Orkney and Shetland for tempting me with the opportunity to do what might have seemed a slick and easy solution to the issue that we discussed at some length. As the Minister has already said, there is a lot going on just now. I will not let this go—

The Chair: Order. We cannot revisit amendments that we have completed and voted on.

George Eustice: My hon. Friend the Member for Banff and Buchan makes an important point. The provisions in clause 42 are set out as they are for a good reason, which is that we need flexibility in subsection (3) to ensure we can commence different parts of the Bill at different times.

Question put and agreed to.

Clause 42, as amended, accordingly ordered to stand part of the Bill.

Clause 43

SHORT TITLE

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

Luke Pollard: The Minister could have called this the sustainable fisheries Bill. That missed opportunity could have been reflected in the short title. It would have sent a strong message to the industry and to all those people in fisheries that we will create a sustainable fishery after Brexit. That could have been put on the face of the Bill, but as the Opposition are not allowed to table amendments to a short title, we were unable to do that.

Mr Carmichael: Given the refusal to include commitments to the principle of maximum sustainable yield or the multiple amendments that Opposition Members have tabled—all of which have been rebuffed by the Minister and the Government—does the hon. Gentleman not think that the Government have got the title right?

Luke Pollard: The right hon. Gentleman steals my final line. We would have tabled an amendment, but we needed to make sure that the content was right. As such, we cannot do anything with it, so I will sit down.

The Chair: We would all have done many things in different times, I am sure.

Question put and agreed to.

Clause 43 accordingly ordered to stand part of the Bill.

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

8.26 pm

Adjourned till this day at Nine o'clock.

