

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

Fourth Sitting

Thursday 10 September 2020

(Afternoon)

CONTENTS

CLAUSE 19 agreed to.
SCHEDULE 3 agreed to, with an amendment.
CLAUSES 20 TO 23 agreed to.
SCHEDULE 4 agreed to, with amendments.
CLAUSES 24 TO 26 agreed to.
CLAUSE 27 disagreed to.
CLAUSES 28 AND 29 agreed to.
SCHEDULE 5 agreed to.
CLAUSES 30 TO 34 agreed to.
Written evidence reported to the House.
Adjourned till Tuesday 15 September at twenty-five minutes past
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

Monday 14 September 2020

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The Committee consisted of the following Members:

Chairs: STEVE McCABE, † SIR CHARLES WALKER

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

Public Bill Committee

Thursday 10 September 2020

(Afternoon)

[SIR CHARLES WALKER *in the Chair*]

Fisheries Bill [Lords]

2 pm

The Chair: Order. There is far too much jollity in the Room. We will put an end to that.

I have a few announcements. Colleagues may remove their jackets, if they so wish. I am looking at a colleague who obviously knew I was going to say that—that is an admonishment by the way, but a very gentle one. Before we begin, I will make a few preliminary points. Most of you want to get back to your constituencies this evening. I do not know how we will proceed, but I am sure there will be a clip to it. Members will understand the need to respect social distancing guidance; I shall intervene, if necessary, to remind everyone. I remind hon. Members to switch electronic devices to silent. Tea and coffee are not allowed during sittings, and *Hansard* colleagues would be grateful if hon. Members could email their speaking notes to hansardnotes@parliament.uk.

Clause 19

FURTHER PROVISION ABOUT LICENCES

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

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): The clause sets out the meaning of a “sea fishing licence”.

The Chair: Brilliant. Would you like to speak, Mr Pollard?

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Very briefly—not to interrupt your pace.

I am sure the Minister has had time to reflect on the question that I asked in this morning’s session about the difference between a hard and soft copy licence. I wonder whether this might be an opportunity to clarify that situation.

Victoria Prentis: I am afraid I do not have that clarity yet. I anticipate that it is something I will have to talk to the team about over the next few days and, indeed, probably weeks, given the state of the pandemic.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Schedule 3

SEA FISHING LICENCES: FURTHER PROVISION

Luke Pollard: I beg to move amendment 104, in schedule 3, page 52, line 7, at end insert—

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

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

This amendment continues the theme that we have had for a number of amendments: safety. I am grateful that the efforts of the Departments for Transport and

for Environment, Food and Rural Affairs have contributed to an improvement in safety and, importantly, the involvement of more fishers in making decisions about safety—not just regulation of them for safety purposes—but I think we all agree that more work still needs to be done.

I mentioned earlier the need to have more fishers wearing lifejackets that come as standard with personal locator beacons, which take the “search” out of the search and rescue when boats go down or fishers are washed overboard. I want to see more stability work, especially for our smaller boats that I mentioned earlier. Having remote vessel monitoring and CCTV on board, which was proposed in amendment 1 in the Lords, helps ensure that fishing stays within the law, but it also incentivises fishers to wear a lifejacket and come home safely to each other. I know there is cross-party concern about this issue, and I want to reiterate the support for cross-party working that I gave the Minister earlier. I will not say any more about remote vessel monitoring, because that comes later in the Bill, but the amendment was an attempt to probe the Government position on this issue.

Victoria Prentis: While being very sympathetic to the intent behind the amendment and, indeed, all attempts to improve safety at sea, I feel that it is unnecessary. These are complex areas that, as the hon. Gentleman knows, are the responsibility of both the Department for Transport and the Maritime and Coastguard Agency, as well as being our responsibility. Fishing vessel owners are responsible for ensuring their vessels comply with the regulations on construction and how they are operated. All fishing vessels are surveyed or inspected. If the Maritime and Coastguard Agency is not satisfied with the safety standards around a vessel’s construction, or if it discovers an emerging safety issue, the safety certificate will not be issued. If the vessel has a certificate, it may be detained and able to leave port only to enable repairs to be carried out.

As I mentioned earlier, maritime safety is already extensively covered in legislation and accompanied by comprehensive guidance, and I do not think that adding another layer of bureaucracy would make any tangible difference to safety. Education and behaviour change are what we know will make a difference. With that explanation, I ask the hon. Gentleman to withdraw the amendment.

Luke Pollard: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: I now call the Minister to move amendment 100. [*Interruption.*] Sorry, the shadow Minister—this is not a good performance from your Chair. I apologise. I shall up my game.

Luke Pollard: I am grateful for the confidence that you have in me and my party. It is consistent with some of your comments in the media recently. Thank you very much, Chair.

The Chair: Order! [*Laughter.*]

Luke Pollard: I beg to move amendment 100, in schedule 3, page 52, line 15, at end insert—

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

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

The amendment that has been tabled in my name and that of the shadow fisheries Minister relates to pulse beam trawling, which is an area that we briefly touched on earlier, and I know that colleagues have similar views on this issue. What we are attempting to do with this amendment is to prohibit the use of electro-pulse beam trawling in any form. I suspect that the Minister will say that the amendment is not needed because of the statutory instrument that was passed last year. However, I hope to press her further on enforcement in this area.

Parliament initially rejected Labour’s proposal to ban pulse beam trawling but then saw the light and passed a statutory instrument to put into action the intention behind the original amendment that we tabled the last time we discussed the Fisheries Bill. However, I am concerned that the scientific derogation is too large, allowing 5% of a fleet—up to 200 vessels, potentially—to use this gear.

I am grateful that the Minister set out earlier her intent that the English fisheries Minister should effectively remove the licences from those boats that have electro-pulse gear in English waters. However, what this amendment seeks is a prohibition on the use of any form of electro-pulse beam trawling on any boats with any flag in our waters. There is a very strong environmental case for doing so. Electro-pulse beam trawling is utter vandalism of our seabed. It is indiscriminate—in particular, it kills many smaller fish that might otherwise grow and reproduce. Therefore, it poses a greater threat of stock damage than other methods of fishing. In particular we are concerned, as I mentioned earlier, about the risk of this technology in certain locations around our waters, where the use of electro-pulse beam trawling methods and gear can be disguised by the claim that other gear is being used.

The Minister will know that I and other Labour Members have strong views on how we need to protect our marine protected areas, and about the gear used in those areas. We believe that such protection should be part of the nine-year journey that we effectively have between now and 2030, when our marine protected areas will effectively need to become no-take zones. Again, I will reiterate what I said on Tuesday about that issue, namely that it would do the Government credit and do the debate a lot of good if they could start the conversation with our coastal communities about how that will happen, because I do not think there is awareness of that situation among our coastal communities and I think that, when they find out about it, it will come as quite a shock to them.

So, to support the work of the Minister and to help her to have an easy life by not having to respond to angry fishers when they find out about that change, there is a debate to be had around this issue. I think that debate can be softened somewhat by clearly saying that we do not support in any way the use of this method of fishing—electro-pulse beam trawling—and that, as an independent coastal state, we will outlaw it in our waters.

Importantly, the amendment seeks to remove the scientific derogation that was in the SI by saying that we do not want this technology in our waters at all. I am concerned about the scientific derogation being used, as other countries have sometimes used it, to disguise commercial fishing activities. Indeed, if we look at our friends over in the Netherlands, how much of their fleet was using this particular gear and disguising it behind a scientific purpose is a cause for concern.

So, in support of the amendment, I will say again that there is both cross-party concern and concern in all our fishing communities. A statutory instrument was delivered to put into practice what Labour proposed last time, but I do not think that it is working to the extent that we had initially intended it would. I remember that when we discussed this issue then, there was a concern about how enforcement would work. I encourage the Minister to work with her officials to look again at enforcement in this area, because it seems that environmental groups and some fisheries have a legitimate concern about the potential damage being done to specific marine areas by this method of fishing.

Victoria Prentis: We have rehearsed some of these arguments already today and I know that the hon. Gentleman had this debate several times with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs before he became Secretary of State.

As the hon. Gentleman knows, the statutory instrument made under the European Union (Withdrawal) Act 2018 prohibits foreign fishing boats from fishing with electric current in UK waters. As I said earlier, the four English-registered vessels using it have been informed by the Maritime Management Organisation that their authorisations will be withdrawn at the end of this year. The authorisation for the single electro-pulse beam trawler registered in Scotland will be reviewed by Scottish Ministers in advance of July 2021, when the EU prohibition comes into force.

Pulse fishing will be prohibited, so its enforcement will be dealt with in the same way as any other type of illegal or unlawful fishing. I will continue to keep in touch with the Marine Management Organisation as to the position at sea. I would be grateful if the hon. Gentleman would send us details of any specific instances and concerns he has. I remind him that the MMO can check any vessel fishing in our waters at any time, so it will be dealt with in the normal way. I ask him to withdraw the amendment.

Luke Pollard: The concern put out there is specifically about enforcement. I realise that the Minister does not have figures to hand on the scope of enforcement, which would be useful for the debate. However, I will seek those through a parliamentary question. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 101, in schedule 3, page 52, line 15, at end insert—

‘(6) Conditions attached to any sea fishing licence must include a prohibition on using a fishing boat greater than 100 metres in length in any of the protected areas specified in subsection (7).

[Luke Pollard]

(7) The protected areas to which the prohibition in subsection (6) applies are marine conservation zones and marine protected areas as defined in the Marine and Coastal Access Act 2009.

(8) The list of protected areas in subsection (7) may be added to by the Secretary of State by means of regulations.⁷

This amendment would include in the sea fishing licence conditions a prohibition on using a fishing boat longer than 100 metres in protected areas.

The amendment seeks to address the concern received from constituents by nearly every single Member of the House about supertrawlers and the activities of fishing boats larger than 100 metres fishing in marine protected areas. Until recently, Britain did not have a single supertrawler larger than 100 metres, but one that previously flew a foreign flag has been reflagged in the last few weeks—I believe to help with quota aggregation, which is a practice used in particular by larger foreign-owned companies for moving more quota around their different boats—which means we have one. Regardless of whether we have one supertrawler over 100 metres fishing in marine protected areas or more, we as a Parliament must take a view about whether we want such supertrawlers fishing in our marine protected areas.

The Greenpeace campaign on this issue has attracted the signatures of not only a large number of Back Benchers, but a number of Ministers. I appreciate that it is difficult for DEFRA Ministers to sign up for a campaign about the Department they look after, but it is good to see that there is support within Government for banning supertrawlers over 100 metres in our marine protected areas. That is why, reflecting widespread public concern, we tabled the amendment to ban those fishing boats in excess of 100 metres from fishing in the UK's MPAs.

A Greenpeace investigation revealed that in the first six months of 2020, supertrawlers spent 5,500 hours fishing in marine protected areas. Those are areas meant to safeguard vulnerable marine habitats; instead, they are being threatened by highly destructive industrial fishing methods, including those deployed by these boats that can harvest huge quantities of fish from our oceans.

The Secretary of State already has the power to ban supertrawlers over 100 metres and indeed the Minister and her Department could choose to deploy that licence condition. I note that, to date, the Government have not done so. Now that this issue has been brought to the public's attention, a positive Government response is important. The amendment seeks to do so by amending the primary legislation. If the Minister chooses to oppose this sensible amendment, subsequent secondary legislation or confirmation of alterations in fishing licences would be required.

2.15 pm

There is a good case for banning supertrawlers over 100 metres from fishing in marine protected areas. It should have happened already. The UN oceans treaty, which was signed up to following encouragement from Labour by the previous Secretary of State, the right hon. Member for Surrey Heath (Michael Gove), with much applause, sets out the ambitious target of having 30% of the world's oceans fully protected by 2030. That

is a very good ambition, which supports a number of UN policies and fragile fisheries right across the world. Indeed, actually the Government should be praised for the way in which they have worked with our overseas territories to create marine reserves around those territories, and especially those in the south Atlantic.

However, there is much more to be done. We cannot simply deliver such a policy by creating marine reserves around overseas territories. We need a policy for UK waters. That is what the Benyon review into highly protected marine areas effectively did. This amendment is a first step on the nine-year process that I spoke about at the start of my remarks that basically says that the Government have committed to make 30% of the world's oceans fully protected with no-take zones, and as part of that they are taking the first step by banning supertrawlers. This is a very difficult debate. I say that knowing how hard this will be to discuss with fishers.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I understand how contentious this is. Is it not the case that the marine protected areas are there to protect the seabed, and that most of the trawlers fish mid-water and catch species that move well beyond those protected areas? I am not seeking to defend them; I am simply saying that we need to understand exactly the impact that the trawlers have on the marine protected areas.

Luke Pollard: The former Minister raises a good question. Marine protected areas do not exclusively protect the seabed, although that is a clear part of the validity of any marine protection. Such areas also protect species mix and can also deal with bird life and other forms of ocean-going life. The issue is complicated by the diversity that we seek to protect. Marine protected areas protect the seabed, but they also apply in other ways as well. None the less, the commitment that the Government have made around the UN oceans treaty is one that the Labour party fully supports. I say in all candour to the Minister that it will be a difficult sell and a difficult journey between now and 2030 to pitch that to fishers, but we need to have that honest conversation with them.

The Benyon review's remarks about how highly protected marine protected areas can be designated, which effectively make MPAs no-take zones, need to include fishers. There is huge support among British fishers, particularly among the small boat fleet, for the banning of supertrawlers. Apart from the supertrawler that I mentioned earlier that currently flies a British flag, but did not until very recently, all the supertrawlers that fish in UK waters, especially in marine protected areas, are foreign-owned boats. There is a huge advantage to our sustainability and our support for our domestic fishing industry if we make the case now to ban supertrawlers over 100 metres and if we start the conversation about how we move the Benyon review recommendations into a greater awareness with a plan as to how that comes about. I hope the Minister—no doubt she objects to this particular amendment—will set out how she intends to implement a similar ban, because I think a ban is coming. I cannot see that the Government's position is sustainable if they do not ban supertrawlers over 100 metres, if only due to the very sincere and heartfelt public opposition to that method of fishing.

Victoria Prentis: I do recognise the huge interest and concern from across the House and from many of our constituents in the campaign against supertrawlers. However, once again, I do not consider the amendment necessary. There is a devolution issue with it, and I politely say again that the Bill is deliberately a framework Bill to enable the Government to take powers that would enable them not to license supertrawlers in future. Although the amendment is well intentioned, it is simply not necessary.

I agree with the hon. Gentleman that we are continuing to lead diplomatic efforts to protect at least 30% of the world's ocean by 2030, and 357 marine protected areas already protect about 25% of UK waters. Of course, protecting those areas is only the first step towards achieving protected waters. When we were in the EU, we had to get agreement from other member states with an interest to bring forward management measures in MPAs. Owing to the level of fishing interest in our waters from others in the EU, we were not able to reach agreement in the way that we wanted to on these measures. Now that we have left, the Bill already gives us the powers in schedule 9 to protect English waters, both inshore and offshore. We anticipate that this programme of work and new licences will begin as soon as possible in the new year.

As well as the new management measures that we will be able to introduce, paragraph 1(1) of schedule 3 to the Bill provides for the relevant licensing authority to attach conditions to a licence where necessary. The licensing conditions in the Bill are wide and flexible, and should be a suitably flexible way of managing our fisheries in the future. When the transition period ends, we will be able to restrict the activities of foreign vessels in our waters and decide, for the first time in 40 years, who can come in to fish. The Bill's licensing regime already gives us the powers to do that.

I understand completely that the thought of large boats hoovering up fish in protected areas of the sea is concerning for many; however, the impact of a vessel on an MPA is determined by how damaging the method used is, rather than the size of the vessel. Pelagic fishing, which is the method usually used by vessels of this size, and which takes place within the water column, is unlikely to affect the seabed features that most marine protected areas are designed to protect.

As I said earlier, an added complexity is that the regulation of sea fishing is devolved. The amendment, in seeking to legislate for a blanket approach across all the Administrations, would be a problem for the devolution settlements. I hope that I have sufficiently reassured the hon. Gentleman that mechanisms to manage and restrict the activities of supertrawlers are already in the Bill, if that is the route we choose to take. I hope that I have also reassured him by reiterating the Government's commitment to further protecting our sea, and I ask that he withdraw the amendment.

Luke Pollard: If the Minister had given a commitment to ban supertrawlers over 100 metres with the licence conditions, I would have happily withdrawn the amendment, but as she has said only that the Government are taking powers, with no commitment to ban supertrawlers, I am afraid that we could be waiting for a very long time for those powers to be used. As such, and because the issue is so pressing and of such public concern, I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 5]

AYES

Bonnar, Steven	Peacock, Stephanie
Duffield, Rosie	Pollard, Luke
O'Hara, Brendan	Smith, Cat
Owatemi, Taiwo	

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

Question accordingly negated.

Luke Pollard: I beg to move amendment 95, in schedule 3, page 55, line 4, leave out “negative” and insert “affirmative”.

This amendment would make the relevant regulations subject to the affirmative procedure.

This is a very simple amendment, which seeks to move from a negative process to an affirmative one. We have seen that good parliamentary scrutiny improves Government legislation and that, when things are rushed or not given scrutiny, faults and things that even those pushing the devices may not be aware of emerge. That is why we are seeking, as standard in such matters, to move negative procedures to affirmative ones, to ensure that the Government can achieve their objectives by having improved legislation, rather than rushed legislation that they then seek to change subsequently.

Later amendments that remove lots of the statutory instruments that we spent many hours working on show that good scrutiny lends itself to the delivery of Government objectives and better policy making, and offers more people the chance to contribute to policy making. That is why we are seeking to have an affirmative resolution policy here, rather than a negative one.

Victoria Prentis: Much as I enjoy our exchanges, the difficulty with this amendment is that it would mean that every time the Government wanted to change a highly technical rule about the licensing of fishing boats, it would be subject to debate.

The change of procedure would apply to two powers. First, paragraph 7(1) of schedule 3 restates an existing power to make regulations about how licensing functions should be exercised. In our view, the existing regulation-making power is necessary so that the UK's licensing authorities may make provision about the operation of their licensing regimes—such as in relation to the manner in which they issue and notify licences. The nature of those matters does not warrant the affirmative procedure.

Secondly, paragraph 7(3) of schedule 3 provides the power to authorise the making of charges in relation to licenses. The procedure followed in this paragraph is the same as that for provisions that we are replacing in the Sea Fish (Conservation) Act 1967. The use of the negative procedure continues the status quo in that case. I ask the hon. Gentleman to withdraw the amendment.

Luke Pollard: In the debate on landing fish in coastal communities and banning supertrawlers, the Minister said that the salvation to those causes lies in the licence restrictions. She cannot argue on those controversial issues that the future needs to be trusted to the licence conditions and then deny Parliament's scrutiny of those licence conditions. However, recognising that she probably will take this as an opportunity for greater consultation, perhaps with stakeholders, before such decisions are made, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Victoria Prentis: I beg to move amendment 27, in schedule 3, page 56, line 3, leave out paragraph (a) and insert—

'(a) sections 15 to 17,'

This amendment updates the definition of "licensing function" so that it includes functions under clause 16.

This is a technical amendment that updates the definition of licensing function. It will allow licensing authorities to transfer the licensing functions in clause 16 to another licensing authority if required.

I have one bit of good news for the hon. Member for Plymouth, Sutton and Devonport, which is that I have just had confirmation that licences in England can continue to be emailed. That is not entirely relevant to this amendment, Chair—I am sorry.

Luke Pollard: Briefly, it is good to hear that licences can be emailed. I will come back to that point.

This technical amendment relates to how foreign boats and UK boats could be regarded in different regulatory environments, so I do not think it is as slight as the Minister is suggesting. How British boats and foreign boats are judged and regulated is at the heart of the Bill, because I am concerned that there is not a level playing field. It is good news that the licence can be emailed and I will pick that up in due course, but we will not be opposing this amendment.

Amendment 27 agreed to.

Question proposed, That the schedule, as amended, be the Third schedule to the Bill.

Victoria Prentis: The schedule replicates the powers in section 4 of the

Sea Fish (Conservation) Act 1967. Those powers are given to the licensing authorities and are necessary to implement a vessel licensing regime. Paragraph 1(1) includes powers to attach conditions to a licence. The schedule provides that licensing authorities may add, vary or remove a licence. The licensing authorities will have the power to require a master owner or charterer who is named to provide any information they ask for. Failure to do so will constitute an offence.

The schedule allows licensing authorities to apply licence conditions to restrict the number of boats fishing in any one area or restrict fishing for specified species at certain times of the year. The licensing authorities have the ability to make arrangements for any licensing functions to be carried out by others on their behalf.

Question put and agreed to.

Schedule 3 accordingly agreed to.

Clause 20

PENALTIES FOR OFFENCES

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

2.30 pm

Victoria Prentis: The purpose of the clause is to set out the penalties that can be applied for access and licensing offences in the Bill.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21

OFFENCES BY BODIES CORPORATE ETC

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

Victoria Prentis: The clause sets out the offences that apply to bodies corporate and the officers that have committed them through consent, connivance or negligence. It makes it clear that "officer" means a director, manager, secretary or similar officer of the body corporate, or a person purporting to act in one of those capacities.

Question put and agreed to.

Clause 21 accordingly ordered to stand part of the Bill.

Clause 22

JURISDICTION OF COURT TO TRY OFFENCES

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

Victoria Prentis: The effect of the clause is that, where an offence under the Bill has been committed, proceedings can be taken against individuals in any part of the UK.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23

MINOR AND CONSEQUENTIAL I

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

Victoria Prentis: This clause introduces schedule 4, which sets out the consequential I arising from the new access and licensing provisions introduced in the Bill.

Question put and agreed to.

Clause 23 accordingly ordered to stand part of the Bill.

Schedule 4

ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL I

Victoria Prentis: I beg to move amendment 28, in schedule 4, page 57, line 2, leave out sub-paragraph (3). *This amendment removes the power to extend section 2 of the Fishery Limits Act 1976 (which is repealed by paragraph 3(1) of this Schedule) to the Channel Islands or the Isle of Man.*

The Chair: With this it will be convenient to discuss Government amendment 10.

Victoria Prentis: These are technical I. Schedule 4 repeals the current regime that would manage access of foreign fishing boats to British waters through the use of designation orders. These I ensure that that regime

and the designation orders are also repealed in the Channel Islands and the Isle of Man—with their agreement, of course. I commend the I to the Committee.

Luke Pollard: This is a completely uncontroversial amendment, which we are happy to support. However, I am keen to understand from the Minister why the measure was not included in the original Bill and is being proposed as a Government amendment, because that removes the ability for others to have time to consider the implications.

Victoria Prentis: I am afraid I do not know the answer to that question—I was not involved in the creation of the Bill—but I am very happy to write to the hon. Gentleman with further details. I suspect that it was not spotted.

Amendment 28 agreed to.

Victoria Prentis: I beg to move amendment 29, in schedule 4, page 63, line 14, at end insert—

“‘temporary foreign vessel licence’ means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks;”.

This amendment is one of a group of I that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

The Chair: With this it will be convenient to discuss Government I 30 to 47.

Victoria Prentis: This group of I enables the four UK fishing administrations to issue licences to foreign vessels in a shortened timespan, if it should prove necessary to do so.

The preferred system of licensing is that, should access be granted, the UK and the EU, Norwegian or Faroese licensing authorities would exchange lists of vessels wishing to fish in each other’s waters. Following relevant checks, the lists would be validated and the UK would issue licences to individual vessels. That process would be undertaken by the Marine Management Organisation, acting as our single issuing authority.

That will necessarily take some time and there is a risk that the delivery of fishing licences to vessel owners will be delayed. The impact would be that vessels from the EU, Norway and the Faroe Islands would not be able to fish in our waters at the start of any fishing agreement.

I stress that this is very much a contingency solution to provide maximum flexibility for the UK licensing authorities. The aim would be to have full licences ready to issue for all individual vessels at the start of the fishing year, if a negotiated outcome on access has been reached. As a contingency, accepting that that will not always be possible, we have devised the new mechanism. It in no way undermines the principle that any foreign vessels that we allow to fish in our waters must be licensed and must follow the same rules as our vessels.

The only difference between the systems is about who is informed about the granting of a licence and the time in which it can be processed.

Luke Pollard: The I pick up on one theme I have raised with the Minister around the difference between a hard copy and an electronic licence. That relates to the experience of British fishers in particular and the MMO’s licensing arrangements. As we discussed earlier, arrangements have changed in relation to the covid procedures, particularly in relation to the carrying of a hard copy versus an electronic copy. My reading of the amendment is that it provides a different service and puts a different requirement on foreign fishers than on UK fishing boats.

Current UK fishing licence conditions, including conditions 6.1a and 6.1b, require UK fishing boats to carry a hard copy of their licence on board, or to be able to produce it at a time and place requested by the regulator or their agent, which in most cases in England is the Royal Navy, within five days. This amendment seeks to make an electronic version a permanent solution for foreign boats, but not for UK boats.

I understand that we have seen changes with the covid situation. I hope the Minister has effectively announced that the licence will now be electronic for all UK boats. She may need to bring forward a statutory instrument to adjust the regulations after the covid regulations are removed. My understanding of the covid regulations is that they will all go and we will revert back to the pre-covid regulations, which would require a new statutory instrument to be brought forward. That would be a welcome move because it would put UK fishers on a level playing field with foreign fishers.

With this amendment, foreign fishers get a better service than UK fishers, outside the current covid regulations. I am concerned about that, so I shall be grateful if the Minister will set out how that would work, particularly regarding enforcement and the difficulties of obtaining signal while at sea, in order to demonstrate to an enforcement vessel during a stop that a vessel has an electronic licence if it does not have a hard copy.

We know there have been difficulties in the past with foreign boats fishing in our waters without a licence and not being checked. The Minister will probably be aware of the case of the Dutch-registered Friesian that was scalloping and landing in and out of UK ports without a licence, before it was finally checked by the French, who took it to task. That was a number of years ago and it is extraordinary that steps have not been taken to address that level of enforcement since then. There is a point to make about both UK and foreign fishing boats being regulated in a similar way.

I realise that the approach that the Minister has taken in the past is to say that other nations regulate their own boats. However, when fishing in our waters, using permissions granted by the UK Government or UK fisheries authorities, there should be a similar approach, whether the boat is British-based or foreign-based.

Victoria Prentis: To answer the point directly about whether we are making it easier for foreign boats than for UK boats, that it is not the case. If access is granted, all the facts in the list will be checked and validated by the single issuing authority, devolved Administration or

[Victoria Prentis]

Crown dependency. That would happen regardless of the licensing mechanism used. That is a temporary solution. Permanent licences will be needed, and will be issued to individual licence holders as soon as they can be processed.

I have had confirmation that the MMO does not require physical licences, but the licence is required to be available to be shown on a boat, either on a phone, by email or by whatever is easiest for the licence holder. I do not believe that further legislation is required. For the purposes of the Fisheries Bill, we need to crack on. When I get back to the office I will check whether further legislation is required, but I do not believe that that is the case.

Amendment 29 agreed to.

Amendments made: 30, in schedule 4, page 63, line 23, after “words”, insert—

- “(i) after ‘A licence’ insert ‘, other than a temporary foreign vessel licence.’;
- (ii) ”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 31, in schedule 4, page 63, line 40, leave out “this regulation” and insert “paragraphs (1) and (2)”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 32, in schedule 4, page 63, line 44, leave out from “charterer;” to end of line 47 and insert—

- “(b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.

(2B) A temporary foreign vessel licence shall be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Welsh Ministers or of a person granting the licence on their behalf.

(2C) In paragraph (2B), ‘the relevant person’, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 33, in schedule 4, page 64, line 10, after “licence”, insert

“, other than a temporary foreign vessel licence.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 34, in schedule 4, page 64, line 21, leave out paragraphs (a) and (b) and insert—

- “(a) in the heading, for ‘Delivery’ substitute ‘Granting’;
- (b) in paragraphs (1) and (2), for ‘delivered’ substitute ‘granted’;
- (c) in paragraph (3)—
- (i) after ‘A licence’ insert ‘, other than a temporary foreign vessel licence.’;
- (ii) for ‘a nominee’s’ substitute ‘an’;
- (iii) for ‘delivered’ substitute ‘granted’;
- (d) after paragraph (3) insert—
- ‘(3A) In relation to a licence or notice transmitted by electronic means at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.
- (3B) A notice communicated in accordance with regulation 2(2)(b) (publication on website) shall be treated as given immediately it is published in accordance with that provision.
- (3C) A temporary foreign vessel licence communicated in accordance with regulation 2(2B) shall be treated as granted immediately it is published in accordance with that provision.’;
- (e) in paragraph (5) (in each place it occurs), for ‘delivered’ substitute ‘granted’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 35, in schedule 4, page 64, line 27, leave out from “paragraph (a)” to end of line 28 and insert—

- “(i) after ‘2(1)’ insert ‘or (2B)’;
- (ii) omit ‘, and a notice which is communicated in accordance with regulation 2(2)(b).’;
- (iii) for ‘delivered or given’ substitute ‘granted’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 36, in schedule 4, page 65, line 38, at end insert—

- “(e) after that definition insert—
- “‘temporary foreign vessel licence’ means a licence that—
- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks.’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 37, in schedule 4, page 65, line 40, after “words”, insert—

- “(i) after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
- (ii) ”.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 38, in schedule 4, page 65, line 43, at end insert—

“(ba) after that paragraph insert—

- “(1A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
- (a) transmitting it to the relevant person by means of an electronic communication, and
 - (b) subsequently publishing it on the website of the Scottish Ministers or of a person granting the licence on their behalf.
- (1B) In paragraph (1A), “the relevant person”, in relation to a foreign fishing boat, means—
- (a) if the fishing boat is registered in a member State, the European Commission;
 - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 39, in schedule 4, page 66, line 3, leave out from “notices)” to end of line 4 and insert—

- “(a) in the heading, for ‘Delivery’ substitute ‘Granting’;
- (b) in paragraphs (1) and (2), for ‘delivered’ substitute ‘granted’;
- (c) in paragraph (3)—
- (i) after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
 - (ii) for ‘a nominee’s’ substitute ‘an’;
 - (iii) for ‘delivered’ substitute ‘granted’;
- (d) after paragraph (3) insert—
- “(3A) In relation to a licence or notice transmitted by electronic communication at any time during January 2021, the reference in paragraph (3) to 24 hours is to be read as a reference to one hour.
- (3B) A temporary foreign vessel licence communicated in accordance with regulation 3(1A) is to be treated as granted immediately it is published in accordance with that provision.”;
- (e) in paragraph (5) (in both places), for ‘delivered’ substitute ‘granted’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 40, in schedule 4, page 66, line 4, at end insert—

- “(6) In regulation 5 (time at which licences and notices to have effect), in paragraph (a)—
- (a) after ‘3(1)’, insert ‘or (1A)’;
 - (b) for ‘delivered’ substitute ‘granted’.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 41, page 66, line 30, at end insert—

“(ba) for the definition of ‘notice’ substitute—

““notice” means a notice of variation, suspension or revocation of a licence;”;

This amendment updates the definition of “notice” in the Sea Fishing (Licences and Notices) (England) Regulations 2012 to reflect other changes to those regulations made in this Schedule.

Amendment 42, in schedule 4, page 66, line 44, at end insert—

- ““temporary foreign vessel licence’ means a licence that—
- (a) is granted in respect of a foreign fishing boat, and
 - (b) has effect for a period of no more than three weeks.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 43, in schedule 4, page 66, line 46, leave out paragraph (a) to paragraph (c) on page 67 and insert—

- “(a) in paragraph (1)—
- (i) after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
 - (ii) for the words from ‘the owner’ to the end substitute ‘an appropriate recipient (“P”);’
- (b) after that paragraph insert—
- “(1A) In paragraph (1) “an appropriate recipient” means—
- (a) in relation to a licence or notice relating to a relevant fishing boat—
 - (i) the owner or charterer of the fishing boat, or
 - (ii) a nominee of the owner or charterer; - (b) in relation to a licence or a notice, relating to a foreign fishing boat, the owner or charterer of the fishing boat.’;
- (c) in paragraph (2), after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
- (d) after paragraph (3) insert—
- “(3A) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by communicating it to the relevant person by—
- (a) transmitting it to the relevant person by means of an electronic communication, and
 - (b) subsequently publishing it on the website of the Marine Management Organisation or of a person granting the licence on its behalf.
- (3B) In paragraph (3A), “the relevant person”, in relation to a foreign fishing boat, means—
- (a) if the fishing boat is registered in a member State, the European Commission;
 - (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.’;
- (e) omit paragraph (8).”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 44, in schedule 4, page 67, line 10, at end insert—

“(5) In regulation 4 (time at which licences are delivered and notice given)—

- (a) in the heading and paragraphs (1), (2), (3) and (4), for ‘delivered’ substitute ‘granted’;
- (b) after paragraph (4) insert—

“(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence communicated as described in regulation 3(3A) is treated as granted immediately it is published in accordance with that provision.’;

(c) in paragraph (7) (in both places), for ‘delivered’ substitute ‘granted’.

(6) In regulation 5 (time at which licences and notices have effect), in paragraph (a), for ‘delivered’ substitute ‘granted’.

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 45, in schedule 4, page 68, line 4, at end insert—

“(f) after that definition insert—

“‘temporary foreign vessel licence’ means a licence that—

- (a) is granted in respect of a foreign fishing boat, and
- (b) has effect for a period of no more than three weeks.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 46, in schedule 4, page 68, line 6, leave out paragraphs (a) to (c) and insert—

“(a) in paragraph (1)—

- (i) after ‘A licence’, insert ‘, other than a temporary foreign vessel licence.’;
 - (ii) omit ‘Northern Ireland’;
 - (iii) for the words from ‘the owner or charterer of the boat’ to the end substitute ‘an appropriate recipient’;
- (b) in paragraph (2), after ‘A licence’, insert ‘(other than a temporary foreign vessel licence)’;
- (c) in paragraph (3), for the words from ‘the owner or charterer of the boat’ to the end substitute ‘an appropriate recipient’;
- (d) after paragraph (4) insert—

‘(4A) In paragraphs (1) to (4), “an appropriate recipient” means—

- (a) in relation to a licence or notice relating to a Northern Ireland fishing boat—
 - (i) the owner or charterer of the fishing boat, or
 - (ii) a nominee of that owner or charterer;
- (b) in relation to a licence or notice relating to a foreign fishing boat, the owner or charterer of the fishing boat.

(4B) A temporary foreign vessel licence is to be granted to the owner or charterer of a foreign fishing boat by delivering it to the relevant person by—

- (a) transmitting it to the relevant person by means of an electronic communication, and
- (b) subsequently publishing it on the website of the Department or of a person granting the licence on its behalf.

(4C) In paragraph (4B), “the relevant person”, in relation to a foreign fishing boat, means—

- (a) if the fishing boat is registered in a member State, the European Commission;
- (b) if the fishing boat is registered in a country or territory that is not a member State, the authority in that country or territory that is responsible for the regulation of fishing boats.”

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Amendment 47, in schedule 4, page 68, line 20, at end insert—

“(5) In regulation 4 (time when licences are delivered and notices given), after paragraph (4) insert—

‘(4A) In relation to a licence or notice transmitted by means of an electronic communication at any time during January 2021, the reference in paragraph (4) to 24 hours is to be read as a reference to one hour.

(4B) A temporary foreign vessel licence delivered as described in regulation 3(4B) is treated as delivered immediately it is published in accordance with that provision.’

(6) In regulation 5 (time when licences, variations, suspensions or revocations have effect), in paragraph (a), after ‘3(2)’, insert ‘or (4B)’.—(*Victoria Prentis.*)

This amendment is one of a group of amendments that introduces an expedited process for granting temporary licences to foreign fishing boats by communicating them electronically to the European Commission (or, in the case of a non-EU fishing boat, the relevant regulatory authority) and publishing them on the web.

Victoria Prentis: I beg to move amendment 48, in schedule 4, page 68, line 22, at end insert—

“*Sea Fish Licensing (Wales) Order 2019*

22 The Sea Fish Licensing (Wales) Order 2019 (S.I. 2019/507 (W. 117)) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Wales) Regulations 2019

23 The Sea Fishing (Licences and Notices) (Wales) Regulations 2019 (S.I. 2019/500 (W. 116)) (which have not come into force) are revoked.

Sea Fish Licensing (England) (EU Exit) Regulations 2019

24 The Sea Fish Licensing (England) (EU Exit) Regulations 2019 (S.I. 2019/523) (which have not come into force) are revoked.

Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019

25 The Sea Fish Licensing (Foreign Vessels) (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/87) (which has not come into force) is revoked.

Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019

26 The Sea Fishing (Licences and Notices) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/88) (which have not come into force) are revoked.

Fishing Boats Designation (EU Exit) (Scotland) Order 2019

27 The Fishing Boats Designation (EU Exit) (Scotland) Order 2019 (S.S.I. 2019/345) (which has not come into force) is revoked.”

This amendment revokes various statutory instruments that have not come into force, and were made as part of contingency planning in case the Bill was not passed before IP completion day.

The amendment, which was mentioned earlier by the hon. Member for Plymouth, Sutton and Devonport, revokes contingency legislation made in March 2019—wasn’t that fun?—in the absence of the Fisheries Bill and in anticipation of leaving the EU on 29 March 2019, as was originally expected. I do not think I need to say anything further at this point. I commend the amendment to the Committee.

Luke Pollard: We spent a lot of time on these fisheries statutory instruments, and concerns were raised by Labour at the time as to whether we would need to revisit them—a point that the Minister at the time, although not this Minister, refuted. It turns out that the Government were incorrect and the Opposition were correct, as we are repeating activities here. This again

underlines the importance of proper time for scrutiny and getting things right before pushing through a legislative programme. Taking greater care would have improved the outcomes and avoided our needing this Government amendment to revoke the SIs.

Indeed, the question is: why were the SIs not revoked in the original Bill, rather than as a result of a Government amendment? That pattern of behaviour—last-minute changes to things that were rushed—is concerning and makes me worry about the effectiveness of the legislation being passed if things are rushed in this way.

Victoria Prentis: I do not think I need to respond to that in detail. The SIs are not different from the provisions of the Bill. As I said, I am sure that the work of the earlier Committees has in fact fed into this excellent Bill, which I have absolutely no doubt about commending to the House.

Amendment 48 agreed to.

Victoria Prentis: I beg to move amendment 49, in schedule 4, page 69, line 21, at beginning insert—

“(1) Regulations made under section 4B of the Sea Fish (Conservation) Act 1967 (regulations supplementary to sections 4 and 4A of that Act) in relation to licences under section 4 of that Act have effect on and after the coming into force of paragraph 6(2) as if they were made under paragraph 7(1) of Schedule 3 to this Act.”

This is a technical amendment clarifying the transitional provisions applying on the transition from the licensing regime in the Sea Fish (Conservation) Act 1967 to the licensing regime in the Bill.

This is another technical amendment. In clarifying the licensing regime as it applies to foreign vessels, parliamentary counsel were of the view that a specific transitional provision might be sensible. The amendment clarifies the transitional provisions applying on the transition from the licensing regime in the Sea Fish (Conservation) Act 1967—my favourite—to the licensing regime in the Bill. It is a technical amendment, and I commend it to the Committee.

Luke Pollard: I just note for the record that this change has been included as a Government amendment, not as part of the original Bill. I am concerned that other things have been missed and not included.

Victoria Prentis *indicated dissent.*

Luke Pollard: The Minister is shaking her head. It is good to have that on the record. When we come to future SIs that take out bits that have been missed, because of the pace at which the Government are going, that can be correctly quoted back at whichever Minister is in the role at the time.

The Chair: I am not sure whether a shaking of the head puts the Minister in jail, but I will leave that to be decided in a future debate.

Amendment 49 agreed to.

Question proposed, That the schedule, as amended, be the Fourth schedule to the Bill.

2.45 pm

Victoria Prentis: I think what we are all learning, Sir Charles, is the extraordinarily complex and interrelated nature of the legislation in this area. I am sure we can always continue to improve on it, but I am very proud of the Bill.

The schedule amends UK legislation in consequence of the access and licensing provisions introduced in the Bill. The matters covered are access to British fisheries by foreign fishing boats, the licensing of British fishing boats and transitional provisions. In particular, section 2 of the Fishery Limits Act 1976, which sets out the current law on access by foreign boats, is repealed, as is the secondary legislation made under that section.

Question put and agreed to.

Schedule 4, as amended, accordingly agreed to.

Clause 24

POWER OF SECRETARY OF STATE TO DETERMINE FISHING OPPORTUNITIES

Stephanie Peacock (Barnsley East) (Lab): I beg to move amendment 111, in clause 24, page 16, line 14, leave out “may determine” and insert “must determine”.

This amendment makes it compulsory for the Secretary of State to make a determination relating to fishing opportunities.

Labour’s amendments to clause 24 relate to the Secretary of State’s function of setting the maximum quantity of sea fish that may be caught by fishing boats, both British and foreign, and the days that they may spend at sea during a specified period. Further to the argument made by my hon. Friend the Member for Plymouth, Sutton and Devonport, this amendment seeks to make that an affirmative rather than a negative process.

Victoria Prentis: The current drafting of clause 24 gives a statutory power to the Secretary of State to determine UK fishing opportunities. The power may be exercised only where necessary to comply with the UK’s international obligations. Although most determinations are likely to be made to implement any obligations resulting from negotiations with other states, the Secretary of State could also make a determination to implement the UK’s sustainable fishing duties under international law. A determination may cover fishing effort as well as quota.

Amending the power would make the scope of the Secretary of State’s function uncertain. If it became obligatory to make a determination, would that duty apply to non-quota stocks or to stocks that are wholly located within devolved areas? I am concerned that my colleagues in the devolved Administrations would not welcome that. I assure the hon. Lady that, through the Fisheries Bill, there will be greater transparency of how we manage and allocate quota in the UK through the publication of the Secretary of State’s determination of UK fishing opportunities, which will be laid before Parliament. Given that explanation, I ask that the amendment be withdrawn.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 113, in clause 24, page 16, leave out lines 16 to 19 and insert—

“(a) the maximum quantity of sea fish that may be caught by British fishing boats or foreign fishing boats holding rights to use the British catch quota;

[Stephanie Peacock]

- (b) the maximum number of days that British fishing boats or foreign fishing boats holding rights to use the British catch quota may spend at sea.”

This amendment would add foreign fishing boats to the determination made by the Secretary of State of the maximum quantity of sea fish caught, or of the maximum number of days at sea.

I believe that the amendment brings us one step closer to taking back control of our waters. We should have control over what non-UK boats do in our waters, including how much fish they can catch. As hon. Members know from our lengthy discussions on these matters, the Opposition are keen to ensure that the sustainability of our environment and our fish stocks are fundamental to fisheries management, and that our small British fishers and their coastal communities see the greatest possible benefit from fishing opportunities and redistributed quotas.

The amendment would add foreign fishing boats to the determination made by the Secretary of State for the maximum quantity of sea fish that can be caught and the maximum number of days that can be spent at sea. It seeks to ensure that foreign fishing vessels are not exempt from the Secretary of State’s jurisdiction. In our efforts to ensure that we have a sustainable and growing UK fishing industry, the British Government should be able to set limits for all boats operating in our waters to protect UK fish stocks and ensure the survival of our UK fishing industry.

Victoria Prentis: We do not think that this amendment is necessary, as foreign fishing boats do not hold any rights to use British catch or effort quota. UK quota is allocated only to vessels registered and licensed in the UK. It is, of course, true that the ultimate beneficial owners of some UK fishing businesses are foreign. This is because UK fishing companies and their assets can be bought and sold like any other company in any other industry, but no foreign-registered fishing boat has the right to use our quota, nor will they in future. Any foreign fishing boat permitted to fish in UK waters in future would fish against its own state’s quota. Given that the amendment would not be effective in practice, I ask that it be withdrawn.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 114, in clause 24, page 16, line 19, at end insert—

“(1A) No determination of effort quota under subsection (1)(b) may be made until the completion of a trial for the relevant area of sea, stocks fished, fishing methods used, documentation methods used and any other relevant considerations that demonstrates that there is no evidence that such a determination—

- (a) might cause a detriment to the achievement of any of the fisheries objectives;
- (b) might cause the maximum sustainable yield of any stock to be exceeded;
- (c) might reduce the accuracy of the recording of catches;
- (d) might increase the risk of danger to the crew of fishing boats.”

This amendment would prevent the Secretary of State making a determination of effort quota until it has been shown not to cause adverse impacts through a days at sea trial.

Amendment 114 would require the Secretary of State to commit to a days at sea trial to ensure the effort quota is not harmful to the fisheries objectives, the state of fish stocks or boat crew members. Days at sea or effort quotas should be the result of careful planning and consideration. As my hon. Friend the Member for Bristol East (Kerry McCarthy) said on Second Reading:

“Fish stocks are a finite resource, yet fishing quotas are being set above scientifically recommended sustainable levels year on year. Estimates suggest that restoring fish populations would not only safeguard our marine life, but lead to £244 million a year for the industry and create more than 5,000 jobs.”—[*Official Report*, 1 September 2020; Vol. 679, c. 96.]

I cannot stress enough the need for quotas to closely follow scientific guidance so that fish stocks are not depleted further. With this amendment, the Opposition are calling on the Secretary of State to complete trials on

“the relevant area of sea, stocks fished, fishing methods”

and “documentation methods used” before making a determination of fishing opportunities. This would ensure that effort quotas do not negatively impact the achievement of any of the fisheries objectives under clause 1 of the Bill, exceed the maximum sustainable yield of any stocks, reduce the accuracy of the recording of catches, or put the lives of fishers at risk. I do not believe it is too much to ask of the Government that they commit to a trial that ensures the sustainability of our stocks and the industry.

If the Minister is confident that the trial would find that an effort quota is not harmful, there is nothing to fear or oppose in having it take place, and ensuring the matter can be concluded with its findings. Conversely, if it is the case that the effort quota is harmful to the fisheries objectives, the state of the fish stocks or the boat crew members, I am sure the Minister would not want that harm to continue. As I have said, the amendment simply commits the Secretary of State to undertake a days at sea trial to ensure that we are not causing long-term harm to the industry and our fish stocks. I hope the Government will take this opportunity to do so.

Victoria Prentis: There is already a long-standing effort scheme in place for some shellfish and all demersal fish in the western waters, which will become retained UK law. To effectively manage the western waters effort regime in future, we may need the Secretary of State determination to vary effort baselines in response to the latest scientific evidence or, of course, the outcome of annual fisheries negotiations. I am concerned that the amendment would hamper our ability to improve the western waters regime. Requiring no evidence to be found seems unlikely to be achieved through the pilot, so I suggest that the effect of this amendment would be to stop the effective use of effort as a way of determining fishing opportunities in future.

Luke Pollard: We have not spent as much time discussing effort during the passage of this Bill as we did during the course of the last Bill. One reason for that is that Ministers subsequently committed to undertake days at sea trials, and there have been discussions among various ports as to which ones would undertake those trials. As the Minister will know, Plymouth is one of those ports; it is keen to undertake the trials, and with a very active

council on fisheries matters and the shadow Secretary of State representing the area, that would be the perfect opportunity to prove or disprove whether this works. Is it still the Government's intention to hold those days at sea trials, and if so, would they be a substitute for what the amendment seeks to provide?

Victoria Prentis: Given the specific nature of this clause, I am not sure that I can answer the hon. Gentleman's question in the way he would like me to. What we are talking about here is the effort trial involving some quota stocks, and without further time to check what is envisaged in any Plymouth trial, I do not want to categorically rule it in or out.

Luke Pollard: I am grateful to the Minister for giving way again. Whether it is a Plymouth trial, a Fraserburgh trial or a Grimsby trial, the concept is of a series of trials to look at days at sea and effort-based fishing, beyond the stocks that already have effort-based regimes in place. That was an important concession that the Government made after the pausing of the last Fisheries Bill. If the Minister does not know the status of those trials, perhaps she could write to the Opposition to set out those details. It is important that we have clarity on that.

Victoria Prentis: As far as I am concerned, we are very keen to make the scientific evidence and the baselines that we use as good as possible. I think the hon. Gentleman is aware of the work that is carrying on in that regard. However, we do need the flexibility to respond to changing science. I am in no way denigrating the pilot schemes, which are important and ongoing. This is probably, again, not a matter for this amendment, but something that we will continue to discuss for many years.

The problem with the amendment is that it would stop the effective use of effort as a way of determining fishing opportunities. I am not saying that we do not need the science—of course we do, and we need pilots to give us that science—but I do not want this to prevent us from using a precautionary approach to fisheries management where that is appropriate.

I am concerned that the amendment would put fisheries and their management at risk up and down the country, so I expect it will be withdrawn.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 115, in clause 24, page 16, line 26, at end insert—

“(3A) The Secretary of State must ensure that a baseline stock assessment has been made for all non-quota species by 2030 and must report on progress on an annual basis.”

This amendment would require the Secretary of State to gather a baseline stock assessment for those stocks that are not subject to catch limits.

Amendment 115 calls for a baseline stock assessment to be made for all non-quota species by 2030, and requires an annual report on progress. I believe the amendment is vital to ensuring the environmental and economic sustainability of our non-quota fish stocks. As I hope we all acknowledge, the absence of comprehensive

data, even on quota species, has led to considerable issues that could threaten the long-term future of the industry and the marine environment itself. Overfishing is only one of the problems caused.

To ensure that the objectives in the Bill are met, the amendment calls for a baseline stock assessment to be made for all non-quota species by 2030 and an annual report on progress.

Katherine Fletcher (South Ribble) (Con): The hon. Lady is talking about a specific point in the trophic pyramid of the ecosystem. She is asking for an assessment of all non-stock species, but is that down to the nudibranchs on the rocks? I can see certain practical challenges with that, even though it is just fish.

The Chair: This needs to be a short intervention.

Katherine Fletcher: Okay. The trophic pyramid does not allow—just because it has a backbone—for it to be at that point in the ecosystem because it is called a fish in biology. I wonder whether there are unintended consequences of the amendment.

Stephanie Peacock: We hope that there will not be unintended consequences, but the amendment speaks to those fish that we actually go out and fish. I hope that clarifies the point.

As such, it seems that baseline stock assessments and annual reporting of progress on this matter are essential if we are to ensure that informed decisions can be made to protect the future of all non-quota species and the fishers who catch them. We know that many of these species are under great pressure. A deficiency in the data can be an excuse for fishing unsustainably. We cannot allow ourselves to plead ignorance, when the important step within this amendment has the potential to prevent such mistakes being made, which we know would be an environmental and economic disaster for the communities that rely on our fish stocks.

The Chair: Is it your pleasure that the amendment be withdrawn? Sorry, I call the Minister. I am sure it would be the Minister's pleasure for the amendment to be withdrawn.

Victoria Prentis: It would indeed be our pleasure that the amendment be withdrawn, because we think it is disproportionately burdensome, though we agree it is well-intentioned and we absolutely agree that good data is key to making good fisheries management decisions. We also accept that we have too many data-poor stocks, particularly for non-quota stocks, but there are a number of practical issues with the amendment that we think would cause us difficulties.

Fisheries management plans in the Bill require fisheries authorities to specify the actions to assess the status of the stocks covered, or explain how the stocks will be managed sustainably in the absence of sufficient data. Our progress with those plans will be reported on every three years. Many non-quota stocks occur in the waters managed by the devolved Administrations. Most of the functions of gathering that information will be for the

[Victoria Prentis]

DAs, not the Secretary of State. I am concerned about that aspect of this amendment, and I again ask that the amendment be withdrawn.

3 pm

Stephanie Peacock: I will withdraw it.

The Chair: We got there in the end. I do apologise.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 116, in clause 24, page 16, line 43, at end insert—

“(7A) The Secretary of State may also determine, for such year or other period as may be specified in the determination, the maximum number of different descriptions of sea fish that may be caught, tagged and released, for the purposes of gathering data to aid scientific study, by those engaged in recreational fishing.”

This amendment would give the Secretary of State the power to determine a ‘catch, tag and release’ quota for recreational fishing for the purposes of gathering data to aid scientific study.

As outlined with reference to amendment 115, the absence of comprehensive data on our fish stocks inhibits our ability to ensure that we manage our fisheries in a way that is environmentally and economically sustainable. Amendment 116 would give the Secretary of State the power to determine a catch, tag and release quota for our recreational fishers. On Second Reading, my hon. Friend the Member for Canterbury, who is serving on the Committee, referred to each fishing boat as a “floating science laboratory”. I could not agree more. Fishers are, absolutely, experts in their industry. We must not ignore their knowledge and ability to gather data. In fact, I would argue that they should have a much bigger role in the formation of policy decisions, because they bring to the table not only expertise but an unparalleled passion for ensuring the future survival of the UK fishing industry.

In bringing recreational fishers into much-needed work gathering data on our fish stocks, the amendment would provide the Secretary of State with the opportunity to allow recreational fishers to assist in the gathering of data on the state of our fish stocks and help scientists to provide up-to-date information and advice to fisheries authorities. In doing so, the Secretary of State would be providing a boost to recreational fishing, while allowing it to play its role in ensuring the sustainability of our fish stocks and better fisheries management for our commercial operators.

Since 2015, huge Atlantic bluefin tuna have appeared late each summer in UK waters. That is an exciting new development for UK fishers. Until the 1950s, we had a thriving recreational bluefin tuna fishery that operated out of Whitby and Scarborough. In the early 1960s, however, those fish disappeared completely from the far north-east Atlantic. That was down to a combination of factors, including long-time climatic cycle shifts and commercial overfishing of their prey species. But as of five years ago, long-term climatic cycles and recovery efforts had helped the Atlantic bluefin to become once

again a regular seasonal visitor to our waters. Recreational fishers could take part in its global stock recovery programme. No longer do they have to travel to faraway places to fish that big game fish. Instead, catch and release would enable recreational fishers to aid scientific data gathering on non-quota species that are starting to be found in UK waters.

We have a real opportunity here to create world-class, sustainable and valuable live-release recreational fisheries. The amendment is not just about protecting fish stocks for environmental and conservationist reasons, although that is important. It is about the future prosperity of our fishers and coastal communities, whom we want to see grow in the long as well as the short term.

The Chair: My alertness just improved during the discussion of this amendment. I am so sad that I cannot involve myself in this debate.

Victoria Prentis: As I know you know, Sir Charles, recreational angling within the UK is not currently subject to quota limitations, which the Government are concerned could incorrectly be interpreted as a reference to equivalent measures currently in place for commercial fishers. Discussions with the recreational sector have repeatedly highlighted the fact that it is not particularly interested in being subject to quota restrictions. Its interest is in restoring stocks and improving physical access, so that more successful recreational trips can take place. Indeed, the current industry proposal for a recreational scientific catch, tag and release bluefin tuna fishery is based on the premise that quota would not be required.

The amendment pre-empts the outcome of engagement with stakeholders and careful consideration of the best way to develop a regime, if we believe that that is the right way to go, for recovering species such as bluefin tuna. I have undertaken to meet the shadow Minister, the hon. Member for Plymouth, Sutton and Devonport, and other colleagues who are interested, at some point before too long, to discuss bluefin tuna specifically. The Government feel that the amendment is unnecessary, as we already have broad powers in relation to scientific trials, data collection and quota allocation.

Luke Pollard: I am grateful to the Minister for giving way at the last minute and for agreeing to meet me, the hon. Member for North Cornwall (Scott Mann) and, perhaps in a different capacity, the Chair to discuss bluefin tuna. Will she address the point about the role of recreational fishers in helping to provide science? That was at the heart of what the shadow fisheries Minister, my hon. Friend the Member for Barnsley East, was saying. For data-deficient stocks in particular, and for stocks for which data is held but is poorly applied, recreational fishers—a group of people who love their fish and have really strong opinions on making fishing more sustainable—could provide an enormous benefit to Government science.

Victoria Prentis: I could not have put it better myself.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 112, in clause 24, page 17, line 8, leave out “negative” and insert “affirmative”.

This amendment would make the relevant regulations subject to the affirmative procedure.

The amendment would make the regulations subject to the affirmative procedure. On the first day of the Committee, I spoke at length about the need for more parliamentary scrutiny. Since 2013, no significant progress has been made towards achieving maximum sustainable yield figures, which have languished at about 57% to 68% of stocks fished sustainably in the last seven years.

The powers granted under clause 24(10) give the Secretary of State the power to determine the number of days in a specified period that a boat may spend at sea. Regulations under that power will be affected by the varying technical conditions—from the stowing of fishing gear to entering the UK’s inshore waters or leaving a port—that may affect when a boat should be regarded as fishing. The calculation of what is meant by “a day at sea” is highly technical, so I firmly believe that we need more parliamentary scrutiny to ensure that effort quotas do not exceed scientific advice and damage the sustainability of our fish stocks.

Victoria Prentis: The Government consider that we have struck the right balance between the need for parliamentary scrutiny and the need to react quickly, with secondary legislation, to make what are often technical amendments. The Delegated Powers and Regulatory Reform Committee considered the procedures for the delegated powers in the Bill, and said:

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

That Committee also published a report about the Bill on 26 February, and it did not change its views. It should also be noted that an identical amendment was debated and withdrawn in the other place. I therefore invite the hon. Lady to withdraw the amendment.

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

Amendment, by leave, withdrawn.

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

Victoria Prentis: The clause provides the Secretary of State with the power to determine the UK’s fishing opportunities, to comply with its international obligations. The Secretary of State will be able to set the maximum amount of seafood that may be caught by British fishing boats and the maximum number of days that they can spend at sea. The power would be used to set the level of total allowable catch for UK shared stocks, reflecting anything that we manage to negotiate. It could also be used to ensure our compliance with article 61 of the United Nations convention on the law of the sea.

The power relates therefore to the high-level function of determining UK fishing opportunities as a whole; it does not relate to the subsequent allocation of those opportunities to the different fisheries administrations, or indeed to their distribution to industry. Under the clause, the Secretary of State would also have the power

to make negative resolution regulations about when time will be counted as time at sea for the purposes of the determination.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill.

Clause 25

DUTIES RELATING TO A DETERMINATION OF FISHING OPPORTUNITIES

Stephanie Peacock: I beg to move amendment 117, in clause 25, page 17, line 19, at end insert—

“(e) the public.”

This amendment would require the Secretary of State to conduct a public consultation prior to making or withdrawing a determination under section 24.

The Chair: With this it will be convenient to discuss amendment 118, in clause 25, page 17, line 24, at end insert—

“and stating what published scientific advice was used as the basis of the decision,”

This amendment would require the Secretary of State to state what scientific advice was used when making or withdrawing a determination under section 24.

Stephanie Peacock: I will speak to both amendments. Amendment 117 calls for public consultation prior to the Secretary of State making or withdrawing a determination of fishing opportunities under clause 24. Members on both sides of the House have mentioned that we need to restore public trust in fisheries management decisions and policy. For too long, the British public have had little say in what happens, with decisions made behind closed doors in Brussels. The feeling that decisions that affected the public were made by people far away who knew little about their lives and were not willing to listen has been incredibly powerful, and the frustration that that democratic deficit causes is real.

A public consultation would give the public, and particularly our coastal communities, a say in the fishing opportunities in UK waters. It would show that the Government want to give the public an opportunity to have their say and that they are committed to listening.

Mr Goodwill: The hon. Lady talks about a democratic deficit, but do not many Members of Parliament represent coastal ports, and indeed are there not councillors on the inshore fisheries and conservation authorities? Do not we already have quite strong democratic accountability for the fishing industry and environmental concerns within Parliament and local authorities?

Stephanie Peacock: I am grateful to the right hon. Gentleman, who speaks with great authority on the subject. I guess that that argument could be applied to pretty much any public consultation. The idea of the amendment is that although, of course, people can come to their local MPs, who can make the case for them, they would be able to feed in directly on the specifics of fishing opportunities.

A public consultation would also, I believe, bring to light the current inequalities in the UK fishing fleet and give the public an opportunity to have their say on how to address bringing back prosperity to coastal communities. It would also give people the opportunity to ensure that

[Stephanie Peacock]

the Government and fisheries authorities stay true to the objectives outlined in clause 1—most importantly, the sustainability objective. The British public are increasingly concerned about the climate emergency and the efforts being made to protect our environment. If we are to restore the confidence of the public that the British Government are in complete control not only of our maritime future, but of the conservation and protection of our marine environment, we must involve them in our fisheries management decisions. I believe we should give them a voice, and commit to listening.

Amendment 118 would require the Secretary of State to state what scientific advice was used when making or withdrawing a determination under clause 24. As discussed earlier, the scientific evidence objective requires fisheries authorities to draw on

“the best available scientific advice”

in making their decisions. The Opposition have argued that only that evidence will lead to world-leading sustainable fisheries management.

For the purposes of accountability and effective scrutiny, it seems clear that when making such determinations under clause 24 the Secretary of State should identify the scientific evidence on which the decisions are based. Such decisions by the Secretary of State will have significant impacts on operators and coastal communities, and I do not believe that it would be improper for the Secretary of State to confirm the scientific basis of a decision.

Independent peer-reviewed science must form the basis of all fisheries management decisions. Sadly, we live a world where a minority scientific opinion—the opinion of those who deny the existence of a climate crisis, for example—can cast doubt on the majority of scientific data and advice. It is important that we know who the Government are turning to when they determine the allocation of fishing opportunities under clause 24.

Victoria Prentis: We are concerned about the practical implications of the amendment, as it could result in an unacceptable loss of time in getting access to fishing opportunities at the start of the calendar year. If public consultation were required it would have to take place after international negotiations, which could cause a significant delay. Fishermen would not be able to fish, because they would still be waiting for confirmation of quotas. For fisheries that operate primarily in the early part of the year, such as the mackerel fishery, that could be serious.

It is unclear what benefit public consultation at that stage would bring. The scientific advice, which the hon. Lady is right to mention as important, and which informs negotiation and quota setting, would have been published by the International Council for the Exploration of the Sea some months earlier. Discussions with industry and other stakeholders about quota setting would ordinarily take place in advance of negotiations, not afterwards.

Turning to amendment 118, the advice on the health and sustainability of fish stocks is already publicly available and is published each year. It is good international advice on the health of fish stocks and total allowable catches each year, and is available to all those who are interested in it. I am afraid I do not see what benefit the two amendments will bring, and I therefore ask that neither be pressed to a vote.

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

Amendment, by leave, withdrawn.

Clause 25 ordered to stand part of the Bill.

3.15 pm

Clause 26

DISTRIBUTION OF FISHING OPPORTUNITIES

Stephanie Peacock: I beg to move amendment 119, in clause 26, page 17, leave out line 38.

This amendment would remove historical catch levels as a basis for distributing catch quotas and effort quotas.

Amendment 119 removes historical catch as a basis for allocating quotas. National authorities would no longer consider historical catch levels when distributing catch and effort quotas to fishing boats. Instead, they would prioritise environmental and local economic criteria. Removing historical catch levels as a criterion would help to end the unfair arrangement that British fishers suffered under the common fisheries policy.

This new system under which quotas are distributed on the basis of environmental and local economic criteria is likely to benefit small-scale sustainable fishers who belong to the UK small fishing fleet, because smaller boats provide more job opportunities to local communities. For every fish caught, small-scale fleets create far more jobs than their larger counterparts. In 2016, they landed 11% of fish by value in the UK but employed nearly half of all fishers. They are also better for the environment.

We have already discussed the impact of destructive fishing methods, including pulse beam trawling, which cause huge damage to the UK marine environments and ecosystems. In contrast to supertrawlers and larger boats, the vast majority of boats within the small-scale fleet use passive gears, which are more environmentally friendly. By removing historical catch from the list of criteria that a national authority must consider when allocating fishing opportunities, we would send a message to smaller boats that we believe in their economic potential and recognise the positive impact of job opportunities in coastal communities and the marine environments in which such boats operate.

I am aware that some colleagues will be concerned about the legality of removing historical catch as a basis for allocating quotas, but I reassure them that a challenge to a new system of quota allocation enshrined in an Act of Parliament would be unlikely to succeed. I have been assured that the new scenario of mandating quota re-allocation in UK law would be compatible with domestic and international law.

Under this new approach, foreign-owned companies that control UK quota would have to work to keep it on the UK's terms. They would have to fulfil the environmental and local economic criteria, demonstrating their commitment to sustainability and local employment. Our smaller fishing fleets remain the backbone of coastal communities across the country. It is time that they got their fair share of fishing opportunities.

Victoria Prentis: In Committee earlier this week, I explained that although fixed quota allocation units do not represent a permanent right to quotas, the High Court has recognised them as a property right, and it is

not the Government's intention to undermine the legal status of the existing quota regime at this stage. I therefore ask that the amendment be withdrawn.

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

Amendment, by leave, withdrawn.

Stephanie Peacock: I beg to move amendment 120, in clause 26, page 17, line 44, at end insert—

“(3A) When distributing English fishing opportunities, the Secretary of State may redistribute any fishing opportunities made available before IP completion day, and any such distribution and redistribution must be carried out according to social, environmental and local economic criteria following national and regional consultation from relevant stakeholder advisory groups, including representative groups from across the fishing fleet, scientists, and environmental groups.”

This amendment would allow the redistribution of existing fishing opportunities in England and would mean that such distribution and redistribution had to be carried out in accordance with certain criteria, following consultation.

Amendment 120 would allow the redistribution of existing English fishing opportunities. I stress that Labour's amendments to clause 26 would not leave our largest fishing boats and those that are bigger than 10 metres in a position where they could no longer operate—far from it. We are calling for a redistribution of a small proportion of opportunities to the under-10 metre fishing fleet. Even a single-digit percentage redistribution of quotas would make a monumental difference to the lives of small fishers, who have been hit particularly hard by the covid-19 pandemic. If just 1% or 2% of the total catch was re-allocated, that could increase by 25% what small boats can catch.

As I outlined earlier, for every fish caught, a small-scale fleet creates more jobs than their larger counterparts do. Despite landing only a tenth of the fish by value, they employ nearly half of all fishers. Of course, as we discussed, they create far more jobs on land than at sea. These small fishers are the backbone of the British fishing fleet. The future prosperity of our coastal communities is fundamentally dependent on these small-scale fishers. A small redistribution of the quota, which is clearly within the Government's gift, would not cause significant damage to large-scale fishers, but it would fundamentally transform the prospects of our small fishers and their coastal communities. It would give them a platform to invest in new gear and boats and to hire more crew.

Labour is not calling for the redistribution of the quota to happen immediately. A phased drawdown period would ensure that fishers could build up their capacity to meet the new quota allowances. As my hon. Friend the Member for Plymouth, Sutton and Devonport said on Second Reading:

“Such rebalancing could easily be absorbed by the big foreign-owned boat operators within the current range of variation of total allowable catch”.—[*Official Report*, 1 September 2020; Vol. 679, c. 73.]

The amendment calls on the Secretary of State to consider the social, environmental and local economic criteria when distributing or redistributing existing English fishing opportunities, as well as to consult stakeholder advisory groups. As I mentioned in the debate on amendment 119, Labour believes that considering environmental and local economic criteria would benefit

our small fishing fleet and, consequently, the seaside towns and villages they rely on. Amendment 120 asks the Government to grasp this opportunity to support our small English fishers and their communities.

Luke Pollard: I rise in support of the case that has just been laid out by my colleague the shadow fisheries Minister. There is an opportunity here to support our small boat fleet and to send a message about what type of fisheries we want to have after we leave the Brexit transition period at the end of the year. I believe the British public and those in our coastal communities where fishing has a presence want to see our small boat fleet supported in particular. That is the sentiment that comes from fishers and coastal communities in Plymouth and across the south-west and, indeed, when I visited Grimsby and Hull recently. They want to see the small boats in particular benefiting.

As the Minister knows, I am sceptical about whether more fish will appear in any negotiations, and that is why, regardless of whether more fish come or not, now or later or not at all—I hope they do, through zonal attachment rather than relative stability—the ability to redistribute even a small percentage of our current quota to the benefit of our smaller fishers could have a profound and positive impact on our coastal communities. It would support our small fishers, create more jobs and, in particular, provide an economic foundation for fishers to expand the number of boats, expand the workforce and invest in our port infrastructure.

I anticipate that the Minister will be less keen on this measure. However, the sentiment that has been articulated is sound and good and would deliver on much of the promise that many of our coastal communities want to see from a revised fisheries regime.

Victoria Prentis: I have absolutely no doubt that more fish will appear, or that we will be entitled to more fish at the end of this year. I absolutely agree with the sentiment of much of what the hon. Gentleman said, but I have an issue with the amendment.

The fisheries White Paper 2018 set out the Government's policy on our existing quota—I rehearsed that point in the debate on the previous amendment. It is not our intention to undermine the legal status of the existing quota regime. We have also made it very clear, not least on Tuesday, that we will allocate additional quota differently. We will shortly consult on proposals for allocating English additional quota. I look forward to hearing from the hon. Gentleman at length when we do so.

There are some drafting issues with the amendment. For example, it is unclear what is meant by “fishing opportunities made available before IP completion day”. Obviously, fishing opportunities vary from year to year as stock conditions go up and down. It is unclear what is expected to be used as the baseline here. I am also concerned that the amendment seems to duplicate earlier parts of clause 26. Given that the Government have made absolutely clear that we do not intend to redistribute our existing share of FQA and that it is uncertain how the amendment would operate, I ask that it be withdrawn.

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

Amendment, by leave, withdrawn.

Luke Pollard: I beg to move amendment 121, in clause 26, page 17, line 44, at end insert—

“(3A) When distributing catch quotas for use by fishing boats, the national fisheries authorities may make provision for the pooling of catch quotas by two or more boats.

(3B) Before making provision for the pooling of catch quotas under subsection (3A), the national fisheries authorities must be satisfied that any pooling will lead to a reduction in the discard of catch, including bycatch.”.

This amendment would allow the national fisheries authorities to enable catch quota to be pooled by two or more boats in cases where doing so would avoid discards.

This probing amendment is intended to investigate the Government’s plans to deal with discards and bycatch. We know that in mixed fisheries in particular, there is the real problem of small boats not having a quota for the fish they are catching because of their inability to target species in a 100% accurate manner. The amendment argues for a greater pooling of an element of quota to avoid fishers getting into trouble, through no fault of their own, despite best efforts to avoid bycatch when catching species they have neither quota for nor the ability to discard over the side or land in an economic manner. It is intended not as the preferred solution but rather as an opportunity for the Minister to set out the options, because I am concerned that the current discards regime, introduced for all the right reasons with a huge amount of public support, does not support our fishers in achieving the right outcomes in support of their businesses or the regime’s intended environmental objectives.

I expect the Minister to take much issue with the wording of the amendment. I am less fussed about its wording and more fussed about the clarity of where she intends to take discard policy in the future.

Victoria Prentis: I am always fussed about the wording of amendments, but I would like to emphasise the important point that the Government remain fully committed to managing our stocks of fish sustainably and indeed to ending the wasteful practice of discarding.

Now that we have left the EU, we will develop a discards policy more tailored to us. It will have an emphasis on reducing the level of unintentional and unwanted bycatch through sustainable and selective fishing. The amendment is unnecessary because we already use quota pools in the way the amendment sets out. Most quota in England is managed by producer organisations. The exact management arrangements vary, but many do choose to operate with a quota pool, as set out in the amendment. The rest of the English fleet, which includes most of the smaller inshore vessels, fish from one of two quota pools that are managed by the MMO.

Luke Pollard: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Stephanie Peacock I beg to move amendment 82, in clause 26, page 17, line 44, at end insert—

‘(c) access for the purpose of recreational fishing, including by means of boats chartered for that purpose, to increased stock levels of recovering species.’.

This amendment would add access by recreational fishing to increased stock levels of recovering species to the list of things that national fisheries authorities must seek to incentivise when distributing catch quotas and effort quotas.

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

Amendment 81, in clause 35, page 23, line 44, at end insert—

‘(1A) Prior to giving financial assistance under subsection (1)(i), the Secretary of State must conduct a public consultation on how best to promote sustainable public access to recreational fishing opportunities, taking socioeconomic factors into account.

(1B) The consultation in subsection (1A) must include consideration of the use of boats that are chartered for recreational fishing.’.

This amendment would require the Secretary of State to conduct a consultation on recreational fishing prior to providing financial assistance.

New clause 2—*Recreational fishing*—

‘(1) When any provision of this Act, including provisions inserted into other Acts by this Act, requires or permits the Secretary of State to consult with any person considered appropriate, the Secretary of State must consult with persons representing the practice of recreational fishing, including those who charter boats for the purpose of recreational fishing.

(2) The Secretary of State shall publish an annual report providing an assessment of the extent to which the provisions of this Act have—

(a) promoted recreational fishing, and

(b) had economic benefits attributable to the promotion of recreational fishing.

(3) The first report under subsection (2) shall be published no more than 12 months after this section comes into force.’

This new clause would require the Secretary of State to consult on providing financial assistance for the promotion of recreational fishing, and to include representatives of recreational fishing when conducting a consultation under any other provisions of the Bill.

Stephanie Peacock: Amendments 81 and 82 and new clause 2 are all about recreational fishing. Amendment 82 recognises the importance of recreational fishing to local economies across the UK and would call on national fisheries authorities to add access to recreational fishing to increase stock levels of recovering fish species in the distribution of catch and effort quotas.

As my hon. Friend the Member for Plymouth, Sutton and Devonport outlined on Second Reading, recreational fishing matters to people’s identities and it now competes economically with commercial fishing in GDP terms. In oral evidence to the Public Bill Committee for the previous iteration of the Bill, Dr Carl O’Brien said:

“In future, we need to have a better understanding of recreational fishing. We cannot ignore it, but we have to come up with a policy where you balance commercial and recreational anglers”

and that

“regardless of whether they are selling their catch, they are competing with a commercial fishery...for the western Baltic cod, the catches of the recreational anglers are far in excess of the commercial fleet.”—[*Official Report, Fisheries Public Bill Committee*, 6 December 2018; c. 117, Q228.]

The amendment asks the Secretary of State to consider the interests of the recreational fishing fleet alongside commercial fishing interests when distributing extra quota that has come about through the efforts to restore fish stock. New clause 2 would require the Secretary of State to consult on providing financial assistance for the promotion of recreational fishing and to include representatives of the recreational fishing industry when conducting a consultation under any of the provisions of the Bill.

As I mentioned, recreational fishing makes a huge contribution to local economies across the UK. It is an incredibly popular activity enjoyed by hundreds of thousands of people. Research recently published from surveys of sea anglers during 2016 and 2017 shows that about 800,000—1.6% of UK adults—went sea angling at least once a year, fishing for a total of 7 million days. Anglers spend on average more than £1,000 a year on their sport, resulting in sea angling having a total economic impact of between £1.5 billion and £2 billion. Sea angling supports about 15,000 jobs in the UK. It is important that we give the public and the industry an opportunity to have their say. Recreational angling and its contribution to coastal communities deserves more recognition in the Bill.

New clause 2 would ensure that the Bill supports our recreational industry. In a Committee evidence session on the previous iteration of the Bill, the Angling Trust argued that one of the great failures of the common fisheries policy was the failure to recognise recreational angling as a legitimate stakeholder in European fisheries. The new clause tries to correct that failure. As we take back control of our waters, we could do right by our sea anglers. We could recognise recreational sea angling as a direct user of, and a legitimate stakeholder in, fishing.

Amendment 81 would require the Secretary of State to conduct a consultation on recreational fishing before providing financial assistance. Clause 35 creates new powers for the Secretary of State to make grants or loans to the fishing and aquaculture industries. Labour welcomes the inclusion in the Bill of recreational fishing among the list of purposes for which the Secretary of State may give assistance. Our amendment would bring the Bill in line with new clause 2 and ensure that consultation on recreational fishing takes place prior to the provision of financial assistance.

3.30 pm

Sustainable public access to recreational fishing should be promoted. I will not repeat the points that I have already made about the importance of the recreational fishing sector to coastal communities and sustainable fisheries management. However, I urge the Minister to support our amendments and new clause on recreational fishing, to recognise the good that the industry does for our country and ensure that it thrives in the future.

Victoria Prentis: DEFRA absolutely recognises the benefits of recreational fishing to the nation's health and economy; I know you do too, Sir Charles. I myself enjoy sea angling, as do other members of my family.

However, I will note at the beginning of this discussion that references to “fish activities” include both commercial and recreational fishing in this iteration of the Bill. So, it is fair to say that the Bill has been improved and it is good to see those activities being viewed as equal partners in what we are trying to do.

Quota is one of several possible mechanisms that could be explored in order to increase recreational anglers' access to fish; we talked about that earlier. Other mechanisms could include technical measures, through which recreational fishers saw a significant increase in their access to sea bass between 2019 and 2020. We can also enable anglers and fishermen to play a greater role in scientific research, as we also discussed earlier, and that has been proposed with regard to bluefin tuna.

Clause 26 relates generally to the distribution of fishing opportunities. It is not just about the distribution of quota to commercial boats. It already ensures that environmental, social and economic factors are considered. On that basis, I believe that the current wording of clause 26, combined with the other work that we are doing on recreational access to fish, is sufficient to meet the hon. Lady's objectives.

Turning to amendment 81, DEFRA's recreational sea fishing forum brings together the recreational sector, regulators and policy makers to shape sea fishing policy. This forum met for the third time two days ago and it is providing a really useful mechanism for those in the sector to share their ideas and evidence.

DEFRA is also committed to engaging with stakeholders on the design and implementation of any future grant scheme, to ensure that we can best meet domestic priorities as well as Government objectives. On that basis, I do not think that it is necessary to include the express consultation requirement when consulting on future grant schemes.

Turning to new clause 2, by default in the Bill all provisions apply to recreational fishing as well as to commercial fishing, unless it is explicitly specified otherwise. Given the importance of recreational fishing, the Government will include policies on recreational fishing in the joint fisheries statement. Of course, fisheries management plans can take recreational fishing into account, where appropriate.

On that basis, I believe that we have sufficient existing provisions in the Bill and I ask that the amendment be withdrawn.

Stephanie Peacock: I have heard what the Minister says. However, it is really important that we make sure that recreational fishing is seen as a valid and equal stakeholder. So I will not withdraw the amendment and I will press for a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 6]

AYES

Duffield, Rosie	Pollard, Luke
Owatemi, Taiwo	
Peacock, Stephanie	Smith, Cat

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, rh Mr Robert	Young, Jacob

Question accordingly negated.

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

Victoria Prentis: The clause was amended in the other place to set out the criteria for distributing UK fishing opportunities in the Bill, rather than by reference to retained EU law. The wording of the provision has been updated slightly to reflect UK drafting style, but

[Victoria Prentis]

the provision includes the same requirement for transparent and objective criteria that take into account environmental, social and economic factors.

Question put and agreed to.

Clause 26 accordingly ordered to stand part of the Bill.

Clause 27

RESERVATION OF ENGLISH FISHING OPPORTUNITIES FOR
NEW ENTRANTS AND BOATS UNDER 10 METRES

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

Victoria Prentis: As with many of the amendments made in the other place, the Government agree with the intention behind the clause, but disagree with the manner in which that intention is proposed to be delivered, therefore I seek for the clause not to stand part of the Bill.

The clause refers to new entrants, but it is not clear exactly what that means. A new entrant could refer to a new fishing boat owner, a new skipper or a new crew on board an existing boat, and those different groups may have different needs on joining the industry. New crews on fishing boats do not need any quota, but might need some training. Many under-10 metre vessels target non-quota stock such as shellfish, rather than quota species, so of course they will not need quota either. The lack of clarity about the scope of the clause makes it difficult to establish a baseline for deciding how much quota to give new entrants and, indeed, what data we need to collect and analyse.

Secondly, the clause does not consider the wider issues affecting new entrants. For example, to fish commercially against UK quota, a new entrant needs a British-registered fishing boat and a licence, of which there are a fixed number. Fishing requires a significant capital investment before someone can even go to sea; the cost of an average under-10 metre boat is significant. Reserving a proportion of quota for new entrants does not address that issue. No time limit has been set for how long someone would be classified as a new entrant, which also presents challenges about whether vessels would ever lose access to the reserve quota, how long before that happened and what quota they would then fish against if it was removed.

The Government and Seafish are working in partnership with a range of training partners to offer apprenticeships across the UK on a range of subjects relevant to the seafood industry and maritime occupations. Apprenticeships and vocational qualifications in shellfish and fish processing are available, as are introductory courses on working in the commercial fishing industry, which I am pleased to say include mandatory training on safety at sea.

It is our intention to consult on using some of the additional quota that I am convinced is coming to us to provide increased fishing opportunities for under-10 metre vessels. That is absolutely an intention we share and feel passionately about. There will be more benefits for our fishing ports and coastal communities, but I am afraid, because of the drafting difficulties, I cannot support the clause.

Stephanie Peacock: Labour opposes the Minister's proposal to remove clause 27, which was passed in the other place. We have not moved our amendments to the clause, given the Government's intention to remove it, but we had hoped to encourage them and the Secretary of State to consider the impact on communities with high unemployment and on small and medium-sized enterprises when deciding fishing opportunities under clause 24 of the Bill.

We support the campaign by the Blue Marine Foundation, whose executive director said:

"The distribution of quota is long overdue for reform; it was a botched privatisation which is unfair to the majority of fishermen, who fish inshore, and has perverse environmental consequences. Now it must be unpicked."

For too long the UK fishing quota has been dominated by huge, often foreign-owned, vessels that land their catch abroad. In May, a report by the BBC found that £160 million-worth of English quota is in the hands of vessels owned by companies based in Iceland, Spain and the Netherlands. That is more than half of the value of the English quota. The status quo needs to be changed to give smaller boats the lion's share of the quota, and we do not need new powers to affect real change for our coastal communities. The Government have always had the power to redistribute share of the UK's quota, but have chosen not to, despite small vessel owners facing severe financial hardship over the years.

Some 50% of the English quota is held by companies based overseas. At the same time, the small-scale fleet holds only 6%. It is a damning fact that the five largest quota holders control more than a third of the UK fishing quota. Four of them can be found on the *Sunday Times* rich list. It is clear that the current distribution of fishing opportunities is outdated and unfair. We should take this opportunity and the powers that we have to ensure that it is our small fishers and the UK coastal communities that benefit. If the Minister is seeking to remove the clause, how do the Government intend to deal with such inequality and give smaller fishers a fairer share of quota? The fishers who would benefit from a redistribution were some of the loudest voices during the Brexit referendum, who have long felt that their communities have been ignored. They are also the ones that have been hardest hit by the covid-19 pandemic. Many could not leave port, but their fixed costs remained the same. For some, the Government covid-19 grant came too late, and for many it was not enough to cover maintenance of their boats and port fees.

Our small fishing fleet deserves support from the Government. There has been a lot of talk about how leaving the EU is an opportunity for the UK to secure a fairer share of fishing opportunities for our own fleets. I ask that that principle of fairness is extended within our own fleets. As has already been mentioned, it would not only benefit the owners of under-10 boats, but our coastal communities, as for every fish caught the small-scale fleet creates more jobs than larger boats do. I firmly believe our UK small-scale fleet has the potential to lead the way towards the creation of a greener economy that is not only good for the environment, but creates more jobs at home.

Right now, the barriers for new entrants into the sector, and for small fishers struggling to make a living, are too high. Clause 27 would help to rejuvenate our fishing sector, encouraging more small fishers to join

the industry, which, admittedly, has a relatively older profile than others, and would create more opportunities for people with exciting ideas about how to make UK fishing more sustainable, innovative and profitable. The Bill has the potential to become a vehicle for a fair redistribution of quota allocations, which would be transformational for many of England's small fishers and their communities. Are the Government creating a system that would encourage new entrants into the sector, and redistributing fishing opportunities to the under-10 metre fleet to the benefit of not only small fishers but the communities they rely on?

I also want to probe the Minister and ask her to explain in greater detail what she has said about the proportion of quota that is already guaranteed to the under-10 metre fleet. Will the Government commit to reviewing the current allocation of quota and from here on consider the case for increasing allocations of fishing opportunities to the under-10 metre fleet on a yearly basis?

Last week the Northern Ireland Fish Producers' Organisation gifted an extra quota to the under-10 metre fleet. This was referenced on Second Reading by the hon. Member for Strangford (Jim Shannon), who said the Northern Ireland Department of Agriculture, Environment and Rural Affairs supported this distribution to help keep the Northern Irish fleet economically viable. Will the Minister consider supporting a similar allocation to English fishers who own under-10 metre boats to help them get back on their feet after the past year of uncertainty?

The clause seeks to create a better, fairer framework of quota allocation. Better quota decisions will support our fishing industry, widening employment and making fishing an attractive career to young people. Simply put, in supporting our small fishers, we will support our coastal communities. This is a once in a generation chance to shape our fishing industry for the better. Labour Members will therefore oppose the Government's attempt to remove clause 27.

Luke Pollard: I rise in support of this argument and also to pick up on something that the Minister said in her remarks. She argued that it is expensive to invest in new boats and used that as a reason against the Bill. She argued against the amendment, and then went on to argue that she expects more fish. She cannot have it both ways. She is arguing in support of more quota for under-10s, but that is the intention behind the clause. It gives more quota, which is the ability for fishers to invest in their new fleet. Rather than it being a reason not to invest, it actually supports the smaller fleet.

3.45 pm

Investing in our small boats is delivering on the promise that was made to our coastal communities. I hope the Minister can clarify the point about more quota for the under-10s, whether via this clause or via hopes of more fish in the future. I hope she will find ways of supporting the under-10 fleet to invest in new gear, training and boats.

Victoria Prentis: I am not sure I entirely follow the hon. Gentleman's train of thought, but I hope I can reassure him and answer some of the questions of the hon. Member for Barnsley East. In England, no decisions have yet been taken about how to allocate any additional

fishing opportunities, but consideration will certainly be given to whether that can be used to assist new entrants to enter the profession. The point that I made about fishing vessels was that the boats themselves are very expensive and are a significant barrier to new fishermen coming through.

I said earlier that we feel that a minimum quota allocation would not be the best approach to alleviate the challenges faced by new entrants. I also said that new entrants might not need quota, depending on what they intend to fish. Shellfish, for example, which is a very profitable species, is non-quota. I am concerned that minimum quota could cause other unintended problems. Setting a blanket minimum quota means that other fishers will receive less than they currently do.

We are extremely keen to safeguard the industry's future by encouraging new entrants. We will be looking carefully at how we can best work with the industry to encourage that as part of our work to reform our fisheries management regime as the transition period comes to an end.

The Government recognise the importance of the under-10 fleet. Since 2012, quota that has not been fished, leased, gifted or swapped by producer organisations has been realigned, and we have managed to deliver a 13% increase in quota for the under-10 fleet. As I said earlier, a significant proportion of the catch caught by the sector is made up of non-quota species such as lobster and crabs. We are very keen to support industry initiatives to help that fleet, and I look forward to working with Members from across the House to do that in the future.

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

The Committee divided: Ayes 7, Noes 10.

Division No. 7]

AYES

Bonnar, Steven	Peacock, Stephanie
Duffield, Rosie	Pollard, Luke
O'Hara, Brendan	Smith, Cat
Owatemi, Taiwo	

NOES

Bowie, Andrew	Jones, Fay
Butler, Rob	Morris, James
Coutinho, Claire	Prentis, Victoria
Fletcher, Katherine	Wild, James
Goodwill, Mr Robert	Young, Jacob

Question accordingly negated.

Clause 28

DUTIES TO ENSURE FISHING OPPORTUNITIES NOT EXCEEDED

Stephanie Peacock: I beg to move amendment 125, in clause 28, page 18, line 43, at end insert—

‘(3A) The national fisheries authorities must publish, on at least an annual basis, a comparison of the number of each species of sea fish caught and—

- the catch quota for that species for that year, and
- the maximum sustainable yield (FMSY) reference point for that species for that year.

[Stephanie Peacock]

(3B) The publication under subsection (3A) must, where the number of sea fish caught in a calendar year has exceeded the figures in paragraphs (3A)(a) or (3A)(b), note the impact on fish stocks that exceeding that figure is thought to have had.”

This amendment would require the publication of the quantity of fish caught, by species, to enable the impact on the sustainability of fish stocks to be assessed.

Amendment 125 would require fisheries authorities to publish annually data on the state of fish stocks. As hon. Members from both sides of the Committee have often said, the deficiencies in data about our UK fish stocks must be improved. A lack of information results in the over-setting of quota limits, which directly leads to over-fishing. That harms not just our marine ecosystems but the future prosperity and survival of our UK fishing industry. I do not doubt that the Secretary of State shares my concerns about that and shares our aspiration to ensure that the deficiencies in our data are addressed.

Annually publishing the data on the state of fish stocks would mean that we are better able to ensure the effective monitoring of the progress being made in addressing those deficiencies. That would inform and enable greater scrutiny of decisions. We would be better able to publicly assess the sustainability of our fish stocks and understand the effect that they are having on each species and what that means for our marine environment and coastal communities. As we discussed earlier, we should not fear greater transparency or scrutiny. That would lead to greater progress and better decisions about our fisheries management, which will only benefit our fishers and their communities.

In his speech on Second Reading, the Secretary of State said that the UK is

“a world leader in promoting sustainable fisheries”
and that we

“can show the world that a better approach can deliver more balance, profitable fisheries and an enhanced marine environment.”—
[*Official Report*, 1 September 2020; Vol. 679, c. 70.]

If we are to demonstrate the success of the UK fisheries management regime, it must be done in a format that allows for careful scrutiny and public debate, to celebrate where we succeed and to challenge and change where things should be improved.

Victoria Prentis: I am afraid I am going to behave like a Government lawyer again and say the intent behind the amendment is absolutely clear, but the wording is

ambiguous. It is not clear what sort of comparison is expected. The amendment focuses on consideration of species, but this does not make sense where different stocks of the same species are managed separately in different sea basins.

The MMO publishes the UK sea fisheries annual statistics report, which provides detailed information on our fisheries, including data on catches, quota uptake and value. The ICES publishes its annual advice on stocks, including advice on sustainable harvest rates. The advice indicates the status of stocks, taking into account previous harvesting. The Government routinely report on the outcome of annual fisheries negotiations, which includes providing figures for the number of TACs set at or below their maximum sustainable yield, and this is absolutely something that I undertake to continue to do in the future.

Our fisheries management plans will have indicators to assess their performance, and every three years the joint fisheries statement will report on how our plans have been implemented and how the stocks have been affected. The Government’s intention is to provide the necessary information through the new and existing mechanisms, so that everybody is clear about how we are getting on with delivering sustainable fisheries. I therefore say that the amendment is unnecessary.

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

Amendment, by leave, withdrawn.

Clause 28 ordered to stand part of the Bill.

The Chair: I think we are going to go from a trot to a canter now.

Clause 29 ordered to stand part of the Bill.

Schedule 5 agreed to.

Clause 30 ordered to stand part of the Bill.

The Chair: Even the Whip on the Treasury Bench is beginning to smile, so we are approaching a denouement.

Clauses 31 to 34 ordered to stand part of the Bill.

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

3.54 pm

Adjourned till Tuesday 15 September at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

FB01 National Federation of Fishermen's Organisations (NFFO)
FB02 Angling Trust

FB03 Sustainable Inshore Fisheries Trust (SIFT)
FB04 South Devon and Channel Shellfishermen Ltd
FB05 Anglo-North Irish Fish Producers Organisation (ANIFPO) and Sea Source

