

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FISHERIES BILL [*LORDS*]

Third Sitting

Thursday 10 September 2020

(Morning)

CONTENTS

Written evidence (Reporting to the House) motion agreed to.

CLAUSES 12 AND 13 agreed to.

SCHEDULE 2 agreed to, with amendments.

CLAUSES 14 TO 17 agreed to, some with amendments.

CLAUSE 18 disagreed to.

Adjourned till this day at Two o'clock.

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

not later than

Monday 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

(Morning)

[STEVE McCABE *in the Chair*]

Fisheries Bill [Lords]

11.30 am

The Chair: Morning. Before we begin, I will make the usual preliminary points. I ask hon. Members to respect the social distancing guidance and to switch to silent—or switch off—their phones and electronic devices. I remind Members that Mr Speaker does not allow tea or coffee to be consumed in Committee. If possible, please email your speaking notes to hansardnotes@parliament.uk for our *Hansard* colleagues.

We will have a short procedural motion this morning, which I hope will be very straightforward, to allow the publication of written evidence—copies are available if Members want them.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): On a point of order, Mr McCabe, a few people have contacted me to inquire about why they cannot watch proceedings, because no visuals are being broadcast. I know that with social distancing, there is a good reason, but for the benefit of those who are listening but not watching, could you explain why they are getting an audio feed alone, rather than a visual feed?

The Chair: I am grateful to the hon. Gentleman for that point of order. Obviously, given that we have such a telegenic cast, it is a severe blow to me as well. The answer—as you rightly point out, Mr Pollard—is that we are in a slightly larger room because of the social distancing rules, and the room does not have camera facilities. It is that straightforward.

Resolved,

That subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Victoria Prentis.*)

The Chair: We now move to line by line consideration of the Bill. As usual, the selection list for the sitting is available in the room. Amendments on similar issues are generally grouped. Please note that decisions on amendments do not necessarily take place in the order that they are debated, but in the order in which they appear on the amendment paper. Decisions on each amendment are taken when we come to the clause that the amendment affects.

Clause 12

ACCESS TO BRITISH FISHERIES BY FOREIGN FISHING
BOATS

Luke Pollard: I beg to move amendment 80, in clause 12, page 11, line 5, at end insert—

“(3A) The master, the owner and the charterer (if any) are not each guilty of an offence if a fishing boat contravenes subsection (1) or (2) as a result of—

(a) danger to life or property, or

(b) any other reason prescribed by the Secretary of State in regulations.”

This amendment makes clear that a foreign fishing boat is not committing an offence if it enters or remains in British waters due to conditions presenting a danger to life or property.

Luke Pollard: This is a probing amendment. I want fisheries to be sustainable, as we discussed on Tuesday, but I also want them to be safe for British fishers, foreign fishers and all those in our waters. We have tabled the amendment to hear from the Minister what would happen in scenarios in which a foreign fishing boat is in trouble near our waters, and the only way for them seek help or to address their concerns is to enter our waters, where they may not normally have a licence to operate.

I hope that the Minister will say that under our international commitments to safety on the high seas, those boats would receive aid and, because of the close working relationship that I hope we will have with our European neighbours, we will be able to co-ordinate rescue efforts if required, and so the authorities will not need to prosecute in those circumstances. Furthermore—as the Minister will know from her legal past—should any prosecution take place for such a scenario, which I doubt it would, the public interest test to evaluate whether there were a case would probably not be passed if the vessel were genuinely seeking help.

Moreover, the Bill must specify that if a foreign fishing vessel enters UK fishing waters for the purpose of fishing, but erroneously claims that it is because they are in distress, they would be committing an offence in that circumstance as they would not have a licence to operate in our waters, and could face prosecution. This is a probing amendment, tabled mainly to enable the Minister to clarify that scenario on the record.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): It is nice to serve under your chairmanship again, Mr McCabe. It is always a pleasure to set out this situation, which already exists under the law in this important area. We all agree that the safety of fishermen and seafarers is critical. The amendment is not necessary, as the hon. Gentleman possibly surmised.

The Merchant Shipping Act 1995 already contains special provisions for vessels in distress, allowing any UK or foreign vessel that is wrecked, stranded or in distress in any place on or near the coast of the UK, or in any tidal water within UK waters, to receive assistance, quite rightly. Articles 17 and 18 of the United Nations convention on the law of the sea allow the right of innocent passage, applying to all ships of all states in territorial seas, an exclusive economic zone or the median line. For example, in poor weather, foreign vessels can stop fishing and shelter behind a headland to escape the worst of the storm. I understand from the Marine Management Organisation that that happens fairly often, particularly in the east and south-west.

Vessels are allowed safe navigation and passage, and we already allow shelter in our waters and ports so that foreign vessel owners can deal with, for example, injuries,

repairs to their vessels, replenishing their provisions or refuelling. Foreign vessels can also safely transit through our waters to reach more distant fishing grounds. None of that will change. Any further exceptions will be agreed in international arrangements and set out in vessel licensing conditions. This is already provided for in subsection (1) of the clause, so I therefore ask that the amendment be withdrawn.

Luke Pollard: I am grateful for the Minister's clarifying that situation, and on the basis of that clarity, I am happy to withdraw the amendment. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13

REGULATION OF FOREIGN FISHING BOATS

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

Victoria Prentis: This clause introduces schedule 2, which extends to foreign vessels a wide range of secondary legislation made by the UK Government and, at their request, Welsh Ministers and the Northern Irish Department. It will make it clear that foreign fishing boats are bound by the same regulations as UK fishing boats. Under the common fisheries policy, the UK was prevented in most cases from applying its local rules to vessels from other EU member states. The clause and schedule 2 seek to rectify that, ensuring a fairer approach to foreign vessels that—subject to negotiations, of course—are granted access to fish in UK waters.

Luke Pollard: The set of amendments to the clause and the schedule relate an awful lot to the Undersized Velvet Crabs Order 1989. There will be some concern, after only a cursory glance at the amendments and the schedule, that the Government are permitting the taking of undersized crabs, which would obviously be contrary to the principles of sustainability that we have spoken about. I will be grateful if the Minister sets out the intent behind the undersized velvet crabs amendments in a wee bit more detail.

Victoria Prentis: Mr McCabe, would you like me to deal with this now or when we deal with the amendments?

The Chair: It is probably better to deal with it when we get to the amendments.

Clause 13 ordered to stand part of the Bill.

Schedule 2

REGULATION OF FOREIGN FISHING BOATS

Victoria Prentis: I beg to move amendment 11, in schedule 2, page 42, line 38, leave out from “crabs”), to end of line 1 on page 43 and insert

“, in paragraph (2), after “foreign fishing boats” insert “of sea fish caught in waters lying outside British fishery limits”.”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

The Chair: With this it will be convenient to discuss Government amendments 12 to 16, 18, 22 and 23.

Victoria Prentis: These are very technical amendments, and it is difficult to get our order and our arguments in the same place. Amendments 11 to 16 make changes to paragraph (2) of schedule 2, which amends the Undersized Velvet Crabs Order 1989 and indeed extends it to foreign vessels, in answer to the hon. Gentleman's question. The amendments remove unnecessary references to Scottish fishing boats, so that the order applies effectively to Northern Ireland. The amendments also ensure that the restrictions in the order do not apply to foreign vessels when they catch fish outside British fishery limits.

Similarly, amendment 18 exempts foreign vessels from restrictions in the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 in relation to fish caught outside British fishery limits. Amendments 22 and 23 just remove some superfluous words in relation to that. I therefore commend the amendments to the Committee.

Luke Pollard: I am grateful to the Minister for setting that out. For the sake of clarity, the Undersized Velvet Crabs Order 1989 was not previously on my reading list; however, it was yesterday. I am grateful to those people who got in touch asking whether this would put further pressure on those species. From my understanding of what the Minister has just said, it does not relate to any further risk to the stock levels; it relates only to access. I am grateful for what she has said on that.

Amendment 11 agreed to.

Amendments made: 12, in schedule 2, page 43, line 2, leave out, from “crabs)” to end of line 4 and insert “, in paragraph (2), after ‘foreign fishing boats’ insert ‘and were caught in waters lying outside British fishery limits’.”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 13, in schedule 2, page 43, line 13, leave out “Scottish or”.

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Amendment 14, in schedule 2, page 43, line 13, leave out “or a foreign vessel”.

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 15, in schedule 2, page 43, line 16, at end insert—

“(4) A foreign vessel is prohibited from carrying in the English zone velvet crab that were caught in waters lying within British fishery limits and are below the minimum size mentioned in sub-paragraph (1).”

This amendment exempts foreign vessels from restrictions in the Undersized Velvet Crabs Order 1989 in relation to fish caught outside British fishery limits.

Amendment 16, in schedule 2, page 43, line 23, leave out “Scottish or”.—(*Victoria Prentis.*)

This amendment removes Scottish fishing boats from the scope of article 4 of the Undersized Velvet Crabs Order 1989 (which imposes a minimum size for carriage of velvet crabs in the English zone).

Victoria Prentis: I beg to move amendment 17, in schedule 2, page 43, line 29, at end insert—

“(5A) After article 4 insert—

‘Fishing by Faroe Islands-licensed foreign vessels

4A (1) Nothing in article 2, 3 or 4 applies in relation to fish that were caught by a Faroe Islands-licensed foreign vessel in waters lying within the Special Area unless, at the time they were

[Victoria Prentis]

caught, the vessel was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

‘Faroe Islands-licensed’;

‘the Special Area’.”

This amendment exempts foreign vessels from certain provisions of the Undersized Velvet Crabs Order 1989 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

The Chair: With this it will be convenient to discuss Government amendments 19 to 21, 24 to 26, 3 and 4.

Victoria Prentis: These amendments are necessary to ensure that we comply with the provisions of the treaty entered into with Denmark in 1999. The treaty concerns maritime delimitation between the UK and the Faroe Islands. The 1999 agreement, or for the purposes of the Bill the Faroe Islands treaty, provides for a special area in the UK exclusive economic zone, exclusively in Scottish waters, over which both parties exercise jurisdiction for fisheries management purposes. A bespoke approach is required to manage that shared area in the right way.

The amendments provide the legal framework for who is able to regulate fishing in that special area from 1 January. They provide the Faroese authorities with the ability to license foreign vessels in that area, as well as providing the option for the appropriate UK licensing authority to license foreign vessels if that is required. Were the amendments not made, we would not be able to implement the Faroe Islands treaty, which might put us in breach of our international obligations. The amendments to schedule 2 exempt vessels licensed by the Faroe Islands fishing in a special area from some secondary legislation that is applicable in Scottish waters.

This is a technical area. We make the amendments in the knowledge that we have a very positive relationship with the Faroe Islands on fisheries management, and we remain committed to collectively improving the way the sea is managed and governed. Indeed, it is through our working on a new future fisheries agreement with the Faroe Islands throughout this year that we have been able to agree the approach to this issue.

11.45 am

Mr Robert Goodwill (Scarborough and Whitby) (Con): Would my hon. Friend further agree that the Faroe Islands are an exemplar of how to maintain a sustainable fishery, using technology such as long lining, for example?

Victoria Prentis: I am very happy to agree with the former fisheries Minister on this point. I know he did a great deal of work with the Faroe Islands, and we have had a very constructive working relationship with them throughout the course of this year. The issue has now been resolved properly, as it should be, in the Bill.

International negotiations are reserved but implementing international agreements, for example by licensing fishing boats, is a devolved matter, so this is a complex area to legislate for. We have worked very closely with our Scottish Government colleagues, who I would like to

thank, and colleagues across Government, to come to an agreed approach that respects both reserved and devolved competences. I am grateful that Scottish Ministers were prepared to and will play an active role in the delivery of this amendment. I commend the amendment to the Committee.

Luke Pollard: I welcome the Government legislating to comply with international treaties, which I am sure the Minister will agree with—I know she is a fond supporter of the rule of law. Until very recently, I did not think that complying with international law or international treaties was a point of contention in this House, but perhaps I am just being old-fashioned in that respect.

We support the amendments to comply with the 1999 agreement with Denmark and the Faroe Islands—that was something else I did not expect to have on my reading list last night, but none the less a thrilling treaty to have a read of. We think there should be no question when it comes to complying with international law, so we support the amendments, but I would like to press the Minister slightly on one aspect.

The Minister will know that when the 200-metre EEZ became the norm, the UK and Denmark on behalf of the Faroes sought to delimit their maritime zones. However, they disagreed at the time on the method and that produced areas of overlap. Those grey areas or special zones, which the Minister referred to in her remarks, are basically a no man’s water subject to special provisions.

For fishing in the special zones, each country can fish and regulate its own vessels. As the Faroes are not in the EU, the measure has not had much impact to date. However, it does now, potentially. As the Minister will no doubt be aware, we are seeing an increase in RIG activity—that is, Russia, Iceland and Greenland—in the areas around the Faroe Islands and the surrounding high seas. The RIG countries are not signatories to the sharing of coastal states agreements, in particular the North East Atlantic Fisheries Commission. I would be grateful if the Minister could offer some clarity on whether the measure only applies to Faroese boats and not those from Russia, Iceland and Greenland—countries that the Faroe Islands may grant permissions to fish. How does that apply to the approach the Government are taking?

The stocks in this zone are big business and I am anxious to ensure that we are not leaving a back door here for fishing in this joint area to become over-exploited by others under Faroese permissions. It is of particular importance that we safeguard our distant water fleets. I do not want to see British fishers undermined in this way. I would be grateful if the Minister could set out some clarity, in particular in relation to RIG activity.

Victoria Prentis: This is a highly technical area, and while the hon. Gentleman was kind enough to mention my legal background, I am not sure that I am able to provide him with a complete answer now. I am going to try, but I would like to caveat that, as all experienced lawyers would, with the fact that I will write to him afterwards if I am found to have been wrong.

It is interesting that this special area is quite a unique legal entity. The conflict with the licensing provisions already in the Bill had not come to light until it got to

the point of negotiations with the Faroe Islands, when it became clear that there might be some points of conflict.

The 1999 treaty permits either party to license foreign vessels, so both the Faroe Islands and the UK authorities—in this case, the Scottish Government—are able to do that. I think that probably answers the hon. Gentleman's concerns. That certainly does not mean that there are no rules in this area of the sea. Many of the licence conditions will be very similar for whichever party issues the licence, and the UK will of course still exercise standard controls and enforcement in the area. Both parties already have a commitment in the 1999 treaty, I believe, to co-operate on marine protection measures, which will further preserve this area. I feel that that is probably an answer to the hon. Gentleman's question, but if there is more to say, I will say it to him in writing.

Luke Pollard: I am grateful to the Minister, and I appreciate that this is a very difficult area. My key concern is about overfishing. From what I gather from the Minister, because the UK and Faroese fisheries authorities will be issuing licences, that would include RIG activity within those waters. Is her understanding that there is sufficient data transfer between those two licences and a scientific basis to ensure that those waters are being fished sustainably?

Victoria Prentis: That is what I believe to be the case, but I want to check that. This special marine area is a fascinating area of law. I cannot pretend that I know all the answers at the moment, so I will get back to the hon. Gentleman if I have told him the wrong thing. Otherwise, we will leave it as stated.

Amendment 17 agreed to.

Amendments made: 18, in schedule 2, page 44, line 19, leave out from “prohibition)” to end of line 20 and insert—

- (a) in paragraph (1) omit “wherever caught”;
- (b) in paragraph (2), after “applies” insert “(wherever caught)”;
- (c) after paragraph (2) insert—

“(3) The landing in England or Northern Ireland from a foreign fishing boat of any sea fish to which this article applies that were caught in waters lying within British fishery limits is prohibited.”

This amendment exempts foreign vessels from restrictions in the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 in relation to fish caught outside British fishery limits.

Amendment 19, in schedule 2, page 44, line 22, at end insert—

“(4A) After article 4A insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

4B (1) Nothing in article 3(2) or 4A(1) (fishing prohibition) applies in relation to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at that time, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) Nothing in article 4(3) (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 20, in schedule 2, page 44, line 36, at end insert—

“(3A) After article 4 insert—

“Fishing by Faroe Islands-licensed foreign fishing boats

4A (1) Nothing in article 4 (landing prohibition) applies in relation to fish that were caught by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless, at the time they were caught, the fishing boat was included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(2) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Undersized Edible Crabs Order 2000 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 21, in schedule 2, page 45, line 13, at end insert—

“(2A) In article 3, in paragraph (3), at the end of sub-paragraph (c) insert “; or

(d) carried in, or used by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or used, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (3) insert—

“(4) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;

“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Sea Fish (Specified Sea Areas) (Regulation of Nets and other Fishing Gear) Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 22, in schedule 2, page 45, line 16, leave out “in relation to”

This is a minor amendment removing superfluous wording.

Amendment 23, in schedule 2, page 45, line 19, leave out “in relation to”

This is a minor amendment removing superfluous wording.

Amendment 24, in schedule 2, page 45, line 26, at end insert—

“(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert—

“(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included

[Victoria Prentis]

in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2001 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 25, in schedule 2, page 46, line 11, at end insert “, or

(d) a foreign fishing boat outside British fishery limits.

(4) The prohibition in this article does not apply in relation to a net carried in, or deployed by, a Faroe Islands-licensed foreign fishing boat for the purpose of fishing in waters lying within the Special Area unless the fishing boat is, at the time it is so carried or deployed, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.

(5) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.”

This amendment exempts foreign fishing boats from certain provisions of the Shrimp Fishing Nets Order 2002 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands. The amendment also clarifies that the Order only applies to foreign fishing boats when they are within British fishery limits.

Amendment 26, in schedule 2, page 46, line 34, at end insert—

(2A) In article 3, in paragraph (2), at the end of sub-paragraph (c) insert “, or

(d) to fishing at any time by a Faroe Islands-licensed foreign fishing boat in waters lying within the Special Area unless the fishing boat is, at that time, included in the list maintained and published by the Scottish Ministers for the purposes of section 16(2A) of the Fisheries Act 2020.”

(2B) In article 3, after paragraph (2) insert—

“(3) In this article the following expressions have the same meaning as in section 16 of the Fisheries Act 2020—

“Faroe Islands-licensed”;
“the Special Area”.” —(Victoria Prentis.)

This amendment exempts foreign fishing boats from certain provisions of the Prohibition of Fishing with Multiple Trawls Order 2003 where they are fishing in the Special Area and have a Faroe Islands licence. This is in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

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

Victoria Prentis: This schedule amends a wide range of secondary legislation, covering issues such as prohibitions on fishing at certain times of the year, rules on gears that may be used in certain fisheries, and a prohibition on catches of certain species that currently applies only to UK vessels. The purpose of the schedule is to amend the relevant secondary legislation so that it will, in the future, apply to all vessels fishing in UK waters regardless of nationality. That should ensure an equitable approach

towards our treatment of foreign vessels, if access is negotiated, of course. Extending these statutory instruments will mean foreign vessels will be bound by the same sustainability regulations as UK boats for the first time. That is a major win for this Bill. At the Welsh Government’s request, the schedule also includes an equivalent amendment to secondary legislation made by them.

Question put and agreed to.

Schedule 2, as amended, accordingly agreed to.

Clause 14

BRITISH FISHING BOATS REQUIRED TO BE LICENSED

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

Victoria Prentis: This clause sets out the conditions under which British fishing boats are prohibited from fishing anywhere without a licence except for very special exemptions. It consolidates existing provisions in the Sea Fish (Conservation) Act 1967. The Secretary of State may make regulations to add, remove or vary the exceptions listed in this section. Scottish and Welsh Ministers and the Northern Ireland Department must consent prior to any such regulations being made. If British fishing boats carry out unexempted fishing activities under this clause without a licence, the owner, charter and master will be guilty of an offence.

Luke Pollard: I have a simple question for the Minister. I think that many fishers would welcome clarification, especially in relation to later amendments about electronic licences, of what the licence is. Can it be an electronic licence, or does it need to be held in hard copy on a fishing boat?

The pre-covid regulations required a hard copy to be held on board a fishing boat while it was at sea. However, the covid regulations published by the Department made it an electronic one. Presumably for consistency with other covid-related regulations that requirement will be removed once the pandemic is over, creating a distinction between the holding of a hard or electronic copy.

Clearly, there is a subtle difference between a bit of paper or an electronic file on an email server. Particularly with reference to enforcement activities, what definition is the Minister using of the form of the licence?

Victoria Prentis: Do you know, Mr McCabe, I do not think that is covered in the Bill. What I do know is that the licence must name the fishing vessel to which it is attached, and is granted to the boat’s owner or charterer. I do not know that we need to specify in legislation whether it needs to be in hard copy or electronic form. As to what is probably the best way to deal with it, clearly covid exemptions still apply and we do not know what trajectory we are on with the pandemic at the moment, so I think we should carry on considering the Fisheries Bill and take the conversation elsewhere and deal with it in the context of the pandemic, if that is acceptable.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15

POWER TO GRANT LICENCES IN RESPECT OF BRITISH FISHING BOATS

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

Luke Pollard: I note that the National Federation of Fishermen's Organisations—not an organisation that I always agree with about its fishing lobbying, although I respect the energy and enthusiasm with which it pursues its purposes—puts forward some questions about the different classifications of boats in its brief, which I am sure the Minister and her officials have seen.

The NFFO is concerned that the clause gives powers to the Marine Management Organisation to grant licences for

“any other British fishing boat”.

The clause gives the power to grant a licence to Scottish Ministers in respect of a Scottish fishing boat, Welsh Ministers in respect of a Welsh fishing boat, and the Northern Ireland Department in respect of a Northern Ireland fishing boat. However, for any other British fishing boat the MMO has the power to grant a licence. My question is about the imbalance of the wording about the remits of the MMO and the devolved Administrations.

I understand that the MMO grants licences to English fishing boats, but I appreciate that the Minister and the Bill are at pains to avoid saying “English fishing boats”. Is it, however, to be understood that, for the purpose of the provision, a “British fishing boat” is an English fishing boat rather than a British fishing boat that may also simultaneously include a Scottish, Welsh or Northern Irish fishing boat? I think that the NFFO would be grateful for clarity on that from the Minister.

Victoria Prentis: It is no problem at all. We hoped the clause clarified the existing law and it reflects in fact the status quo. Each UK fisheries administration licences its own boats, wherever it is they actually fish. The Bill consolidates legislation that has been in force since 1967 and amended many times, not just at UK level but at devolved level. With agreement from the devolved Administrations, the provisions in the Bill are merely to carry on with the status quo, but to tidy up the statute book and try to help to deliver a coherent licensing regime for British fishing boats.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

Amendments made: 3, in clause 16, page 12, line 32, at end insert—

“(b) by a Faroe Islands-licensed fishing boat in waters lying within the Special Area.

“(2A) The exception in subsection (2)(b) does not apply in relation to a foreign fishing boat that is for the time being included in a list maintained and published for the purposes of this subsection by the Scottish Ministers.”

This amendment excepts foreign fishing boats from the requirement to be licensed under the Bill where they are fishing in the Special Area and have a Faroe Islands licence. It also gives the Scottish Ministers power to remove this exception from particular foreign fishing boats by putting them on a published list. These changes are in order to comply with the treaty entered into with Denmark in 1999 on maritime delimitation in the area between the United Kingdom and the Faroe Islands.

Amendment 4, in clause 16, page 13, line 3, leave out subsection (8) and insert—

“(8) For the purposes of this section a fishing boat is “Faroe Islands-licensed” if there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area.

(9) In this section—

(a) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;

(b) “the Faroe Islands Treaty” means the agreement between—

(i) the Government of the United Kingdom, and

(ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,

relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999;

(c) “licence” (except in subsection (8)) means a licence granted under section 17.” —(*Victoria Prentis.*)

This amendment inserts definitions into clause 16 in connection with Amendment 3.

Clause 16

FOREIGN FISHING BOATS REQUIRED TO BE LICENSED IF WITHIN BRITISH FISHERY LIMITS

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

Victoria Prentis: The clause sets out the arrangements under which foreign vessels must be licensed to fish in UK waters, if, of course, such access is negotiated. These arrangements mirror those for British boats.

12 pm

The only exemption from the licensing requirement for foreign fishing vessels is if they are allowed to fish in the waters of the Isle of Man, for which there is a separate licensing regime.

The Secretary of State, following agreement with the devolved Administrations, may make affirmative resolution regulations to provide further exemptions for foreign fishing vessels to hold licences. The UK Government consider that it is appropriate for these regulations to require the consent of the devolved Administrations, because the clause replaces existing powers that had allowed them to make their own regulations. However, the Secretary of State would propose removing the Isle of Man exemption only at the request of the Isle of Man Government.

The clause also makes it an offence for the owner, charterer or master of a foreign fishing boat to operate in UK waters without the relevant UK fishing licence.

Luke Pollard: Clause 16 should require an appropriate assessment, which is a form of environmental impact assessment, before the licences for these foreign boats can be issued for fishing in sites protected by the offshore habitats regulations. The Minister will be aware of my fondness for impact assessments, having heard me speak about them in many debates on statutory instruments, as I take the radical view that we should think about actions before we take them.

[Luke Pollard]

Regarding the assessments in relation to this clause, only if the appropriate assessment can demonstrate that any vessel will not adversely affect the integrity of a marine site, as the case may be, can the licence be issued. There is a concession for overriding this requirement for reasons of public interest, but I understand that allowing foreign trawlers into UK waters will not automatically qualify for that concession.

For sites such as the Dogger Bank, which we agree is a special area of conservation, this requirement will likely make it difficult to justify continued beam trawling and especially pulse trawling on such sites, including on much of the Dogger Bank.

The Minister will know that with the last iteration of the Fisheries Bill Labour was very determined to see an end to electro-pulse beam trawling, which I know is a view shared by many Government Back Benchers. An SI followed in relation to that issue, but we understand that electro-pulse beam trawling is potentially still taking place around that measure. So I will come back to the question of enforcement; I mention it now just to give the Minister time to find her relevant notes.

Katherine Fletcher (South Ribble) (Con): This clause is almost at the heart of what the people of South Ribble are really passionate about—not only the control of our waters and the right to license fishing boats, but the right to make sure that any fisherman or fisherwoman is using our natural resources in a sustainable way. I have received a lot of correspondence about pulse trawling in particular, as well as correspondence about beam trawling. Does the hon. Gentleman agree that the cross-party agreement on this matter should be welcomed?

Luke Pollard: I am grateful to the hon. Member for that intervention and I share her concerns and those of her constituents about electro-pulse beam trawling in particular. It was an area where, sadly, the last time we debated the Fisheries Bill there was not cross-party agreement. Indeed, the proposals to ban electro-pulse beam trawling in British waters were voted down by the Government party at the time, and further voted down when the Bill was debated in the main Chamber.

Having control of who fishes in our waters is really important; I agree with the hon. Member on that. Indeed, that is the position that my hon. Friend, the shadow Fisheries Minister, set out yesterday.

What happens to electro-pulse beam trawling within UK waters is technical, but it still really matters. I use the example of Dogger Bank because there is an assumption at the moment among many fishers and environmentalists that foreign fishing vessels equipped with electro-pulse beam trawling gear are using that gear on the Dogger Bank, partly because of the nature of the seabed in relation to that, while simultaneously having other gear on board, so that they can claim they are using one type of fishing gear when in fact they are using a different type of fishing gear.

I see no justifiable reason for electro-pulse beam trawling in British waters. It ravages our seabed, causes enormous ecological destruction and is not something that the constituents I represent in Plymouth want to see—nor, by the sounds of it, those whom the hon. Member for South Ribble represents. That is why the enforcement question is important.

If an assessment is required under the Conservation of Offshore Marine Habitats and Species Regulations 2017 before a new fisheries licence is granted for foreign fishers, especially in special areas of conservation, and there is a concern out there—I believe there is—how is that requirement correctly enforced? Will that additional appropriate assessment prevent foreign fishers from using gear that we regard as environmentally damaging in our own waters?

Victoria Prentis: This brings us to the heart of the Bill. If the Bill goes through, as we hope it will in the next few months, we will be able to manage these issues through our licence conditions. That is the whole point of what we are doing.

Katherine Fletcher: I am a biologist and have done a huge amount on marine ecophysiology. The hon. Member for Plymouth, Sutton and Devonport makes a strong case about pulse fishing. The point is that we will have control of it and be able to react to changes in scientific evidence and to changes in Dogger Bank, its uses and our desire for it. At the heart of the Bill, which is welcomed cross-party, is what the Minister articulated. Does she agree that the best bit of the Bill is that we will be able to control and evaluate the scientific evidence?

Victoria Prentis: Yes, of course. We are fortunate to have many people on the Committee who are genuinely passionate about these issues and bring a wealth of experience to the table. I am grateful to everyone sitting on the Committee. In the future, these issues will be managed through licence conditions, sometimes on the basis of sophisticated scientific evidence and sometimes—while we are on the subject of Dogger Bank—on the basis of the industry saying it is concerned and that we should temporarily close a fishery while we find out what is going on and take a view on licensing following the evaluation of scientific evidence.

I believe we will discuss a further amendment on pulse fishing later. There are currently five vessels able to pulse-trawl under the control of UK authorities, of which four are English. The licences have been withdrawn from the English vessels, which will not be pulse trawling from the end of the year. That is a win for all of us who are concerned about that form of fishing.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17

POWER TO GRANT LICENCES IN RESPECT OF FOREIGN FISHING BOATS

Luke Pollard: I beg to move amendment 99, in clause 17, page 13, line 29, at end insert—

‘(3A) No licence may be granted under this section unless conditions are attached to that licence so as to require the foreign fishing boat to comply with any standards in relation to environmental protection and marine safety that would apply to the same boat if it were a British fishing boat.’

Under this amendment, licences granted to foreign fishing boats would require those boats to comply with the same environmental protection and marine safety standards as British fishing boats.

The Chair: With this it will be convenient to discuss amendment 103, in clause 17, page 13, line 32, at end insert—

‘(5) A licence may not be granted under this section unless the fishing boat meets safety standards that are at least equivalent to those applicable to British fishing boats.’

This amendment prevents a licence being granted to foreign fishing boats unless the applicant can demonstrate that their vessel meets the standards required of British fishing boats.

Luke Pollard: The amendments seek to apply the same marine safety standards to foreign boats as to British boats. The Minister will know from our debate on Tuesday how important it is that we have similar and equivalent safety standards for everyone fishing in UK waters. In the previous iteration of the Fisheries Bill Committee we had considerable debates about the minimum standard that should be applied to any boat under whatever flag fishing in our waters.

The premise that many fishers voted for Brexit to ensure that level playing field and access is an important one, because the concern is that the cost of implementing regulations for UK fishers—albeit well-intentioned regulations to save lives—is not carried in the same way by some of our European friends, who enjoy lower costs, albeit with a greater risk from lower standards. Amendments 99 and 103 look at whether there should be a more explicit provision in the Bill to say that foreign fishing boats should have the same level of safety as UK fishing boats. That is about not only saving lives, but the economic cost that goes along with that in terms of the regulatory burden for businesses involved.

It is important to make sure that people stay safe. Amendment 103, in the name of my hon. Friend the shadow fisheries Minister, contains the phrase

“at least equivalent to those applicable to British fishing boats.”

Although we have been governed by the same common fisheries policy as our European friends for many years, and by similar obligations under the International Maritime Organisation, they have implemented their safety standards slightly differently. The amendment would therefore ensure that there is equivalence of safety standards and a similar basis, because any fishing boat going down or getting into trouble should worry us all.

Marine safety is not only about the behaviour of the crew onboard in terms of wearing lifejackets. As the Minister knows, I welcome the support of the Department for Transport and her predecessor in the roll-out of the Plymouth lifejacket scheme, which was pioneered in Plymouth. It includes a personal locator beacon on the lifejacket and moves the clasp from the middle of someone’s chest to being lower, which enables them to use filleting knives more easily on board a boat, so it is easier to operate, do their job and stay safe. That roll-out is important, but it is not compulsory and is not being applied to our European friends in the same way.

It is also important to make sure that stability testing is the same, particularly for small boats. The biggest risk to our small boat fleet is of capsize from the change of gear, where stability tests have not proven that boat to be stable in the way that we would all want it to be. There is no suggestion that they are breaching their licence by doing that but, to borrow a plea from the hon. Member for South Ribble in the last debate, there is cross-party support for a high level of marine safety.

I would be grateful if the Minister could respond as to how fishing licences will ensure that there is an equivalence of marine safety between foreign fishing boats and UK fishing boats, and how that will be checked during the implementation of the new regulations to ensure compliance. There is sometimes a sense among British fishers that the enforcement agencies, which for English fisheries is the Royal Navy, look at UK boats more than foreign boats. Whether that is true or not, I am sure the Minister will have heard that in her conversations with fishers. I would be grateful if she could set out the enforcement side as well as the safety side in her response.

Victoria Prentis: I am concerned about the unhelpful unintended consequences of the amendments. As I mentioned in the debate on amendments 71 and 72, schedule 2 already extends regulations to foreign boats, so the Bill clearly provides powers to deliver the environmental aspects present in amendment 99, as we discussed earlier.

Ensuring compliance with safety regulations is more challenging. I will set out the current regime for foreign vessels and then explain why it might not be desirable to require compliance with our safety regulations. Powers exist to allow foreign boats to be inspected in UK ports by the Maritime and Coastguard Agency. If problems are found, the MCA will send a report to the flag state or, if sufficiently serious—to the hon. Gentleman’s enforcement point—detain the vessel until such time as the issues are rectified, which seems reasonable and proportionate.

Regulation 28 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, which applies to foreign vessels, sets out in detail that where conditions are

“clearly hazardous to health and safety”,

the inspector may take measures to “rectify those conditions” or to “detain the ship”. However, I should add that inspectors are under duty not to detain the ship unreasonably. Foreign vessels are expected to meet the same standards as UK vessels while in UK waters.

12.15 pm

Turning to the desirability of this amendment, we are all concerned for the safety of all fishing crews wherever they come from, but I am not sure that it is right to impose our safety regimes on other states. The flag state should and, indeed, does have responsibility for the health and safety rules for their own industry.

For example, EU and EEA vessels of 24 metres and over must comply with directive 97/70 of the harmonised safety regime. This also requires vessels of 24 metres and over to comply with the International Maritime Organisation Cape Town protocol. There are further EC requirements for vessels of different sizes. There is also the work in fishing convention, which has entered into force internationally. Owners, skippers and crew have a heavy responsibility for safety.

Most of the vessels that may fish in our waters, should we decide to grant access, will be covered by EU law, which we have in our codes and has been implemented through the Fishing Vessels (Codes of Practice) Regulations 2017, so they cover UK vessels as well. The practical impact of this amendment would be to place the onus

on the UK for checking compliance of foreign vessels. We would probably need to make changes to the powers of the MCA to be able to inspect foreign vessels under this requirement. It would also be a hugely resource-intensive exercise to check whether foreign vessels complied.

There are other more serious practical concerns, too. Most foreign vessels fishing in our waters will not do so exclusively. They will fish in the waters of many other states, including their own. If our health and safety rules differed from those of their flag state, it would cause a conflict between different requirements. This sort of confusion could cause safety issues that we are trying to avoid. I am also concerned by, though I have not investigated fully, the issues around insurance and licensing for flag states.

In conclusion, though I believe this is a well-intentioned amendment, which covers important issues, I believe that it is unnecessary because of the existing international law.

Luke Pollard: I am grateful for that explanation, but I want to press the Minister, so that I understand her a bit more on enforcement. I am concerned that it seems that we are setting a higher regulatory cost for UK fishers than we are allowing for foreign fishers fishing in the same waters.

When it comes to enforcement, can the Minister clarify something? The Marine and Coastguard Agency does not inspect boats at sea. She suggested that, therefore, as a corollary, it will only inspect boats when they are on land. Therefore, unless they are landing their fish at UK ports, they will not be inspected. It falls, therefore, upon the safety, search and rescue, the Royal Navy and the Royal National Lifeboat Institution, to go to support boats of lower standards that get into trouble, because the regulatory regime that she has just said is sufficient means that they are only inspected at port and not while at sea.

Does the Minister understand fishers' concerns that this suggests that the regulatory burden on British fishing boats is different from that on foreign fishing boats and, as a result, that there is a different enforcement probability? A UK boat is more likely to be subject to enforcement than a foreign boat, even if it does not adhere to the same standards.

Victoria Prentis: I do believe that, under the laws that regulate the way that vessels fish internationally, it is right that flag states should be responsible for the licensing conditions and health and safety regulations of their own vessels. It may assist the hon. Gentleman to learn that under the Merchant Shipping (Registration of Ships) Regulations 1993, regulation 56(1), a foreign-owned UK flag vessel can be removed from the register like any UK vessel. What we cannot do is interfere in the licensing regimes of other flag states.

Mr Goodwill: I am not only a former Fishing Minister, but a former Shipping Minister. Is it not the case that if a vessel docks in a UK port, it could be subject to a port state control inspection, which would inspect safety equipment, as well as the welfare of staff? Indeed, following on from the point that the hon. Member for Plymouth, Sutton and Devonport made, if we are going

to have to inspect boats at sea for safety equipment, that is going to take pressure away from inspecting them for illegal fishing.

Victoria Prentis: I am grateful to the former Minister for making those points. They are points I had attempted to make earlier, but clearly not as succinctly.

Luke Pollard: On the basis that the Minister is not setting out a level playing field between UK fishers and foreign fishers, I am concerned that this sends the wrong message to fishers. However, I understand that we will be revisiting the issue of safety a number of times during this process, so I will not be pushing any of these amendments to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 17 ordered to stand part of the Bill.

Clause 18

NATIONAL LANDING REQUIREMENT

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): I beg to move amendment 87, in clause 18, page 13, line 34, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment would ensure that regulations establishing a national landing requirement for the devolved nations are made by the devolved administrations rather than by the Secretary of State.

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

Amendment 88, in clause 18, page 13, line 38, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment is consequential on Amendment 87.

Amendment 89, in clause 18, page 13, line 40, leave out lines 41 to 43, insert ", and" at the end of line 40.

This amendment is consequential on Amendment 87.

Amendment 105, in clause 18, page 13, line 43, leave out lines 41 to 43.

This amendment removes the requirement for the Secretary of State to consult the devolved administrations before determining the national landing requirement.

Amendment 90, in clause 18, page 14, line 1, leave out "Secretary of State" and insert "fisheries policy authorities".

This amendment is consequential on Amendment 87.

Amendment 91, in clause 18, page 14, line 2, leave out "the UK fishing industry" and insert "their respective fishing industries".

This amendment is consequential on Amendment 87.

Amendment 106, in clause 18, page 14, line 16, after "limits", insert

"and outside of Scotland, the Scottish zone, Wales, the Welsh zone, Northern Ireland and the Northern Ireland zone".

This amendment changes the definition of 'landing requirement' into an England-only one.

Amendment 107, in clause 18, page 14, line 17, leave out

"the United Kingdom, Isle of Man, Guernsey or Jersey" and insert "England".

This amendment changes the definition of 'landing requirement' into an England-only one.

Steven Bonnar: We in the SNP are concerned about Government amendment 5, which would possibly remove clause 18 from the Bill in its entirety. We oppose that in

the strongest terms, and I encourage right hon. and hon. Members to do likewise. If they respect the sentiments of devolution, they will support the amendments we have tabled, which we do intend to put to a vote.

A landings target is currently the policy of the governing party in Scotland, and it is a policy that Scottish Ministers are keen to progress. The UK Government, on the face of it, have simply refused to engage in any way—far less in a meaningful way—with the reasonable and rational intent of the amendments from the other place. The Conservatives, in my opinion, are again showing their true colours: they have no respect for devolved national parliamentary matters, and it is highly disappointing that ensuring the economic value and benefits of sea fishing for coastal communities, and for labour markets and livelihoods in constituencies such as mine, is not high enough on their agenda.

The amendments made in the other place that the Government are seeking to remove are relevant and considered. They would have aided the delivery of the aims in clause 1, and would also have followed through on the Government's pledge of levelling up. However, we now know—if some of us did not beforehand—that a pledge by this Government or their Ministers means virtually nothing when they can break laws left, right and centre, willy-nilly. The amendments would have safeguarded employment in the processing and distribution sections of the sector, which are so important to my constituents in Coatbridge, Chryston and Bellshill, and to Scotland as a whole.

One job at sea is widely regarded as being equivalent to 10 on dry land, and coastal communities are crying out for investment and support. They currently have higher rates of unemployment and lower wages than other parts of their countries; they face the additional challenges of social isolation; they have fewer training and apprenticeship prospects; and ultimately, they are in poorer health. A minimum landings requirement for fish caught in our own waters could have provided a long-overdue stimulant and a renaissance for these communities. It could have breathed new life into many of the smaller or less used ports and harbours across Scotland and the other countries of the UK. The opportunity to do so is being passed up.

The other major concern we have—I cannot emphasise this enough—is the tampering with, and erosion of, devolution. I will not often agree with folk draped in ermine cloaks, nor will many of the folk I represent, but those in the other place identified the flaws in the original drafting of this Bill when it came to respecting the devolved Administrations. It was both striking and disappointing in equal measure that this was not reflected in the original amendment and is something we seek to remedy.

I am not sure why the Government have refused point blank to engage with the amendment with any good faith, and I seek answers from the Minister about that. She may claim that the Government already have powers to do this, but where are those and in what legislation? Why will they not use this legislative opportunity to update those measures?

The Scottish Government are already creating a voluntary monitoring approach to vessels under 12 metres participating in inshore Scottish waters, and have plans in place to extend that pilot to larger vessels in different fisheries too. Again, the devolved nature of the responsibility

was not reflected in the original drafting, which is why the other place sought the amendment. It is a matter that needs to be remedied so that the power to make regulations on the matter is devolved to the fisheries public authorities.

I urge colleagues to safeguard our fisheries, to support the position of the devolved Governments and to allow opportunities to revitalise our coastal and sea-linked communities by supporting our amendments, which are designed to do that. I commend them to the Committee.

Brendan O'Hara (Argyll and Bute) (SNP): I thank my hon. Friend for laying out clearly why we think these amendments are important. I will add a few thoughts, particularly those that relate to remote rural communities such as my own, in Argyll and Bute.

It is surely common sense to want to encourage as many vessels as possible to land as much catch as they can in UK ports. I know, because we have talked about it often enough in this place, that it is often our remote, rural, poor communities that get left behind when there is talk of regeneration and investment. Across the UK, formerly thriving fishing communities are losing population and are struggling to see a long-term future for themselves. Those communities are exactly the ones we can seek to help, in some measure, by supporting this amendment.

Landing more catch in UK ports will attract investment, help create jobs and encourage people not just to stay but to actively come and live in those communities. Areas such as Argyll and Bute, with its dependence on shellfish, have been particularly badly hit by the impact of coronavirus. There was a 68% decrease in the value of the shellfish catch in March 2020 compared with March 2019, and I understand the figures for April were even worse. Communities need our help.

There is a direct link to what we discussed in the Committee on Tuesday, about fishing being a national asset. Surely, if it is—

The Chair: Mr O'Hara, I am sorry to interrupt you, but I want to make this clear to everyone. I have already allowed some latitude to Mr Bonnar because it is his first time moving an amendment in Committee. At this stage, people should be speaking specifically to the amendments. There will be space for a clause stand part debate on clause 18 if people have wider observations that they want to make. Can I draw you back to the amendments?

Brendan O'Hara: Thank you, Mr McCabe. I will take your advice and catch your eye at the stand part debate.

Our amendment 87 makes this clause devolution friendly and recognises that the Government should, by now, understand and accept devolution. Amendment 87 would allow the devolved Administrations to establish their own national landing requirements, rather than having those set by a UK Secretary of State. Throughout the debate, we have returned to the idea that the person in political charge of English fisheries is also the Secretary of State, and that it cannot be left to a UK Secretary of State to apply laws and rules where there are clearly devolved areas of competence. Yet again, the Government have missed that and our amendment 87 seeks to resolve that.

[Brendan O'Hara]

Mr McCabe, I apologise again, and I will seek to catch your eye in the stand part debate.

The Chair: Thank you.

Luke Pollard: Those listening to this debate will need to listen to the stand part debate and then the amendment debate separately so that this part of the debate makes sense to those not following parliamentary procedure.

12.30 pm

The amendments tabled by the SNP and those tabled by the Labour party seek to make the clause devolution-friendly and devolution-compliant. That means respecting the devolution agreements. The amendment drafted by our friends in the House of Lords was intended to put the concept within the Bill. Again, it enjoyed cross-party support. However, the precise wording of the amendment did not take into account the devolution settlements in the way that I think we need to at this stage. The Welsh Labour Government support it as a concept. However, they have some concerns about the precise wording proposed in the amendments. Labour Members therefore cannot support the SNP amendments, although we are aligned with the principles of them. It is important that the devolution settlement is baked into the clause. The devolved Administrations are willing, and perhaps even desire, to judge by the words of the hon. Member for Coatbridge, Chryston and Bellshill, to use the powers currently in the Bill—and which we hope will remain in the Bill—while respecting the devolution settlement in each devolved nation. I hope that in the stand part debate we will speak about the wider importance of the national landing requirement and how that could work in each devolved nation.

Victoria Prentis: I will try to deal with the amendments now and discuss wider matters later, although I accept it is very confusing for everybody.

The amendments are unnecessary. Clause 18 was added by our friends in the other place. I will set out my concerns about it in detail later. First, I would like to reassure the Committee. We said in the fisheries White Paper that we would reform the economic link. The Government intend to hold a public consultation very shortly that will seek views on proposals to strengthen the economic link licence condition in England. The proposal will look to increase the benefit, from the current 50%, to the UK of fishing by English-registered foreign vessels.

In answer to the hon. Member for Coatbridge, Chryston and Bellshill, who asked where the powers for any change come from, schedule 3 allows us to place conditions on licences, including conditions about an economic link, so that we need no further regulation-making powers. If the Bill is passed, it is there in the Bill. I acknowledge that amendments 87, 89, 90 and 91 seek to address one of the issues with the new clause, which was raised by the Government in the other place. The clause as a whole retains an inflexible and narrow approach to ensuring that the UK benefits from fish caught in its waters.

Similarly, amendments 105 to 107 seek to amend clause 18 so that it is compatible with the devolution settlements, but we are concerned that they still fail to do so. The regulation of vessels registered in one Administration is largely a matter for that Administration, with each Administration licensing its vessels wherever they fish. The amended clause would allow the Secretary of State to regulate Scottish, Welsh and Northern Irish vessels in English waters, and so would be regulating within areas of devolved competence.

Where previously the clause allowed regulation in devolved competence to be done without the devolved Administration's consent but after consultation, these amendments remove even the need to consult the devolved Administrations on the regulation of their boats. This is contrary to the constructive and collaborative approach that we have taken so far. I do not recognise the hon. Gentlemen's readout of how we have managed this; we have managed fisheries in a very collaborative way. We have sought to legislate for the devolved Administrations only in areas where we have been asked to. Again, the amendments do not reflect the other ways that boats can show an economic link to the UK and which benefit the country in different ways, not just through landing fish. I therefore ask that the amendments be withdrawn.

The Chair: I remind hon. Members again that we are dealing with amendment 87. Once we have worked through the various amendments, there will be time for a clause stand part debate.

Steven Bonnar: I wish to press the amendment to a vote.

The Committee divided: Ayes 2, Noes 10.

Division No. 3]

AYES

Bonnar, Steven

O'Hara, Brendan

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 negatived.

Brendan O'Hara: I beg to move amendment 85, in clause 18, page 13, line 36, leave out "or 16(1)".

This amendment would mean that regulations establishing a national landing requirement would not apply to foreign boats.

The Chair: With this it will be convenient to discuss amendment 86, in clause 18, page 14, line 9, leave out "or 16(1)".

This amendment is consequential on Amendment 85.

Brendan O'Hara: This is a similar argument to the one we heard before; the amendment seeks to make the clause as devolution-friendly as possible, and it is important that we have right to do so. It is really a probing amendment to ask the Minister about the licensing of

foreign vessels. We are concerned that there would be tit-for-tat reprisals as a result of requiring licensed foreign vessels to land their catch in the UK. Many foreign vessels land in UK harbours already, but the clause could result in other coastal states' requiring UK-licensed vessels to land catches in their harbours. That would defeat the purpose. We absolutely want to encourage landings in the UK to help processing and, of course, for the landing fees, but we fear that, as the clause is worded, forcing people to do so will lead to tit-for-tat reprisals and compound the problem.

Victoria Prentis: I agree that any landing requirement should not apply to foreign vessels, which will need to demonstrate a link to their own flag states. We would not want to see reciprocal measures put in place against UK vessels that fish outside UK waters—I very much agree with that. The Government believe, however, that the clause should be removed from the Bill because it is inflexible, does not respect the devolution settlements, and will not achieve what its supporters believe. A landing requirement already exists for all UK vessels as part of the economic licence condition. The power to attach such conditions to vessel licences is provided in schedule 3, as I said earlier. Ensuring that vessels that use UK fishing opportunities bring benefit to the UK is of course very important. That is why we have included the national benefit objective in clause 1. I ask the hon. Gentleman to withdraw the amendment.

Brendan O'Hara: I thank the Minister for her reply. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Brendan O'Hara: To nobody's surprise, I rise to argue that—at the risk of repeating myself, which I have tried not to do—clause 18 is important. It is important because it gives hope to our remote, rural fishing communities littered along the length and breadth of the United Kingdom, who need help. The clause goes some way to help them. I know the Government have indicated their desire to remove the clause, but I urge them at this stage to think again. Communities such as mine in Argyll and Bute, which depends particularly on shellfish, are being decimated. They need hope, and I ask the Government not to extinguish clause 18.

On Tuesday we talked about fishing being a national asset, and about how it can be a catalyst for change and can benefit the wider community. As a national asset, surely it should not be there just to make very rich people even richer; it should be there for the economic wellbeing of the constituent parts of the United Kingdom. Landing fish into communities means jobs in transport, fish processing, environmental health, retail, hospitality, tourism and construction. Hopefully, it will also mean that more and more young people will want to take advantage of working at sea on the boats.

As my hon. Friend the Member for Coatbridge, Chryston and Bellshill said, it is reckoned that one job at sea creates 10 onshore jobs. That in itself should be reason enough for the Government to encourage as many boats as possible to offload into UK ports. It is because landing fish into communities is such an important

economic driver that the Scottish Government have been pursuing for a number of years a policy of landing targets, which is something that I know Scottish Ministers are keen to progress.

I implore the Government not to extinguish the hope, because our coastal communities need hope. In many places, it is all that they have. Embattled, formerly thriving fishing communities need our support, and this is one way to do it. It is not just about boats landing in harbours, but about the associated jobs in processing, construction and transport, and it becomes a magnet for tourism and hospitality. It is that important, and I implore the Government to reconsider and to give our communities a bit of hope.

Taiwo Owatemi (Coventry North West) (Lab): Once again, it is a pleasure to serve under your chairmanship, Mr McCabe. I wish to speak against the Government's ambition to remove clause 18.

The clause makes job creation a major priority. Labour's "jobs in coastal communities" clause was part of the laws to ensure that at least two-thirds of fish caught in UK waters must be landed at our ports. As we hurtle ahead into a no-deal Brexit situation, it is imperative that we give our coastal communities a chance to recover and thrive. That is most important in the light of the current coronavirus pandemic.

The successful amendment, which the Government now seek to reverse, protects jobs at sea, creates numerous jobs on land and at sea, and will provide a much-needed and anticipated boost to our coastal communities. As hon. Members know, such communities have been hit hard by the pandemic and subsequently locked down, and they have been decimated by austerity over the past 10 years.

The British Ports Association was right to say that the Fisheries Bill

"should be strengthening the economic link between our fisheries and our ports and coastal communities".

There is currently no requirement for boats exploiting UK fishing quota opportunities to land fish caught in our waters in the UK. As a result, 40% of UK quota is landed in Europe, where much of the economic value is realised. That leaves our own British fishing businesses sidelined, unable to benefit from the fish caught in our own seas. That is not right. Increased landing in the UK would mean that our coastal communities would benefit from fish caught in the UK seas. That would mean more jobs and more prosperity and would provide better and increased benefits to our coastal communities.

12.45 pm

Just yesterday afternoon, in the Opposition day debate on the protection of jobs and businesses, we spoke of the need to safeguard British jobs. This Government seem to feel as though British jobs at sea and other associated jobs in the sector do not deserve fair state protection and support or opportunity. Now is the time to support coastal communities to grow in jobs, which would be beneficial to the United Kingdom as a whole, as well as to those communities. Now is not the time to snatch away opportunities, as the Government's reversing the gains made in the House of Lords would attempt to do. Now is the time to allow coastal businesses to flourish. We want more fish landed in coastal towns

across the country, which will directly lead to more jobs being created in fish markets, processing and distribution. In removing the clause, the Government are indicating that job creation and job protection in coastal communities is not a priority for them, and that the survival of British coastal communities does not matter.

Cat Smith (Lancaster and Fleetwood) (Lab): I am proud to represent the coastal town of Fleetwood, which is part of the fishing industry in Lancashire—or at least it was, before the last deep sea trawler left Fleetwood in 1982. After almost 40 years of fishing decline in the town, I have seen the knock-on effect on people's earnings and on economic prosperity, and the struggles that we have in the town.

The decline of the deep sea fishing industry cannot be held solely accountable for the fortunes of the town that I am proud to represent in this House, but it is no doubt part of the wider picture, alongside other issues such as the Beeching cuts and the rise of cheaper and package holidays. The reality is that those in coastal communities have a lower wage than people who live inland—people earn around £1,600 a year less. The Bill could offer a framework by which coastal communities such as Fleetwood could really benefit from the kind of change they have been telling me they have wanted for a very long time.

My constituency voted leave. When my constituents voted to take back control, it was not just about fishing; it was also about the regeneration of coastal communities. The clause offers a framework by which we could see not just the economic benefits of fish landed in ports such as Fleetwood, but also the knock-on effects for jobs in fish processing. We still have hundreds of jobs in that sector. It would be of economic benefit to the wider town.

I represent one coastal community, but the clause would benefit isolated and rural fishing communities up and down the United Kingdom, including those communities that perhaps used to have a connection to fishing. The clause should stand part of the Bill.

Mr Goodwill: I understand the reasoning of those who support the clause. However, British fishermen land fish abroad because that is the market for which it is destined; the majority of fish caught by British fishermen is exported to those lucrative markets. While that is not an option for those catching crab and lobster off Scarborough and Whitby, when that is landed it is put on trucks—more often than not French or Spanish trucks—that transport it back there. I worry that the provisions in clause 18 would result in fishermen getting less for their fish because they have to add transportation costs. It would create jobs for French lorry drivers and for ferry workers and those who work on the tunnel, but it could have a negative consequence in terms of the income for our fishers.

Brendan O'Hara: On that point, the right hon. Gentleman knows we are on polar opposite sides of the Brexit debate, but if this idea is about taking back control and this sea of opportunity, as the hon. Member for Lancaster and Fleetwood said, who is that sea of opportunity for? Is it purely for those who own the quota? Is it purely for those who own the boats? Is it purely for those who work in the industry? Or is that sea of opportunity not meant to include the regeneration of

the United Kingdom, and particularly its ports? The clause would do that, and by throwing it out, the Government are surely singularly failing to do that.

Mr Goodwill: The UK intends to establish itself as a global trading nation, and part of that global trade is trade with the European Union, our most important neighbour in terms of trade. Many of the most valuable species that fishermen catch are valuable because they have such a premium in markets abroad. We are once again seeing the law of unintended consequences. When we look at our carbon footprint, we need to look at the carbon cost of a ship in, say, the channel that was intending to land in France having to steam back to the UK, put that fish on a truck and then take it back, possibly to the same port where it intended to go for that market. While I understand the sympathies behind the clause, the unintended consequences, both for value for our fishermen and the carbon footprint of the fishing industry, are both very negative.

Luke Pollard: Government amendment 5 goes against the very heart of what was promised to coastal communities in the referendum. It is a betrayal of our coastal communities that the Conservatives are supporting jobs in foreign ports. The clause, which was a Labour amendment, was deliberately designed to create jobs in our coastal communities, in ports from Newlyn, Plymouth, Portavogie in Northern Ireland, Peterhead, Fraserburgh, Fleetwood and Grimsby. It was designed to inject more energy and economic activity into those places.

I disagree with Government amendment 5, which seeks to remove clause 18, but more than that, I believe it betrays a promise made to many of those communities that Brexit would deliver more jobs and a revival of the fishing community. When I speak to fishers and the community around the fish quay in Plymouth, their model for whether Brexit is a success for fishers and fishing is whether they see more boats in our port, more fish being landed and more jobs created. That is what the clause, passed in the Lords, will do—create more jobs in our ports. The former fishing Minister, the right hon. Member for Scarborough and Whitby, described it as perhaps only creating distribution jobs. At a time when our coastal communities have been hit hard by 10 years of austerity, and by under-investment for far too long, creating more jobs in our coastal communities is something that we should welcome and go for.

The debate on the clause in the House of Lords was good, with Conservative and Labour peers and those from the devolved Administrations of all parties making the case that we should be creating more jobs in our coastal communities. It was promised that Brexit would deliver that for fishing. It is bizarre that we now see the Government arguing against that very thing, supporting jobs in foreign ports and not in our own country. It is an odd reversal of a promise given to those communities, and why I cannot support the Government amendment.

The clause would create a jobs boom because, as has been said by several Members, every job in the catching sector creates 10 on shore. That is true. Those jobs are created in fish markets, in distribution—I do not pooh-pooh that at all; these are important jobs—and in processing. It will create an economic stimulus and an incentive to process more fish at the point of landing, rather than to have those processing jobs in foreign ports at the point of landing elsewhere, because it would mean fresher fish

processed in our ports. It will create greater value from the processing of that fish. That is why all those are important.

Mr Goodwill: Does the hon. Gentleman agree that if Iceland imposed a similar restriction on the processing of fish, it would decimate places such as Grimsby, which relies on processing fish imported to the UK?

Luke Pollard: Indeed, and if clause 18 were about processing fish, perhaps the right hon. Gentleman would have a point, but—I am sure he has read it—it is about landing fish, rather than processing them. That is a good cul-de-sac to try to take us down, but that is not what the clause actually says. I went to Grimsby recently and spoke to people on the fish quay, and they hark back to the days when there were 800 fishing boats in their port. They want more fish to be landed in their port, so it is bizarre in the extreme that the Government are arguing against more fish being landed there.

Having more fish processed in Britain will create more jobs. Interfish in Plymouth creates an enormous number of jobs from landing the fish that it catches in Plymouth and processing them there, supplying our supermarkets. I want to see more British supermarkets buying British fish. That would be greatly helped by this clause, because more British fish would be available in our markets.

A number of points have been raised about why the clause does not work, so let me briefly address them. First, the former fishing Minister, the right hon. Member for Scarborough and Whitby, mentioned the increased carbon footprint. At a point when Conservative MPs voted against the net zero objective in the Fisheries Bill, I think that does not apply in the same way. We want fishing to be carbon free, and we want more fish to be landed in our ports. I agree that it is often argued that fishers chase the higher price that is delivered in foreign markets, and that if they if they landed in a UK port, the price would be lower. I hope the same arguments are used about any departure from any regimes in the European Union that make travel across borders easy. Delays at the border put an extra focus on this. I hope the argument that has been applied to this clause is applied equally to the Government's policy, but I fear that it will not be. None the less, it was a good attempt.

As we said in the debate on Tuesday, fish should be a public asset. The economic link between the fish in our waters and the United Kingdom should be strengthened. That is what clause 18 does: it strengthens the economic link. I fear, on this point, that the arguments of Government MPs will need to be reversed when the licence conditions change.

I welcomed the consultation that the Minister has set out, but I disagree with her that the figure is 50% currently. As she knows, landing 50% of fish in the UK is potentially one of the licence conditions, but it is not the only one, and it is important to state that if a company has a brass plaque in the UK and employs UK crew, it can get out of that. That is why many fishers catching fish in UK waters land nearly all their catch in foreign ports. One trawler in Wales lands barely any of its catch in British ports; it lands 84% in foreign ports. That fish should be supporting the Welsh economy. There are examples of that in English and Scottish waters. That is why this matters so much. We will be betraying those coastal communities if we do not support job creation.

I hope the Minister, when she comes to her consultation, cuts and pastes this clause, as Ministers did for Labour's last set of amendments to the Fisheries Bill, and makes it her own. I am a big fan of Louis Walshisms in politics. The Government should make it their own. I hope they copy this clause and put it into their consultation, because we need to create jobs in coastal communities, and that is what the clause seeks to do.

When this clause comes to a vote—surely it will do—and Labour and SNP Members vote in favour of the jobs in coastal communities clause and in favour of landing at least two thirds of fish in our coastal ports, I hope that every single Conservative MP who represents a coastal community will be able to explain to their electorates in those communities why they chose to support ports on the continent, rather than the port that they represent, why they chose to create and preserve jobs in foreign ports, not in their communities, and why they chose not to give the young people in their communities the opportunity that would come from enhanced employment not only in the catching sector but in processing, and the engineering jobs that accompany this. I hope they have a decent argument for that, because this flies in the face of everything that has been promised to coastal communities. That is why Labour will be supporting keeping clause 18 in the Bill to protect jobs in coastal communities, and opposing the Government's plan to continue the export of those jobs to our European friends.

Victoria Prentis: The hon. Gentleman has done his job; I am now going to do mine, which is to bring us back to this Bill. I do not believe that anybody in this room is not equally passionately in favour of having more jobs in coastal communities, but this is not a jobs in coastal communities clause. It requires the Government to consult on landing a 15% higher proportion of fish in this country. My argument is that the Government are equally as passionate as the hon. Gentleman, and indeed everyone who has spoken well, about coastal communities and their needs, but the Bill already allows us to meet the clause's aim in a more appropriate way through the objective in clause 1 and the powers, which I have already gone into, in schedule 3.

1 pm

The clause as it stands is not compatible with devolution. As I have said, the Government intend to undertake a formal public consultation on economic link reform, which would have been impossible were we still a member of the EU. We will launch the consultation in England very shortly.

The clause does not deliver what its supporters believe it does, and I am concerned that it would end up damaging the part of the sector it seeks to help. The quota donation condition, for example, has brought in an average of £3 million-worth of quota per annum for use by English under-10 metre vessels in recent years. Removal of that condition without looking very carefully at the knock-on effects could harm the sector that Opposition Members seek to support. To give another example, different circumstances across the UK nations require different approaches, and it is not currently possible for Northern Ireland's largest registered vessel to land its catch directly in Northern Ireland. I am also concerned that agreeing to the clause could result in

inefficient processes that are not environmentally friendly, as the former Minister, my right hon. Friend the Member for Scarborough and Whitby, said earlier. With that explanation, I hope hon. Members will agree that the clause should not stand part of the Bill.

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

The Committee divided: Ayes 7, Noes 10.

Division No. 4]

AYES

Bonnar, Steven
Duffield, Rosie
O'Hara, Brendan
Owatemi, Taiwo

Peacock, Stephanie
Pollard, Luke
Smith, Cat

NOES

Bowie, Andrew
Butler, Rob
Coutinho, Claire
Fletcher, Katherine
Goodwill, rh Mr Robert

Jones, Fay
Morris, James
Prentis, Victoria
Wild, James
Young, Jacob

Question accordingly negatived.

Clause 18 disagreed to.

1.3 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

