

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### FISHERIES BILL [*LORDS*]

*Fifth Sitting*

*Tuesday 15 September 2020*

*(Morning)*

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CLAUSE 35 agreed to, with an amendment.  
SCHEDULE 6 agreed to, with amendments.  
CLAUSE 36 agreed to.  
SCHEDULE 7 agreed to.  
CLAUSES 37 TO 44 agreed to, one with amendments.  
SCHEDULE 8 agreed to, with an amendment.  
CLAUSES 45 AND 46 agreed to.  
SCHEDULE 9 agreed to, with amendments.  
CLAUSE 47 agreed to.  
SCHEDULE 10 agreed to, with amendments.  
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CLAUSES 49 TO 54 agreed to, some with an amendment.  
New clauses under consideration when the Committee adjourned till this day at Two o'clock.

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**Saturday 19 September 2020**

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

*Chairs:* STEVE McCABE, † SIR CHARLES WALKER

Bonnar, Steven (*Coatbridge, Chryston and Bellshill*) (SNP)

† Bowie, Andrew (*West Aberdeenshire and Kincardine*) (Con)

† Butler, Rob (*Aylesbury*) (Con)

† Coutinho, Claire (*East Surrey*) (Con)

Duffield, Rosie (*Canterbury*) (Lab)

† Fletcher, Katherine (*South Ribble*) (Con)

† Goodwill, Mr Robert (*Scarborough and Whitby*) (Con)

† Jones, Fay (*Brecon and Radnorshire*) (Con)

† Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

† O'Hara, Brendan (*Argyll and Bute*) (SNP)

† Owatemi, Taiwo (*Coventry North West*) (Lab)

† Peacock, Stephanie (*Barnsley East*) (Lab)

† Pollard, Luke (*Plymouth, Sutton and Devonport*) (Lab/Co-op)

† Prentis, Victoria (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)

† Smith, Cat (*Lancaster and Fleetwood*) (Lab)

† Wild, James (*North West Norfolk*) (Con)

† Young, Jacob (*Redcar*) (Con)

Rob Page, *Committee Clerk*

† **attended the Committee**

## Public Bill Committee

Tuesday 15 September 2020

(Morning)

[SIR CHARLES WALKER *in the Chair*]

### Fisheries Bill [Lords]

9.25 am

**The Chair:** Order. I hate to break up the party, but we have work to do. I understand that we will try to get through the Bill today. It was not my decision; it was yours. It will be about 110° in this room this afternoon, so there is plenty of incentive to crack on. Gentlemen colleagues, please remove your jackets if you wish, because it is very hot. I really encourage you to do so—if I sit with you in the Tea Room and you have not removed your jacket, it could be a rather unpleasant experience for all of us.

Before we begin, I have a few preliminary points. Members will understand the need to respect social distancing guidance; I shall intervene, if necessary, to remind everyone. I remind Members to switch electronic devices to silent. Tea and coffee are not allowed during sittings, but please do consume water. Hansard colleagues would be grateful if Members emailed their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

The selection list for today's sitting is available in the room; it shows how the selected amendments have been grouped together for debate. Amendments grouped together are generally on the same or a similar issue. Please note that decisions on amendments do not take place in the order that they are debated, but in the order that they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause that the amendment affects.

Without further ado, I call the shadow Minister. [*Interruption.*] Sorry, I have done something wrong. Do you want to move amendment 81, which has already been debated?

**Stephanie Peacock** (Barnsley East) (Lab): No.

**The Chair:** We shall move on to amendment 126. This is a strong start from your Chair.

#### Clause 35

FINANCIAL ASSISTANCE: POWERS OF SECRETARY OF STATE

**Stephanie Peacock:** I beg to move amendment 126, in clause 35, page 23, line 44, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;

- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

*This amendment would enable financial assistance to be provided in England for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.*

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

Amendment 127, in schedule 6, page 72, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

*This amendment would enable financial assistance to be provided in Scotland for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.*

Amendment 128, in schedule 6, page 73, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

*This amendment would enable financial assistance to be provided in Wales for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.*

Amendment 129, in schedule 6, page 74, line 8, at end insert—

- “(j) the gathering of scientific data relating to fishing, including but not limited to carrying out stock assessments, vessel monitoring and recording fishing catches.
- (k) the promotion of fishery products to consumers;
- (l) the commissioning of boats of less than 10 metres in length if such boats are allocated increased catch and effort quotas;
- (m) the decommissioning of boats of less than 10 metres in length if such boats are allocated reduced catch and effort quotas.”

*This amendment would enable financial assistance to be provided in Northern Ireland for scientific data collection, for the promotion of fishery products to consumers, and for the commissioning or decommissioning of boats whose catch and effort quotas are changed.*

**Stephanie Peacock:** Amendments 126 to 129 concern the provision of financial assistance for scientific data collection and the commissioning and decommissioning of boats if quota allocations change.

Clause 35 creates new powers for the Secretary of State to make grants or loans to the fishing and aquaculture industries. When the UK was part of the EU, funding was provided by the European maritime and fisheries

fund. Labour welcomes the provisions in the Bill that allow for grant and loan schemes to be established for England following the UK's withdrawal from the EU, in order to replicate the breadth of what we can currently be funded for under the EMFF. The funding will go beyond what is currently allowed under the Fisheries Act 1981 to allow financial assistance for the protection and improvement of the marine and aquatic environment; the promotion, development or reorganisation of commercial fish activities; health and safety training; economic development or social improvement in areas where commercial fish or aquaculture activities are carried out; improving the arrangements for catch or effort quotas; and the promotion of recreational fishing.

However, we would like to include within the purposes listed under clause 35 the provision of financial assistance for the purpose of scientific data collection. The EMFF supported the common fisheries policy through the collection and management of data to improve scientific knowledge. We would ask that the new UK funding scheme supports sustainable fisheries management through the provision of financial assistance for scientific data collection. Our amendments put the gathering of scientific data on a par with the other purposes for which the Secretary of State can provide financial assistance.

The Opposition have made it clear that sustainability must be at the heart of the UK's fisheries policy as we leave the CFP. The amendments make provision to provide the funding necessary to carry out stock assessments, vessel monitoring and recording of fish catches, among other things. That is important for protecting the future of our marine environment and for the fishing industry itself, and it can be achieved only if appropriate scientific data are gathered.

As has been mentioned throughout the debate on the Bill, we are making fisheries management decisions and policy with a data deficit. Right now, we do not know the status of three of the UK's 15 main fish stocks, which has meant that we cannot market much of the fish caught in UK waters as sustainable. That has an impact not just on the Marine Stewardship Council's certification, but on consumer confidence in fish from UK waters.

In addition to the collection of scientific data, the Opposition would like to include within the list of purposes for which the Secretary of State can provide financial assistance the commissioning and decommissioning of boats if quota allocations change. That would help fishers invest in new gear, boats and the hiring of more crew if their quotas increased. Funding for help for under-10 metre boats to be decommissioned in the event of reduced catch and effort quotas would be very welcome to coastal communities, which know all too well the sight of abandoned boats lying marooned on the shore. Has the Minister considered a new system to support new boats being put to sea or existing boats being taken out of service in response to movements in quota value? If an increase in quota is available in a specific area, we cannot simply magic boats out of the air from nearby ports to take advantage of it. Similarly, if a port's fleet loses quota through negotiations, fishers and boat owners will need support to redeploy.

If the Government will not support the amendments, it calls into question their previous commitment to a sustainable marine environment and the future of the

fishing industry. I therefore urge the Government to match their rhetoric with action and support the amendments.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis):** The amendments are not necessary, because the Bill sets out the purposes that can be funded, not specific activities related to those purposes, which provides the flexibility to fund a wide range of activities, even if they are not mentioned directly. A scheme providing for financial assistance will be set up via an affirmative statutory instrument, and it will be in that regulation that the details and activities of financial support will be set out. I look forward to discussing that SI and the specific activities when, in due course, it is laid.

Having given that explanation, I hope that the hon. Lady will withdraw the amendment.

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

*Amendment, by leave, withdrawn.*

**Stephanie Peacock:** I beg to move amendment 134, in clause 35, page 23, line 44, at end insert—

“(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

*This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fish or aquaculture activities in England.*

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

Amendment 135, in schedule 6, page 72, line 8, at end insert—

“(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

*This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Scotland.*

Amendment 136, in schedule 6, page 73, line 8, at end insert—

“(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

*This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Wales.*

Amendment 137, in schedule 6, page 74, line 8, at end insert—

“(j) The provision and maintenance of terrestrial or marine infrastructure involved in commercial fishing or aquaculture activities.”

*This amendment would allow for financial assistance to be used for the provision or maintenance of landside infrastructure, such as ports and market facilities, involved in supporting the operations of commercial fishing or aquaculture activities in Northern Ireland.*

**Stephanie Peacock:** Amendments 134 to 137 also relate to the new powers the Bill gives the Secretary of State to make grants or loans to the fishing and aquaculture industry. They would allow fishing ports to bid for grants from any new domestic fisheries fund. The overwhelming majority of fishing ports are currently

[Stephanie Peacock]

not eligible to apply to the domestic fisheries fund, which covers the transition period. If that is not fixed, it will be a significant problem for the industry.

We have spoken at length in this Committee about the importance of UK ports. Our ports are hubs of regional and national connectivity. They are the foundation of UK fisheries and wider marine management. Sadly, however, many are struggling to remain financially viable.

I again voice my opposition to the Government's decision to remove the jobs and coastal communities clause from the Bill, which would have better supported UK ports. Because ports play an important part in supply chains, it is important that they receive the financial support they need to make long-term investment in infrastructure to support the UK fishing industry. With the support of the British Ports Association, we are calling on the Government to include landside infrastructure, such as ports and market facilities, within the purposes listed in clause 35, for which the Secretary of State may give financial assistance.

In 2017, research conducted by the BPA found that two thirds of fishing ports' working quays needed maintenance or repair work, and 75% of markets and auctions needed modest or significant repairs or upgrades. The covid-19 pandemic has been particularly harmful for a number of ports and market facilities. Many small harbours, markets and auction sites have struggled to remain viable. Repair costs can run to millions of pounds, but at this point in time conducting vital maintenance or repair work is no longer an option. We need to better support the landside infrastructure on which our UK fishing industry relies.

It is important to note that under the European maritime and fisheries fund, 72% of UK ports have received funding to enable the expansion of new services or facilities. That funding has been crucial in driving and refreshing port capacity, including fuel and ice plants. The amendments would allow a domestic continuation scheme to support harbours and landside infrastructure under the proposed post-Brexit fisheries regime.

I commend the amendments to the Committee.

**Victoria Prentis:** The scope of clause 35 is already wide enough to include the activities suggested. Subsection (1) sets out priorities that can be funded, not specific activities, which provides sufficient flexibility to fund a wide range of activities, including the provision and maintenance of infrastructure related to the catching and aquaculture sectors, even if they are not directly mentioned.

I take issue with some of what the hon. Lady said about support for coastal communities. We have really expanded the funding powers in the Bill, which will enable financial support for port infrastructure work, such as work to improve catch processing and safety facilities.

Having given that explanation, I hope that the hon. Lady will withdraw the amendment.

**Stephanie Peacock:** I understand what the Minister has said. However, further to the points I have made, I would like to press the amendment to a vote.

*Question put.* That the amendment be made.

*The Committee divided: Ayes 3, Noes 9.*

#### Division No. 8]

#### AYES

Peacock, Stephanie	Smith, Cat
Pollard, Luke	

#### NOES

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

*Question accordingly negated.*

**Victoria Prentis:** I beg to move amendment 54, in clause 35, page 24, line 15, at end insert—

“(c) require the Secretary of State, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In subsection (4)(c) ‘specified’ means specified by the scheme; and information that may be specified under that provision includes information about—

- (a) the recipient of the financial assistance;
- (b) the amount of the financial assistance;
- (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

*This amendment allows financial assistance schemes to include requirements to publish information about financial assistance given under the scheme.*

**The Chair:** With this it will be convenient to discuss Government amendments 56 to 58.

**Victoria Prentis:** The amendments provide that any future financial assistance schemes made under the Secretary of State's funding power in clause 35 or the devolved Administrations' funding powers in schedule 6 could include a requirement to publish data about the assistance given. The amendments also enable us to be more explicit about the potential design of a future scheme. This makes clear to future applicants the limited types of information that we could seek to publish as part of such a scheme.

The amendments should not be taken to imply that, in their absence, we could not do that anyway under the General Data Protection Regulation. The provision has also been drafted so that it cannot require publication of information that would be contrary to the Data Protection Act 2018. The power has been extended to the DAs at their request, and I commend it to the House.

**Stephanie Peacock:** As the Minister outlined, these are technical amendments, so the Opposition are happy to support them. I would just like to ask why the measures were not included in the original Bill and why they are now proposed as Government amendments. Obviously, when this happens, there is less time to consider the implications.

**Victoria Prentis:** The reason why the amendment was not in the original Bill is that we do not think these powers are necessary to comply with GDPR, but we think that the introduction of this provision ensures consistency. It is a mirroring provision to the Agriculture Bill. We thought that this belt-and-braces approach would be clearer and more transparent for people reading the Bills in the future to understand.

*Amendment 54 agreed to.*

**Stephanie Peacock:** I beg to move amendment 138, in clause 35, page 24, line 20, at end insert—

“(5A) The scheme shall be open to statutory harbour authorities.”

*This amendment would ensure that all statutory harbour authorities are eligible for financial assistance under the scheme, regardless of ownership.*

This amendment relates to the amendments I spoke about earlier. It would ensure that all statutory harbour authorities were eligible for financial assistance under the new domestic funding scheme that replaces the EMFF. As I outlined, we all acknowledge and have spoken at length about the importance of UK ports. Under the current arrangements, the majority of our ports would not be able to apply to the domestic fund. If we seriously want our fishing industry to thrive and grow in the long term, that will require investments in the infrastructure on which the industry relies. However, our smaller harbours, markets and auction sites have been unable even to consider the long-term investments that they will need while they have been worried about the day-to-day viability of their businesses during the pandemic. Never mind investments for the future; many vital maintenance and repair works for today have no longer been an option for many operators.

I know that the Government share our ambition for the sector to grow, but that rhetorical ambition needs to be matched by providing the structures and support to ensure that it can be achieved. That includes ensuring that all our statutory harbour authorities are eligible for financial assistance under the new domestic funding schemes that replace the EMFF. With the support of the British Ports Association, I ask the Government to support the amendment.

**Victoria Prentis:** There is a bit of history here, Sir Charles. I am aware that the strict eligibility rules under the domestic maritime and fisheries fund in England, which opened to applications in 2019, excluded harbour authorities. That scheme was delivered using Exchequer funding, and during the transition period we have had to comply with European state aid rules. In future, we will not be bound by the EU state aid regime, and we will take our own view on the need for funding for UK infrastructure, including that owned by harbour authorities. The clause provides flexibility for all legal entities, including harbour authorities, to be eligible for financial assistance. Details of future schemes will be contained in subsequent regulations, which, as I said earlier, will be voted on under the affirmative procedure. I therefore think the amendment is unnecessary.

**Stephanie Peacock:** I hear what the Minister says. I understood this to be a great opportunity to put it into law now, but I accept the point she has made. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

**Victoria Prentis:** During the UK’s membership of the EU, funding to the fish and aquaculture sectors has been provided under the EMFF. This clause allows the creation of domestic financial assistance schemes that would support the fish and aquaculture sector in England. The Government are committed to putting in place new domestic long-term arrangements to support the UK’s fishing industry from 2021. This will be through the creation of four new schemes to deliver funding for each nation. The devolved Administrations will lead on their own schemes. I hope Members will agree that the clause should stand part of the Bill.

*Question put and agreed to.*

*Clause 35, as amended, accordingly ordered to stand part of the Bill.*

## Schedule 6

### FINANCIAL ASSISTANCE: POWERS OF DEVOLVED AUTHORITIES

*Amendments made:* 56, in schedule 6, page 72, line 19, at end insert—

“(c) require the Scottish Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In sub-paragraph (4)(c) ‘specified’ means specified by the scheme; and information that may be specified under that provision includes information about—

- (a) the recipient of the financial assistance;
- (b) the amount of the financial assistance;
- (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

*This amendment allows financial assistance schemes made by the Scottish Ministers to include requirements to publish information about financial assistance given under the scheme.*

*Amendment 57, page 73, in schedule 6, line 19, at end insert—*

“(c) require the Welsh Ministers, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In sub-paragraph (4)(c) ‘specified’ means specified by the scheme; and information that may be specified under that provision includes information about—

- (a) the recipient of the financial assistance;
- (b) the amount of the financial assistance;
- (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”

*This amendment allows financial assistance schemes made by the Welsh Ministers to include requirements to publish information about financial assistance given under the scheme.*

*Amendment 58, page 74, in schedule 6, line 19, at end insert—*

“(c) require the Northern Ireland department, or another person, to publish specified information about financial assistance given in accordance with the scheme.

(4A) In sub-paragraph (4)(c) ‘specified’ means specified by the scheme; and information that may be specified under that provision includes information about—

- (a) the recipient of the financial assistance;
- (b) the amount of the financial assistance;
- (c) the purpose for which the financial assistance was given.

(4B) The scheme may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018).”—(*Victoria Prentis.*) *This amendment allows financial assistance schemes made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to include requirements to publish information about financial assistance given under the scheme.*

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

**Victoria Prentis:** The schedule has been placed in the Bill at the request of the devolved Administrations to establish schemes of financial assistance equivalent to those in clause 35. I hope that it will stand part of the Bill.

*Question put and agreed to.*

*Schedule 6, as amended, accordingly agreed to.*

### Clause 36

#### CHARGES; POWERS OF MARINE MANAGEMENT ORGANISATION

9.45 am

**Stephanie Peacock:** I beg to move amendment 96, in clause 36, page 25, line 21, leave out “negative” and insert “affirmative”.

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

Both I and my hon. Friend the Member for Plymouth, Sutton and Devonport have spoken at length in the Committee about the need for more parliamentary scrutiny. The clause gives the Secretary of State power to make regulations regarding the Marine Management Organisation’s power to impose charges when carrying out certain marine functions. Such functions could include: fishing quota; ensuring commercial fishing activities are lawful; registration of buyers and sellers of first sale fish; and catch certificates for the import and export of fish.

The Bill expands the powers available to the MMO. Given the important role that organisation plays and will play in future fisheries management, further parliamentary scrutiny is needed when updating MMO charges and changes through secondary legislation. If the Government seek to oppose the amendment, I ask the Minister to outline how often she envisages changes being made to charges. What steps will her Department take to ensure that MMO charges are appropriate and value for money?

Labour seeks a standard to move from negative procedure instruments 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. Good scrutiny is good governance. It would help the Government to deliver on objectives outlined in clause 1 and make for better policy making as more people would be involved in the policy-making process. That is why we seek to make such regulations subject to the affirmative procedure.

**Victoria Prentis:** The clause allows the Secretary of State to make regulations allowing for the MMO to impose charges when exercising a relevant marine function. It is Government policy to set charges to recover costs for services provided to the industry where possible. When drafting the Bill, we carefully considered the delegated powers and procedures that should apply to regulations. We think we struck the right balance between the need for scrutiny and the need to be able to update MMO charges through secondary legislation.

The Delegated Powers and Regulatory Reform Committee in the other place twice reviewed our suggested procedures and its view both times was that we had struck the right balance with all the delegated powers. The clause requires the Secretary of State to consult appropriate persons before implementing any charging scheme. Given that assurance, I hope the hon. Lady will withdraw the amendment.

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

*Amendment, by leave, withdrawn.*

*Clause 36 ordered to stand part of the Bill.*

### Schedule 7

#### IMPOSITION OF CHARGES: POWERS OF DEVOLVED AUTHORITIES

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

**Victoria Prentis:** Again, this schedule, at the request of the devolved Administrations, provides those Administrations with powers to make regulations enabling them to impose charges for carrying out relevant marine functions.

*Question put and agreed to.*

*Schedule 7 accordingly agreed to.*

### Clause 37

#### SEA FISH INDUSTRY AUTHORITY: FEES FOR SERVICES PROVIDED FOR INDUSTRY IN EU

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

**Victoria Prentis:** The clause ensures that in the future Seafish can charge equally for services provided to EU member states and non-EU member states. As many hon. Members will know, Seafish is a levy-funded public body set up to promote the consumption of seafood in the UK, to protect the reputation of the industry, and to carry out research and provide information, evidence and advice for decision making in the supply chain.

Seafish may provide services for persons involved in the seafood industry both inside and outside the UK. It is required to charge for such services, but section 3(5) of the Fisheries Act 1981 prevents Seafish from charging customers from EU member states more than those in the UK, reflecting our previous obligations, when we were an EU member state, not to discriminate. The clause will remove that provision.

*Question put and agreed to.*

*Clause 37 accordingly ordered to stand part of the Bill.*

**The Chair:** We now come to a rich seam of amendments.

**Clause 38**POWER TO MAKE PROVISION ABOUT FISHERIES,  
AQUACULTURE ETC

**Stephanie Peacock** (Barnsley East) (Lab): I beg to move amendment 130, in clause 38, page 26, line 6, at end insert—

‘(d) the gathering of scientific data to inform management of fish stocks.’

*This amendment would add scientific data collection to the conservation purposes for which Clause 38 enables the Secretary of State to make regulations.*

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

Amendment 131, in schedule 8, page 79, line 16, at end insert—

‘(d) the gathering of scientific data to inform management of fish stocks.’

*This amendment would add scientific data collection to the conservation purposes for which Schedule 8 enables the Scottish Ministers to make regulations.*

Amendment 132, in schedule 8, page 83, line 4, at end insert—

‘(d) the gathering of scientific data to inform management of fish stocks.’

*This amendment would add scientific data collection to the conservation purposes for which Schedule 8 enables the Welsh Ministers to make regulations.*

Amendment 133, in schedule 8, page 86, line 34, at end insert—

‘(d) the gathering of scientific data to inform management of fish stocks.’

*This amendment would add scientific data collection to the conservation purposes for which Schedule 8 enables the Northern Ireland department to make regulations.*

**Stephanie Peacock:** The clause gives the Secretary of State powers to make regulations to allow the UK to meet its international obligations, conserve the marine environment and adapt fisheries legislation. As I am sure Members will be aware, they are able to make the regulations on scientific data collection that they deem to be necessary.

As we have discussed at length, there are deficiencies in our data that we need to address if we are to ensure the sustainability of the fishing industry and our marine environment. The amendments would place scientific data prominently in the Bill and in the remit of the Secretary of State, to ensure that appropriate regulations are in place as we become an independent coastal state once again.

Like many of the amendments we have proposed, amendment 130 would not tie the hands of the Secretary of State or affect the direction of the objectives; indeed, it is wholly in line with them. It does not even involve additional scrutiny. Under the amendments, scientific data would simply be given the prominence in the Bill that it merits, and the Secretary of State and the relevant Ministers would have the power to address deficiencies in data as they saw fit. I hope that we can come to agreement and that the Government will find the amendments acceptable.

**Victoria Prentis:** I hear what the hon. Lady says, but I feel that the Bill’s existing provisions are sufficient. They enable the UK to introduce regulation if our

international obligations require us to gather and share scientific data. The scientific objective in clause 1 commits us to collect and share data to deliver efficient fisheries management. The regulations that enable us to collect data—the EU data collection framework regulation 2017/1004—will become retained EU law after the end of the transition period. We feel that clause 38 is wide enough to enable us to keep the regulation up to date and relevant. I hope that with that assurance the hon. Lady will withdraw the amendment.

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

*Amendment, by leave, withdrawn.*

**Stephanie Peacock:** I beg to move amendment 139, in clause 38, page 26, line 37, at end insert—

‘(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.’

*This amendment would give the Secretary of State the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in England.*

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

Amendment 140, in schedule 8, page 80, line 2, at end insert—

‘(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.’

*This amendment would give the Scottish Ministers the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Scotland.*

Amendment 141, in schedule 8, page 83, line 34, at end insert—

‘(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.’

*This amendment would give the Welsh Ministers the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Wales.*

Amendment 142, in schedule 8, page 87, line 22, at end insert—

‘(pa) fishing-related activities in the vicinity of a feature of archaeological or historic interest.’

*This amendment would give the Northern Ireland department the power to make regulations about fishing-related activities in the vicinity of a feature of archaeological or historic interest in Northern Ireland.*

**Stephanie Peacock:** I, and no doubt my hon. Friend the Member for Plymouth, Sutton and Devonport, are pleased to see that features of archaeological or historic interest are included in the definition of the marine and aquatic environment in the Bill. Amendments 139 to 142 would give the Secretary of State and relevant Ministers the explicit authority to regulate in that regard in the areas surrounding archaeological and historic features to ensure that they are preserved.

I am sure that we agree on the importance of protecting our historic marine environment, including our heritage assets on the seabed. They are part of our history, and many are monuments to lives lost in treacherous circumstances. As we create a new legal framework for our future as an independent coastal nation, it is important that we are clear about our commitment to the protection of those important parts of our history and archaeology.

The intention of the amendment is not to limit or harm the fishing industry, but to ensure that our maritime heritage is preserved, not harmed, by fishing or aquaculture activities, by giving the Secretary of State the power to

[Stephanie Peacock]

make regulations in that regard. I understand that the Government receive advice from Historic England about the historic environment in English waters, so they must be aware of the importance of protecting and preserving our marine archaeology. The amendments would be a step in the right direction, to ensure that the Secretary of State will be able to regulate effectively to protect features of archaeological and historical interest. I hope that the Government will support them.

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): I am grateful to the Minister for listening, and agreeing to the amendments that were tabled, effectively, by Labour, in the previous iteration of the Bill, for protection of marine archaeology. Today, through these amendments, we are making the case for additional powers for the Government to ensure that marine archaeology is protected. I urge the Minister to adopt them in the good spirit in which they have been tabled.

**Victoria Prentis:** I thank the hon. Members for Barnsley East and for Plymouth, Sutton and Devonport. The issue is an important one, but we do not feel that the additional powers in the amendment are needed. I want to reassure Members that, while it is not explicit in clause 38 or schedule 8, the provisions are already wide enough to include making regulations to protect these features.

Regulations can be made under clause 38 and schedule 8 for a conservation purpose, including “the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities”. The marine and aquatic environment in the context of the Bill is defined in clause 51 as including “features of archaeological or historic interest”, which means that clause 38 may be used to amend or introduce legislation to protect those sites individually or collectively. With those assurances I hope the hon. Lady will 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 will provide the Secretary of State with the powers necessary to manage our fisheries when the UK becomes an independent coastal state once again. It will enable the Government to comply with the UK’s international obligations, to manage our fisheries and to keep pace with changes to rules we have to comply with as members of regional fisheries management organisations.

The powers in the clause are broad in scope; in recognition of that, we have introduced a number of constraints to limit them as far as possible. They must be exercised for a purpose listed in subsection (4), they can be exercised only for matters listed for specific purposes, and they cannot create criminal offences punishable by imprisonment. However, the list of matters in subsection (4) does not apply in relation to implementing RFMO regulations, which can cover any matter within the scope of RFMO rules. The clause is integral in providing a legal framework for the UK to meet our international obligations under various conventions.

*Question put and agreed to.*

*Clause 38 accordingly ordered to stand part of the Bill.  
Clauses 39 and 40 ordered to stand part of the Bill.*

### Clause 41

#### SCOPE OF REGULATIONS UNDER SECTION 38 OR 40

**Victoria Prentis:** I beg to move amendment 144, in clause 41, page 28, line 24, after “Senedd Cymru” insert “(ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006)”.

*This amendment has the effect that the Secretary of State’s power to make regulations under clause 38 without the consent of the Welsh Ministers does not to include power to make provision that would be within the legislative competence of Senedd Cymru with the consent of a Minister of the Crown.*

**The Chair:** With this it will be convenient to discuss Government amendments 146 and 145.

**Victoria Prentis:** The amendments clarify the extent of the powers of the Secretary of State and the Welsh Minister to make regulations in relation to Wales. They ensure that references to the Senedd competence reflect that approach, which has been agreed with the Welsh Government. I commend the amendments to the Committee.

*Amendment 144 agreed to.*

**Victoria Prentis:** I beg to move amendment 7, in clause 41, page 28, line 31, after “of” insert “sea fishing by”.

*This amendment clarifies the scope of the Secretary of State’s power to make regulations under clause 38 or 40 in relation to matters that are also within the scope of the corresponding powers conferred on the devolved authorities under Schedule 8.*

**The Chair:** With this it will be convenient to discuss Government amendment 50.

**Victoria Prentis:** These are technical amendments. The revised wording more closely mirrors the devolution legislation, which is narrower in Wales than in Scotland and Northern Ireland. I commend the amendments to the Committee.

*Amendment 7 agreed to.*

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

**Victoria Prentis:** The clause defines and limits the scope of the regulation-making powers in clauses 36 and 38 by ensuring that the devolved status of fisheries is respected.

*Question put and agreed to.*

*Clause 41, as amended, accordingly ordered to stand part of the Bill.*

### Clause 42

#### SCOPE OF REGULATIONS UNDER SECTION 38 OR 40

##### WHERE CONSENT OBTAINED

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

**Victoria Prentis:** The clause requires the Secretary of State to obtain consent from the Scottish or Welsh Ministers or the Department of Agriculture, Environment

and Rural Affairs in Northern Ireland to make provisions in areas of devolved competence for regulations under clauses 38 and 40. Where there is consent, the power will allow cross-UK regulations to be made in areas of devolved competence, which could ensure a coherent management regime for our fishers.

*Question put and agreed to.*

*Clause 42 accordingly ordered to stand part of the Bill.*

### Clause 43

#### PROCEDURAL REQUIREMENTS FOR REGULATIONS UNDER SECTION 38 OR 40

**Stephanie Peacock:** I beg to move amendment 97, in clause 43, page 29, line 32, leave out from “if” to the end of line 42.

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

I will not repeat the arguments that I and my hon. Friend the Member for Plymouth, Sutton and Devonport have made about the need for more parliamentary scrutiny. Clauses 38 and 40 allow the Secretary of State to make regulations for technical matters currently regulated by the EU under the common fisheries policy. That includes powers to allow the UK to meet its international obligations, conserve the marine environment, adapt fisheries regulations, and make provisions for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals. With amendment 97, we seek to make the relevant regulations subject to the affirmative procedure to enable better scrutiny of the Government, and help the Government achieve their objectives listed under clause 1.

10 am

**Victoria Prentis:** We feel that we have got the balance of scrutiny right. Clause 43 was carefully drafted to ensure that the affirmative procedure was used in appropriate cases, with the negative procedure used to introduce what are likely to be highly technical amending regulations. As I said earlier, the Delegated Powers and Regulatory Reform Committee in the other place has twice considered the procedures proposed and told the Government that we have the right parliamentary procedure for all the regulation-making powers in the Bill. The Committee commented in its first report that

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

I hope that the hon. Lady will 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 sets out the procedural requirements for making regulations under clauses 38 and 40. These ensure that there is appropriate parliamentary and public scrutiny of provisions made using these powers.

*Question put and agreed to.*

*Clause 43 accordingly ordered to stand part of the Bill.*

*Clause 44 ordered to stand part of the Bill.*

### Schedule 8

#### POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

*Amendments made:* 50, in schedule 8, page 85, line 26, after “of” insert “sea fishing by”.

*This amendment clarifies the scope of the Welsh Ministers’ power to make regulations under paragraph 6 or 8 of Schedule 8 in relation to matters that are not within the legislative competence of Senedd Cymru.*

Amendment 146, in schedule 8, page 85, line 26, at end insert—

“(3A) Provision which does not fall within sub-paragraph (3)(a), but which would do so but for a requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006, may be included in regulations under paragraph 6 or 8 with the consent of the Secretary of State.”—(*Victoria Prentis.*)

*This amendment enables the Welsh Ministers, with the consent of the Secretary of State, to include in regulations under paragraph 6 or 8 provision that is only within the legislative competence of Senedd Cymru if consent has been given by a Minister of the Crown.*

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

**Victoria Prentis:** The schedule provides each of the devolved Administrations with powers to make regulations to modify any enactment, including primary legislation and retained EU law relating to fisheries, aquaculture and aquatic animal health. The powers are equivalent to those of the Secretary of State under clauses 36 and 38.

*Question put and agreed to.*

*Schedule 8, as amended, accordingly agreed to.*

### Clause 45

#### POWERS OF SCOTTISH MINISTERS, WELSH MINISTERS AND NI DEPARTMENT

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

**Victoria Prentis:** Unlike the devolution settlements of Scotland and Northern Ireland, the Senedd Cymru does not have legislative competence in relation to fisheries in the offshore area beyond 12 nautical miles. I am pleased to say that the clause fixes that discrepancy—it is great news for Wales—by amending the Government of Wales Act 2006.

*Question put and agreed to.*

*Clause 44 accordingly ordered to stand part of the Bill.*

### Clause 46

#### AMENDMENTS OF THE MARINE AND COASTAL ACCESS ACT 2009

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

**Victoria Prentis:** Part 1 of schedule 9 allows the MMO to operate outside our waters, ensuring that the MMO can support the Government’s international efforts to protect and sustainably manage the world’s oceans, support the UK overseas territories, and use its expertise to help build the capacity of other countries to protect their marine environments. Previously, the EU was responsible for implementing conservation measures

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within offshore UK marine protected areas as part of the CFP. Without new powers, the UK would be unable to deliver effective management of fishing activities to protect offshore marine protected areas and the wider UK marine environment. Part 2 of the schedule is therefore designed to fill that gap.

*Question put and agreed to.*

*Clause 46 accordingly ordered to stand part of the Bill.*

### Schedule 9

#### AMENDMENTS OF THE MARINE AND COASTAL ACCESS ACT 2009

**Victoria Prentis:** I beg to move amendment 51, in schedule 9, page 93, line 12, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”

*This technical amendment updates a cross reference to a set of regulations so that it refers to the current version.*

**The Chair:** With this it will be convenient to discuss Government amendment 52.

**Victoria Prentis:** These are technical amendments, which I commend to the Committee.

*Amendment 51 agreed to.*

**Luke Pollard:** I beg to move amendment 98, in schedule 9, page 95, line 16, leave out “and” and insert “or”.

*This amendment would enable the Marine Management Organisation to make byelaws to protect marine features in circumstances where the need for protection is not urgent.*

The amendment is designed to strengthen provisions already in the Bill. It ensures more protections for sea features by changing an “and” to an “or”, so that a feature can be exempted from the MMO byelaws if there is an urgent need or if the Secretary of State sees fit to do so. It also removes Whitehall red tape by allowing the MMO to designate a protected sea feature if there is an urgent need to do so. I hope the Minister will accept this friendly amendment.

**Victoria Prentis:** However friendly it is, I feel that the amendment would duplicate powers elsewhere in the Bill. Paragraph 11 of schedule 9 to the Bill adds new section 129B to the Marine and Coastal Access Act 2009, giving the MMO the power to make byelaws to conserve marine features in the English offshore region where the need for protection is not urgent. For any urgent need to protect a marine feature, the Bill provides the power to make emergency byelaws through paragraph 13 of schedule 9. I therefore ask that the amendment be withdrawn.

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

*Amendment, by leave, withdrawn.*

*Amendment made:* 52, in schedule 9, page 96, line 37, leave out “2010 (S.I. 2010/940)” and insert “2017 (S.I. 2017/1012)”.—(Victoria Prentis.)

*This technical amendment updates a cross reference to a set of regulations so that it refers to the current version.*

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

**Victoria Prentis:** The schedule, which is introduced by clause 46, will ensure that the MMO is able to operate outside UK waters. It defines the scope of procedure for creating byelaws or orders within UK waters, either by the MMO in England or by Ministers in Scotland and Wales, for the purposes of protecting, conserving, enhancing and restoring the UK’s marine environment.

**The Chair:** The question is that schedule 9, as amended, be the Ninth schedule to the Bill.

**Luke Pollard** *rose*—

**The Chair:** I do apologise, shadow Minister. I got carried away.

**Luke Pollard:** It is lucky that you did not get too carried away, Sir Charles, because there are some important points I want to raise regarding schedule 9. I would like to take this opportunity to ask the Minister a number of questions about the MMO’s powers introduced by schedule 9, particularly in relation to the activity of pulse and beam trawlers and marine protected areas. As the Minister will know, we have touched on this issue a number of times. However, as the schedule directly relates to the powers of the MMO on licensing, which the Minister has touched on as the solution to a number of problems that have been highlighted, I want to take the opportunity to make some further inquiries.

We have already discussed in Committee that pulse trawling is devastating for the environment and not fit to be used in any part of the ocean, and the issue is incredibly timely. I hope the Minister is aware of the recent investigation that found Dutch electric pulse trawlers and beam trawlers fishing in Haisborough and North Norfolk marine protected areas, plus a couple of UK and German-flagged vessels that have been using pulse-trawling techniques.

I am not a fan of the common fisheries policy; one of the reasons for that is that it has allowed the industry to bicker over environmental protections rather than implementing them in the way that we had originally hoped. For the past two years, a complaint has been progressing against the British Government and others, pursued by the European Commission’s environment directorate-general, for allowing the law to be ignored. I am keen to understand how the powers in schedule 9 will address that issue.

The regulations mean that from 1 January, the regulatory environment will be different from how it is currently. Are the Government proposing to allow foreign or domestic vessels to go on trashing some of our offshore marine protected areas after 1 January 2021? I believe the Minister said last Thursday in our discussion that a speedier and more efficient way to enforce the regulations on these very large protected areas in UK waters is via vessel licensing, not necessarily through byelaws. I am keen to understand how that environmental regulation will be enforced, in particular in relation to the powers in schedule 9. If the Government will now enforce offshore MPAs through vessel licensing, would it not be better to announce a full and transparent consultation now, rather than consulting only after 1 January on a process that is likely to allow damaging gears to be used by UK and foreign vessels in the MPAs for several years?

Clause 46 and schedule 9 give the MMO extended powers to create byelaws for the management of offshore marine protected areas from fisheries, but there is a problem with the byelaws: it is difficult to see how they meet the needs of a nation exiting from the EU and the common fisheries policy on a specific date. It is the activation date, rather than the powers themselves, that is the issue.

We all know that sometimes the application of byelaws can be extraordinarily slow and the results derisory in terms of protection. Returning to an example I mentioned earlier, the Haisborough, Hammond and Winterton special area of conservation off the East Anglian coast—some of which is from six to 12 miles offshore, and so is already managed by the same byelaw-making powers proposed in the Bill for MPAs—was designated a protected area under the habitats directive in 2010. Despite legal obligations for protections arising from that date, it took three years for the consultation process to begin. That took place between September and October 2013.

An impact assessment was carried out and submitted on 10 December and the byelaws signed off the next day, which is commendable speed for the last stage. If we look closely at the results, however, the SAC is meant to protect shallow sand banks and reefs, which comprise the vast majority of the SAC—around 1,500 sq km—but we would have to look very hard on the chart to find the two tiny isolated dots that have meaningful protection. The MMO byelaw process managed to protect less than 4 sq km from the harmful bottom-trawling towed fishing gears. That is 0.6% of the whole area that was originally designated for protection.

That is my concern about schedule 9. We have to make sure that the powers in the schedule will actually be used to deliver against the original purpose in the Bill. I am certain that the MMO understands the habitats directive and the habitats regulations, and so it is worth looking at why that delay took place and why such a small group of stakeholders were included in the discussions, when inshore fishermen were excluded.

The Minister will know that there has been real concern among inshore fishermen about the devastation caused to fisheries from certain gears. The regulations in schedule 9 must be used effectively, and I welcome the Minister's reassurance that there will be faster use of those regulations than we have seen in the past.

It is shame that the Government Whips chose not to select the hon. Member for Waveney (Peter Aldous) for the Committee. He made a sound contribution the first time. If he had been here, I am sure he would have mentioned the importance of the Renaissance of East Anglian Fisheries group, which he mentioned on Second Reading. I must say, with the exception of its love of effort-based regimes, which is something I am still a bit sceptical of, it is a very good initiative with a lot of potential. However, its concerns around wanting an end to pulse beam trawling in the whole offshore area around the southern North sea, in particular the offshore marine protected areas, is something that I believe the measures take note of.

10.15 am

I am concerned that the regulations that we have now do not seem to be properly prohibiting the activities that the Minister has said should not be happening, and I am keen to understand how the powers in the schedule

will change that situation. What is the point of giving the MMO additional powers to protect our offshore MPAs when the results have been so pitiful to date—in particular the example that I cited of the Haisborough and Hammond SAC? When we get the ability to control more of our waters outside the 12 nautical mile limit—areas such as the Dogger Bank, for instance—it is important that we take action to ensure that they are protected from day one.

This is a question of the commencement of those powers; ignoring the commencement date of the Bill as a whole, it is about when the MMO will actually be able to use those powers to enforce gear restrictions and proper protections in those areas. MPAs such as the Dogger Bank SAC and other sites around the UK need to be protected from bottom-towed gears, pulse trawlers and supertrawlers—sadly, a provision not supported by the Government earlier on in discussion—and that means protection of the entire sites.

I would be grateful if the Minister set out how the Government intend to comply with environmental law from 1 January, rather than it being subject to a consultation that could take a longer period and not kick in from 1 January. With the common fisheries policy gone, there seems to be no further excuse for prevarication on this point in particular, so will the Minister set out how the powers in this schedule will be speedily implemented?

**Victoria Prentis:** As I say repeatedly, this wonderful Fisheries Bill prohibits any commercial fishing vessel, including a foreign-registered vessel, from fishing in UK waters without a licence. It provides powers, as the hon. Gentleman said, to attach conditions to those fishing vessels, such as the areas that can be fished, the species that can be caught and the type of fishing gear that can be used. Foreign vessels operating in our waters will have to follow UK rules, including any conditions attached to their commercial fishing licence.

To briefly answer the hon. Gentleman's questions, the MMO will be responsible for enforcement as we go forward with the powers in the Bill. Schedule 9 byelaws will apply to both UK and foreign boats. More than 90 marine protected areas in English inshore waters already have byelaws in place to protect them from damaging fishing activity.

On the hon. Gentleman's main point, which was about speed, we aim to make rapid progress in protecting more sites from damaging fishing once the transition period ends. We cannot do it before the end of the transition period, but I assure him that we wish to move speedily afterwards, and we will then have the new byelaw powers proposed in the Fisheries Bill.

**Luke Pollard:** I think there is agreement across the House that we want to see further environmental protection from 1 January. Will the Minister deal specifically with the issue of consultation? There is nothing that prevents her Department or the MMO from starting consultations on those proper protections before the end of the Brexit transition period. It could save time and preserve many of those marine environments if those consultations were to start this side of the Brexit transition period, not the other side.

**Victoria Prentis:** The hon. Gentleman is very impatient. We have, I think, 108 days left until the end of the transition period and we have a great deal to do, including

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passing this piece of legislation. He makes an important point, though, so I will reassure him that the new procedures will be much quicker than those under the common fisheries policy, where member state agreement had to be obtained for management measures; that took a considerable period of time.

I have no doubt that the byelaw process will be much quicker, but, as has often been said on the Opposition side of the House, there is a balance to be struck between rigour and speed in all things. I can definitely reassure the hon. Gentleman that leaving the CFP gives us the opportunity to introduce a sustainable and responsible fisheries policy, which will enable us to put proper byelaws in place.

*Question put and agreed to.*

*Schedule 9, as amended, accordingly agreed to.*

### Clause 47

RETAINED DIRECT EU LEGISLATION: MINOR AND  
CONSEQUENTIAL AMENDMENTS

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

**Victoria Prentis:** This clause refers to schedule 10, which makes changes to retained EU law that are consequential on the policy changes that are implemented in the Bill.

*Question put and agreed to.*

*Clause 47 accordingly ordered to stand part of the Bill.*

### Schedule 10

RETAINED DIRECT EU LEGISLATION: MINOR AND  
CONSEQUENTIAL AMENDMENTS

**Victoria Prentis:** I beg to move amendment 59, page 105, line 39, in schedule 10, at end insert—

*Commission Delegated Regulation (EU) No 1393/2014*

3A (1) Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters is amended as follows.

(2) In Article 1 (subject matter)—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph, for the words from “in the north-western” to “that Regulation” substitute “and applies to waters within ICES subarea 5B that are within United Kingdom waters and to waters within ICES subareas 6 and 7 that are not within Union waters”;
- (c) after that paragraph insert—

2 In paragraph 1, “United Kingdom waters” and “Union waters” have the meaning they have in Regulation (EU) No 1380/2013.”

(3) In Article 2 (survivability exemption), in paragraph 6 for “and 2020” substitute “, 2020 and 2021”.

(4) In Article 3a (de minimis exemptions in the years 2018, 2019 and 2020)—

- (a) in the heading, for “and 2020” substitute “, 2020 and 2021”;
- (b) in points (a), (b) and (c), for “and 2020” substitute “, 2020 and 2021”.

(5) For Article 5 (entry into force) substitute—

“Article 5

Expiry

This regulation ceases to have effect at the end of 31 December 2021.”

*Commission Delegated Regulation (EU) No 1395/2014*

3B (1) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea is amended as follows.

(2) In Article 1 (subject matter)—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph, for the words from “in the North” to “that Regulation” substitute “and applies to waters within ICES division 2a and subarea 4 that are within United Kingdom waters”;
- (c) after that paragraph insert—

2 In paragraph 1, “United Kingdom waters” has the meaning it has in Regulation (EU) No 1380/2013.”

(3) In Article 3a (de minimis exemption in the years 2018, 2019 and 2020)—

- (a) in the heading, for “and 2020” substitute “, 2020 and 2021”;
- (b) in the body, for “and 2020” substitute “, 2020 and 2021”.

(4) Article 4a (Danish North Sea coast) is revoked.

(5) For Article 5 (application) substitute—

“Article 5

Expiry

This regulation ceases to have effect at the end of 31 December 2021.”

*This amendment makes minor changes to retained EU legislation in connection with the application of the landing obligation.*

**The Chair:** With this it will be convenient to discuss Government amendment 60.

**Victoria Prentis:** As I have said repeatedly, the Government are committed to ensuring that our stocks are fished sustainably. We are working towards ending the wasteful practice of discarding. The EU’s landing obligation requires all stocks subject to catch limits to be landed and counted against quota. There are a number of limited exemptions to that blanket ban that permit a limited level of discarding for certain stocks under strict conditions and with scientific evidence to show that they will not have a detrimental impact on the stock as a whole. The flexibility provided by those scientifically justified exemptions is an important tool in addressing the risk of choke, especially in our very mixed fisheries.

These discard plans will form part of retained EU law. A number of exemptions are due to expire at the end of this year and needed further evidence to ensure that they are still justified. We now have the evidence, so we have decided to use this Bill to extend those exemptions from January. That was—I will be completely honest about this—to reduce pressure on an already tight secondary legislation timetable between now and the end of the year. I am conscious that, even in the Department for Environment, Food and Rural Affairs, we have a large number of statutory instruments that we need in place in the next 108 days. This is merely to assist with the passage of legislation. I commend the amendment to the Committee.

**Luke Pollard:** The Opposition have no problems with amendments 59, 60 or even 53, which we will discuss shortly. The Minister talked about crowbarring statutory instrument content into primary legislation to speed up the process, but I ask her to be very careful with that

approach. There are real democratic issues of scrutiny and oversight relating to that, because of the lack of scrutiny of this Government amendment, which was tabled after the publication of the Bill. We do not necessarily have any problems with that, but a stand-alone statutory instrument would go through a clear process and further stakeholder scrutiny.

It is important that Ministers do not get too attached to this method. Although I do not see too many problems with the content of the amendments, there is a risk that, if this method is used more frequently, the lack of oversight will produce a polluted statute book. As the Minister knows, that is something that I feel very strongly about. We have already removed statutory instruments that I cautioned about in Committee with this legislation. There is a democratic issue that needs to be addressed. I am not opposing the Government amendments, but I am keen that the approach that has been taken is not used subsequently.

**Victoria Prentis:** I have absolutely no intention of making this normal practice; I felt it necessary to explain to the Committee honestly and openly what is being done. These provisions will exist for only a year after the end of the transition period. I am extremely keen on legislative purity—I was a proud member of the Joint Committee on Statutory Instruments for many years—and I feel that what we have done is acceptable in this context. With that in mind, I commend the amendment to the Committee.

*Amendment 59 agreed to.*

**Victoria Prentis:** I beg to move amendment 53, in schedule 10, page 106, line 4, at end insert

*“Regulation (EU) 2017/2403*

*4A Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets is revoked.”*

*This amendment revokes an EU Regulation that is not needed after IP completion day.*

This amendment could be enjoyed only by someone who enjoys legislation as much as I do. The amendment revokes regulation EU 2017/2403 on the sustainable management of external fishing fleets, known as SMEFF. I thank Scottish officials who picked up the need for the change.

The EU’s SMEFF regulation sets out the EU regime for non-EU vessels fishing in EU waters and for EU vessels fishing in non-EU waters. The UK’s framework for licensing is broadly similar to the way that SMEFF operates but has been tailored to ensure the fisheries administrations can regulate all foreign vessels appropriately after the end of the transition period. It is appropriate, therefore, as suggested by Scottish colleagues, to revoke SMEFF and rely on the new Bill regime instead.

*Amendment 53 agreed to.*

*Amendment made:* 60, page 111, line 31, at end insert—

*Commission Delegated Regulation (EU) 2019/2238*

8A (1) Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 is amended as follows.

- (2) In Article 3 (exemptions for Norway lobster)—
  - (a) in paragraph 1, omit point (b);
  - (b) omit paragraph 3.
- (3) In Article 6 (exemption for plaice)—
  - (a) in paragraph 1, omit point (c);

(b) in paragraph 2, in point (b), for “80-99” substitute “80”;

(c) omit paragraph 4.

(4) In Article 8 (exemption for turbot), omit paragraph 2.

(5) In Article 10 (de minimis exemptions)—

(a) in point (f) after “6% in 2020” insert “and 2021”;

(b) in each of points (f), (h) and (k) to (n), omit the words from “the de minimis” to the end;

(c) after point (n) insert—

“(o) in fisheries by vessels using bottom trawls (OTB, OTT, TB, TBN) of mesh size 80-99mm in the United Kingdom waters of ICES subarea 4 and ICES Division 2a:

(nonenone) a quantity of Norway lobster below the minimum conservation reference size, which shall not exceed 2% of the total annual catches of that species.”

*Commission Delegated Regulation (EU) 2019/2239*

8B (1) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 is amended as follows.

(2) In Article 6 (exemption for plaice), omit paragraph (2).

(3) In Article 8 (de minimis exemptions)—

(a) in paragraph 1, in each of points (d) to (k), omit “in 2020”;

(b) omit paragraph 2.”

*This amendment makes minor changes to retained EU legislation in connection with the application of the landing obligation.—(Victoria Prentis.)*

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

**Victoria Prentis:** The schedule makes various changes to a number of articles in the common fisheries policy regulations. Amendments to these regulations have already been made by statutory instruments under the European Union (Withdrawal) Act 2018. However, under that Act we were unable to make changes to policy; we can make those changes only now under this Bill.

*Question put and agreed to.*

*Schedule 10, as amended, accordingly agreed to.*

## Clause 48

### REGULATORY ENFORCEMENT AND DATA COLLECTION SCHEME

**Brendan O’Hara** (Argyll and Bute) (SNP): I beg to move amendment 92, in clause 48, page 31, line 21, leave out “Secretary of State” and insert “fisheries policy authorities”.

*This amendment is to ensure respect for devolved competence on this issue by giving regulation making powers to appropriate fisheries policy authorities.*

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

Amendment 93, in clause 48, page 32, line 2, after “made” insert “by the Secretary of State”.

*This amendment is consequential on Amendment 92.*

Amendment 94, in clause 48, page 32, line 3, at end insert—

“(3) Regulations under this section are subject to the affirmative resolution procedure.”

*This amendment enables appropriate parliamentary scrutiny of the proposals by each respective Parliamentary Body and is consequential on Amendment 92.*

**Brendan O'Hara:** As we have throughout the Committee, I am moving amendments in an attempt to make the Bill respect the devolution settlement, and recognise that fishing regulations and management are not the preserve of this place.

It is frustrating that, once again, I have to rise to make the point, particularly to those in the other place, that fishing is wholly devolved. It is not for a UK Secretary of State to ensure, in this instance, that all vessels over 10 metres in length, regardless of nationality, be fitted with remote electronic monitoring systems, such as cameras, while fishing the UK's exclusive economic zone. As much as we, on these Benches, might agree with the good intentions of clause 48 and support them, it is important to recognise that it is the job of the relevant fishing authorities, whether they be in Wales, Northern Ireland or Scotland, to put the changes into place. It is not the job of the UK Secretary of State and therefore, in the spirit of devolution, I move amendments 92, 93 and 94.

**Victoria Prentis:** Concerns were raised on Second Reading and in the other place about a lack of progress on remote electronic monitoring, and I agree that we need to take that forward. That is why the Department for Environment, Food and Rural Affairs will be launching a call for evidence on REM for English-registered boats and for boats fishing in the English fishing zone within the next few weeks.

It is important that we continue to work with the devolved Administrations to build a robust policy that works for all parts of the UK and respects devolution settlements. I recognise that these amendments attempt to address some of the devolution issues with the clause that came from the other place, but they still tie us into a prescribed and rigid approach, where we would have no choice but to end up with a system that is not unlike the inflexible system that we used to suffer from under the common fisheries policy.

I remind the Committee that we already have the powers to mandate a roll-out of REM under clause 38(4)(h) and (q), and so do the devolved Administrations, under schedule 8. The roll-out of REM was in the SNP manifesto, so I am sure that it can happen if it is considered politically expedient. The amendment does not give us any more powers beyond those that we have already. It simply gives us less scope for innovation. We have been clear from the start that we support the principle of the clause, but we must do so in conjunction with the four nations, and bring the fishing industry along with us. I ask the hon. Member for Argyll and Bute to withdraw the amendment.

10.30 am

**Brendan O'Hara:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Luke Pollard:** I beg to move amendment 108, in clause 48, page 31, line 23, leave out

“the UK Exclusive Economic Zone”

and insert

“England or the English zone”.

*This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.*

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

Amendment 143, in clause 48, page 31, line 29, at end insert—

“(iii) monitoring compliance with personal flotation device regulations;”.

*For boats over 10 metres in length, this amendment would require the on-board cameras to be used additionally to monitor compliance with regulations about lifejackets.*

Amendment 109, in clause 48, page 31, line 30, leave out

“British vessels fishing outside the UK Exclusive Economic Zone”

and insert

“English vessels fishing outside England and the English zone”.

*This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.*

Amendment 110, in clause 48, page 31, line 43, leave out

“the UK Exclusive Economic Zone”

and insert

“England or the English zone”.

*This amendment turns the UK-wide requirements around remote electronic monitoring systems into England-only requirements.*

**Luke Pollard:** The amendments are in my name and that of the shadow fisheries Minister, my hon. Friend the Member for Barnsley East. Although the amendments are grouped, there are a number of issues here that I wish to deal with in turn. They have partly come from conversations with our Welsh colleagues to ensure a clear devolution angle on the Bill. I do not always agree with everything the SNP spokesperson, the hon. Member for Argyll and Bute, says, but on the matters before us, it is important that the Bill respects devolution. I think the Minister shares that view. I commend the Welsh Government's leadership and clarity on fishing.

The amendments would adjust the well-meaning and positive additions made to the Bill in the other place to reflect the devolution agreement. They would make a number of those additions England-only, while affording the devolved Administrations the ability to make their own powers. In the areas we are dealing with, I think we are able to flex those powers, and afford the devolved Administrations different powers.

Amendment 143 makes provision for personal flotation devices to be monitored to ensure they comply with regulations. The Minister knows my passion for safety. The fact that six fishers died last year, and that Seafish gave out incorrect advice on how to refit some personal flotation devices over the summer, proves that the measure is needed more than ever.

Amendment 109 makes a distinction between British fishing vessels and English fishing vessels. The Bill has an English problem, as do a number of Bills in the post-devolution world, where “England” and “Britain” are frequently used interchangeably, although they are different and represent a very different approach. We are seeking to clarify in the wording the Minister's dual role as the English fishing Minister and the British fishing Minister.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): Is it not the case that many English boats fish in Scottish waters? Many of the boats based in Whitby fish in Scottish waters, landing in Peterhead and Fraserburgh. Would having different rules for different devolved areas not cause confusion for those vessels?

**Luke Pollard:** I am grateful to the former fisheries Minister for raising that. Those boats would have difficulty only if they did not read the equal access objective in clause 1 of the Bill. As the right hon. Gentleman will know, that deals with the ability of any English boat to fish in any other waters, and of Scottish boats to fish in any other British waters, and so on. I do not share his concern, but it is important to place that on the record.

**Mr Goodwill:** So if an English boat was fishing in Scottish waters, would it need to comply with the English regulation or the Scottish regulation?

**Luke Pollard:** I think there is different regulation for enforcement; this is on access. Amendment 109 seeks to clarify the difference between a British fishing vessel and an English fishing vessel. As the right hon. Gentleman will know, the devolution agreements enable the fisheries authorities in Scotland, Wales and Northern Ireland to have a slightly different view from the one we hold in England—and I mean England, rather than Britain, because Britain and England are different things. As an English MP, I find it frustrating that “England” and “Britain” are used interchangeably. They represent different geographies and identities, and we should be unafraid of speaking about England more frequently. The Bill has an English problem, because it makes a distinction between Welsh, Scottish, Northern Irish, British and UK fishing boats, but it does not deal with English fishing boats. That is an issue of identity that we need to come to.

Amendment 109 seeks to set out clearly that clause 48 applies to English fishing boats. It would thus deal with the devolution concern expressed by our SNP colleague, the hon. Member for Argyll and Bute, which the Minister will no doubt address. These amendments teach us all the lesson that devolution-compliant amendments are much more complicated to draft, but it is important that we take time to draft them in such a way that they respect the devolution agenda. That is not just about making sure that our friends in Cardiff, Belfast and Holyrood are comfortable; provisions must work for the English as well, which is what the amendment seeks to ensure.

**Victoria Prentis:** “English fishing boat” and “British fishing boat” are already defined in clause 51, so we feel that the amendments are unnecessary. The Bill already contains powers to take necessary action, such as introducing the mandatory roll-out of REM, for English vessels and in English waters.

I will answer a few others points raised by the hon. Gentleman. On the introduction of regulations for monitoring compliance of personal flotation devices, as we discussed last week, the Maritime and Coastguard Agency has fully implemented the legislation relating to the International Labour Organisation’s work on fishing conventions. Among other things, that makes the use of personal flotation devices necessary.

I am aware of the Seafish issue, but I reassure the hon. Gentleman that Seafish has worked collaboratively with the MCA on this matter, and the MCA is satisfied that Seafish has taken all necessary steps and did not promote unsafe or incorrect practices. There are other opportunities for checking whether flotation devices are being worn, and worn correctly: the MCA uses aircraft

that can now identify vessels on which the crew are not wearing personal flotation devices, and take appropriate enforcement action.

We must all be open to innovation as times move, and we should take steps to find better ways of doing things. The upcoming call for evidence on REM is a first step in opening that dialogue. It is right that we wait for the results of our call for evidence and consultation before we commit to one approach. That will ensure that we have an approach that suits the fishing industry as well as our marine environment. I therefore ask that the amendment be withdrawn.

**Luke Pollard:** On the basis that we will revisit this matter when the consultation concludes, as well as in later amendments, 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:** We feel that we cannot repeat the mistakes of the past. The CFP imposed very inflexible measures that quickly went out of date, and we now have the opportunity to change that. It is important that we do not prescribe one specific action in the Bill, when we very much hope that science and technology will move on and enable us to deal with the problem in a variety of ways. I urge the Committee to agree that the clause should not stand part of the Bill.

**Luke Pollard:** Remote electronic monitoring and cameras on boats are a practical and cost-effective fisheries management tool that brings many benefits. The Lords’ addition of the clause improves the Bill considerably, and I will explain why. Robust and verifiable data helps to inform scientific modelling. Many times, fishers have told me that they know that there are more fish out there than the science says, and we need to ensure that the data deficiency, gap and lag between collection and utilisation is reduced as much as possible. Providing assurances to seafood supply chains that seafood is being supplied and sustainably and legally sourced is an important part of that, which the clause seeks to address. It has the potential to transform UK fishing by providing the data needed to unlock the economic, environmental and social benefits of well-managed and sustainable fisheries, which will in turn help our fisheries and coastal communities to thrive.

The Secretary of State commented on Second Reading that the Government would be able to

“increase the use of remote electronic monitoring, which we will be able to do once we have a greater understanding of how it would be deployed.”—[*Official Report*, 1 September 2020; Vol. 679, c. 69.]

Trials of REM have been under way in the UK for some time, including voluntary schemes run by the MMO since 2011. It has been successfully implemented in other countries, particularly Canada, Australia and New Zealand. The Scottish Government have indicated support for REM, and said that they would support the REM amendment if it were devolution-compliant, as we spoke about when debating the previous set of amendments. The Government need to show leadership and commit to introduce REM via the Bill. It will set a clear direction of travel and a level playing field for all fishing vessels fishing in UK waters. It is important that it be for all

[Luke Pollard]

fishing vessels, so that British boats are not, as I mentioned, held to a higher and therefore more expensive standard than foreign boats that are allowed to fish in our waters.

REM will also make our regulatory obligations as a coastal state, under the United Nations convention on the law of the sea, much easier. We have an enforcement problem and an enforcement gap. The Minister might not use those words, but she is aware that we have a problem enforcing our fisheries rules in the UK. There are insufficient resources focused on enforcement at present, let alone to deal with territorial disputes or access difficulties that might arise after 1 January next year. Remote electronic monitoring could help reduce the problem for Ministers.

I am concerned that the resources provided to the Royal Navy—for example, for English enforcement in English waters—will be insufficient. I support what the Minister has said about additional aerial methods. Indeed, one of the counterintuitive aspects of increased enforcement is that we might not need more boats, but we will definitely need more aerial assets. The combination of those assets is what makes the enforcement a key part of this endeavour.

It is recognised by all involved that REM provides an important and powerful tool in supporting fisheries enforcement. The question is how that is implemented and included in the Bill. Indeed, the UK is leading in the use of satellite technology to support fisheries enforcement through the satellite applications catapult project. Given that we are aware of problems and gaps in enforcement capacity, and that we have a solution, there is a strong argument for requiring such measures to form a part of the enforcement framework under fisheries law in the UK, and to be part of the framework setting. That is why it is important that that be in the Fisheries Bill. The UK could demonstrate leadership in fisheries regulation and be world leading in this area.

I am in favour of strong data protection regulations to stop remote electronic monitoring being exploited, as I know the Minister is, and the concerns of fishers are understandable. One of the concerns that I hear is about how REM sits with automatic identification systems and some monitoring systems, especially those that show a fishing boat going back and forth on its track, which shows that it has found fish. That encourages other fishers to try to locate the fish found by the boat. We are aware that some of our fishers sometimes turn their systems off to prevent their location being tracked. In the previous iteration of the Fisheries Bill, and certainly in subsequent Delegated Legislation debates, the Minister gave commitments that although the new vessel monitoring systems would prevent fishers having their position shared, authorities could still pick up on the sharing of those positions to ensure that enforcement action took place.

Other important aspects of remote electronic monitoring is cameras on boats and the wearing of lifejackets. Remote electronic monitoring is not just about positioning; it is about cameras on boats. A safety aspect can be included here. If a camera, regardless of whether it is live-monitored or has its footage held in the cloud, is pointing at someone, they are much more likely to obey the regulations, wear a lifejacket and behave in a legal

manner. Lifejackets are still not worn properly right across United Kingdom fisheries waters, but they need to be.

It is curious to look at what Ministers have said about closed circuit television in slaughterhouses, which is a parallel issue. Speaking in debate on the draft Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018, the Secretary of State for Environment, Food and Rural Affairs said:

“Access to CCTV recordings for monitoring, verification and enforcement purposes is essential, and will be especially useful where the official veterinarian undertakes other duties in the slaughterhouse and does not directly witness all incidents.”—[*Official Report, Second Delegated Legislation Committee*, 30 April 2018; c. 4.]

Although that is in the slaughterhouse context, the fishing boat context is parallel, as is well supported.

If the Minister will not support the clause, which was added by our friends in the other place, will she set out how she intends to bring forward greater provision for remote electronic monitoring, and cameras on boats in particular? This is about not just discard prevention but safety, and enforcement of rules about wearing lifejackets.

10.45 am

**Taiwo Owatemi** (Coventry North West) (Lab): It is a pleasure to serve under your chairmanship, Sir Charles. I rise to speak against the Government's ambition to remove the clause. Like many clauses that the Government have sought to remove, this clause would go a long way towards ensuring the health of our marine ecosystem. As Greener UK says, rolling out remote electronic monitoring on all vessels in UK waters, particularly larger vessels, would

“ensure full and verifiable documentation of catches and robust monitoring and enforcement”.

That is imperative, as it will prevent overfishing and ensure that, as I said last week, all fishers will fish responsibly and sustainably in a way that upholds the marine ecosystem.

The clause was added through an amendment in the House of Lords, where the Minister said that the Government supported fully the principle behind the amendment. The best way to support it is to support the clause, by letting it remain unaltered. By taking out the clause, the Government are indicating that they do not care about the health of the marine ecosystem. If we improve the data we receive from vessels, we will get greater insight into fish stocks, and will be able to set sustainable fishing quotas that are in harmony with scientific advice.

The clause presents us with a great opportunity to monitor all marine wildlife. By putting cameras on board all vessels, we can capture recordings of seabirds, dolphins and other marine wildlife. That is important, as it means we can be proactive in eliminating the accidental capture and dumping of different species, particularly those that are endangered. The clause has the health and protection of our marine ecosystem at its heart. In seeking to remove the clause, the Government are giving the green light to overfishing and irresponsible fishing. Implementing remote electronic monitoring would go some way to ensuring that all fishers complied with the landing obligation.

Removing the clause will weaken key gains made through the landing obligation in the common fisheries policy. If each vessel was fitted with remote electronic monitoring, we could better monitor discarding practices. As we know, discarding is a wasteful practice that specifically endangers at-risk species. The landing obligation means that catches are to be landed and counted against the fishing quota. The quotas obligation makes it clear that the discarding of prohibited species will be recorded. With remote electronic monitoring technology in place, we can better examine adherence to the rules by all fishers while supporting marine wildlife experts and agencies in their work.

The information gathered through the technology forms an important part of the science base for the monitoring of protected marine species. Will the Government not join the Opposition in our desire to keep the clause exactly where it needs to be—in the Bill?

**Victoria Prentis:** I agree that REM can be an effective tool for monitoring and enforcing both the landing obligation and the safety issues raised by the hon. Member for Plymouth, Sutton and Devonport. The Government believe it is important to look at new ways of innovating in the fisheries space at the end of the transition period. We see the value in REM, and indeed plan to increase its use, but it is important that we use the opportunity to work with industry and those interested in REM and other tech solutions, rather than coming up with mandatory requirements.

We are pleased to be launching a call for evidence for industry within the next few weeks to gather the widest possible range of views on REM. While I feel that is the correct approach if we are to work with the industry on roll-out, there is no doubt that REM will be a tool in our toolkit. I therefore ask that the clause be rejected.

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

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

#### Division No. 9]

#### AYES

O'Hara, Brendan	Pollard, Luke
Owatemi, Taiwo	
Peacock, Stephanie	Smith, Cat

#### NOES

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

*Question accordingly negated.*

*Clause 48 disagreed to.*

*Clauses 49 and 50 ordered to stand part of the Bill.*

#### Clause 51

#### INTERPRETATION

**Victoria Prentis:** I beg to move amendment 9, in clause 51, page 35, leave out lines 26 to 28 and insert—

““minimum conservation reference size”, in relation to an aquatic organism, means the size of a member of the species of which the organism is a member,

at the level of maturity of that organism, below which capture or retention is prohibited or restricted;”

*This amendment clarifies the definition of “minimum conservation reference size”.*

This technical amendment replaces the definition of “minimum conservation reference size” in clause 51. The previous definition might have implied that the reference size related to the size of the marine stock. The amendment makes it clear that it means the size of an individual fish or other relevant aquatic organism in terms of its maturity. I commend the amendment to the House.

**Stephanie Peacock:** Labour is happy to support the amendment.

*Amendment 9 agreed to.*

*Amendment made:* 145, in clause 51, page 35, line 28, at end insert—

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);”

*This amendment inserts into the Bill a definition of “Minister of the Crown”.—(Victoria Prentis.)*

*Clause 51, as amended, ordered to stand part of the Bill.*

#### Clause 52

#### EXTENT

*Amendment made:* 10, in clause 52, page 37, line 3, leave out “revocation made by paragraph 5” and insert “repeals and revocations made by paragraphs 3 to 5”

*This amendment ensures that the repeal in Schedule 4 of the current regime governing access of foreign fishing boats to British waters extends to the Channel Islands and the Isle of Man.—(Victoria Prentis.)*

*Clause 52, as amended, ordered to stand part of the Bill.*

#### Clause 53

#### COMMENCEMENT

**Victoria Prentis:** I beg to move amendment 55, in clause 53, page 37, line 30, at end insert—

“(4A) Section (conservation of seals) and Schedule (conservation of seals) come into force on 1 March 2021.”

*This amendment provides that the proposed new clause and Schedule on the conservation of seals come into force on 1 March 2021.*

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

New clause 1—*Conservation of Seals*—

*This new clause introduces the proposed new Schedule on the conservation of seals.—(Victoria Prentis.)*

New schedule 1—*Conservation of seals*

#### PART 1

#### AMENDMENT OF THE CONSERVATION OF SEALS ACT 1970

1 The Conservation of Seals Act 1970 is amended in accordance with paragraphs 10 to 20.

2 For section 1 (prohibited methods of killing seals) substitute—

“1 Prohibition of the killing, injuring or taking of seals

3 Omit section 2 (close seasons for seals).

4 Omit section 3 (orders prohibiting killing seals).

5 In section 4 (apprehension of offenders and powers of search and seizure), in subsection (1), in paragraph (c) for “seal, seal skin, firearm, ammunition or poisonous” substitute “seal, item or”.

6 In section 6 (forfeitures), for the words from “any seal or seal” to the end substitute—

- “(a) any seal or seal skin in respect of which the offence was committed;
- (b) any item (but not a vehicle or boat) or substance used in connection with the commission of the offence;
- (c) any seal, seal skin, poisonous or explosive substance, explosive article, firearm or ammunition, in the person’s possession at the time of the offence.”

7 In section 8 (attempt to commit offence), in subsection (2)—

- (a) after “poisonous” insert “or explosive”;
- (b) after “substance” insert “, any explosive article”;
- (c) omit “the use of which is prohibited by section 1(1)(b) of this Act”.

8 In section 9 (general exceptions)—

- (a) in subsection (1)—
  - (i) for “2 or 3” substitute “1”;
  - (ii) in paragraph (a), omit “otherwise than by his act”;
  - (iii) omit paragraphs (b) and (c);
- (b) in subsection (2)—
  - (i) omit “, 2 or 3”;
  - (ii) omit “otherwise than by his act”.

9 In section 10 (power to grant licences)—

- (a) in subsection (1), in paragraph (c)—
  - (i) omit sub-paragraphs (i) and (iii) (but not the “or” after paragraph (iii));
  - (ii) after sub-paragraph (ii) insert—
- (b) after subsection (1) insert—

(1A) Nothing in subsection (1) is to be read as authorising the grant of a licence for the purpose of the protection, promotion or development of commercial fish or aquaculture activities within the meaning of the Fisheries Act 2020 (see section 51 of that Act).”

10 In section 11 (entry upon land)—

- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (d);
- (c) in subsection (4)—
  - (i) omit the words from “, or in the” to “28 days’ notice.”;
  - (ii) omit the words from “; and in the case” to the end;
- (d) omit subsection (5).

11 Omit section 14 (orders).

12 In section 15 (interpretation), at the appropriate places insert—

““explosive article” means an article (for example, a bomb or a firework) containing one or more explosive substances;”;

““explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of vapour, which is —

- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”;

““preparation” means a mixture of two or more substances or a solution of any substance or substances;”.

## PART 2

### AMENDMENT OF THE WILDLIFE (NORTHERN IRELAND) ORDER 1985

13 The Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) is amended in accordance with paragraphs 22 to 27.

14 In Article 10 (protection of certain wild animals), in paragraph (4A), for paragraphs (a) and (b) substitute—

“(a) a seal (pinniped), or”.

15 In Article 11 (exceptions to Article 10)—

(a) after paragraph (1) insert—

(1A) Article 5(5) (as it applies to Article 10 by virtue of paragraph (1)) applies in relation to seals (pinnipedia) as if—

(a) in sub-paragraphs (a) and (b) the words “otherwise than by his unlawful act” were omitted, and

(b) sub-paragraph (c) were omitted.”;

(b) after paragraph (3) insert—

(3A) Paragraph (3) applies in relation to seals (pinnipedia) as if “or to fisheries” were omitted.”

16 In Article 18 (power to grant licences), after paragraph (3) insert—

(3ZA) But a licence may not be granted under paragraph (3) that permits the killing, injuring or taking of seals (pinnipedia) for the purpose of preventing damage to fisheries.”

17 In Schedule 5 (animals which are protected at all times), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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18 In Schedule 6 (animals which may not be killed or taken by certain methods), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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19 In Schedule 7 (animals which may not be sold alive or dead at any time), in the table, for the entries for “Seal, common” and “Seal, grey” substitute—

“Seal	Pinniped”
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*This new Schedule makes amendments to the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985. The amendments would generally prohibit the killing, injuring or taking of seals, and limit the circumstances in which that can be permitted.*

**Victoria Prentis:** The proposed amendments to the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 will provide new protections for wild seal populations in England, Wales and Northern Ireland from intentional or reckless injury, killing or taking. It will greatly restrict the circumstances in which any intentional killing of a wild seal is lawfully permitted—for example, animal welfare exemptions to euthanise a wild seal if found to suffer from irrecoverable injury, pain or disease. The amendments are highly beneficial from an animal welfare perspective, as seals are often intentionally killed during interaction with commercial fisheries. The amendments are necessary for the UK to comply with new import regulations being implemented in the USA. From January 2022, the USA will allow imports of fisheries products only from countries that do not allow the killing, injuring or taking of marine mammals as part of commercial fisheries.

In England and Wales, the Conservation of Seals Act 1970 permits commercial fisheries to kill seals under licence granted by the MMO, or without a licence in very special circumstances known as the netsman’s defence. Similarly, in Northern Ireland there is a provision that also allows for the killing of seals in the course of commercial fishing.

Exports from UK wild capture fisheries could be prevented from entering the USA, and UK businesses currently exporting wild capture fish, such as cod, mackerel or shellfish would no longer be able to do so. That would result in a significant loss of export revenue, because last year wild capture exports to the USA were worth well over £13 million. It could also preclude fishery businesses from taking advantage of a future free trade agreement.

The Scottish Government have separate legislation regarding seal conservation—the Marine (Scotland) Act 2010—which they have amended to comply with current requirements, as we intend to do by means of this amendment. These amendments have been developed in conjunction with colleagues in Northern Ireland to facilitate a whole-UK approach, and I commend them to the House.

**Luke Pollard:** Labour supports these amendments and we will not vote against them.

Every seal matters and the discussions that we have had with stakeholders show strong support for the measures outlined by the Minister. Indeed, the changes to the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 prohibit the killing, injuring or taking of seals, as well as limiting the circumstances in which those activities can be permitted. Previously, these activities were prohibited only if particular weapons or poisonous substances were used. These changes provide a broader set of protections for seals.

Seals form an important part of the UK's marine ecosystem, but face an increasing threat from climate change and hunting. Indeed, seals eat a lot of fish and there is sometimes a sense that killing seals protects fish stocks. In fact, such killing damages the fragile ecosystem that supports all life in our oceans, which is why we need to protect seals.

These amendments will help to protect an iconic and much-loved species, and we welcome them. However, when the Minister responds, I would be grateful if she set out why this amendment and the new schedule have been introduced so late in the Bill's progress and were not originally included in the Bill when it was published, because they seem to be changes that would carry strong support and are worthy of good scrutiny by stakeholders.

It is unusual in this place that we are adjusting our legislation to amend something that Donald Trump may want for trade with the US, and doing so with full enthusiasm from both sides of the House. However, there is popular support for these changes.

**Mr Goodwill:** I rise briefly to draw attention to the fact that we are often accused by the Labour party of trying to do a trade deal with the United States that would produce lower environmental standards and lower animal welfare standards than those we have. Actually, this amendment is an example of how, to comply with the US, which has higher standards of protection for marine cetaceans and seals, we have to change our law to bring it up to the American standard. In this case we can demonstrate that by having agreements for freer trade around the world, we are actually tightening up our standards to match those that some countries already have.

**Victoria Prentis:** In response to the question, “Why now?”, I will simply say that we did not include this amendment when the Bill was introduced last week because we could not ascertain at that stage whether a change to primary legislation was absolutely necessary. We also had to consult properly with the devolved Administrations and make the necessary changes to their legislation, working in conjunction with them. It was important that this UK-wide joined-up approach became real before we were able to table this amendment. We recognise, of course, that seal depredation of fish is perceived as being a major problem for some sections of the fishing industry, and we are working with the MMO to facilitate further research and development into non-lethal methods for—

**Mr Goodwill:** The Minister says that seals are perceived as being a problem. There are some serious problems, particularly with gill nets, where seals will go down with salmon or sea trout and rip out the livers of all those fish. The seals not only cause damage in that way but render those fish unmarketable.

**Victoria Prentis:** I accept that there are some real difficulties with seals getting close to commercial fisheries on occasion. Nevertheless, we feel that this is the right step to take at this time and we are very grateful for support from Labour.

**Luke Pollard:** I am grateful to the Minister for her support. Noting what the former Minister said, may I challenge the Minister about where the measure will apply to imports? She mentioned that it was being introduced to facilitate the export of British fish to American markets, but to take the example of the hoki fishery in New Zealand, where we know there is licensed and widespread killing of seals in the fishery, we may still import fish from that fishery. Will the Minister set out her intention for fish imports? The principle is a good one, but I want to understand how far it will go.

11 am

**Victoria Prentis:** As we have discussed many times on the Agriculture Bill, it is difficult for countries to legislate for the standards of other countries. This is an interesting example. We are all falling over ourselves to be willing to legislate, because we feel that is the right thing to do for the seals in and around the UK, but whether we should legislate for other countries' standards is a much broader question, and one that we have rehearsed extensively with the Agriculture Bill. In future, given our views across the House on the killing of seals, we might well want to consider it further.

*Amendment 55 agreed to.*

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

**Victoria Prentis:** The clause sets out the commencement date for each of the provisions in the Bill.

*Question put and agreed to.*

*Clause 53, as amended, ordered to stand part of the Bill.*

#### Clause 54

#### SHORT TITLE

**Luke Pollard:** I beg to move amendment 83, in clause 54, page 37, line 37, after “the” insert “Sustainable”.

[*Luke Pollard*]

I will beg to ask leave to withdraw the amendment in due course, because the Bill comes nowhere near deserving “Sustainable” in its title. I have concerns that the Bill is not sustainable, and the Government voted down the Labour amendments to make it more sustainable, such as making sustainability the prime objective of fisheries management, including a net zero plan for how fishing will decarbonise. The Government also refused to ban supertrawlers fishing in marine protected areas. The Bill will therefore not be the world-beating one that it needs to be, and it does not deserve to be called the “Sustainable Fisheries Bill”. I will keep that title in my back pocket for Labour’s first fisheries Bill after 2024.

**Victoria Prentis:** The naming of the Bill is a matter for parliamentary counsel, for whom I have enormous respect. In fact, I take this opportunity to put on the record my thanks to them for their excellent drafting of the Bill. After careful consideration, parliamentary counsel determined that the Bill should be named the “Fisheries Act 2020” once it becomes an Act, which we hope it will.

Sustainability is one of the eight fisheries objectives set out in clause 1. It is an important part of the Bill but, as I have said repeatedly, a careful balance must be struck between the objectives. Including one of them in the short title will have no practical effect and will, none the less, make the function of the Act less clear.

Adding “Sustainability” might imply that the Bill has only one objective, and that the careful balancing of objectives to deliver a thriving fishing industry, rejuvenated coastal communities and healthy seas is unnecessary. That is not the case, so we do not feel that amendment of the short title—with or without legal impact—is useful. We care deeply about sustainability, but I prefer to reserve the word for actions with substance. Given that explanation, I hope that the amendment will be withdrawn.

**Luke Pollard:** Fearing that I would fall foul of the Trade Descriptions Act were I to seek amend the short title of the Bill, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment made:* 84, in clause 54, page 37, line 38, leave out subsection (2).—(*Victoria Prentis.*)

*This amendment removes the privilege amendment inserted by the Lords.*

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

**Victoria Prentis:** The clause is a standard provision that simply provides for the short title.

*Question put and agreed to.*

*Clause 54, as amended, accordingly ordered to stand part of the Bill.*

### New Clause 1

#### CONSERVATION OF SEALS

‘Schedule (*conservation of seals*) contains amendments of the Conservation of Seals Act 1970 and the Wildlife (Northern Ireland) Order 1985 (1985/171 (N.I. 2)) in connection with prohibiting the killing, injuring or taking of seals.’—(*Victoria Prentis.*)

*This new clause introduces the proposed new Schedule on the conservation of seals.*

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

### 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.’—(*Victoria Prentis.*)

*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.*

*Brought up, and read the First and Second time*

**The Chair:** The Question is that the new clause be added to the Bill. As many as are of that opinion, say aye.

**Hon. Members:** Aye.

**The Chair:** To the contrary, no. I think the Ayes have it—[*Interruption.*]

Sorry, we have an issue, because new clause 2 is an Opposition new clause and the Government do not agree to it. We will seek advice on how to reverse that decision. We will adjourn and resume this afternoon.

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

11.8 am

*Adjourned till this day at Two o’clock.*



