

## Parliamentary briefing: Second reading of the Fisheries Bill

November 2018

### Summary

Greener UK welcomes the publication of the Fisheries Bill and, in particular, the inclusion of fisheries objectives on the face of the bill. However, a significant omission is the lack of duty placed on authorities to deliver these objectives. This risks undermining the government's aim of delivering truly sustainable fisheries management and with it thriving, healthy stocks, and consumer confidence that UK seafood is sustainably produced. If we are to achieve world leading sustainable fisheries and marine management this and other important gaps in the bill need to be addressed.

### Background

The Fisheries Bill is a crucial and integral part of the legislative changes required to ensure that effective fisheries management can continue once the UK has left the European Union. This is an opportunity to establish the UK and devolved nations as world leaders in sustainable fisheries management, an aspiration behind which all stakeholders, including the fisheries sector, are united.

This would contribute to the UK government's goal to leave the natural environment in a better state and should fit within the context of delivering ambitious new domestic legislation to restore our environment. Thriving fish stocks are critical for a profitable and prosperous industry and, ultimately, fisheries are a common public resource and should be managed for the public benefit, as acknowledged in the government's fisheries White Paper.<sup>1</sup>

Greener UK welcomes the broad direction of the bill, recognising that it is a piece of framework legislation, providing tools for fisheries management rather than setting out detailed policies. In particular, we were pleased to see the increased powers the bill extends to the Marine and Coastal Access Act 2009 which will allow the UK to take control of designating and managing Marine Protected Areas (MPAs) in the UK's offshore environment.

### Improving the bill

Although the Fisheries Bill generally provides appropriate powers to allow for operability for fisheries management on leaving the EU, it repeals some crucial sustainability requirements. It is critical for the health of our oceans that there is a duty, on the face of the bill, to deliver sustainability objectives. We have a once in a generation opportunity to create bespoke domestic legislation that delivers for the marine environment and for coastal communities.

The Fisheries Bill must also ensure effective integration of fisheries and marine conservation management, a critical part of achieving long term sustainability for both the fishing industry and the marine environment on which it depends.

**Greener UK has identified the following areas where the bill must be improved if we are to deliver fisheries that are truly 'world leading':**

- 1. A duty on all public authorities to deliver the fisheries objectives.** Without this duty, targets are established but with no clear obligation for authorities to deliver them. There should also be the requirement for annual updates on progress against objectives.
- 2. A commitment to ensure that fishing limits cannot be set above the scientifically recommended levels that would deliver the objective to restore fish stocks to a healthy biomass.** There must be a target for fishing mortality to be set at sustainable levels (currently 2020 under the Common Fisheries Policy (CFP)) and an immediate duty to deliver on restoring stocks to healthy biomass levels. This is vital to protect against short term political pressure to set catch limits higher than scientific advice, which will lead to overfishing.
- 3. A formal consultation procedure to scrutinise secondary legislation.** There are a number of provisions in the bill that give powers to the secretary of state to create legislation, including on discards and provisions for 'conservation purposes' and 'fish industry purposes'. The use of these powers could result in major changes to fisheries management measures and therefore any powers provided by the bill to create secondary legislation should be subject to wider scrutiny, including by stakeholders.
- 4. An approach which seeks to ensure shared stocks are managed sustainably.** The bill does not make any firm commitment on how shared stocks should be sustainably managed. This is extremely concerning as setting clear sustainability criteria in relation to negotiations with other countries would help avoid, for example, another 'mackerel wars' scenario.
- 5. A clear objective in the bill that fisheries management should be coherent with UK (including the devolved administrations) and international environmental legislation.** Fisheries management does not take place in isolation and the impacts of fishing activity can have significant implications for the health of the wider marine environment.
- 6. A mandate to allocate fishing opportunities on the basis of transparent and objective environmental and social criteria, to incentivise the most sustainable fishing practices.** If the bill does not require that fishing opportunities are allocated according to transparent and objective environmental and social criteria, local, low impact fishers will continue to miss out, to the detriment of coastal communities and the environment.
- 7. A commitment to full documentation of catches.** If we fail to achieve full documentation of UK fisheries we will not have a true picture of what is being removed from the seas and therefore will not have accurate scientific data to ensure effective management of the shared stocks in UK waters.
- 8. A commitment to robust monitoring and enforcement mechanisms.** There are no provisions in the bill to deal with monitoring and enforcement, a fundamental part of effective fisheries management. Vessel monitoring should be applicable

to all vessels regardless of size. In addition, remote electronic monitoring with CCTV should be required for all large vessels (over ten metres) and select smaller vessels to ensure accountability and improve enforcement.

- 9. Access of foreign vessels to UK waters should be contingent on compliance with the same environmental standards applicable to UK boats.** There is no provision in the bill that foreign boats must comply with the same standards as UK boats, which is essential to ensure a level playing field and a high level of environmental protection.

## UK fisheries management – the big picture

The Fisheries Bill is one part of the legislative jigsaw that seeks to ensure the effective management of fisheries in UK waters once the UK leaves the European Union. The other key elements are:

- The European Union (Withdrawal) Act 2018, which retains in UK law the EU regulations comprising the CFP; and
- Statutory Instruments to ensure that retained EU law relating to fisheries is operable in UK law.

Against this background the measures in the Fisheries Bill can be loosely divided into those revoking and replacing key articles of the CFP, especially those relating to access to UK fishing waters and the allocation of fishing opportunities, and those providing the secretary of state with new fisheries and legislative powers.<sup>2</sup>

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## Endnotes

**1** As discussed in: Attorney General for the Province of British Columbia v Attorney General for Canada [1914] AC 153, 168–170 (PC), affirmed in: The United Kingdom Association of Fish Producer Organisations v Secretary of State for Environment, Food and Rural Affairs v Marine Management Organisation, New Under Ten Fishermen's Association, [2013] EWHC 1959 (Admin), at [9] and [100].

**2** Equivalent powers are granted to decision makers in devolved administrations for some aspects of fisheries management.

Greener UK is a coalition of 13 major environmental organisations united in the belief that leaving the EU is a pivotal moment to restore and enhance the UK's environment.

Greener UK is working in partnership with the Marine Conservation Society, New Economics Foundation, Oceana, Whale and Dolphin Conservation and the Institute of Fisheries Management.

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