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STATUTORY INSTRUMENTS

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**2023 No. 273**

**SEA FISHERIES**

**The Sea Fisheries (Amendment) Regulations 2023**

<i>Made</i>	- - - -	<i>7th March 2023</i>
<i>Laid before Parliament</i>		<i>8th March 2023</i>
<i>Coming into force</i>	- -	<i>1st April 2023</i>

The Secretary of State, in exercise of the powers conferred by section 36(1)(b) and (c) of the Fisheries Act 2020<sup>(1)</sup>, makes the following Regulations.

In accordance with section 40 of the Fisheries Act 2020, the Secretary of State has, where necessary, obtained the consent of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to the making of these Regulations.

In accordance with section 41(1) of the Fisheries Act 2020, the Secretary of State has consulted the Scottish Ministers, the Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and such other persons likely to be affected by the measures contained in these Regulations as the Secretary of State considers appropriate.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Sea Fisheries (Amendment) Regulations 2023 and come into force on 1st April 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters**

2.—(1) Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters<sup>(2)</sup> is amended as follows.

(2) In Article 10 (measures on European seabass fisheries)—

(a) in paragraph 2—

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(1) 2020 c. 22.

(2) EUR 2020/123, as amended by paragraph 14 of Schedule 11 to the Fisheries Act 2020 and [S.I. 2020/1542](#), [2021/698](#), [2021/1429](#) and [2022/498](#). See Article 3 for the definition of “international waters” and Article 4 for the definition of “ICCAT Convention Area”.

- (i) in point (a) for “760 kilogrammes in any two consecutive months” substitute “3.8 tonnes per vessel per calendar year”,
  - (ii) in point (b) for “760 kilogrammes in any two consecutive months” substitute “3.8 tonnes per vessel per calendar year”,
  - (iii) in point (c) for “5.95 tonnes per vessel per year” substitute “6.2 tonnes per vessel per calendar year”, and
  - (iv) in point (d) for “1.5 tonnes per vessel per year” substitute “1.6 tonnes per vessel per calendar year”;
- (b) in paragraph 3, omit the words from “and, where a monthly limit applies” to the end;
- (c) in paragraph 5—
- (i) in point (a)—
    - (aa) for “January” substitute “February”,
    - (bb) for “February” substitute “March”, and
    - (cc) omit “and during December”;
  - (ii) in point (b)—
    - (aa) after “during” insert “January and during”,
    - (bb) for “March” substitute “April”, and
    - (cc) for “November” substitute “December”.
- (3) In Article 16 (prohibited species)—
- (a) in paragraph 1—
    - (i) in point (n) after “(*Squalus acanthias*)” insert “greater than 100cm in length”,
    - (ii) at the end of point (o), for the full stop substitute a semicolon, and
    - (iii) after point (o) insert—
      - “(p) shortfin mako shark (*Isurus oxyrinchus*) in United Kingdom waters and international waters of the ICCAT Convention Area.”;
  - (b) after paragraph 2 insert—
 

“3. In point (n) of paragraph 1, “length” is measured in accordance with paragraph 1 (and figure 1) of Annex 4 to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures(3).”.

*Mark Spencer*  
 Minister of State  
 Department for Environment, Food and Rural  
 Affairs

7th March 2023

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(3) EUR 2019/1241, amended by paragraph 11 of Schedule 11 to the Fisheries Act 2020, S.I. 2019/1312 and 2021/1429. S.I. 2019/1312 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1) and was amended before it came into force by S.I. 2020/1542.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make adjustments to the level of European seabass that may be caught within British fishery limits, as specified in Article 10 of Council Regulation (EU) 2020/123 (EUR 2020/123), both as by-catch and as a targeted species by commercial fishing vessels. These Regulations also adjust the dates of the fishing seasons for recreational fisheries for European seabass contained in that Article so that the fishing seasons for recreational fisheries are aligned with the fishing seasons for commercial fishing activity.

These Regulations also make adjustments to the list of prohibited species contained in Article 16 of Council Regulation (EU) 2020/123 to remove picked dogfish under or equal to 100cm in length from the list and to add shortfin mako shark to the list. Fish species contained on the prohibited species list may not be targeted, retained on board, transhipped or landed and if accidentally caught must be promptly released back to the sea unharmed.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.