



# Fisheries Act 2020

## 2020 CHAPTER 22

*Fisheries objectives, fisheries statements and fisheries management plans*

### 1 Fisheries objectives **U.K.**

- (1) The fisheries objectives are—
  - (a) the sustainability objective,
  - (b) the precautionary objective,
  - (c) the ecosystem objective,
  - (d) the scientific evidence objective,
  - (e) the bycatch objective,
  - (f) the equal access objective,
  - (g) the national benefit objective, and
  - (h) the climate change objective.
- (2) The “sustainability objective” is that—
  - (a) fish and aquaculture activities are—
    - (i) environmentally sustainable in the long term, and
    - (ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
  - (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.
- (3) The “precautionary objective” is that—
  - (a) the precautionary approach to fisheries management is applied, and
  - (b) exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing maximum sustainable yield.
- (4) The “ecosystem objective” is that—
  - (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed, and

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- (b) incidental catches of sensitive species are minimised and, where possible, eliminated.
- (5) The “scientific evidence objective” is that—
- (a) scientific data relevant to the management of fish and aquaculture activities is collected,
  - (b) where appropriate, the fisheries policy authorities work together on the collection of, and share, such scientific data, and
  - (c) the management of fish and aquaculture activities is based on the best available scientific advice.
- (6) The “bycatch objective” is that—
- (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced,
  - (b) catches are recorded and accounted for, and
  - (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.
- (7) The “equal access objective” is that the access of UK fishing boats to any area within British fishery limits is not affected by—
- (a) the location of the fishing boat's home port, or
  - (b) any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.
- (8) The “national benefit objective” is that fishing activities of UK fishing boats bring social or economic benefits to the United Kingdom or any part of the United Kingdom.
- (9) The “climate change objective” is that—
- (a) the adverse effect of fish and aquaculture activities on climate change is minimised, and
  - (b) fish and aquaculture activities adapt to climate change.
- (10) In this section—
- “ecosystem-based approach” means an approach which—
    - (a) ensures that the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status (within the meaning of the Marine Strategy Regulations 2010 (S.I. 2010/1627)), and
    - (b) does not compromise the capacity of marine ecosystems to respond to human-induced changes;
  - “precautionary approach to fisheries management” means an approach in which the absence of sufficient scientific information is not used to justify postponing or failing to take management measures to conserve target species, associated or dependent species, non-target species or their environment.

## 2 **Joint fisheries statement** **U.K.**

- (1) The fisheries policy authorities must prepare and publish a document, to be known as a joint fisheries statement (a “JFS”), that—
- (a) sets out the policies of the fisheries policy authorities (or any of them) for achieving, or contributing to the achievement of, the fisheries objectives,

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- (b) contains a statement explaining the use the fisheries policy authorities (or any of them) propose to make of fisheries management plans in order to achieve, or contribute to the achievement of, the fisheries objectives, and
  - (c) contains a statement explaining how the fisheries objectives have been interpreted and proportionately applied in formulating the policies and proposals mentioned in paragraphs (a) and (b).
- (2) The policies for achieving, or contributing to the achievement of, the fisheries objectives required to be set out in a JFS by subsection (1)(a) include, in particular, the policies of the fisheries policy authorities relating to the distribution, in accordance with section 25, of catch quotas and effort quotas for use by fishing boats.
- (3) The statement under subsection (1)(b) must, in particular—
- (a) contain a list of fisheries management plans that are already in force;
  - (b) contain a list of fisheries management plans that the fisheries policy authorities (or any of them) propose to prepare and publish;
  - (c) specify, in relation to each proposed fisheries management plan—
    - (i) the fisheries policy authority or authorities by whom it is to be prepared and published;
    - (ii) if it is to be prepared and published otherwise than by all of the fisheries policy authorities acting jointly, the reasons for that;
    - (iii) the stock or stocks of sea fish, the type or types of fishing and the geographical area or areas to which the plan will relate;
    - (iv) a timetable for preparation and publication;
  - (d) set out the fisheries policy authorities' reasons for deciding which stocks of sea fish, types of fishing and geographical areas should be subject to fisheries management plans and which should not.
- (4) A JFS must contain a statement that it has been prepared for the purposes of this Act.
- (5) The fisheries policy authorities must comply with subsections (1) to (4) before the end of the period of two years beginning with the day on which this Act is passed.
- (6) In this Act “fisheries management plan” means a document, prepared and published under this Act, that sets out policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels.
- (7) For provision under which certain policies of the Secretary of State that would otherwise be required by subsection (1)(a) to be set out in a JFS may be set out instead in a separate document, see section 4.

### **3 Joint fisheries statement: procedure** **U.K.**

- (1) The fisheries policy authorities may at any time prepare and publish a replacement JFS or amendments of a JFS.
- (2) Part 1 of Schedule 1 contains provision applying in relation to the preparation and publication by the fisheries policy authorities of a JFS or amendments of a JFS.
- (3) A JFS or an amendment of a JFS comes into effect when it is published in accordance with that Part of that Schedule.
- (4) The fisheries policy authorities must review a JFS whenever they consider it appropriate to do so and in any event—

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- (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of a JFS that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the fisheries policy authorities conclude that changes are required to the JFS they must—
- (a) prepare and publish amendments of the JFS, or
  - (b) prepare and publish a replacement JFS.
- (6) For the purposes of this section, a review of a JFS ends—
- (a) if the fisheries policy authorities conclude in the light of the review that no changes are required to the JFS, at the time they reach that conclusion;
  - (b) if the fisheries policy authorities conclude in the light of the review that changes are required to the JFS, at the time the document mentioned in subsection (5) is published.

#### 4 Secretary of State fisheries statement **U.K.**

- (1) The fisheries policy authorities may, under section 2 or 3, prepare and publish a JFS that omits a relevant Secretary of State policy that would (apart from this subsection) be required by section 2(1)(a) to be set out in it.
- (2) The fisheries policy authorities may, under section 3, prepare and publish an amendment of a JFS the effect of which is that the JFS omits a relevant Secretary of State policy that would (apart from this subsection) be required by section 2(1)(a) to be set out in it.
- (3) Subsections (4) and (5) apply where, in accordance with subsection (1) or (2), one or more relevant Secretary of State policies are omitted from a JFS.
- (4) The Secretary of State must (subject to subsection (5)) prepare and publish a document, to be known as a Secretary of State fisheries statement (“SSFS”), that sets out the policy or policies omitted from the JFS.
- (5) Where an SSFS has already been prepared and published, the Secretary of State must either—
  - (a) prepare and publish amendments of that SSFS so that it sets out the policy or policies omitted from the JFS, or
  - (b) prepare and publish a replacement SSFS that sets out the policy or policies omitted from the JFS.
- (6) An SSFS must contain a statement that it has been prepared for the purposes of this Act.
- (7) The Secretary of State must comply with subsections (4) to (6) before the end of the period of 6 months beginning with the day on which the JFS mentioned in subsection (1) is published or (as the case may be) the amendment of the JFS mentioned in subsection (2) is published.
- (8) For the purposes of this section “relevant Secretary of State policy” means a policy of the Secretary of State that involves the exercise of—
  - (a) a UK quota function, or
  - (b) a function not within paragraph (a) that relates to a reserved matter.

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- (9) In subsection (8)—
- “UK quota function” means—
- (a) a function under section 23 (determination of catch quotas and effort quotas), or
  - (b) a function of determining how much of a catch quota or effort quota is to be available for distribution by the Marine Management Organisation, the Scottish Ministers, the Welsh Ministers or the Northern Ireland department;
- “reserved matter” means a matter which—
- (a) is a reserved matter within the meaning of the Scotland Act 1998 (see Schedule 5 to that Act),
  - (b) is a reserved matter within the meaning of the Government of Wales Act 2006 (see Schedule 7A to that Act), or
  - (c) is an excepted or reserved matter within the meaning of the Northern Ireland Act 1998 (see section 4(1) of that Act).

## 5 Secretary of State fisheries statement: procedure **U.K.**

- (1) The Secretary of State may at any time prepare and publish a replacement SSFS or amendments of an SSFS.
- (2) Part 2 of Schedule 1 contains provision applying in relation to the preparation and publication by the Secretary of State of an SSFS or amendments of an SSFS.
- (3) An SSFS or an amendment of an SSFS comes into effect when it is published in accordance with that Part of that Schedule.
- (4) The Secretary of State must review an SSFS whenever the Secretary of State considers it appropriate to do so and in any event—
  - (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of an SSFS that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the Secretary of State concludes that changes are required to the SSFS the Secretary of State must—
  - (a) prepare and publish amendments of the SSFS, or
  - (b) prepare and publish a replacement SSFS.
- (6) For the purposes of this section, a review of an SSFS ends—
  - (a) if the Secretary of State concludes in the light of the review that no changes are required to the SSFS, at the time the Secretary of State reaches that conclusion;
  - (b) if the Secretary of State concludes in the light of the review that changes are required to the SSFS, at the time the document mentioned in subsection (5) is published.
- (7) Where, at any time after an SSFS has come into effect, a replacement JFS comes into effect or amendments of a JFS come into effect, and—
  - (a) the policies in the SSFS are included in the new JFS, or
  - (b) the Secretary of State considers that the policies in the SSFS are superseded by the policies in the new JFS,

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the Secretary of State may publish a document revoking the SSFS.

- (8) In subsection (7) “the new JFS” means the replacement JFS or the JFS as amended.
- (9) The revocation comes into effect when the document is published.

## **6 Fisheries management plans: duty to comply with proposals in JFS U.K.**

- (1) The relevant authority or authorities must, in relation to each proposed fisheries management plan in the list contained in a JFS under section 2(3)(b), prepare and publish a fisheries management plan that relates to the matters specified in relation to it under section 2(3)(c)(iii).
- (2) A fisheries management plan must—
  - (a) specify the relevant authority or authorities,
  - (b) specify each stock of sea fish, type of fishing and geographical area to which the plan relates,
  - (c) specify an indicator or indicators to be used for monitoring the effectiveness of the plan, and
  - (d) comply with subsection (3) in relation to each stock of sea fish to which the plan relates.
- (3) The plan must specify whether the available scientific evidence is sufficient to enable the relevant authority or authorities to make an assessment of the stock's maximum sustainable yield and—
  - (a) if it is, must specify policies of the relevant authority or authorities for restoring the stock to, or maintaining it at, sustainable levels or for contributing to its restoration to, or maintenance at, sustainable levels;
  - (b) if it is not, must—
    - (i) specify policies of the relevant authority or authorities for maintaining or increasing levels of the stock,
    - (ii) specify the steps (if any) that the relevant authority or authorities propose to take to obtain the scientific evidence necessary to enable an assessment of the stock's maximum sustainable yield to be made, and
    - (iii) where no such steps are proposed, state the reasons for that.
- (4) In determining the policies to be specified under subsection (3)(b)(i), the relevant authority or authorities must adopt the precautionary approach to fisheries management (within the meaning of section 1).
- (5) A fisheries management plan must contain a statement that it has been prepared and published for the purposes of this Act.
- (6) The relevant authority or authorities must comply with subsections (1) to (5) in accordance with the timetables specified in the JFS under section 2(3)(c)(iv).
- (7) In this section “the relevant authority or authorities”, in relation to a fisheries management plan, means the fisheries policy authority or authorities by whom the JFS specifies the plan is to be prepared and published.

## **7 Fisheries management plans: power to depart from proposals in JFS** **U.K.**

- (1) Subsection (2) applies where—
  - (a) one or more fisheries policy authorities prepare and publish a fisheries management plan,
  - (b) the fisheries policy authority or authorities decide that, in view of a relevant change of circumstances, the plan should be amended, replaced or revoked, and
  - (c) the decision is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (2) The fisheries policy authority or authorities may prepare and publish—
  - (a) amendments of the fisheries management plan that take account of the relevant changes of circumstances,
  - (b) a replacement fisheries management plan that takes account of the relevant change of circumstances, or
  - (c) a document revoking the fisheries management plan in order to take account of the relevant change of circumstances.
- (3) Subsection (4) applies where—
  - (a) one or more fisheries policy authorities decide that, in view of a relevant change of circumstances, they should prepare and publish a fisheries management plan, and
  - (b) the decision is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (4) The fisheries policy authority or authorities may prepare and publish a fisheries management plan that takes account of the relevant change of circumstances.
- (5) A document under subsection (2) or (4) must contain a statement explaining the ways in which, and the reasons why, it is not consistent with the proposals contained in the JFS by virtue of section 2(1)(b).
- (6) Subsections (2) to (5) of section 6 (required contents of fisheries management plans) apply in relation to a fisheries management plan under this section (reading references to the relevant authority or authorities as references to the fisheries policy authority or authorities that prepare and publish the plan).
- (7) For the purposes of this section the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—
  - (a) the international obligations of the United Kingdom,
  - (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment,
  - (c) available scientific evidence, or
  - (d) available evidence relating to the social, economic or environmental elements of sustainable development.

## **8 Fisheries management plans: procedure** **U.K.**

- (1) The relevant authority or authorities may at any time prepare and publish a replacement fisheries management plan, or amendments of a fisheries management plan, in relation to the same stock or stocks of sea fish, type or types of fishing and geographical area or areas.



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- (2) Part 3 of Schedule 1 contains provision applying in relation to the preparation and publication by the relevant authority or authorities of a fisheries management plan, amendments of a fisheries management plan or a document under section 7(2)(c) revoking a fisheries management plan.
- (3) A fisheries management plan, or an amendment or revocation of a fisheries management plan, comes into effect when it (or, in the case of a revocation, the document containing it) is published in accordance with that Part of that Schedule.
- (4) The relevant authority or authorities must review a fisheries management plan whenever they consider it appropriate to do so and in any event—
  - (a) before the end of the period of 6 years beginning with the day on which it was published, and
  - (b) in the case of a fisheries management plan that has already been reviewed, before the end of the period of 6 years beginning with the end of the most recent review.
- (5) If, in the light of a review, the relevant authority or authorities conclude that changes are required to the fisheries management plan, they must—
  - (a) prepare and publish amendments of the fisheries management plan,
  - (b) prepare and publish a replacement fisheries management plan, or
  - (c) (if section 7(2) applies) prepare and publish a document under section 7(2)(c) revoking the fisheries management plan.
- (6) For the purposes of this section, a review of a fisheries management plan ends—
  - (a) if the relevant authority or authorities conclude in the light of the review that no changes are required to the fisheries management plan, at the time they reach that conclusion;
  - (b) if the relevant authority or authorities conclude in the light of the review that changes are required to the fisheries management plan, at the time the document mentioned in subsection (5) is published.
- (7) In this section “the relevant authority or authorities”, in relation to a fisheries management plan, means the fisheries policy authority or authorities that prepare and publish it.

## 9 Fisheries management plans: transitional provision **U.K.**

At any time before the fisheries policy authorities have complied with section 2(1) to (4), a fisheries policy authority acting alone, or two or more fisheries policy authorities acting jointly, may prepare and publish a fisheries management plan that relates to any stock or stocks of sea fish, any type or type of fishing, and any geographical area or areas.

## 10 Effect of fisheries statements and fisheries management plans **U.K.**

- (1) A national fisheries authority must exercise its functions relating to fisheries, fishing or aquaculture in accordance with the policies contained in a JFS, SSFS or fisheries management plan that are applicable to the authority, unless a relevant change in circumstances indicates otherwise.
- (2) If, in view of a relevant change of circumstances, a national fisheries authority takes a decision in the exercise of its functions relating to fisheries, fishing or aquaculture



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otherwise than in accordance with the policies contained in a JFS, SSFS or fisheries management plan that are applicable to the authority, the authority must prepare and publish a document—

- (a) describing the decision and the relevant change of circumstances, and
- (b) explaining how the relevant change in circumstances affected the decision.

(3) For the purposes of this section—

- (a) a policy in a JFS is “applicable to” a national fisheries authority within any paragraph of subsection (5), unless the JFS states that it is not applicable to that authority;
- (b) a policy in an SSFS is “applicable to” a national fisheries authority within paragraph (a) or (b) of subsection (5), unless the SSFS states that it is not applicable to that authority;
- (c) a policy in a fisheries management plan is “applicable to”—
  - (i) a national fisheries authority within paragraph (a), (c), (d) or (e) of subsection (5) if the plan is prepared and published by that authority, unless the plan states that it is not applicable to that authority, and
  - (ii) the Marine Management Organisation if the plan is prepared and published by the Secretary of State, unless the plan states that it is not so applicable.

(4) For the purposes of this section the changes in circumstances that are capable of being “relevant” include (in particular) changes relating to—

- (a) the international obligations of the United Kingdom,
- (b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment,
- (c) available scientific evidence, or
- (d) available evidence relating to the social, economic or environmental elements of sustainable development.

(5) In this section “national fisheries authority” means—

- (a) the Secretary of State,
- (b) the Marine Management Organisation,
- (c) the Scottish Ministers,
- (d) the Welsh Ministers, or
- (e) the Northern Ireland department.

## **11 Reports on fisheries statements and fisheries management plans** **U.K.**

(1) The fisheries policy authorities acting jointly must, in relation to each reporting period, prepare and publish a report on the extent to which the policies set out in a relevant JFS—

- (a) have been implemented, and
- (b) have achieved or contributed to the achievement of the fisheries objectives.

(2) A report under subsection (1) must also report on the extent to which the policies contained in a relevant fisheries management plan—

- (a) have been implemented, and
- (b) have affected the levels of stocks of sea fish.

(3) A copy of a report under subsection (1) must be laid —

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- (a) before Parliament by the Secretary of State,
  - (b) before the Scottish Parliament by the Scottish Ministers,
  - (c) before Senedd Cymru by the Welsh Ministers, and
  - (d) before the Northern Ireland Assembly by the Northern Ireland department.
- (4) For the purposes of subsection (1) the following are reporting periods—
- (a) the period of three years beginning with the day on which the first JFS is published, and
  - (b) each subsequent three year period.
- (5) The Secretary of State must, in relation to each reporting period, prepare and publish a report on the extent to which the policies set out in a relevant SSFS—
- (a) have been implemented, and
  - (b) have achieved or contributed to the achievement of the fisheries objectives.
- (6) In preparing a report under subsection (5) the Secretary of State must consult—
- (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (7) A copy of a report under subsection (5) must be laid before Parliament by the Secretary of State.
- (8) For the purposes of subsection (5) the following are reporting periods—
- (a) the period of three years beginning with the day on which the first SSFS is published, and
  - (b) each subsequent three year period;
- but a period is not a reporting period if no SSFS is in force at any time during the period.
- (9) For the purposes of this section a JFS , SSFS or fisheries management plan is “relevant” if it is in force at any time during the period.

*Access to British fisheries and regulation of foreign fishing boats*

**12 Access to British fisheries by foreign fishing boats U.K.**

- (1) A foreign fishing boat must not enter British fishery limits except—
- (a) for the purpose of fishing in accordance with a sea fishing licence, or
  - (b) for a purpose recognised by international law or by any international agreement or arrangement to which the United Kingdom is a party.
- (2) A foreign fishing boat that enters British fishery limits for a purpose mentioned in subsection (1) must return outside British fishery limits as soon as the purpose has been fulfilled.
- (3) Where a fishing boat is used in contravention of subsection (1) or (2), the master, the owner and the charterer (if any) are each guilty of an offence.
- (4) For further provision about an offence under subsection (3) (including provision as to penalties), see—
- (a) sections 19 to 21, and

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- (b) section 12 of the Sea Fisheries Act 1968 (recovery of fines) and section 13 of that Act (compensation in Scotland for damage caused by offence).

### 13 Regulation of foreign fishing boats **U.K.**

Schedule 2 contains amendments of subordinate legislation relating to the regulation of foreign fishing boats.

#### *Licensing of fishing boats*

### 14 British fishing boats required to be licensed **U.K.**

- (1) Fishing anywhere by a British fishing boat is prohibited unless authorised by a licence.
- (2) Subsection (1) does not apply to fishing—
  - (a) for salmon or migratory trout;
  - (b) for common eels (*Anguilla anguilla*) by a boat whose length is 10 metres or less;
  - (c) by a boat whose length is 10 metres or less and which does not have an engine to power the boat;
  - (d) by a boat used wholly for the purpose of conveying persons wishing to fish for pleasure;
  - (e) in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man and the Channel Islands respectively is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to the United Kingdom and France respectively.
- (3) The Secretary of State may by regulations amend this section so as to add, remove or vary exceptions to the prohibition in subsection (1).
- (4) Regulations under subsection (3) may not be made without the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (5) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (6) Where a boat is used in contravention of subsection (1), the master, the owner and the charterer (if any) are each guilty of an offence.
- (7) For further provision about an offence under subsection (6) (including provision as to penalties), see sections 19 to 21.
- (8) In this section—
  - “length”, in relation to a fishing boat, means the length calculated in accordance with the rules specified in Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels;
  - “licence” means a licence granted under section 15.

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## 15 Power to grant licences in respect of British fishing boats **U.K.**

- (1) A licence may be granted—
  - (a) in respect of a Scottish fishing boat, by the Scottish Ministers;
  - (b) in respect of a Welsh fishing boat, by the Welsh Ministers;
  - (c) in respect of a Northern Ireland fishing boat, by the Northern Ireland department;
  - (d) in respect of any other British fishing boat, by the Marine Management Organisation.
- (2) A licence granted under this section may be granted so as to confer limited authority by reference, in particular, to—
  - (a) the area in which fishing is authorised,
  - (b) the periods, times or particular voyages during which fishing is authorised,
  - (c) the descriptions and quantities of fish which may be caught, or
  - (d) the method of sea fishing.
- (3) A licence granted under this section—
  - (a) must name the fishing boat in respect of which it is granted, and
  - (b) is granted to the boat's owner or charterer.

## 16 Foreign fishing boats required to be licensed if within British fishery limits **U.K.**

- (1) Fishing within British fishery limits by a foreign fishing boat is prohibited unless authorised by a licence.
- (2) Subsection (1) does not apply to fishing in waters lying within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.
- (3) The Secretary of State may by regulations amend this section so as to add, remove or vary exceptions to the prohibition in subsection (1).
- (4) Regulations under subsection (3) may not be made without the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.
- (5) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (6) Where a boat is used in contravention of subsection (1), the master, the owner and the charterer (if any) are each guilty of an offence.
- (7) For further provision about an offence under subsection (6) (including provision as to penalties), see sections 19 to 21.
- (8) In this section “licence” means a licence granted under section 17.

## 17 Power to grant licences in respect of foreign fishing boats **U.K.**

- (1) A licence may be granted in respect of a foreign fishing boat by—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,

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- (c) the Northern Ireland department, or
  - (d) the Marine Management Organisation.
- (2) A licence granted under this section—
- (a) if granted by the Scottish Ministers, does not authorise fishing anywhere outside Scotland and the Scottish zone;
  - (b) if granted by the Welsh Ministers, does not authorise fishing anywhere outside Wales and the Welsh zone;
  - (c) if granted by the Northern Ireland department, does not authorise fishing outside Northern Ireland and the Northern Ireland zone;
  - (d) if granted by the Marine Management Organisation, does not authorise fishing within—
    - (i) Scotland or the Scottish zone,
    - (ii) Wales or the Welsh zone, or
    - (iii) Northern Ireland or the Northern Ireland zone.
- (3) A licence under this section may be granted so as to impose limits on the authority it confers (in addition to the limits imposed by subsection (2)) by reference, in particular, to—
- (a) the area in which fishing is authorised,
  - (b) the periods, times or particular voyages during which fishing is authorised,
  - (c) the descriptions and quantities of fish which may be caught, or
  - (d) the method of sea fishing.
- (4) A licence granted under this section—
- (a) must name the fishing boat in respect of which it is granted, and
  - (b) is granted to the boat's owner or charterer.

## 18 Further provision about licences **U.K.**

- (1) In this Act “sea fishing licence” means a licence granted under section 15 (licensing of British fishing boats) or section 17 (licensing of foreign fishing boats).
- (2) Schedule 3 contains further provision about sea fishing licences.

*Access and licensing: offences and consequential amendments*

## 19 Penalties for offences **U.K.**

- (1) A person who commits an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland—
    - (i) in the case of an offence under paragraph 3(2) or (3) of Schedule 3, to a fine not exceeding the statutory maximum, and
    - (ii) in any other case, to a fine not exceeding £50,000;
  - (c) on conviction on indictment, to a fine.
- (2) The court by or before which a person is convicted of an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) of Schedule 3 may—

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- (a) order that the owner or charterer (if any) of the fishing boat used to commit the offence or, as the case may be, of the fishing boat named in the licence of which a condition is broken, be disqualified for a specified period from holding a sea fishing licence in respect of that fishing boat;
  - (b) (subject to subsection (4)) order the forfeiture of any fish, or any net or other fishing gear, in respect of which the offence was committed and of any net or other fishing gear used in committing the offence.
- (3) A person who commits an offence under section 14(6) or 16(6) or paragraph 1(4) of Schedule 3 is (subject to subsection (4)) liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.
- (4) A person is not liable to a fine under subsection (3) if, under subsection (2)(b), the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3), the court may not under subsection (2) (b) order the forfeiture of the fish in respect of which the offence was committed.
- (5) A fine to which a person is liable under subsection (3) is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of the same offence (whether under this section or under any other enactment).

## 20 Offences by bodies corporate etc **U.K.**

- (1) Where a relevant offence is committed by a body corporate and is proved—
- (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to the neglect of any such person,
- that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer” means—
- (a) a director, manager, secretary or similar officer of the body corporate, or
  - (b) a person purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.
- (4) Where a relevant offence is committed by a Scottish partnership and is proved—
- (a) to have been committed with the consent or connivance of a partner or a person purporting to act as a partner, or
  - (b) to be attributable to any neglect on the part of any such person,
- that person (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3.

## 21 Jurisdiction of court to try offences **U.K.**

Proceedings for an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

## 22 Minor and consequential amendments **U.K.**

Schedule 4 contains—

- (a) in Part 1, consequential amendments relating to the provision made by section 12;
- (b) in Part 2—
  - (i) minor amendments relating to the licensing of fishing boats, and
  - (ii) consequential amendments relating to the provision made by sections 14 to 21;
- (c) in Part 3, transitional provision relating to the provision made by sections 14 to 21.

### *Fishing opportunities*

## 23 Power of Secretary of State to determine fishing opportunities **U.K.**

- (1) The Secretary of State may determine, for such year or other period as may be specified in the determination—
  - (a) the maximum quantity of sea fish that may be caught by British fishing boats;
  - (b) the maximum number of days that British fishing boats may spend at sea.
- (2) A determination under subsection (1) may be made only for the purpose of complying with an international obligation of the United Kingdom to determine the fishing opportunities of the United Kingdom.
- (3) Different maxima may be determined under subsection (1)—
  - (a) for, or for fishing boats fishing for, different descriptions of sea fish,
  - (b) for different areas of sea, or
  - (c) (subject to subsection (4)) for different descriptions of fishing boat.
- (4) Different maxima may not be so determined by reference to—
  - (a) the location of a British fishing boat's home port, or
  - (b) any other connection of a British fishing boat, or any of its owners, to any place in the United Kingdom.
- (5) In this Act—
  - (a) “catch quota” means a quantity of sea fish determined under subsection (1)(a);
  - (b) “effort quota” means a number of days at sea determined under subsection (1)(b).
- (6) The Secretary of State may—
  - (a) exercise a power in subsection (1) so as to—
    - (i) determine a maximum quantity of sea fish, or maximum number of days at sea, of zero, or
    - (ii) make a determination replacing a determination already made;
  - (b) withdraw a determination already made.
- (7) A determination under subsection (1) may not be made or withdrawn after the end of the period to which it relates.



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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)*

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- (8) The Secretary of State may by regulations make provision for determining, for the purposes of this Act, the number of days in a period that a fishing boat is to be regarded as spending at sea in any area of sea.
- (9) Regulations under subsection (8) may make provision by reference to provision made under paragraph 1(3) of Schedule 3 (provision included in sea fishing licence as to the circumstances in which time is, or is not, to count as time spent at sea for the purposes of the licence).
- (10) Regulations under subsection (8) are subject to the negative resolution procedure.
- (11) References in [<sup>F1</sup>assimilated direct] legislation to fishing opportunities (however expressed) are, in relation to British fishing boats, references to catch quotas and effort quotas or (as the context requires) to either.

#### Textual Amendments

- F1** Words in s. 23(11) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 94\(2\)\(a\)](#)

## 24 Duties relating to a determination of fishing opportunities **U.K.**

- (1) Before making or withdrawing a determination under section 23, the Secretary of State must consult—
- the Scottish Ministers,
  - the Welsh Ministers,
  - the Northern Ireland department, and
  - the Marine Management Organisation.
- (2) As soon as reasonably practicable after making or withdrawing a determination under section 23, the Secretary of State must—
- publish, in such manner as the Secretary of State considers appropriate, a notice stating that the determination has been made or (as the case may be) withdrawn,
  - lay a copy of that notice before Parliament, and
  - send a copy of that notice to the Scottish Ministers, the Welsh Ministers and the Northern Ireland department.

## 25 Distribution of fishing opportunities **U.K.**

- (1) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must use criteria that—
- are transparent and objective, and
  - include criteria relating to environmental, social and economic factors.
- (2) The criteria may in particular relate to—
- the impact of fishing on the environment;
  - the history of compliance with regulatory requirements relating to fishing;
  - the contribution of fishing to the local economy;
  - historic catch levels.

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- (3) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must seek to incentivise—
- (a) the use of selective fishing gear, and
  - (b) the use of fishing techniques that have a reduced impact on the environment (for example that use less energy or cause less damage to habitats).
- (4) In this section “the national fisheries authorities” means—
- (a) the Secretary of State,
  - (b) the Marine Management Organisation,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, and
  - (e) the Northern Ireland department.

## 26 Duties to ensure fishing opportunities not exceeded **U.K.**

- (1) The national fisheries authorities must exercise their functions relating to fisheries so as to secure (so far as possible) that, in any period—
- (a) no sea fish are caught by British fishing boats in excess of a catch quota for that period;
  - (b) no days are spent at sea by British fishing boats in excess of an effort quota for that period.
- (2) In determining under subsection (1) whether a catch quota is exceeded, only count sea fish caught that are required to be counted against it under—
- (a) Article 15 of the Common Fisheries Policy Regulation (landing obligation), or
  - (b) any other provision of [F2assimilated direct] legislation.
- (3) In determining under subsection (1) whether a catch quota or effort quota is exceeded, ignore any sea fish caught, or days spent at sea, that are referable to fishing opportunities of a territory outside the United Kingdom.
- (4) In this section “the national fisheries authorities” means—
- (a) the Secretary of State,
  - (b) the Marine Management Organisation,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, and
  - (e) the Northern Ireland department.

### Textual Amendments

- F2** Words in s. 26(2)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 94\(2\)\(b\)](#)

## 27 Sale of English fishing opportunities **U.K.**

- (1) The Secretary of State may by regulations make provision for the sale of—
- (a) rights to use one or more English catch quotas;
  - (b) rights to use one or more English effort quotas.

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- (2) A right to use an English catch or effort quota that is sold in accordance with the regulations is exercisable in relation to such fishing boats, by such persons, in such manner, and subject to such conditions, as may be specified in or in accordance with the regulations.
- (3) The regulations may include provision—
- (a) for rights to be sold by competitive tender or auction;
  - (b) for a competitive tender process or auction to be run by such person as the regulations may designate;
  - (c) conferring functions (including functions involving the exercise of a discretion) on a person running a competitive tender process or auction, or on any other person;
  - (d) specifying persons, or descriptions of person, who are eligible or ineligible to buy rights;
  - (e) requiring a person to pay a deposit, or do any other thing, in order to be eligible to buy rights;
  - (f) requiring or prohibiting the repayment of a deposit;
  - (g) setting, or conferring power to set, limits on the rights that may be bought by a person or description of person;
  - (h) requiring or permitting rights to be sold, or not to be sold, to a person who meets such conditions (whether relating to the price offered for the rights or otherwise) as may be specified in or in accordance with the regulations;
  - (i) for terminating a competitive tender process or auction where there has been, or appears to the person running the competitive tender process or auction to have been, a failure to comply with the regulations;
  - (j) about how and when—
    - (i) payments for rights are to be made, and
    - (ii) payments received are to be dealt with;
  - (k) allowing or requiring rights sold in accordance with the regulations to a person to be transferred to, or be exercised by, another person;
  - (l) prohibiting rights sold to a person in accordance with the regulations from being transferred to, or being exercised by, another person;
  - (m) for extinguishing or limiting rights sold in accordance with the regulations where any amount due in respect of them is not paid, or any condition attached to the exercise of the rights is not met;
  - (n) for the payment of compensation to a person who holds but does not use rights sold in accordance with the regulations;
  - (o) about appeals relating to eligibility for, or the outcome of, a tender process or auction;
  - (p) requiring a person running a tender process or auction to issue guidance.
- (4) The Marine Management Organisation must exercise its functions so as to secure (so far as possible) that—
- (a) fishing boats are not used in contravention of section 14(1) (prohibition on fishing without authority of licence), and
  - (b) conditions attached to sea fishing licences under paragraph 1 of Schedule 3 are not broken,
- as a result of the exercise of rights sold in accordance with the regulations.

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- (5) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State thinks appropriate.
- (6) Regulations under this section are subject to the affirmative resolution procedure.
- (7) In this section—
  - “English catch quota” means so much of a catch quota as would (if not sold in accordance with the regulations) be available for distribution by the Secretary of State or the Marine Management Organisation for use by English fishing boats;
  - “English effort quota” means so much of an effort quota as would (if not sold in accordance with the regulations) be available for distribution by the Secretary of State or the Marine Management Organisation for use by English fishing boats.
- (8) Schedule 5 contains provision conferring power on the Welsh Ministers corresponding to that conferred on the Secretary of State by this section.

#### *Discard prevention charging schemes*

## **28 Discard prevention charging schemes** **U.K.**

- (1) The Secretary of State may by regulations establish a scheme (“a charging scheme”) under which chargeable persons are required to pay a charge in respect of unauthorised catches of sea fish.

For the meaning of “chargeable person” and “unauthorised catch of sea fish”, see section 29.
- (2) A charging scheme must include provision about—
  - (a) how a charge is to be calculated, and
  - (b) when payments of a charge are due.
- (3) A charging scheme may provide for a charge to be calculated (to any extent) by reference to a matter specified in the scheme, for example—
  - (a) the quantity of fish caught;
  - (b) the description of fish caught;
  - (c) the value of fish caught;
  - (d) the method by which fish are caught;
  - (e) the area in which fish are caught.
- (4) A charging scheme—
  - (a) may only require a chargeable person to pay a charge in respect of an unauthorised catch of sea fish caught while the person is registered under the scheme, and
  - (b) may not require a chargeable person to register under the scheme.
- (5) A charging scheme may provide that—
  - (a) only a chargeable person in relation to whom prescribed conditions are met is eligible to be registered under the scheme, or
  - (b) a chargeable person in relation to whom prescribed conditions are met is ineligible to be registered under the scheme.

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In this subsection “prescribed” means prescribed by or in accordance with the scheme.

- (6) A charging scheme may make further provision about registration or de-registration under the scheme, including provision about the effect of a person's de-registration.
- (7) Regulations under this section are subject to the affirmative resolution procedure.

## **29 Meaning of “chargeable person” and “unauthorised catch of sea fish” U.K.**

- (1) In the charging scheme provisions, “chargeable person” means—
  - (a) the holder of an English sea fishing licence, or
  - (b) a producer organisation that has at least one member who is the holder of an English sea fishing licence.
- (2) In the charging scheme provisions, “unauthorised catch of sea fish” means—
  - (a) in relation to a chargeable person who is the holder of an English sea fishing licence, an amount of sea fish caught in any period by the fishing boat named in that licence that exceeds the amount which that boat is authorised by the Marine Management Organisation to catch in that period;
  - (b) in relation to a chargeable person who is a producer organisation, an amount of sea fish caught in any period by the fishing boats named in the English sea fishing licences held by its members that exceeds the total amount which those boats are authorised by the Marine Management Organisation to catch in that period.
- (3) A charging scheme may make provision about whether, for the purposes of subsection (2), the catching in any period of an amount of sea fish by a fishing boat is authorised by the Marine Management Organisation.
- (4) In this section “the charging scheme provisions” means sections 28 to 32.

## **30 Catches subject to a charge ignored for certain regulatory purposes U.K.**

- (1) A charging scheme may provide that if—
  - (a) a charge is payable in respect of an unauthorised catch of sea fish, and
  - (b) such other conditions as may be prescribed by or in accordance with the scheme are met,
 the catch is to be ignored in determining (for any purpose) whether a relevant regulatory breach has occurred.
- (2) For this purpose “a relevant regulatory breach” means the catching by a fishing boat of a quantity of sea fish which—
  - (a) by virtue of a limit imposed under section 15(2) on the authority conferred by the fishing boat's sea fishing licence, constitutes a contravention of the prohibition in section 14(1), or
  - (b) constitutes a breach of a condition attached under paragraph 1 of Schedule 3 to the fishing boat's sea fishing licence.
- (3) The conditions which may be prescribed by virtue of subsection (1)(b) include any condition that could be contained in an English sea fishing licence.

### 31 Charge collectors **U.K.**

- (1) A charging scheme may include provision—
  - (a) for the appointment by the Secretary of State of one or more persons (“charge collectors”) to administer the scheme;
  - (b) about the terms on which a charge collector holds office;
  - (c) conferring functions on a charge collector, including functions involving the exercise of a discretion;
  - (d) about the termination of a charge collector's appointment.
- (2) The functions that may be conferred on a charge collector under subsection (1)(c) include functions relating to—
  - (a) the keeping, for the purposes of the scheme, of registers of chargeable persons;
  - (b) the imposition of, or monitoring of compliance with, conditions prescribed by virtue of—
    - (i) section 28(5) (conditions relating to eligibility to be registered), or
    - (ii) section 30(1)(b) (conditions relating to availability of regulatory action);
  - (c) the collection or management of payments received under the scheme;
  - (d) the keeping, disclosure or publication of accounts, records or other documents or information relating to the scheme.
- (3) The provision that may be made under subsection (1)(d) includes—
  - (a) provision imposing duties on a person who has ceased to be a charge collector;
  - (b) provision under which a person is treated as de-registered on the termination of the appointment of the charge collector who registered that person.
- (4) A charging scheme may make provision about appeals from decisions of charge collectors under the scheme.
- (5) The Secretary of State may make payments to charge collectors to cover expenditure incurred in the carrying out of their functions.
- (6) Payments may be made under subsection (5) subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).

### 32 Discard prevention charging schemes: supplementary provision **U.K.**

- (1) A charging scheme may provide that, where the holder of an English sea fishing licence is liable to pay a charge, the master of a fishing boat that catches the fish in respect of which the charge is due is liable for the payment jointly and severally with the licence holder.
- (2) A charging scheme may provide that a payment due to be paid to a person under the scheme is recoverable by that person as a debt.
- (3) A charging scheme may make provision about the application of payments received under the scheme, including provision—
  - (a) permitting or requiring charge collectors to pay such receipts to the Secretary of State;
  - (b) permitting or requiring charge collectors to use such receipts to cover expenditure incurred by them in carrying out their functions under the scheme;

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- (c) permitting or requiring charge collectors or the Secretary of State to use such receipts for such charitable or conservation purposes as may be specified in the scheme.
- (4) A charging scheme may—
- (a) confer functions on the Secretary of State, including functions involving the exercise of a discretion;
  - (b) provide for the Secretary of State to appoint a person to exercise any of the Secretary of State's functions under the scheme.
- (5) In this section “conservation purpose” has the meaning given by section 36(2).

### *Grants and charges*

## 33 Financial assistance: powers of Secretary of State **U.K.**

- (1) The Secretary of State may give financial assistance, or arrange for financial assistance to be given, to any person for any of the following purposes—
- (a) the conservation, enhancement or restoration of the marine and aquatic environment;
  - (b) the promotion or development of commercial fish or aquaculture activities;
  - (c) the reorganisation of businesses involved in commercial fish or aquaculture activities;
  - (d) contributing to the expenses of persons involved in commercial fish or aquaculture activities;
  - (e) maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
  - (f) the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals;
  - (g) the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
  - (h) improving the arrangements for the use of catch quotas or effort quotas;
  - (i) the promotion or development of recreational fishing.
- (2) Financial assistance given under, or under arrangements made pursuant to, subsection (1) must be given in accordance with a scheme established by regulations made by the Secretary of State.
- (3) The scheme may only provide for financial assistance to be given—
- (a) in relation to England,
  - (b) in relation to an area that is, or areas that are—
    - (i) within the UK marine area, but
    - (ii) not within the Scottish zone, the Welsh zone or the Northern Ireland zone, or
  - (c) in relation to English fishing boats.
- (4) The scheme may—
- (a) confer functions (including functions involving the exercise of a discretion) on a person;



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- (b) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (c) require the Secretary of State, or another person, to publish specified information about financial assistance given in accordance with the scheme.
- (5) 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.
- (6) 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).
- (7) The scheme may include provision under which—
- (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (8) Regulations under this section are subject to the affirmative resolution procedure.
- (9) In this section—
- “family member”, in relation to an individual (“P”), means—
    - (a) P’s spouse or civil partner,
    - (b) a child or grandchild of P or of P’s spouse or civil partner, or
    - (c) a parent or grandparent of P or of P’s spouse or civil partner;
  - “financial assistance” means grants or loans;
  - “UK marine area” has the meaning given by section 42(1) of the Marine and Coastal Access Act 2009.
- (10) Schedule 6 contains—
- (a) provision conferring power on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to that conferred on the Secretary of State by this section, and
  - (b) consequential amendments and transitional provision relating to this section and the provision mentioned in paragraph (a).

### **34 Charges: powers of Marine Management Organisation U.K.**

- (1) The Secretary of State may by regulations make provision for the Marine Management Organisation (“the MMO”) to impose charges in respect of the exercise by the MMO of a relevant marine function.
- (2) “Relevant marine function” means a function relating to—
- (a) fishing quotas;
  - (b) ensuring that commercial fish activities are carried out lawfully;
  - (c) the registration of buyers and sellers of first-sale fish;
  - (d) catch certificates for the import and export of fish.
- (3) The charges which may be authorised by the regulations are—

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- (a) a charge on a person in respect of the exercise of a function in relation to that person, or
  - (b) periodic or other charges on persons carrying out an activity in respect of the exercise of a function which relates to that activity.
- (4) The regulations may include provision about—
- (a) who is liable to pay a charge;
  - (b) the circumstances in which a charge is payable;
  - (c) the amount of a charge (including how an amount is to be calculated);
  - (d) reductions and exemptions;
  - (e) waivers;
  - (f) how and when a charge is to be paid;
  - (g) the collection and recovery of payments;
  - (h) interest payable on outstanding payments;
  - (i) the resolution of disputes (including appeals).
- (5) The regulations may confer a discretion on the MMO.
- (6) A power conferred on the MMO under this section does not affect, and is not affected by, any other power of the MMO to impose charges.
- (7) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (8) Regulations under this section are subject to the negative resolution procedure.
- (9) In this section—
- “first-sale fish” means fish which is marketed for the first time;
  - “fishing quota” means—
    - (a) a catch quota or an effort quota, or
    - (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.
- (10) Schedule 7 contains provision conferring power on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to that conferred on the Secretary of State by this section.

**35 Sea Fish Industry Authority: fees for services provided for industry in EU U.K.**

In the Fisheries Act 1981, in section 3 (powers of the Sea Fish Industry Authority), in subsection (5)(a), omit “in the case of a country which is not a member State.”.

*Powers to make further provision*

**36 Power to make provision about fisheries, aquaculture etc U.K.**

- (1) The Secretary of State may by regulations make provision—
- (a) for the purpose of implementing an international obligation of the United Kingdom relating to fisheries, fishing or aquaculture,
  - (b) for a conservation purpose (see subsection (2)), or

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- (c) for a fish industry purpose (see subsection (3)).
- (2) “A conservation purpose” means any of the following—
- (a) the purpose of conserving, improving or developing marine stocks;
  - (b) the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities;
  - (c) the purpose of protecting or improving the health of any fish or other aquatic animal.
- (3) “A fish industry purpose” means any of the following—
- (a) the purpose of promoting or developing commercial fish or aquaculture activities;
  - (b) the purpose of improving the traceability of fishery products;
  - (c) the purpose of disseminating information about fishery products.
- (4) Except so far as they are regional fisheries management regulations, regulations under subsection (1) may only include provision about—
- (a) the quantity of sea fish that may be caught;
  - (b) the amount of time that fishing boats may spend at sea;
  - (c) the landing of sea fish;
  - (d) bycatch;
  - (e) catching, landing or selling sea fish that are below a certain size;
  - (f) setting and enforcing targets relating to marine stocks;
  - (g) the design of sea fishing equipment;
  - (h) the use of sea fishing equipment;
  - (i) the retrieval of lost or discarded sea fishing equipment;
  - (j) methods of sea fishing;
  - (k) the processing of sea fish;
  - (l) the use to which the Secretary of State may put information obtained in the exercise of the Secretary of State's functions relating to fisheries or aquaculture;
  - (m) the functions, objectives or regulation of producer organisations or inter-branch organisations;
  - (n) the marketing of fishery products (including labelling);
  - (o) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in—
    - (i) commercial fish or aquaculture activities, or
    - (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities;
  - (p) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species;
  - (q) monitoring, or enforcing, compliance with the regulation of any of the matters mentioned in the preceding paragraphs of this subsection.
- (5) In subsection (4) “regional fisheries management regulations” means regulations that give effect (or change the way in which effect is given) to a requirement imposed on, or a recommendation made to, the United Kingdom (whether directly or indirectly)—
- (a) by, or pursuant to, a regional fisheries management agreement, or
  - (b) by a regional fisheries management organisation.

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)*

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- (6) Without prejudice to the generality of section 51(1)(b), regulations under this section may make different provision in relation to—
- (a) different descriptions of sea fish or other animal,
  - (b) different descriptions of fishing boat, or
  - (c) different areas of the sea or inland waters.

### 37 Section 36: interpretation **U.K.**

- (1) In section 36 and this section—
- “regional fisheries management agreement” means an international agreement (including an international agreement to which the United Kingdom is not a party) the sole or main purpose of which is the conservation or management of—
- (a) straddling stocks,
  - (b) stocks of highly migratory species, or
  - (c) any other marine stocks;
- “regional fisheries management organisation” means an organisation (including an organisation of which the United Kingdom is not a member) established pursuant to a regional fisheries management agreement;
- “sea fishing equipment” means—
- (a) fishing nets or any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
  - (b) equipment used to monitor sea fishing;
- “traceability”, in relation to fishery products, means the ability of any person to discover information about how, where or when the fishery products were—
- (a) caught, harvested or made, or
  - (b) transported, stored or sold.
- (2) In the definition of “regional fisheries management agreement” in subsection (1)—
- (a) “the high seas” has the same meaning as in the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) (“UNCLOS”);
  - (b) “straddling stocks” means stocks to which Article 63(2) of UNCLOS (stocks both in, and in an area beyond and adjacent to, an EEZ) applies;
  - (c) “highly migratory species” means a species listed in Annex 1 to UNCLOS.
- (3) For the purposes of section 36, an aquatic organism is a member of an “alien species” if—
- (a) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
  - (b) it is a polyploid organism, or
  - (c) it is a member of a fertile artificially hybridised species or subspecies.
- (4) For the purposes of section 36, an aquatic organism is a member of a “locally absent species” if it is located—
- (a) within the known natural range of the species or subspecies of which it is a member, and
  - (b) in an area in which that species or subspecies is absent (in a wild state).

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### **38 Power to make provision about aquatic animal diseases** **U.K.**

- (1) The Secretary of State may by regulations make provision for the purpose of monitoring, controlling, preventing or eradicating diseases of fish or other aquatic animals.
- (2) Regulations under this section may, in particular, include provision regulating the importation, exportation, movement, storage or handling of—
  - (a) fish or other aquatic animals;
  - (b) products derived from fish or other aquatic animals;
  - (c) any other thing that the Secretary of State considers may carry, or otherwise affect the prevalence of, a disease of fish or other aquatic animals.

### **39 Scope of regulations under section 36 or 38** **U.K.**

- (1) Regulations under section 36 or 38 may—
  - (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.
- (2) Regulations under section 36 or 38 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under section 36 or 38 may not include provision which—
  - (a) would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament,
  - (b) would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006), or
  - (c) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly,unless the provision is merely incidental to, or consequential on, provision which would be outside that legislative competence.
- (4) Subsection (3) does not prevent the inclusion of provision in regulations under section 36 or 38 if and to the extent that the provision relates to the regulation of sea fishing by—
  - (a) Scottish fishing boats within British fishery limits but outside the Scottish zone,
  - (b) Welsh fishing boats outside the Welsh zone,
  - (c) Northern Ireland fishing boats within British fishery limits but outside the Northern Ireland zone, or
  - (d) British fishing boats that are not Scottish fishing boats, Welsh fishing boats or Northern Ireland fishing boats.
- (5) Regulations under section 36 or 38 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (6) A reference in subsection (5) to “modifying” a function of a person under an enactment includes—
  - (a) abolishing the function;

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- (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (7) A power to make regulations under section 36 or 38 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, Schedule 8, and section 52 so far as it applies for the purposes of those enactments).
- (8) In subsection (7) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

#### **40 Scope of regulations under section 36 or 38 where consent obtained** **U.K.**

- (1) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(a) may be so included with the consent of the Scottish Ministers.
- (2) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(b) or may be so included with the consent of the Welsh Ministers.
- (3) Provision which could be included in regulations under section 36 or 38 but for section 39(3)(c) may be so included with the consent of the Northern Ireland department.
- (4) Provision which could be included in regulations under section 36 or 38 but for section 39(5) may be so included with the consent of—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Northern Ireland department.

#### **41 Procedural requirements for regulations under section 36 or 38** **U.K.**

- (1) Before making regulations under section 36 or 38, the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Secretary of State considers appropriate.
- (2) Regulations under section 36 or 38 are subject to the affirmative resolution procedure if they contain provision—
  - (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to subsection (2), regulations under section 36 or 38 are subject to the negative resolution procedure.

## **42 Powers of Scottish Ministers, Welsh Ministers and NI department** **U.K.**

Schedule 8 contains provision conferring powers on the Scottish Ministers, the Welsh Ministers and the Northern Ireland department corresponding to those conferred on the Secretary of State by sections 36 and 38.

### *Miscellaneous*

## **43 Agency arrangements between sea fish licensing authorities** **U.K.**

- (1) A sea fish licensing authority may make arrangements for—
  - (a) any of its fisheries functions, or
  - (b) any of its product movement functions that are not fisheries functions, to be exercised on its behalf by another sea fish licensing authority.
- (2) Arrangements made by a sea fish licensing authority under subsection (1) in relation to a function do not affect that authority's responsibility for the exercise of the function.
- (3) A sea fish licensing authority that exercises functions on behalf of another sea fish licensing authority under subsection (1) may charge that other authority such fees as it considers reasonable in respect of the cost of doing so.
- (4) Subsection (1) does not authorise the making of arrangements in relation to any function of making, confirming or approving subordinate legislation.
- (5) The power of a sea fish licensing authority to make arrangements under subsection (1) does not affect, and is not affected by, any other power of the authority to make arrangements relating to the exercise of its functions by other persons on its behalf.
- (6) In this section—
  - “fisheries function” means a function relating to fisheries, fishing or aquaculture;
  - “product movement function” means a function relating to the movement of fishery products—
    - (a) into or out of the United Kingdom, or
    - (b) within the United Kingdom.

## **44 Foreign fishing boats that are exclusively Faroe Islands-regulated** **U.K.**

- (1) No prohibition, restriction or obligation relating to sea fishing imposed by any enactment applies to—
  - (a) anything done or not done by or in relation to a foreign fishing boat at a time at which the fishing boat is in waters lying within the Special Area and is exclusively Faroe Islands-regulated, or
  - (b) anything done or not done in relation to sea fish that were caught by a foreign fishing boat in waters lying within the Special Area at a time at which the fishing boat was exclusively Faroe Islands-regulated.
- (2) For the purposes of this section a foreign fishing boat is “exclusively Faroe Islands-regulated” if—
  - (a) there is in force a licence issued by or on behalf of the Government of the Faroe Islands authorising it to fish in waters lying (to any extent) within the Special Area, and



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- (b) the fishing boat is not on a list maintained and published by the Scottish Ministers for the purposes of this subsection.
- (3) In this section—
- (a) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018 and includes an enactment contained in or made under this Act;
  - (b) “the Special Area” means the Special Area, as defined in Article 4 of, and Schedule C to, the Faroe Islands Treaty;
  - (c) “the Faroe Islands Treaty” means the agreement between—
    - (i) the Government of the United Kingdom, and
    - (ii) the Government of the Kingdom of Denmark together with the Home Government of the Faroe Islands,
 relating to the maritime delimitation in the area between the Faroe Islands and the United Kingdom, entered into on 18 May 1999.

#### 45 **Legislative competence of Senedd Cymru** **U.K.**

- (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 108A (legislative competence), after subsection (4) insert—
- “(4A) References in subsections (2)(b) and (3) to Wales include, in relation to a relevant provision of an Act of the Senedd, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A provision of an Act of the Senedd is “relevant” if it relates to fishing, fisheries or fish health.”
- (3) In section 157A (devolved Welsh authority), after subsection (8) insert—
- “(9) References in this section to Wales include, in relation to a relevant function of a public authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.”
- (4) In Schedule 3, in paragraph 9 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 2006), after sub-paragraph (6) insert—
- “(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”
- (5) In Schedule 7A (reserved matters)—
- (a) in paragraph 9, after sub-paragraph (4) insert—
 

“(4A) References in this paragraph to Wales include, in relation to a relevant function of a tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

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A function of a tribunal is “relevant” if it relates to fishing, fisheries or fish health.”

- (b) in paragraph 195, after sub-paragraph (3) insert—

“(3A) References in this paragraph to Wales include, in relation to a relevant function of an authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.”

- (6) In Schedule 11, in paragraph 33 (Parliamentary and Senedd procedure applying to exercise of legislative function transferred to Senedd under GOWA 1998), after sub-paragraph (6) insert—

“(6A) References in sub-paragraph (6) to Wales include, in relation to a relevant function or activity of a cross-border body, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function or activity of a cross-border body is “relevant” if it relates to fishing, fisheries or fish health.”

#### 46 Interpretation of Welsh legislation **U.K.**

- (1) In the Interpretation Act 1978, section 23B (application of Interpretation Act 1978 to Welsh legislation), as substituted by paragraph 1 of Schedule 2 to the Legislation (Wales) Act 2019 (anaw 4), is amended in accordance with subsections (2) and (3).

- (2) In subsection (6), for “and “Wales”” substitute “, “Welsh zone” and (subject to subsection (7)) “Wales””.

- (3) After subsection (6) insert—

“(7) In relation to a provision that—

- (a) relates to fishing, fisheries or fish health, and  
(b) is contained in an instrument made after section 45 of the Fisheries Act 2020 comes into force,

“Wales” includes the area of the Welsh zone beyond the seaward limit of the territorial sea.”

- (4) The Legislation (Wales) Act 2019 (anaw 4) is amended in accordance with subsections (5) to (8).

- (5) In section 1(3)(d) (duty to keep accessibility of Welsh law under review)—

- (a) in the English language text, omit “applies in relation to Wales and relates to subject matter which”;  
(b) in the Welsh language text, omit “y mae'n gymwys o ran Cymru ac y mae'n ymwneud â phwnc”.

- (6) In section 3 (legislation to which Part 2 of the Act applies), after subsection (3)—

- (a) in the English language text, insert—

“(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 22) comes into force, the reference in subsection (2)(b)(iii) to

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Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.”;

(b) in the Welsh language text, insert—

“(4) Mewn perthynas ag is-ddeddfwriaeth sy'n ymwneud â physgota, pysgodfeydd neu iechyd pysgod ac a wneir ar ôl i adran 45 o Ddeddf Pysgodfeydd 2020 (p. 22) ddod i rym, mae'r cyfeiriad yn is-adran (2) (b)(iii) at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”

(7) After section 40—

(a) in the English language text insert—

**“40A Application of this Part in relation to the Welsh zone**

In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.”;

(b) in the Welsh language text insert—

**“40A Cymhwyso'r Rhan hon mewn perthynas â pharth Cymru**

Mewn perthynas ag is-ddeddfwriaeth sy'n ymwneud â physgota, pysgodfeydd neu iechyd pysgod, mae cyfeiriadau yn y Rhan hon at Gymru yn cynnwys yr ardal o barth Cymru sydd y tu hwnt i derfynau atfor y môr tiriogaethol.”

(8) In Schedule 1, in the Table—

(a) in the English language text, after the entry for “Welsh tribunal (*tribiwnlys Cymreig*)” insert—

“Welsh zone ( <i>parth Cymru</i> )	“Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32) (and see article 3 of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), which makes provision about the limits of the zone);
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(b) in the Welsh language text, after the entry for “offeryn UE (*EU instrument*)” insert—

“parth Cymru ( <i>Welsh zone</i> )	mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (a gweler erthygl 3 o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760), sy'n gwneud darpariaeth ynghylch terfynau'r parth).”
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**47 Conservation of Seals** **U.K.**

Schedule 9 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.

**48 Amendments of the Marine and Coastal Access Act 2009** **U.K.**

Schedule 10 contains—

- (a) in Part 1, amendments of the Marine and Coastal Access Act 2009 relating to the general powers and duties of the Marine Management Organisation, and
- (b) in Part 2, amendments of that Act conferring powers on the Marine Management Organisation, the Welsh Ministers, the Scottish Ministers and the Northern Ireland Department to make byelaws or orders relating to the exploitation of sea fisheries resources for conservation purposes, together with consequential amendments of other enactments.

**Commencement Information**

**II** S. 48(a) in force at 23.11.2020, s. 48(b) in force at 23.1.2021 see s. 54(1)(f)(4)(d)

**49 Retained direct EU legislation: minor and consequential amendments** **U.K.**

Schedule 11 contains minor and consequential amendments of retained direct EU legislation.

*Final provisions*

**50 Amendments that could have been made under existing powers** **U.K.**

- (1) Where—
  - (a) any provision of this Act amends or revokes subordinate legislation, and
  - (b) the amendment or revocation could have been made under a power conferred by an enactment,the amendment or revocation is treated, for the purpose of making further provision under that enactment, as having been made under it.
- (2) In this section “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.

**51 Regulations** **U.K.**

- (1) Regulations under any provision of this Act may make—
  - (a) consequential, supplementary, incidental, transitional, or saving provision;
  - (b) different provision for different purposes or areas.
- (2) Regulations under this Act made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
- (3) Where regulations under this Act are subject to “the negative resolution procedure” and are made —

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- (a) by the Secretary of State, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) by the Scottish Ministers, they are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) by the Welsh Ministers, they are subject to annulment in pursuance of a resolution of Senedd Cymru;
  - (d) by the Northern Ireland department, the instrument containing them is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (4) Where regulations under this Act are subject to “the affirmative resolution procedure” and are made—
- (a) by the Secretary of State, they may not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament;
  - (b) by the Scottish Ministers, they are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) by the Welsh Ministers, they may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;
  - (d) by the Northern Ireland department, they may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) Any provision that may be made by regulations under this Act subject to the negative resolution procedure may be made by regulations subject to the affirmative resolution procedure.
- (6) This section does not apply to regulations under section 54.

## 52 Interpretation **U.K.**

In this Act—

“aquaculture” means the breeding, rearing, growing or cultivation of—

- (a) any fish or other aquatic animal,
- (b) seaweed or any other aquatic plant, or
- (c) any other aquatic organism;

“aquaculture activities” means any of the following (whether or not carried out in the course of a business or employment)—

- (a) aquaculture;
- (b) harvesting aquaculture organisms;
- (c) operating vessels for harvesting or processing aquaculture organisms;
- (d) storing or transporting aquaculture organisms;
- (e) loading and unloading aquaculture organisms;
- (f) processing aquaculture organisms;

“aquaculture organism” means an aquatic organism resulting from aquaculture;

“the baselines” means the baselines established by the Territorial Sea (Baselines) Order 2014 (S.I. 2014/1353);

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- “British fishing boat” means a fishing boat—
- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995,
  - (b) which is British-owned, or
  - (c) which is registered under the law of Jersey, Guernsey or the Isle of Man;
- “British-owned” means owned by—
- (a) a person who is for the purposes of Part 2 of the Merchant Shipping Act 1995 a person qualified to own a British ship, or
  - (b) two or more persons any one of whom is for those purposes a person so qualified;
- “bycatch” means—
- (a) fish that are caught in the course of fishing for fish of a different description, or
  - (b) animals other than fish that are caught in the course of fishing;
- “catch quota” has the meaning given by section 23(5)(a);
- “a charging scheme” has the meaning given by section 28(1);
- “commercial aquaculture activities” means—
- (a) any aquaculture activity carried out in the course of a business or employment;
  - (b) selling aquaculture organisms (whether wholesale or retail);
- “commercial fish activities” means—
- (a) any fish activity carried out in the course of a business or employment;
  - (b) selling fish or fish products (whether wholesale or retail);
- “commercial fish or aquaculture activities” means commercial fish activities or commercial aquaculture activities;
- “the Common Fisheries Policy Regulation” means Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy;
- “effort quota” has the meaning given by section 23(5)(b);
- “English fishing boat” means a fishing boat—
- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, and
  - (b) whose entry in the register specifies a port in England as the port to which the boat is to be treated as belonging;
- “English sea fishing licence” means a licence granted under section 15 in respect of an English fishing boat;
- “fish” includes shellfish;
- “fish activities” means any of the following (whether or not carried out in the course of a business or employment)—
- (a) catching fish;
  - (b) operating vessels for catching or processing fish;
  - (c) transporting fish or fish products;
  - (d) loading and unloading fish or fish products;
  - (e) processing fish;
- “fish and aquaculture activities” means fish activities and aquaculture activities;
- “fisheries management plan” has the meaning given by section 2(6);

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“the fisheries objectives” has the meaning given by section 1(1);

“the fisheries policy authorities” means—

- (a) the Secretary of State,
- (b) the Scottish Ministers,
- (c) the Welsh Ministers, and
- (d) the Northern Ireland department;

“fishery products” means—

- (a) fish or other aquatic organisms resulting from fishing or aquaculture, or
- (b) products derived from aquatic organisms within paragraph (a);

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing;

“foreign fishing boat” means a fishing boat which is not a British fishing boat;

“home port”, in relation to a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, means the port specified in the boat's entry in that register as the port to which the boat is to be treated as belonging;

“inland waters” has the meaning given by section 221(1) of the Water Resources Act 1991;

“inter-branch organisation” means an organisation established under Article 11 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation;

“international obligation of the United Kingdom” includes any obligation that arises or may arise under an international agreement or arrangement to which the United Kingdom is a party;

“JFS” means a joint fisheries statement;

“joint fisheries statement” has the meaning given by section 2(1);

“the marine and aquatic environment” includes—

- (a) the natural beauty or amenity of marine or coastal areas, or of inland waters or waterside areas,
- (b) features of archaeological or historic interest in those areas, and
- (c) flora and fauna which are dependent on, or associated with, a marine or coastal, or aquatic or waterside, environment;

“marine stocks” means stocks of available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life;

“master”, in relation to a fishing boat, includes the person for the time being in command or charge of the boat;

“maximum sustainable yield” means the highest theoretical equilibrium yield that can be continuously taken on average from a marine stock under existing environmental conditions without significantly affecting the reproduction process;

“mile” means an international nautical mile of 1,852 metres;

“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;



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

“Northern Ireland” and “the Northern Ireland zone” have the same meaning as in the Northern Ireland Act 1998 (see section 98(1) and (8) of that Act);

“the Northern Ireland department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“Northern Ireland fishing boat” means a fishing boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, and
- (b) whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of Senedd Cymru, or
- (d) Northern Ireland legislation;

“processing”, in relation to fish or any other aquatic organism, includes preserving or preparing the organism, or producing any substance or article from it, by any method for human or animal consumption;

“producer organisation” means an organisation established under Article 6 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council and recognised in accordance with Section 2 of Chapter 2 of that Regulation;

“Scotland” and “the Scottish zone” have the same meaning as in the Scotland Act 1998 (see section 126(1) and (2) of that Act);

“Scottish fishing boat” means a fishing boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, and
- (b) whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;

“sea fish” means fish of any kind found in the sea;

“sea fishing licence” has the meaning given by section 18(1);

“sea fish licensing authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers,
- (c) the Northern Ireland department, or
- (d) the Marine Management Organisation;

“Secretary of State fisheries statement” has the meaning given by section 4(4);

“sensitive species” means—

- (a) any species of animal or plant listed in Annex II or IV of Directive [92/43/EEC](#) of the Council of the European Communities on the conservation of natural habitats and of wild flora and fauna (as amended from time to time),
- (b) any other species of animal or plant, other than a species of fish, whose habitat, distribution, population size or population condition is adversely affected by pressures arising from fishing or other human activities, or
- (c) any species of bird;

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020. (See end of Document for details)*

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“shellfish” includes molluscs and crustaceans of any kind found in the sea or inland waters;

“SSFS” means a Secretary of State fisheries statement;

“subordinate legislation” means an instrument made under primary legislation or under [<sup>F3</sup>assimilated direct] legislation;

“sustainable level”, in relation to a marine stock, means a level of that stock above biomass levels capable of producing maximum sustainable yield;

“UK fishing boat” means a fishing boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, or
- (b) which is British-owned;

“Wales” and “the Welsh zone” have the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act);

“Welsh fishing boat” means a fishing boat—

- (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, and
- (b) whose entry in the register specifies a port in Wales as the port to which the boat is to be treated as belonging.

#### Textual Amendments

- F3** Words in s. 52 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 94(2)(c)**

### 53 Extent **U.K.**

- (1) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) In Schedule 8—
  - (a) Part 1 extends to Scotland only;
  - (b) Part 2 extends to England and Wales only;
  - (c) Part 3 extends to Northern Ireland only.
- (3) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.
- (4) But an amendment, repeal or revocation does not, by virtue of subsection (3), extend to any of the Channel Islands or the Isle of Man.
- (5) Subsection (4) does not apply to the repeals and revocations made by paragraphs 3 to 5 of Schedule 4.
- (6) Her Majesty may by Order in Council provide for the following provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man—
  - (a) subsection (1)(a) of section 36 (power to make provision for the purpose of implementing international obligations),
  - (b) subsections (4) to (6) of that section,
  - (c) section 37 (interpretation of section 36),

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- (d) sections 39 to 41 (regulations under section 36: scope and procedure),
- (e) section 51 (regulations), and
- (f) section 52 (interpretation).

## 54 Commencement **U.K.**

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 1 to 11 and Schedule 1 (fisheries objectives, statements etc);
  - (b) sections 23, 24 and 26 (fishing opportunities);
  - (c) section 33 and Schedule 6 (financial assistance);
  - (d) sections 36 to 42 and Schedule 8 (powers to make further provision);
  - (e) section 43 (agency arrangements between sea fish licensing authorities);
  - (f) section 48(a) and Part 1 of Schedule 10 (general functions of MMO);
  - (g) sections 50 to 55 (final provisions).
- (2) Sections 45 and 46 (legislative competence of Senedd Cymru etc) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) The following provisions come into force on IP completion day—
  - (a) sections 12 and 13 and Schedule 2 (foreign fishing boats: access etc);
  - (b) sections 14 to 22, Schedule 3 and (subject to subsection (6)) Schedule 4 (licensing of fishing boats);
  - (c) section 25 (distribution of fishing opportunities);
  - (d) section 35 (charging by Sea Fish Industry Authority);
  - (e) section 44 (foreign fishing boats exclusively Faroe Islands-regulated);
  - (f) section 49 and Schedule 11 (minor and consequential amendments).
- (4) The following provisions come into force on IP completion day or, if later, at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) section 27 and Schedule 5 (sale of fishing opportunities);
  - (b) sections 28 to 32 (discard prevention charging schemes);
  - (c) section 34 and Schedule 7 (charges: powers of MMO etc);
  - (d) section 48(b) and Part 2 of Schedule 10 (powers relating to the exploitation of sea fisheries resources).
- (5) Section 47 and Schedule 9 (conservation of seals) come into force on 1 March 2021.
- (6) In Schedule 4, the amendment made by paragraph 6(13)(d) is treated as always having had effect.
- (7) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (8) The power to make regulations under subsection (7) includes power to make different provision for different purposes.
- (9) Regulations under this section are to be made by statutory instrument.

## 55 Short title **U.K.**

This Act may be cited as the Fisheries Act 2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 2020.