



Fisheries Act 2020

2020 CHAPTER 22

Discard prevention charging schemes

28 Discard prevention charging schemes

- (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—
- how a charge is to be calculated, and
 - 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—
- the quantity of fish caught;
 - the description of fish caught;
 - the value of fish caught;
 - the method by which fish are caught;
 - the area in which fish are caught.
- (4) A charging scheme—
- 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
 - may not require a chargeable person to register under the scheme.
- (5) A charging scheme may provide that—
- only a chargeable person in relation to whom prescribed conditions are met is eligible to be registered under the scheme, or

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- (b) a chargeable person in relation to whom prescribed conditions are met is ineligible to be registered under the scheme.

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”

- (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

- (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

- (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

- (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).

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