



Fisheries Act 2020

2020 CHAPTER 22

Fisheries objectives, fisheries statements and fisheries management plans

1 Fisheries objectives

- (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

- (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,

- (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

- (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

- (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.

(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

- (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,

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

- (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

- (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

- (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.

- (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

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

- (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

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

(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.