



# Fisheries Act 2020

## 2020 CHAPTER 22

### *Grants and charges*

#### **33 Financial assistance: powers of Secretary of State**

- (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

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*Status: This is the original version (as it was originally enacted).*

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- (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;
  - (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**

- (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—
- (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**

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,”.