



Fisheries Act 2020

2020 CHAPTER 22

Licensing of fishing boats

14 British fishing boats required to be licensed

- (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.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, Cross Heading: Licensing of fishing boats. (See end of Document for details)

(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.

15 Power to grant licences in respect of British fishing boats

(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

(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.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, Cross Heading: Licensing of fishing boats. (See end of Document for details)

(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

(1) A licence may be granted in respect of a foreign fishing boat by—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers,
- (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

(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.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the Fisheries Act 2020, Cross Heading:
Licensing of fishing boats.