
Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 2020, Paragraph 9. (See end of Document for details)

SCHEDULES

SCHEDULE 11

RETAINED DIRECT EU LEGISLATION: MINOR AND CONSEQUENTIAL AMENDMENTS

Regulation (EU) 2018/973

- 9 (1) Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea is amended as follows.
- (2) In Article 1 (subject-matter and scope), in paragraph 1—
- (a) omit points (f), (i) and (j);
 - (b) in point (k) omit the seventh and eighth indents.
- (3) In Article 3 (objectives)—
- (a) in paragraph 1—
 - (i) for the words from “objectives listed” to “1380/2013” substitute “fisheries objectives”;
 - (ii) for the words from “, and shall” to the end substitute “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
 - (b) in paragraph 3—
 - (i) after “fisheries management” insert “ (within the meaning given by section 1(11) of the Fisheries Act 2020) ”;
 - (ii) for the words from “. It shall” to the end substitute “ and, where possible, reversed ”.
- (4) In Article 4 (targets)—
- (a) in paragraph 1, omit “by 2020”;
 - (b) in paragraph 2—
 - (i) for “A fisheries administration” substitute “ The Secretary of State ”;
 - (ii) after “ICES” insert “ , or a similar independent scientific body recognised at international level, ”;
 - (c) in paragraph 6—
 - (i) for “Fishing” substitute “ Where the spawning stock biomass is above B_{lim} , fishing ”;
 - (ii) omit “in any event”;
 - (iii) for “the spawning stock biomass” substitute “ it ”;
 - (d) after paragraph 6 insert—

“7 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 6.

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- 8 If the Secretary of State makes a determination in reliance on paragraph 7 the Secretary of State must prepare and publish a document—
- (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.
- 9 For the purposes of this Article, 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 (within the meaning of the Fisheries Act 2020),
 - (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”
- (5) In Article 5 (management of by-catch stocks)—
- (a) in paragraph 2, for the words from “as defined” to “1380/2013” substitute “(within the meaning given by section 1(11) of the Fisheries Act 2020)”;
 - (b) in paragraph 3, for “In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the” substitute “The”.
- (6) In Article 6 (conservation reference points), for “A fisheries administration” substitute “The Secretary of State”.
- (7) In Article 7 (safeguards)—
- (a) in paragraph 1—
 - (i) omit “all”;
 - (ii) for “decrease in biomass” substitute “current biomass or, in the case of Norway lobster, current abundance”;
 - (b) after paragraph 4 insert—

“5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.
- 6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—
- (a) describing the relevant change of circumstances, and
 - (b) explaining how the relevant change in circumstances affected the determination.
- 7 For the purposes of this Article, 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

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- aquatic environment (within the meaning of the Fisheries Act 2020),
- (c) available scientific evidence, or
 - (d) available evidence relating to the social, economic or environmental elements of sustainable development.”
- (8) In Article 12 (fishing authorisations and capacity ceilings), in paragraph 1—
- (a) after “fishing authorisations” insert “ (which may be contained in a licence granted under section 15 of the Fisheries Act 2020) ”;
 - (b) for “vessels in its fleet” substitute “ United Kingdom fishing vessels ”.
- (9) In Article 13 (principles and objectives of management of stocks of common interest)
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- (a) in paragraph 1—
 - (i) for “a fisheries administration”, in both places it occurs, substitute “ the Secretary of State ”;
 - (ii) omit “Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of”;
 - (iii) omit “, thereby promoting a level-playing field for United Kingdom operators”;
 - (b) omit paragraph 2.

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