
STATUTORY INSTRUMENTS

2021 No. 1429

SEA FISHERIES

The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021

Made - - - - *13th December 2021*
Laid before Parliament *14th December 2021*
Coming into force - - *31st December 2021*

The Secretary of State, in exercise of the powers conferred by—

- (a) Article 27(1A)(a) of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing(1);
- (b) Article 15(6A) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy(2);
- (c) Article 4(2) of Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy(3);
- (d) Article 11(1A) of 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(4);
- (e) Article 13(1A) of Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks(5); and

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- (1) EUR 2008/1005, amended by S.I. 2019/739 and 753. S.I. 2019/739 and 753 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1). S.I. 2019/739 was also amended before it came into force by S.I. 2019/1312, and S.I. 2019/753 was amended before it came into force by S.I. 2020/1542. The power previously contained in Article 27(1) is now vested in the Secretary of State in Article 27(1A).
 - (2) EUR 2013/1380, amended by S.I. 2019/739, 753 and paragraph 2 of Schedule 11 to the Fisheries Act 2020 (c. 22). S.I. 2019/753 was amended before it came into force by S.I. 2020/1542 to provide for the amendment of paragraph (6) of Article 15 and the insertion of new paragraphs (6A) and (6B). The power previously contained in Article 15(6) is now vested in the Secretary of State in Article 15(6A).
 - (3) EUR 2017/1004, amended by S.I. 2019/739, 753 and paragraph 7 of Schedule 11 to the Fisheries Act 2020. S.I. 2019/739 was amended before it came into force by S.I. 2019/1312 and 2020/1542. The power previously contained in Article 4(1) is now vested in the Secretary of State in Article 4(2).
 - (4) EUR 2018/973, amended by S.I. 2019/753, 1312 and paragraph 9 of Schedule 11 to the Fisheries Act 2020. S.I. 2019/1312 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020. S.I. 2019/1312 was also amended before it came into force by S.I. 2020/1542 to provide for the insertion of new paragraphs (1A) and (1B) into Article 11. The power previously contained in Article 11(1) is now vested in the Secretary of State in Article 11(1A).
 - (5) EUR 2019/472, amended by S.I. 2019/1312 and paragraph 10 of Schedule 11 to the Fisheries Act 2020. S.I. 2019/1312 was amended before it came into force by S.I. 2020/1542 to provide for the insertion of paragraphs (1A) and (1B) into Article 13. The power previously contained in Article 13(1) is now vested in the Secretary of State in Article 13(1A).

(f) Article 15(2A) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures⁽⁶⁾;

and now vested in the Secretary of State, and in exercise of the powers conferred by section 36(1)(b) and (c) of the Fisheries Act 2020⁽⁷⁾ makes the following Regulations.

In accordance with Article 15(2A) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, the Secretary of State has obtained scientific evidence to support the measures made under Article 15(2A) contained in these Regulations.

In accordance with Article 15(2C) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures the Secretary of State⁽⁸⁾ has consulted such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the measures made under Article 15(2A) contained in these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with section 41(1) of the Fisheries Act 2020, the Secretary of State has consulted the Scottish Ministers, the Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and such other persons likely to be affected by the measures made under section 36(1)(b) and (c) contained in these Regulations as the Secretary of State considers appropriate.

In accordance with—

Article 15(6B) of [Regulation \(EU\) No 1380/2013](#) of the European Parliament and of the Council on the Common Fisheries Policy;

Article 4(3) of Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy;

Article 11(1B) of 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;

Article 13(1B) of Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks;

Article 15(2B) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures; and

section 40 of the Fisheries Act 2020,

the Secretary of State has, where necessary, obtained the consent of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to the making of these Regulations.

(6) EUR 2019/1241, amended by [S.I. 2019/1312](#) and paragraph 11 of Schedule 11 to the Fisheries Act 2020. [S.I. 2019/1312](#) was amended before it came into force by [S.I. 2020/1542](#). The power previously contained in Article 15(2) is now vested in the Secretary of State in Article 15(2A).

(7) [2020 c. 22](#).

(8) For the purposes of Article 15(2C) of Regulation (EU) 2019/1241, “a fisheries administration” is defined in Article 1(9)(a) of Regulation (EU) 1380/2013 as meaning the Secretary of State, a devolved fisheries administration or the Marine Management Organisation.