

**2024 No. 1028**

**SEA FISHERIES**

**The Sea Fisheries (Amendment) (No. 2) Regulations 2024**

<i>Made</i> - - - -	<i>15th October 2024</i>
<i>Laid before Parliament</i>	<i>16th October 2024</i>
<i>Coming into force</i> - -	<i>16th December 2024</i>

The Secretary of State, in exercise of the powers conferred by Article 15(2) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures<sup>(a)</sup>, which now vest in the Secretary of State acting in the capacity of a fisheries administration<sup>(b)</sup>, and in exercise of the powers conferred by section 36(1)(b) and (c) and section 36(4)(a) and (j) of the Fisheries Act 2020<sup>(c)</sup> (“the 2020 Act”), makes the following Regulations.

In accordance with Article 15(2) of Regulation (EU) 2019/1241, the Secretary of State has obtained scientific evidence to support the measures made under Article 15(2) of Regulation (EU) 2019/1241 contained in these Regulations.

In accordance with Article 15(2C) of Regulation (EU) 2019/1241, the Secretary of State has consulted such bodies or persons as appear to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with section 40(1), (2) and (3) of the 2020 Act<sup>(d)</sup>, the Secretary of State has, where necessary, obtained the consent of the Welsh Ministers, Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to the making of these Regulations.

In accordance with section 41(1) of the 2020 Act, the Secretary of State has consulted the Welsh Ministers, the Scottish 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

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- (a) EUR 2019/1241, amended by S.I. 2019/1312, S.I. 2021/1429, S.I. 2023/1054, S.I. 2024/439 and by paragraph 11 of Schedule 11 to the Fisheries Act 2020 (c. 22). 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 (c. 1) and was amended before it came into force by S.I. 2020/1542.
- (b) The powers are now vested in the Secretary of State. See Article 1 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy for the definition of “a fisheries administration” and associated provisions regarding the interpretation of a power exercisable by a fisheries administration.
- (c) 2020 c. 22.
- (d) Section 52 of this Act sets out the definition of “the Northern Ireland department”.

section 36(1)(b) and (c) and section 36(4)(a) of the 2020 Act contained in these Regulations, as the Secretary of State considers appropriate.

### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (Amendment) (No. 2) Regulations 2024 and come into force on 16th December 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

### Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures

2.—(1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures is amended as follows.

(2) In Article 6 (definitions)—

(a) for the full stop at the end of point (55), substitute a semicolon;

(b) after point (55), insert—

“(56) ‘*flyseining gear*’ means an encircling and towed gear, operated from a boat by means of two long ropes (seine ropes) designed to herd the fish towards the opening of the seine. The gear is made up of a net which is similar in design to a bottom trawl. This definition includes the use of Danish seines and Scottish seines.”.

(3) In Part A of Annex 5 (minimum conservation reference sizes), in the table, for the entry relating to Crawfish, in the second column after “(carapace length)” insert “(in the English zone only a minimum conservation reference size of 110 mm shall apply)”.

(4) In Part A of Annex 6 (minimum conservation reference sizes), in the table—

(a) in the top row, in the second column after “Whole area” insert “(unless otherwise specified)”;

(b) for the entry relating to Crawfish, in the second column after “95 mm” insert “(in the English zone only a minimum conservation reference size of 110 mm shall apply)”;

(c) at the end, insert the following rows—

“Lemon Sole ( <i>Microstomus kitt</i> )	25cm applicable in ICES divisions 7d and 7e only
Turbot ( <i>Scophthalmus maximus</i> )	30cm applicable in ICES divisions 7d and 7e only
Brill ( <i>Scophthalmus rhombus</i> )	30cm applicable in ICES divisions 7d and 7e only”.

(5) In Part B of Annex 6 (mesh sizes), at the end of the table following point 1.2(ii), insert the following row—

“At least 100mm	ICES divisions 7d and 7e	Directed fishing for all species using flyseining gear”.
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(6) In Part C of Annex 6 (closed or restricted areas), after point 9.2 insert—

“10. Restrictions on the engine power of vessels using flyseining gear within 12 nautical miles of the coast of the United Kingdom in ICES divisions 7d and 7e

Vessels are prohibited from using flyseining gear within 12 nautical miles of the coast of the United Kingdom in ICES divisions 7d and 7e, measured from the baselines from which the territorial waters are measured, unless the engine power<sup>(a)</sup> of the vessels does not exceed 221 kW.”.

(7) In Part A of Annex 7 (minimum conservation reference sizes), in the table, for the entry relating to Crawfish, in the second column for “95” substitute “110”.

**Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters**

3.—(1) Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters<sup>(b)</sup> is amended as follows.

(2) In Article 10 (measures on European seabass fisheries)—

- (a) in paragraph 2, in the words before sub-paragraph (a), after “caught in that area” insert “subject to the catch limits set out in licence conditions by a fisheries administration,”;
- (b) in paragraph 2(a), omit the words from “not” to the end;
- (c) in paragraph 2(b), omit the words from “not” to the end;
- (d) in paragraph 2(c), omit the words from “not” to the end;
- (e) in paragraph 2(d), omit the words from “not” to the end;
- (f) in paragraph 3, for “set out” substitute “in licence conditions referred to”.

*Daniel Zeichner*  
Minister of State

15th October 2024

Department for Environment, Food and Rural Affairs

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(a) “Engine power” is defined in Article 5 of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels (EUR 2017/1130); amended by S.I. 2019/739.  
(b) EUR 2020/123, amended by S.I. 2020/1542, S.I. 2021/698, S.I. 2021/1429, S.I. 2022/498 and S.I. 2023/273; there are other amendments but none are relevant.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to assimilated law in the field of sea fisheries.

Regulation 2 makes minor amendments to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (EUR 2019/1241). It introduces a minimum conservation reference size for lemon sole, turbot and brill in ICES divisions 7d and 7e and increases it for crawfish in English waters.

Regulation 2 also introduces a minimum mesh size requirement for flyseining gear in the English waters of ICES divisions 7d and 7e. The engine power of vessels using flyseining gear within 12 nautical miles of the English coast in those ICES divisions is additionally limited to 221 kW.

Regulation 3 amends Council Regulation (EU) 2020/123, by removing seabass catch limits for United Kingdom registered fishing vessels from Council Regulation (EU) 2020/123. It is intended that catch limits will be managed through vessel licence conditions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

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