

2024 No. 655

SEA FISHERIES

**The Sea Fisheries (International Commission for the
Conservation of Atlantic Tunas) (Amendment) (No. 2)
Regulations 2024**

Made - - - - *15th May 2024*

Coming into force - - *7th June 2024*

The Secretary of State, in exercise of the powers conferred by sections 36(1)(a) and (b) and 51(1)(a) of the Fisheries Act 2020(a), makes the following Regulations.

In accordance with section 40(1), (2) and (3) of the Fisheries Act 2020(b), the Secretary of State has 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.

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 these Regulations as the Secretary of State considers appropriate.

In accordance with sections 41(2)(c) and 51(4)(a) and (5) of the Fisheries Act 2020, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No. 2) Regulations 2024 and come into force on 7th June 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland except for regulation 3 which extends to Great Britain only.

(a) 2020 c. 22. Section 52 specifies how “international obligation of the United Kingdom” is to be interpreted. For the purposes of section 36(4), these Regulations are “regional fisheries management regulations” within the meaning of section 36(5). Section 37 contains the definitions of “regional fisheries management agreement” and “regional fisheries management organisation” for the purposes of interpreting the definition of “regional fisheries management regulations” and, in the context of the amendments made by these Regulations, the relevant regional fisheries management agreement is “The International Convention for the Conservation of Atlantic Tunas” and the relevant regional fisheries management organisation is “The International Commission for the Conservation of Atlantic Tunas”.

(b) See section 52 for the definition of “the Northern Ireland department”.

Amendment of Regulation 2016/1627

2.—(1) Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean^(a) is amended as follows.

(2) For Chapter 4 (sport and recreational fisheries) substitute—

“CHAPTER 4 RECREATIONAL FISHERIES

Article 19A

Interpretation

In this Chapter—

(1) “British-owned” has the same meaning as in section 52 of the Fisheries Act 2020;

(2) “Permit” means a permit granted under Article 19D in respect of a specified recreational UK fishing boat;

(3) “Permit number” is interpreted in accordance with Article 19D(5);

(4) “recreational UK fishing boat” means a recreational fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995^(b);

(5) “relevant permitting authority” means, in relation to an application for a Permit to authorise, or in relation to a Permit which authorises, fishing for bluefin tuna within—

(i) the Scottish zone, the Scottish Ministers;

(ii) the Welsh zone, the Welsh Ministers;

(iii) the Northern Ireland zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

(iv) the United Kingdom zone excluding the zones mentioned in points (i), (ii) and (iii), the Marine Management Organisation^(c);

(6) “nominee” is interpreted in accordance with Article 19C(5).

Article 19B

Prohibition on fishing without a Permit

1. Fishing for bluefin tuna within the United Kingdom zone is prohibited for any recreational fishing boat except for a recreational UK fishing boat where the fishing is—

(a) by rod and line fishing gear only, and

(b) authorised by a Permit.

2. Fishing for bluefin tuna outside the United Kingdom zone but within the ICCAT Convention area is prohibited for any recreational UK fishing boat or British-owned recreational fishing boat.

3. Where a bluefin tuna is caught by a—

(a) recreational fishing boat in the United Kingdom zone, or

(a) EUR 2016/1627, amended by S.I. 2019/753 and the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024 S.I. 2024/439. S.I. 2019/753 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) and was amended before it came into force but none of the amendments is relevant.

(b) 1995 c. 21.

(c) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23).

- (b) recreational UK fishing boat in the ICCAT Convention area or a British-owned recreational fishing boat in that area,

paragraph 4 applies in relation to the fish whether the fishing was authorised by a Permit or otherwise.

4. The fish referred to in paragraph 3 must—
 - (a) where reasonably possible, be released unharmed,
 - (b) not be intentionally removed from the sea,
 - (c) not be transferred to any other vessel, and
 - (d) not be retained on board or landed.
5. Fishing for bluefin tuna from the shore in the United Kingdom is prohibited.
6. Where a bluefin tuna is accidentally caught when fishing from the shore in the United Kingdom the fish must, where reasonably possible, be released unharmed and must not be intentionally removed from the sea.
7. In paragraph 4(c) “transferred” includes the transfer of a fish whilst it remains in the water to enable the receiving vessel to remove the fish from the water.

Article 19C

Permit applications

1. Each relevant permitting authority may, for any season or future seasons, decide—
 - (a) not to accept any applications for the grant of a Permit;
 - (b) to only accept applications for the grant of a Permit from applicants, or in relation to fishing boats or intended fishing operations, which meet specified criteria intended to contribute to the achievement of the fisheries objectives (within the meaning of section 1(1) of the Fisheries Act 2020);
 - (c) to set a maximum number of Permits the authority will grant.
2. Where a relevant permitting authority invites applications (or invites applications meeting certain criteria) for Permits for a season or seasons, the owner of a recreational UK fishing boat (“the owner”) may apply to the relevant permitting authority for a Permit in respect of the boat.
3. An application under paragraph 2 must—
 - (a) comply with any application criteria the relevant permitting authority may specify,
 - (b) be in writing and in such form as the relevant permitting authority may require, and
 - (c) specify—
 - (i) the name and address of the owner,
 - (ii) the name and address of the operator,
 - (iii) the name of, and any previous names of, the relevant fishing boat, and
 - (iv) details of the boat’s registration under Part 2 of the Merchant Shipping Act 1995.
4. A relevant permitting authority may—
 - (a) require an application to contain such other information as the authority considers necessary;
 - (b) upon receipt of an application, require the owner to provide such further information or furnish such documents as the authority considers necessary to determine the application.
5. The owner may appoint a nominee to receive a Permit or any notice in relation to a Permit on the owner’s behalf provided the nominee is either—

- (a) an individual resident in the United Kingdom, or
 - (b) a body incorporated in, and which has a place of business in, the United Kingdom.
6. An appointment under paragraph 5 must be in writing and in such form as the relevant permitting authority may require.

Article 19D

Power to grant Permits for recreational UK fishing boats

1. A relevant permitting authority may grant or refuse an application it has received under Article 19C (“the application”) in accordance with the requirements of this Article.
2. The relevant permitting authority—
 - (a) may grant the application only if the authority is satisfied it is appropriate to do so having regard to—
 - (i) the relevant bluefin tuna fishing plan submitted by the Secretary of State to, and endorsed by, ICCAT(a), and
 - (ii) the catch quota for bluefin tuna;
 - (b) must refuse the application where it does not meet the requirements of this Chapter or comply with any application criteria the authority specified;
 - (c) may refuse the application on grounds related to—
 - (i) safety;
 - (ii) the conservation or welfare of sea fish, mammals, birds, the marine environment or ecosystem;
 - (iii) any other matter where, in the authority’s opinion, it would not be appropriate to grant the application.
3. Where a relevant permitting authority specifies a maximum number of Permits to be granted for a season or seasons and the authority receives a greater number of applications than the maximum number, the authority may use such criteria as it deems appropriate, including a means of random selection, to rank applications and once the authority has granted the maximum number of Permits may refuse the remaining applications for that reason alone.
4. A Permit granted under this Article—
 - (a) must be granted—
 - (i) to the owner of the recreational UK fishing boat named in the application and only authorise bluefin tuna fishing—
 - (aa) by that boat, which must be named in the Permit, and
 - (bb) with rod and line fishing gear,
 - (ii) for a defined period, and
 - (iii) for a particular area which, where the relevant permitting authority is—
 - (aa) the Scottish Ministers, may be the Scottish zone or any part or parts of it;
 - (bb) the Welsh Ministers, may be the Welsh zone or any part or parts of it;
 - (cc) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, may be the Northern Ireland zone or any part or parts of it;

(a) The fishing plans of contracting parties are published on the ICCAT website. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

- (dd) the Marine Management Organisation, may be the United Kingdom zone or any part or parts of it excluding the zones mentioned in subparagraphs (aa), (bb) and (cc);
 - (b) is not transferable to another person;
 - (c) may not be used in respect of another fishing boat;
 - (d) may be granted so as to confer limited authority by reference, in particular, to—
 - (i) the area in which fishing is authorised;
 - (ii) the periods, times or particular trips during which fishing is authorised;
 - (iii) the number of fish which may be caught;
 - (iv) the method of fishing.
5. Each Permit granted must be assigned a unique number (the “Permit number”) which must be recorded on the Permit.
6. The relevant permitting authority may on granting a Permit under this Article attach to the Permit conditions on its use covering any of the following matters—
- (a) any areas in which fishing is not permitted;
 - (b) any periods, times or particular trips during which fishing is not permitted;
 - (c) the number of fish which may be targeted or caught;
 - (d) fishing methods and gear types;
 - (e) the conservation or welfare of sea fish, mammals, birds, the marine environment or ecosystem;
 - (f) reporting requirements, including methods and frequency of reporting.
7. In paragraph 4(a)(ii) a Permit is granted for a “defined period” where it is granted by reference to—
- (a) specified start and end dates;
 - (b) a particular season or part of a season;
 - (c) a future season, the dates of which are to be determined and notified to the owner.

Article 19E

Power to vary, suspend or revoke Permits

1. A relevant permitting authority may from time to time—
- (a) vary a Permit it has granted so as to alter the authority the Permit confers;
 - (b) add, remove or vary a condition attached to a Permit it has granted.
2. A relevant permitting authority may suspend or revoke a Permit it has granted if the authority considers this to be—
- (a) necessary or expedient in relation to—
 - (i) the conservation or welfare of sea fish, mammals, birds, the marine environment or ecosystem,
 - (ii) the catch quota for bluefin tuna, or
 - (iii) the regulation of bluefin tuna fishing, or
 - (b) appropriate where the fishing boat named in the Permit has changed ownership or been involved in an offence, or suspected offence, under this Regulation.
3. Where a relevant permitting authority varies, suspends or revokes a Permit it has granted, or adds, removes or varies a condition attached to such a Permit, it must do so by notice in accordance with Article 19F.

Article 19F

Permits and notices

1. A Permit granted under Article 19D must be given to the appropriate recipient by—
 - (a) transmitting it by means of electronic communication,
 - (b) posting it to the appropriate recipient at their address or place of business,
 - (c) personally delivering it to the appropriate recipient, or
 - (d) leaving it at the appropriate recipient's address or place of business, or in the hands of a person there.
2. A notice must be given to the appropriate recipient by—
 - (a) any of the methods specified in paragraph 1, or
 - (b) publishing the notice on a website, the address of which is specified in the Permit to which the notice relates.
3. A Permit or notice is deemed given—
 - (a) where the Permit or notice is transmitted by means of electronic communication in accordance with the relevant permitting authority's records, 24 hours after the time of transmission;
 - (b) where the Permit or notice is posted in accordance with the relevant permitting authority's records, at the start of the first working day which falls at least 48 hours after it was posted;
 - (c) where the Permit or notice is delivered personally to the appropriate recipient, at the time at which it is delivered;
 - (d) where the Permit or notice is left at the relevant address or place of business, or in the hands of a person there, in accordance with the relevant permitting authority's records, 24 hours after the time it was left;
 - (e) in the case of a notice which is published on a website, at the time at which it is published.
4. For the purposes of paragraph 3, a Permit or notice—
 - (a) which is communicated by more than one method is deemed given at the earliest of the times which correspond to the methods used;
 - (b) is communicated "in accordance with the relevant permitting authority's records" where it is transmitted to, posted to, or left at, the most recent address (or other means of electronic communication) notified in writing to the relevant permitting authority by the owner, or the nominee, for the purpose of receiving such communications.
5. A Permit or notice takes effect at the later of—
 - (a) any time specified for this purpose in the Permit or notice, or
 - (b) in the case of—
 - (i) a Permit, the time at which it is deemed given;
 - (ii) a notice, 24 hours after the time at which it is deemed given.
6. In this Article—
 - (a) "electronic communication" has the same meaning as in section 15(1) of the Electronic Communications Act 2000(a);
 - (b) "the appropriate recipient" means the owner of the fishing boat named in the Permit or, where the owner has appointed a nominee, the nominee;

(a) 2000 c. 7. The definition of electronic communication in section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

- (c) “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day on which it is a bank holiday under the Banking and Financial Dealings Act 1971^(a) in the part of the United Kingdom that the Permit or notice was posted to.

Article 19G

Reporting obligations

1. On each fishing trip where a recreational UK fishing boat carries out bluefin tuna fishing authorised by a Permit, the master of the boat must (whether any bluefin tuna are caught during the trip or not) maintain a record of—

- (a) the number of bluefin tuna caught,
- (b) the length of each fish caught, and
- (c) whether the fish was released alive or dead.

2. Within 24 hours of the end of each fishing trip referred to in paragraph 1, the master must notify the following information to the relevant permitting authority—

- (a) the name of the recreational UK fishing boat,
- (b) the Permit number,
- (c) the date of the fishing trip,
- (d) the master’s name and address, and
- (e) the information specified in points (a) to (c) of paragraph 1.”.

(3) In Article 56A (offences)—

(a) in paragraph 1—

- (i) in point (a), after “17” insert “19B(5) or (6),”,
- (ii) at the end of point (b) for the comma substitute a semicolon, and
- (iii) after point (b) insert—

“(c) for the purpose of obtaining a Permit under Chapter 4, provides information which the person knows to be false in a material respect or recklessly provides information which is false in a material respect.”;

(b) after paragraph 2 insert—

“3. Where—

- (a) a fishing boat is used to fish in contravention of Article 19B(1) or (2),
- (b) paragraph 4 of Article 19B applies to a bluefin tuna and—
 - (i) the obligation in point (a) of that paragraph to, where reasonably possible, release the fish unharmed is not complied with, or
 - (ii) in contravention of point (b), (c) or (d) of that paragraph, the fish is removed from the sea, transferred, retained on board or landed,
- (c) a condition attached to a Permit under Article 19D(6) is breached, or
- (d) a master fails to comply with an obligation in Article 19G,

the master and the owner are each guilty of an offence.”.

(a) 1971 c. 80.

Amendment of the Sea Fishing (Enforcement) Regulations 2018

3. In the Schedule to the Sea Fishing (Enforcement) Regulations 2018(a) (fisheries conservation measures), for the entry in the table for “Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean” substitute—

“Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean	
Article 19B(1), (4), (5) and (6)	Prohibition on recreational fishing boats fishing for bluefin tuna without a permit and treatment of fish caught. Prohibition on shore-based fishing for bluefin tuna.”.

Mark Spencer
Minister of State

15th May 2024

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean (EUR 2016/1627) to implement requirements under the International Convention for the Conservation of Atlantic Tunas (“the Convention”) to which the United Kingdom is a contracting party.

The Convention requires contracting parties to ensure that recreational fishing boats fishing for bluefin tuna in waters of the Convention area are subject to a system of authorisations.

These Regulations put in place a prohibition on all recreational fishing boats fishing for bluefin tuna within United Kingdom waters and a prohibition on recreational UK fishing boats fishing for bluefin tuna in other waters of the Convention area. These Regulations also put in place a legislative framework to enable the four UK fisheries authorities, if they wish, to establish permitting regimes in their waters (the Scottish Ministers in relation to the Scottish zone, the Welsh Ministers in relation to the Welsh zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in relation to the Northern Ireland zone and the Marine Management Organisation in relation to the remainder of UK waters).

Where implemented, a permitting regime will allow eligible recreational UK fishing boats to apply for a permit to fish for bluefin tuna by rod and line on a catch and release basis in a defined area.

These Regulations also amend the Sea Fishing (Enforcement) Regulations 2018 (S.I. 2018/849) to confer enforcement powers on Inshore Fisheries and Conservation Officers in relation to the prohibition on recreational fishing for bluefin tuna without a permit. Inshore Fisheries and Conservation Officers are appointed for inshore fisheries conservation districts in England only but the Sea Fishing (Enforcement) Regulations 2018 extend to Great Britain as Inshore Fisheries and Conservation Officers may exercise certain powers in Scotland or Wales.

(a) S.I. 2018/849, amended by S.I. 2019/746, 2019/1284 and 2020/516.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen. A de minimis assessment has been produced and is published alongside the Explanatory Memorandum to these Regulations at www.legislation.gov.uk.

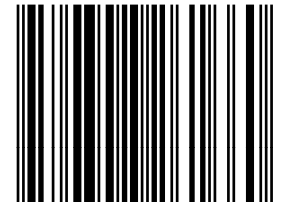
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