

LEGISLATIVE CONSENT MEMORANDUM

FISHERIES BILL

Draft legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Agriculture, Environment and Rural Affairs, is:

“That this Assembly agrees that the provisions in the Fisheries Bill, as introduced into the House of Lords on 29 January 2020, should be considered by the UK Parliament”

Background

2. This memorandum has been laid before the Assembly by the Minister for Agriculture, Environment and Rural Affairs under Standing Order 42A(2). The Fisheries Bill was introduced in the House of Lords on 29 January 2020. The latest version of the Bill can be found at:

<https://publications.parliament.uk/pa/bills/lbill/58-01/071/5801071.pdf>

Summary of the Bill and its policy objectives

3. The Fisheries Bill will provide the legal framework for the United Kingdom to operate as an independent coastal state under the United Nations Convention on the Law of the Sea 1982 after the UK has left the European Union and the Common Fisheries Policy.
4. The Bill contains provisions for Northern Ireland relating to:
 - Fisheries objectives, fisheries statements and fisheries management plans;
 - Access to foreign vessels to UK waters;
 - Fishing boat licensing
 - Fishing opportunities;
 - Cost recovery;
 - Financial assistance; and
 - Powers to amend UK law related to fisheries and aquatic animal health.

Provisions which deal with a Devolution Matter

5. The Bill contains 51 clauses and 10 Schedules.
6. Clauses 1-26 extend to Northern Ireland and legislative consent is being sought for clauses 1-3, 6-22, and 25-26 inclusive.
7. Clauses 33-42 and 45-51 extend to Northern Ireland and legislative consent is being sought for these clauses.
8. Schedules 1-4, 6-8 and 10 extend to Northern Ireland and legislative consent is being sought for the schedules.
9. The legislative consent for the Fisheries Bill will also be sought from the Scottish Government and the Welsh Assembly Government.

Reasons for making the Provisions

10. The Fisheries Bill will provide the legal framework for the United Kingdom to operate as an independent coastal state after the UK has left the European Union and the Common Fisheries Policy.

Reasons for utilizing the Bill rather than an Act of the Assembly

11. The Bill creates common approaches to fisheries management between the Secretary of State for Environment, Food and Rural Affairs and the Devolved Administrations. The Bill creates common high-level objectives for the development of future UK and Northern Ireland fisheries policy

Consultation

12. On 4 July 2018, the Department for Environment, Food and Rural Affairs (Defra) published a White Paper for consultation ('Sustainable fisheries for future generation'). This set out the Government's vision for future fisheries management after leaving the EU and the CFP. The White Paper sets out the Government's aim to build a vibrant and sustainable UK fishing industry by taking responsibility for managing fisheries resources within UK waters, while continuing to protect and improve the marine environment, in line with the 25 Year Environment Plan which was published in January 2018. The purpose of the consultation was to seek views on the Government's proposals for all aspects of its emerging approach which were set out in the White Paper.
13. The consultation closed on 12 September 2018. In total, 34,667 responses to the consultation were received from a wide range of stakeholders including fishermen, producers' organisations, public bodies, local councils, non-governmental organisations, members of Parliament, Inshore Fisheries and Conservation Authorities, academia, other industries and local groups.
14. Responses were received from the following organisations in Northern Ireland:
 - Anglo-North Irish Fish Producers' Organisation
 - Northern Ireland Fish Producers' Organisation
 - Northern Ireland Local Government Association
 - Northern Ireland Marine Task Force
 - Nature Matters NI

Human Rights and Equality

15. The Government considers that the Fisheries Bill is compatible with the European Convention on Human Rights (ECHR). Accordingly Lord Gardiner of Kimble, the Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, who introduced the Bill in the House of Lords has made a statement under clause 19(1)(a) of the Human Rights Act 1998 to this effect.
16. The European Convention on Human Rights (ECHR) memorandum deals only with those parts of the Bill which raise ECHR issues.
<https://publications.parliament.uk/pa/bills/lbill/58-01/071/5801071-ECHRM.pdf>

Financial Implications

17. The Bill will have few immediate financial implications for Northern Ireland but some items of new expenditure are to be paid out of money provided by Parliament following regulations made under the provisions of this Bill:
 - Administrative costs of setting up a scheme for the licensing of foreign fishing boats (these will arise immediately);
 - Giving financial assistance via future funding schemes under clause 33 and Schedule 6. Funding is currently available through the EMFF.
 - Schedule 7 provides Northern Ireland and the other Devolved Administrations with powers to make regulations to impose charges in respect of certain marine functions. These will be similar to powers under clause 34 granted to the UK Marine Management Organisation.

Summary of Regulatory Impact

18. The Regulatory Policy Committee (RPC) is an independent body, sponsored by the Department for Business, Energy and Industrial Strategy.
19. Its role is to assess the quality of evidence and analysis used to inform regulatory proposals affecting the economy, businesses, civil society, charities and other non-government organisations and assess the impact of regulatory proposals.
20. The RPC analysis is attached below. The analysis suggests that if the powers are used they are collectively likely to generate significant impacts on businesses. It is RPC's view that in a number of cases businesses are likely to incur initial familiarisation costs and, at least in some cases, large ongoing licencing costs. The Bill enables the Marine Management Organisation to set charges in England to recover full costs from activities such as checking and validating catch certification for the imports and exports of fish and monitoring and surveillance of sea fishing which will be a direct cost to businesses.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/867347/Agriculture_Bill_and_Fisheries_Bill_-_RPC_Statement_Feb_2020_-_FINAL.pdf
21. In relation to Northern Ireland, the Bill provides powers for the Department (Schedule 7) to make similar regulations to impose charges in respect of certain marine functions. It will be for the Minister to decide if charging is appropriate and whether or not to make regulations. If regulations relating to charging are brought forward a regulatory impact assessment would be conducted.

Engagement to date with the Committee for Agriculture, Environment and Rural Affairs

22. Departmental officials gave evidence to the Committee for Agriculture, Environment and Rural Affairs on 5 March 2020 subsequent to a written briefing on the contents of the Fisheries Bill.

Conclusion

23. The view of the Minister for Agriculture, Environment and Rural Affairs is that in the interests of a clear UK wide future fisheries policy, that so far as the provisions of

the Fisheries Bill deal with devolved matters, the Assembly should support a Legislative consent Motion in the terms of the draft set out in paragraph one of this Memorandum.

Department of Agriculture, Environment and Rural Affairs

00 March 2020