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Northern Ireland Fish Producer's Organisation Assessment of the UK Fisheries Bill Impact on NI

NIFPO represents approximately 145 commercial fishing vessels and is the largest representative body of the fishing industry in Northern Ireland. We represent all the different classes of NI fishing vessel and all the commercial sea fishing methods employed locally. We are the only organisation to represent all of the 3 major and almost all of the minor fishing ports. Only NIFPO can credibly claim to be the voice of the NI commercial fishing industry.

To help inform the Assembly's scrutiny we were invited to make some written points on the implications of the UK Fisheries Bill for the NI fishing industry. NIFPO broadly welcomes the Bill and the powers it will repatriate to the UK and NI. There is little that gives us pause for concern. It is important to note that whilst it does not in itself address the key challenges industry faces, it does provide a legislative platform from which those challenges can be addressed.

In the table below I have reported the areas where we feel NI should have a concern underneath the relevant provision of the Bill. Although it is our view that these areas could and should be improved, such is the overwhelming benefit of having the Bill as a platform for change that none should be considered a red line. I have a concern about the timing of the Bill. Should the outcome of fisheries negotiations with the EU turn up factors having a bearing we cannot yet anticipate I am concerned that retrospective corrective action may prove challenging. Creating a Bill around an industry that is presently on shifting sands carries risks. Again, this is not a reason for undue delay but it should be recognised these risks exist even if they cannot yet be identified.

Harry Wick
Chief Executive
NIFPO

Fisheries Bill (as introduced in House of Lords on 29 January 2020)

Clauses Extended to Northern Ireland

Provision	Extends and applies to NI?	Legislative Consent Sought?
<p>Clauses 1-3 (Fisheries objectives and joint fisheries statements and fisheries management plans)</p> <p>1.3(b) NIA may wish to take advice from AFBI on the adoption of MSY as the ONLY mechanism to be considered in precautionary scientific advice. There is debate among scientists as to whether MSY is the most reliable informer of sustainability.</p> <p>1.4(a) NI Industry would like to see the “ecosystem” definition expanded to include the sustainability of the fleet and the communities they support to allow a holistic consideration. We have concern that when any one area of the interconnected whole is considered and legislated for in isolation it leads to unintended consequences which can be counterproductive to the aim.</p> <p>To facilitate the ecosystem approach it is NIFPO’s view that, to be most effective, the management of environmental protection and fisheries policy in NI waters should sit side by side and wholly with DAERA, with whom a track record of positive and effective co operation exists. Splitting the management of environmental responsibilities and fishing activity will only serve to produce disjointed strategies and be much less effective in achieving the aim of ecosystem restoration. If the Assembly shares our view that the NI marine environment needs effective protection it should take all measures available to bring its protection into our own hands.</p> <p>1.9(a)&(b) Whilst industry fully support the Bill’s climate change ambitions it must be recognised that the proscriptive language could be used to prematurely mandate a “green” standard that large parts of the NI fleet may, due to being economically disadvantaged when compared to UK peers, struggle to adapt to without inviting significant financial hardship. Assurances should be sought that any measure imposed under this objective should be reasonably achievable for NI vessels.</p>	Yes	Yes

Provision	Extends and applies to NI?	Legislative Consent Sought?
<p>3(all) Whilst a JFS and corresponding plans are a good idea in principle, the Bill fails to make accommodation for mandating either the scientific research or, because fish stocks can move between authorities, the cooperation of the fisheries policy authorities necessary to produce an effective plan. The focus of the Bill is on bringing a plan into existence. It should, in the view of industry focus on enabling the production of effective, meaningful plans based on the axiom that poor inputs will lead to a poor plan.</p> <p>There doesn't seem to be recognition that many NI & UK stocks are shared with the EU. No Plan can be meaningful or effective if it does invite the participation of all stakeholders.</p>		
<p>Clauses 4-5 (Secretary of State fisheries statement)</p>	<p>Yes</p>	<p>No</p>
<p>Clauses 6-9 (fisheries management plans)</p> <p>See above</p>	<p>Yes</p>	<p>Yes</p>
<p>Clauses 10-11 (Effect of statements and plans and reporting)</p> <p>No concerns</p>	<p>Yes</p>	<p>Yes</p>
<p>Clause 12-13 (Access to British fisheries by foreign boats)</p> <p>No concerns</p>	<p>Yes</p>	<p>Yes</p>
<p>Clauses 14-18- (Licensing of fishing boats)</p> <p>Industry has concerns that a non-UK registered boat may still be able enter IoM waters to fish. Without suitable mechanisms to prevent it (which appear not to be provisioned for in the Bill) this could present a significant opportunity for illegal, unregulated and unreported fishing through the misreporting of catch. It is something DEFRA are aware of and claim to be addressing but NIFPO recommends binding assurances are in place before consent is granted.</p> <p>NIFPO welcomes the flexibility DAERA will be granted in the issuing of license as our position is that a review of the licensing system is necessary to draw new entrants to the industry.</p>	<p>Yes</p>	<p>Yes</p>
<p>Clauses 19-22 (Access and licensing: offences and consequential amendments)</p>	<p>Yes</p>	<p>Yes</p>

Provision	Extends and applies to NI?	Legislative Consent Sought?
No concerns		
Clauses 23-24 (Secretary of State to determine fishing opportunities)	Yes	No
Clause 25 (Distribution of fishing opportunities)	Yes	Yes
No concerns		
Clause 26 (Duties to ensure fishing opportunities not exceeded)	Yes	Yes
No concerns		
Clause 27 (Sale of English fishing opportunities for a calendar year)	No	No
Clauses 28-32 (Discard prevention charging schemes)	Yes	Yes
No concerns		
Clause 33 (Financial Assistance)	Yes	Yes
No concerns		
Clause 34 (Power for MMO to impose charges)	Yes	Yes
Industry advises extreme caution on the imposition of charges. The “share” fisherman model is prevalent in NI. This effectively means the boat’s expenses are deducted from the value of the catch and the resultant profit, if any, is divided among the owner and crew. Given that many crew for some or all of the year live below the poverty line these charges equate to a stealth tax on the members of society least able to bear the cost.		
Clause 35: Sea Fish Industry Authority	Yes	Yes
No concern		
Clauses 36-41 (Power to make provision about fisheries, aquaculture, aquatic animal diseases and scope)	Yes	Yes
No concern		
Clause 42 (Powers of Scottish Ministers, Welsh Ministers and Northern Ireland Department to make provision about fisheries, etc.)	Yes	Yes
No concern		

Provision	Extends and applies to NI?	Legislative Consent Sought?
Clause 43: (Legislative competence of the National Assembly for Wales)	No	No
Clause 44 (Amendments to the Marine & Coastal Access Act 2009)	No	No
Clause 45 (CFP Regulation: minor consequential amendments): No concerns	Yes	Yes
Clauses 46--51 (Final provisions) No concerns	Yes	Yes
Schedule 1 (Fisheries statements and management plans) No concerns	Yes	Yes
Schedule 2 (Regulation of foreign fishing boats) No concerns	Yes	Yes
Schedule 3: (Sea fishing licences: further provision) No concerns	Yes	Yes
Schedule 4 (Access and licensing: consequential provisions) No concerns	Yes	Yes
Schedule 5 (Sale of Welsh fishing opportunities for a calendar year)	No	No
Schedule 6 (Financial assistance: devolved authorities) No concerns	Yes	Yes
Schedule 7 (Imposition of charges: powers of devolved authorities) No concerns	Yes	Yes
Schedule 8 (Powers to make further provision: devolved authorities) No concerns	Yes	Yes
Schedule 9 (Amendments to the Marine & Coastal Access Act 2009)	No	No

Provision	Extends and applies to NI?	Legislative Consent Sought?
Schedule 10: CFP Regulation: minor and consequential amendments) No concerns	Yes	Yes