EXPLANATORY MEMORANDUM TO

THE FISHING BOATS DESIGNATION (ENGLAND) ORDER 2015

2015 No. 648

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

The instrument will consolidate nine statutory instruments that concern access by fishing boats of other countries to waters within British fishery limits and the Foreign Fishing Boats (Stowage of Gear) Order 1970. The consolidated instrument sets out the sea areas that may be fished by designated countries and sets conditions for the stowage of fishing gear by foreign fishing boats within British fishery limits.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

The instrument will consolidate the various instruments set out in the Schedule to the instrument.

5. Territorial Extent and Application

This instrument applies to England and within English waters.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 EU member states (France, Germany, Belgium, the Republic of Ireland and the Netherlands) enjoy some access to fisheries within designated areas within the 6 to 12 nautical mile belt around the English coast. In addition, nine further EU member states (Austria, Denmark, Finland, Greece, Italy, Luxembourg, Portugal, Spain and Sweden) enjoy access to fisheries within British fishery limits but outside 12nm from the baseline, and Norway and the Faroe Islands enjoy access to fisheries within certain sea areas. These rights are set out in numerous pieces of secondary legislation.

7.2 Separate legislation sets out how foreign fishing boats must carry their fishing gear when within British fisheries limits.

7.3 The opportunity is being taken to consolidate these instruments into one instrument in order to simplify the legislative landscape.

8. Consultation outcome

No consultation has been carried out because this instrument has no direct impact on the private or voluntary sector.

9. Guidance

No guidance is considered necessary for this instrument.

10. Impact

10.1 There will be no adverse impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 The instrument will have no adverse impact on firms employing up to 20 people, as it simplifies the regulatory landscape by consolidating legislation.

11.3 No specific action is necessary to assist small business.

12. Monitoring & review

The legislation will be regularly reviewed at least every five years to ensure that it remains fit for purpose.

13. Contact

Jacinta Vaz at the Department for Environment, Food and Rural Affairs, Tel: 0207 238 4606 or email: Jacinta.vaz@defra.gsi.gov.uk can answer any queries regarding the instrument.