EXPLANATORY MEMORANDUM TO

THE FISHING BOATS (SATELLITE-TRACKING DEVICES AND ELECTRONIC REPORTING) (ENGLAND) (AMENDMENT) SCHEME 2014

2014 No. 3363

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

2.1 The instrument is being made to allow Government to fund the upgrade of English fishing vessels' electronic logbook software. Current powers allow only a single payment for software and oblige the Secretary of State for Environment, Food and Rural Affairs to reject any application that relates to a vessel that has already received funding.

2.2 The change is necessary as the European Commission has altered the format of the data that must be reported through a vessel's electronic logbook. Existing software is not capable of producing data in the new format, and therefore vessel operators are required to have new software installed on their boats. Electronic logbooks are mandatory for all fishing vessels of 12 metres and over in length.

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

3.1 None.

4. Legislative Context

4.1 The instrument will amend paragraph 13(3)(b) of the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012.

4.2 The scheme will be made under Section 15(1) and (2) of the Fisheries Act 1981 and as such requires an affirmative resolution Statutory Instrument.

5. Territorial Extent and Application

5.1 This instrument applies to England and in relation to English fishing boats.

6. European Convention on Human Rights

The Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs has made the following statement regarding Human Rights:

In my view the provisions of The Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) (Amendment) Scheme 2014 are compatible with the Convention rights.

7. Policy background

7.1 Council Regulation (EC) No.1224/2009 sets down the Community control system for ensuring compliance with the rules of the common fisheries policy. Article 15 of the Regulation requires fishing vessels of 12 metres length and above to use electronic logbooks to record and submit information on fishing activity on a daily basis. The move towards electronic logbooks and away from traditional paper-based systems is intended to improve the monitoring, control and surveillance of fishing activity and contribute to the conservation and sustainable exploitation of fish stocks. This is in the interests of both the seafood industry and society more widely.

7.2 Electronic logbooks act as both a compliance and an enforcement tool that provides timely and accurate information on fishing vessel activity. Electronic logbooks were rolled out to the UK fleet in stages, with vessels over 24 metres overall length required to be operational from 1st January 2010; vessels over 15 metres overall length operating exclusively outside of Community waters from 1st January 2011; other vessels over 15 metres overall length from 1st July 2011; and vessels over 12 metres overall length from 1st January 2012.

7.3 Funding for the purchase and installation of electronic logbooks for vessels over 15m gained Parliamentary approval in 2010, and this was subsequently extended to over 12m vessels in late 2011.

7.4 As a result of changes to the EU's required data exchange format and structure, there is now a need to update the software on board boats to meet this new standard. It is proposed that the funding for these software upgrades is provided by the Marine Management Organisation (MMO), though it should be noted that the EU Aid fund will meet 90% of the overall costs. Vessel owners are not obliged to apply for funding, and may install approved software entirely at their own cost, although there is little reason for them to do so. We propose that Government fund the upgrade due to the mandatory nature of the software upgrade, and we are also mindful of the effect that the poor weather of the winter of 2013-14 has had on the English fleet, particularly smaller boats.

Consolidation

7.5 The Department does not intend to consolidate legislation as this amending SI is very limited in scope.

8. Consultation outcome

8.1 The scheme has been subject to informal consultation by the Department for Environment, Food and Rural Affairs and the Marine Management Organisation. Fishermen's representative organisations, including National Federation of Fishermen's Organisations and United Kingdom Association of Fish Producer Organisations are fully supportive of the scheme due to the beneficial impact it will have on English fishermen.

9. Guidance

9.1 The Marine Management Organisation will make the operators of all English-licenced vessels aware of the availability of grant funding, including how to apply. Electronic logbook software suppliers may be expected to contact their clients to offer software upgrades.

10. Impact

10.1 The impact on business, charities or voluntary bodies is positive, as the scheme provides for software upgrades essential for continued compliance to be funded by Government rather than vessel owners.

10.2 The impact on the public sector is minimal. The Community EU Aid budget will provide 90% of the total software upgrade cost. The Marine Management Organisation will cover the remaining 10% (c.£30,000) from existing budgets.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to provide grant funding for all affected English vessels.

11.3 Almost all English fishing vessels are owned and operated by SMEs. Consultation was, by definition, focussed on SMEs and the scheme is intended to benefit all operators, irrespective of the size of the company receiving the benefit.

12. Monitoring & review

12.1 The Secretary of State for Environment, Food and Rural Affairs will approve applications only where these relate to necessary, required software upgrades. Voluntary changes to software will not be approved for funding.

13. Contact

Mike Weavers at the Department for Environment, Food and Rural Affairs, tel: 020 7238 5758 or email: mike.weavers@defra.gsi.gov.uk can answer any queries regarding the instrument.