EXPLANATORY MEMORANDUM TO

The Sea Fish Licensing Order (Northern Ireland) 2019

SR 2019 No. 61

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by sections 4(1) and (2), and 20(1) of the Sea Fish (Conservation) Act 1967.

2. Purpose

2.1. The principal purpose of this Rule is to make provision about the licensing of fishing boats from outside the UK when fishing in Northern Ireland zone after the UK leaves the EU. This provision is essential for Northern Ireland to control access from non-UK vessels to its domestic waters, and endorse any international agreements on fisheries access to UK waters post EU exit. This provision will be required if the Fisheries Bill does not receive Royal Assent by the time that the UK leaves the EU.

3. Background

3.1. UK fisheries are currently managed under the EU's Common Fisheries Policy (CFP) which sets out the objectives for the conservation and sustainable exploitation of European fisheries resources. Article 5 of Regulation (EU) No 1380/2013 sets out general rules on access to EU waters. EU vessels have equal access to all union waters and resources from 12-200 nautical miles of member state baselines, and are licensed by their respective Member State to fish within Union Waters.

3.2 When the UK leaves the EU and the CFP, article 5 of Regulation (EU) No 1380/2013 will not apply in relation to UK waters, meaning foreign vessels will not have automatic access rights, or licences, to fish. As an independent coastal state the UK will be responsible for managing its fisheries and marine environment sustainably. New powers are required to control and manage access by foreign vessels within UK waters after we leave the EU.

3.3 Vessel licensing is an effective method for managing fisheries sustainably, and is currently applied to the domestic fishing fleet. Prohibiting foreign vessels from fishing within the Northern Ireland zone post EU exit without the authority of a licence issued by Ministers (or Departments as the case may be), will effectively regulate their activity and ensure fishing opportunities are managed fairly across both fleets, and that wider sustainability objectives are met.

3.4 Section 4 of the Sea Fish (Conservation) Act 1967 prohibits fishing within British Fishery Limits by fishing vessels without the authority of a licence issued by Ministers/Departments. Currently this only applies to British registered fishing vessels, but allows Ministers/Departments to make, by order, a prohibition on fishing by foreign vessels in British waters without the authority of a licence.

3.5 These powers are devolved, and in relation to Northern Ireland are covered by the Sea Fish Licensing Order 1992. This Statutory Rule will make it illegal for foreign boats to fish within the Northern Ireland zone without the authority of a licence issued by the Department. Foreign vessels will be required to comply with conditions attached to their licence for fishing within the Northern Ireland zone, allowing Northern Ireland to effectively manage its fishing activity.

4. Consultation

4.1. As there is no statutory requirement to do so, the Department has not consulted on the provisions in this Rule.

5. Equality Impact

5.1. There are no NI equality issues associated with the Statutory Rule as it prohibits foreign boats from fishing within the NI zone without a licence provided by DAERA and does not have any adverse impact on persons in Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. This Statutory Rule does not have any material impact on small businesses nor the community or voluntary sector in Northern Ireland.

7. Financial Implications

7.1. There are no financial implications associated with the making of this Statutory Rule.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule complies with the provisions set out in Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The UK will be an independent coastal state upon leaving the EU and the Common Fisheries Policy (CFP). EU vessels will no longer have automatic access to fish within the Northern Ireland zone and future access by vessels from the EU27 and other foreign countries will be controlled by this Statutory Rule.

10. Parity or Replicatory Measure

10.1. This Statutory Rule replicates equivalent legislation in England, Scotland and Wales.

11. Additional Information

11.1. For further information contact Paddy Campbell (02844618007) or Patrick Smith (Tel. 028448618111) at the Department of Agriculture, Environment and Rural Affairs or e-mail patrick.smith@daera-ni.gov.uk or seafisheries@daera-ni.gov.uk.