STATUTORY INSTRUMENTS

2021 No. 698

SEA FISHERIES

The Sea Fisheries (Amendment etc.) Regulations 2021

Made - - - -	*9th June 2021*
Laid before Parliament	*10th June 2021*
Coming into force in accordance with regulation 1	

The Secretary of State, in exercise of the powers conferred by sections 36(1)(c) and 51(1) of the Fisheries Act 2020(**a**), makes the following Regulations.

In accordance with section 41(1) of the Fisheries Act 2020, the Secretary of State has consulted the Scottish Ministers, the Welsh Ministers, the Northern Ireland department and such other persons likely to be affected by the Regulations as the Secretary of State considered appropriate.

These Regulations are made with the consent of the Welsh Ministers.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (Amendment etc.) Regulations 2021.

(2) Subject to paragraph (3), these Regulations come into force on 30th July 2021.

(3) Regulations 2(3), 3 and 4 come into force on 5th September 2021.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

2.—(1) Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters(**b**) is amended as follows.

(2) In Article 10 (measures on European seabass fisheries)—

(a) in paragraph (1), at the end insert—

"This prohibition does not apply to by-catches in shore-based fixed gillnets(**c**) that are not set from a vessel of—

(**a**) 2020 c. 22.

(**b**) EUR 2020/123, as amended by paragraph 14 of Schedule 11 to the Fisheries Act 2020 and S.I. 2020/1542.

(**c**) All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX) as specified in the Food and Agriculture Organisation of the United Nations International Standard Statistical Classification of Fishing Gear (ISSCFG Rev. 1, 2013) ("the ISSCFG") http://www.fao.org/3/bt987e/bt987e.pdf.

(a) up to—

(i) 26 nets in relation to the IFC authority for the North West,

(ii) 5 nets in relation to the IFC authority for the North East, and

(iii) 1 net in relation to the IFC authority for Devon and Severn, and

(b) up to 50 nets in the Welsh zone.";

(b) in paragraph (2)—

(i) for subparagraphs (a) to (d), substitute—

"(a) in so far as those ICES divisions are in the English or Welsh zones—

(i) using demersal trawls(**a**), for unavoidable by-catches not exceeding 380 kilogrammes per month and 5% of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip,

(ii) using seines(**b**), for unavoidable by-catches not exceeding 380 kilogrammes per month and 5% of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip,

(iii) using hooks and lines(**c**), not exceeding 5,7 tonnes per vessel per year,

(iv) using fixed gillnets, for by-catches not exceeding 1,4 tonnes per vessel per year;

(b) in so far as those ICES divisions are within British fishery limits but not in the English or Welsh zones—

(i) using demersal trawls, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5% of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip,

(ii) using seines, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5% of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip,

(iii) using hooks and lines, not exceeding 5,7 tonnes per vessel per year,

(iv) using fixed gillnets, for unavoidable by-catches not exceeding 1,4 tonnes per vessel per year.";

(ii) in the subparagraph following paragraph (d)—

(aa) for "point (c)" substitute "points (a)(iii) and (b)(iii)",

(bb) for "point (d)" substitute "points (a)(iv) and (b)(iv)", and

(iii) at the end insert—

"Where the replacement vessel for an English or Welsh fishing vessel is 8 metres or under in overall length and has no more than one hull, for the purposes of calculating the fishing capacity of the replacement vessel, and whether it may be subject to the derogation, it may be assumed that the replacement vessel's gross tonnage and engine capacity is no greater than the vessel it replaced.";

(c) after paragraph (5) insert—

"(6) In this Article—

"British fishery limits" has the same meaning as in section 1(1) of the Fishery Limits Act 1976(**d**);

(**a**) All types of demersal trawls (OTT, OTB, PTB, TBB, TBN, TBS and TB) as specified in the ISSCFG.

(**b**) All types of seines (SSC, SDN, SPR, SV, Sb and SX) as specified in the ISSCFG.

(**c**) All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS) as set out in the ISSCFG.

(**d**) 1976 c. 86. By virtue of section 1(1) of the Fishery Limits Act 1976, "British fishery limits" are designated by S.I. 2013/3161; section 1 of the Fishery Limits Act 1976 was amended (in relation to England and Wales) by paragraph 2(2) and (3) of Schedule 4, and Part 1 of Schedule 22, to the Marine and Coastal Access Act 2009 (c. 23).

"English fishing vessel" has the same meaning that 'English fishing boat' has in the Fisheries Act 2020(**a**);

"the English zone" means the sea within British fishery limits other than—

(a) the Northern Ireland zone,

(b) the Scottish zone,

(c) the Welsh zone, and

(d) the sea within 12 nautical miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured;

"IFC authority" has the same meaning as in section 150 of the Marine and Coastal Access Act 2009(**b**);

"the Northern Ireland zone" has the same meaning as in the Fisheries Act 2020(**c**);

"the Scottish zone" has the same meaning as in the Fisheries Act 2020(**d**);

"Welsh fishing vessel" has the same meaning that 'Welsh fishing boat' has in the Fisheries Act 2020(**e**); and

"the Welsh zone" has the same meaning as in the Fisheries Act 2020(**f**).".

(3) Omit Article 13 (remedial measures for cod and whiting in the Celtic Sea).

Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021

3.—(1) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021(**g**) is amended as follows.

(2) In Article 2 (definitions), omit paragraph 8.

(3) Omit Article 9 (specific technical measures in the Celtic Sea Protection Zone).

Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea

4. Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea(**h**) is revoked.

Victoria Prentis
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

9th June 2021

(**a**) See section 52.
(**b**) 2009 c. 23.
(**c**) See section 52.
(**d**) See section 52.
(**e**) See section 52.
(**f**) See section 52.
(**g**) EUR 2019/2239, as amended by paragraph 13 of Schedule 11 to the Fisheries Act 2020 and S.I. 2020/1542.
(**h**) EUR 2012/737, as amended by S.I. 2019/753.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make adjustments to the level of European seabass that may be caught as a by-catch within British fisheries limits, in particular in the English and Welsh zones.

These Regulations also revoke legislation relevant to Celtic Sea technical measures, which apply within the English and Welsh zones, to enable more responsive management and allow improved measures to be brought in through vessel licensing.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

http://www.legislation.gov.uk/id/uksi/2021/698

ISBN 978-0-34-822463-4

9 780348 224634