STATUTORY INSTRUMENTS

2020 No. 1635

EXITING THE EUROPEAN UNION, ENGLAND

SEA FISHERIES, ENGLAND

FISHERIES, ENGLAND

The Sea Fishing (Penalty Notices and Designation) (England) (Amendment) (EU Exit) Order 2020

Made - - - - *22nd December 2020*

Laid before Parliament *23rd December 2020*

Coming into force in accordance with article 1(2) and (3)

The Secretary of State, in exercise of the powers conferred by section 294(1) of the Marine and Coastal Access Act 2009(**a**) and section 80(2) of the Natural Environment and Rural Communities Act 2006(**b**), makes the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Sea Fishing (Penalty Notices and Designation) (England) (Amendment) (EU Exit) Order 2020.

(2) Subject to paragraph (3), this Order comes into force on IP completion day.

(3) Article 3 comes into force on 20th January 2021.

Amendment of the Sea Fishing (Penalty Notices) (England) Order 2011

2.—(1) The Sea Fishing (Penalty Notices) (England) Order 2011(**c**) is amended as follows.

(2) In the Schedule (offences relating to sea fishing)—

(a) in paragraph 3, omit sub-paragraph (d);

(b) omit paragraph 5;

(c) after paragraph 11 insert—

"**11A.** In the Fisheries Act 2020(**d**), an offence under—

(a) section 12(3) (access to British fisheries by foreign fishing boats);

(b) section 14(6) (British fishing boats required to be licensed);

(**a**) 2009 c. 23.
(**b**) 2006 c. 16; section 80 was amended by S.I. 2016/992.
(**c**) S.I. 2011/758.
(**d**) 2020 c. 22.

(c) section 16(6) (foreign fishing boats required to be licensed if within British fishery limits);

(d) paragraph 1(4) of Schedule 3 (sea fishing licences: further provision).".

Designation of the Marine Management Organisation

3. In Schedule 7 to the Natural Environment and Rural Communities Act 2006(**a**) (designated bodies), after paragraph 16 insert—

"**16A.** The Marine Management Organisation(**b**).".

Victoria Prentis
Parliamentary Under Secretary of State
22nd December 2020 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fishing (Penalty Notices) (England) Order 2011 (S.I. 2011/758) ("the 2011 Order") in consequence of amendments made by the Fisheries Act 2020 (c. 22).

The 2011 Order creates a scheme for the issuing and payment of penalty notices for certain specified offences relating to sea fishing ("penalty offences"). The Fisheries Act 2020 includes amendments to legislation governing foreign vessel access to British fisheries and the licensing of fishing vessels, both of which are areas where the 2011 Order specifies penalty offences. It is therefore necessary to update the list of penalty offences contained in the 2011 Order to remove references to offence provisions which have been replaced by the Fisheries Act 2020 amendments and include references to relevant replacement provisions.

This Order also amends Schedule 7 to the Natural Environment and Rural Communities Act 2006 (c. 16) to designate the Marine Management Organisation as a "designated body" under section 80 of that Act.

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

An explanatory memorandum is published alongside this instrument on www.legislation.gov.uk.

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(**a**) Schedule 7 was amended by paragraph 20 of Schedule 14 to the Marine and Coastal Access Act 2009, paragraph 26 of Schedule 3 to the Immigration Act 2016 (c. 19), S.I. 2012/1659 and S.I. 2014/1924.
(**b**) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009.

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