EXPLANATORY MEMORANDUM TO

THE UNDERSIZED BASS (REVOCATION) (ENGLAND) ORDER 2015

2015 No. 1791

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

This Order revokes the Undersized Bass Order 1989 in relation to England.

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

None.

4. Legislative Context

4.1 The Undersized Bass Order 1989 set the minimum size for bass which may be landed in Great Britain from British fishing boats at 36 centimetres.

4.2 EU legislation has increased the minimum landing size for bass to 42 centimetres, with effect from 1 September 2015, meaning that the provisions of the 1989 Order are now redundant.

5. Territorial Extent and Application

This instrument extends to England and Wales but only applies in relation to England.

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

- What is being done and why

7.1 Minimum landing sizes for fish species have been used as a conservation measure to try to prevent the targeting of juveniles and secure the breeding ability of the stock.

7.2 Sea bass stocks have reached dangerously low levels. To help recover the stock the European Commission and Member States have agreed an urgent package of protection measures across EU waters. These measures include increasing the minimum

landing size from 36 centimetres to 42 centimetres to further protect the juveniles and breeding biomass of the species.

7.3 The Undersized Bass Order 1989, which sets a minimum landing size of 36 centimetres is now redundant and therefore should be revoked to remove any potential ambiguity.

8. Consultation outcome

No consultation has been carried out as the 1989 Order is now redundant.

9. Guidance

The Department for Environment, Food and Rural Affairs and all fisheries enforcement bodies are publicising the new minimum landing size for bass set by EU legislation.

10. Impact

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

11. Regulating small business

The 1989 Order has been superseded by EU legislation and therefore its revocation will have no effect on small business.

12. Monitoring & review

No monitoring or review of the effect of the revocation of the 1989 Order is necessary.

13. Contact

Roy Smith at the Department for Environment, Food and Rural Affairs, Tel: 0207 238 1245 or email: Roy.Smith@defra.gsi.gov.uk can answer any queries regarding the instrument.