



CFPO FISHERIES ACT DIGEST

What is the Fisheries Act?

The Fisheries Act is the first major new piece of national fishing legislation in the UK in nearly 40 years.

The Act started off as the Fisheries Bill: a proposal from Government that had to travel through Parliament - between MPs and Lords - and be discussed, debated and edited until it was finalised.

This has been taking place across the past ten months, until the 23rd of November, when the Bill received 'Royal Assent' and became an Act.

(Before the Bill came the Fisheries White Paper - so this is the end of a process that started in summer 2018).

The Act gives the UK full, legal control of its own waters for the first time since 1973.

What is 'framework legislation'?

The Fisheries Act is what's called a 'framework Act'. It provides the foundation for rules governing future fishing activity, but doesn't provide a lot of specific detail - these details will be transmitted through policies that deliver the objectives of the Act. The Act can be viewed as charting a course for future fishing policy.

So, for example, rather than describing how specific stocks or fishing grounds will be managed, the Act provides for 'Fisheries Management Plans'. These plans will be developed within England, Wales, Scotland and Northern Ireland by the relevant authorities - eg. the MMO in England.

The Objectives of the Fisheries Act

The Fisheries Act is built around 8 'objectives' which are the goals that all the following content of the Act is designed to support. The objectives are as follows:

- **The Sustainability Objective** - *Requiring that fisheries are environmental, economically and socially sustainable.*
- **The Precautionary Objective** - *Requiring that the 'precautionary approach' is applied, ensuring stocks are harvested sustainably, and in a way that 'restores and maintains populations...above biomass levels capable of producing Maximum Sustainable Yield'*
- **The Ecosystem Objective** - *Requiring that an ecosystem-based approach to management is used, and bycatch of sensitive species is minimised and, where possible, eliminated.*
- **The Scientific Evidence Objective** - *Requiring that data is collected, and shared between authorities, and the best scientific advice is used to develop management measures.*
- **The Bycatch Objective** - *Requiring that bycatch of undersized fish is minimised and avoided, catches are recorded and accounted for, and bycatch of commercial species is landed - but only in a way that ensures there aren't incentives to catch undersized fish.*



- **The Equal Access Objective** - *Ensuring that British fishing boats have access to fish in all UK waters.*
- **The National Benefit Objective** - *Ensuring that the fishing activities of UK boats bring economic and social benefits to UK communities.*
- **The Climate Change Objective** - *Requiring that the impacts of fisheries on climate change (eg. through emissions) is reduced, and that fisheries are able to adapt to climate change (eg. shifting stocks).*

Again, the Act doesn't set out the specifics of how these Objectives will be achieved - but sets out legal requirements for authorities from the four UK nations to develop what's called 'Joint Fisheries Statements' that explain how the objectives will be met.

What will change right away?

On the water, our fishermen are unlikely to 'feel' the impact of the Fisheries Act immediately. Separate to the Fisheries Act, a large part of the UK's fishing future - in terms of quota and market access - is being determined through negotiations with the EU, Norway, Faroes and through Regional Fisheries Management Organisations.

However, the Fisheries Act does mean that anyone fishing in UK waters will need a licence to do so - including any foreign vessels we allow (through the negotiations) to fish in our waters. The newly created Single Issuing Authority will issue licences on behalf of the four UK Administrations to any foreign vessels we allow to fish in our waters and to any UK boats who are allowed to fish outside UK waters (eg in EU waters). Licences for UK fishing boats will still be dealt with by the four Administrations, so the MMO will continue to administer licences for English registered vessels to fish in the UK.

Importantly too, any foreign vessels fishing in our waters will have to abide by the same rules as UK fishing vessels.

So, in theory, fishermen may see different or fewer vessels from other countries on our fishing grounds. This was also touched on in the recent Fisheries Act episode of the [Fathom podcast](#).

Fisheries Management Plans

Fisheries Management Plans will determine the specifics of how fishing is managed, by stock, by geography, or by metier.

These plans are an aspect of the Act that the CFPO has welcomed. During a recent episode of the [Fathom podcast](#), Paul Trebilcock had the opportunity to ask Fisheries Minister, Victoria Prentis, and Defra Deputy Director, Anne Freeman, about what industry input will look like as these plans are developed.

We were reassured to hear that there is a desire to move away from the model of consulting on a finished proposal, and that Defra is looking to engage the industry from the beginning of the process of developing these plans.



With a framework Act in place, these plans really will be how the detail is shaded into the picture of UK fisheries management - and that needs to be done with fishing voices at the centre of the debate.

So what about quota?

Of course, the Act covers quota. The Secretary of State will publish in Parliament what is called 'a determination' – this will outline the UK's TAC and days at sea (eg. for the Western Waters regime).

In the White Paper from 2018, the government said that existing FQAs will be carried forwards to provide stability for fishing businesses. Any additional quota received as a result of Brexit will be allocated in a different way. Defra has just consulted on ideas on how that additional quota might be allocated within the UK and in England. A response which sets out how they plan to allocate any additional quota in 2021 is due soon.

More discussions about a longer-term approach to allocating that additional quota will take place during 2021, and the CFPO will be at the heart of those discussions.

The government already has powers to allocate quota, but the Act introduces a few other ways to share it out. This could include quota being allocated based on the 'impact' of a fishery, or quota being allocated based on the contribution of a fishery to its local economy and community or even quota auctions. All of these details are to be determined.

Anything else I need to know?

The CFPO will be monitoring policy developments, and continuing to actively engage with Defra civil servants and Ministers to ensure that the Fisheries Act is the start of a conversation around how the UK can have world-class fisheries management. We believe that the flexibility this framework Act offers is valuable, and industry voices should inform the next steps, and help to tailor fishing policy to the real needs of fishing communities and our marine resources.

We will provide updates on policy statements linked to the Act, and updates on the negotiated outcomes of the EU deal.

The Fisheries Act can be found [here](#).