

# ENVIRONMENTAL POLICY FORUM

c/o Society for the Environment  
EC1.1 Enterprise Centre, Coventry Technology Park, Coventry CV1 2TT

## The Fisheries Bill: A Briefing Paper

### 1. INTRODUCTION

The Fisheries Bill is the first domestic marine fisheries legislation for over 40 years and is primarily a piece of framework legislation designed to fill the governance gap once the UK leaves the EU. It will set the foundation for future UK wide marine fisheries policy as an alternative to the Common Fisheries Policy and enable the UK to operate as an independent coastal state. The provisions of the Bill will be needed at the end of the transition period on the 31<sup>st</sup> December 2020.

The aims of this Bill are to:

- control access to UK waters out to 200nm ending the automatic right of EU vessels to enter
- provide a joint management approach across all 4 nations in the UK
- distribute fishing opportunities as determined by the Secretary of State
- ensure the long-term sustainability of UK marine fisheries.

The Bill is based on meeting 8 core objectives:

1. Ensuring long-term environmental sustainability
2. Applying the precautionary approach to marine fisheries management
3. Implementing an ecosystem-based approach in order to minimise negative impacts to the marine environment
4. Basing management policy on the best scientific advice
5. The gradual elimination of discarded fish
6. Ensuring equal access for any UK fishing boat regardless of location
7. Aiming that UK registered vessels bring economic and social benefits to the UK
8. Moving towards "climate smart" fishing in UK waters, incorporating both mitigating the contribution of the sector to climate change as well as promoting its adaptation to it.

Key to delivery of the aims and objectives of this Bill are **Joint Fisheries Statements** which require the devolved Authorities to set out how they aim to achieve the key objectives in the Bill. In addition, these Authorities will also be required to produce **Fisheries Management Plans** which set out how they will achieve sustainable fisheries.

Fuller summaries of the Bill can be found on the websites of the House of Lords, the Marine Conservation Society, and the British Retail Consortium.

### 2. SOME OTHER STAKEHOLDERS' VIEWS

The Government's ambition for this Bill is to set a "gold standard for sustainable fishing around the world". In particular, the objectives relating to climate change and ecosystem management now added to the Bill are to be welcomed.

However, the Marine Conservation Society (MCS) considers that the Bill is very far from this "gold standard". Both the MCS and Greenpeace consider that the Bill contains loopholes and exceptions that would make it easy for authorities to fall short of delivering key objectives. So, whilst the Bill might look good on paper the concern is that it would not deliver sustainable and responsive management in practice. A specific change to the Bill that the MCS would like to see would be a commitment to roll out Remote Electronic Monitoring (REM) regardless of the size of vessel. This would, they believe, prevent fish populations from falling below healthy levels by providing accurate and timely scientific information regarding the current status of stocks.

Greenpeace acknowledges that the current Fisheries Bill does put greater emphasis on sustainable fishing and requires national fisheries authorities to publish binding management plans that set out how they will restore and maintain fish stocks at sustainable levels. However, in their opinion, there are loopholes in the Bill that allow these plans to be "amended, replaced or revoked" under a wide "range" of relevant circumstances. This loophole could be overcome if there was a binding legal commitment to align catch levels with the best available scientific information on stock levels.

Greenpeace's other concern relates to the need that our fisheries are a public good and should be managed in the public interest. They point out that 29% of the UK's fishing quota is owned by just 5 families. This rises to 37% when minority investments in other companies are taken into account. To address this, they would like to see a fair and transparent system to grant access to fish based on environmental and local economic criteria.

The Angling Trust has already been successful in changing the Bill. For the first time, recreational fishing will be recognised in law as a direct stakeholder in UK marine fisheries and will qualify for funding from a scheme to replace the European Maritime Fisheries Fund. The Trust emphasises the importance of businesses servicing recreational sea angling which contribute over £2billion to the British economy each year.

### **3. THE VIEW OF THE ENVIRONMENTAL POLICY FORUM**

3.1 The adoption of fisheries management plans is welcomed. The Bill should, however, define the scope and scale of the plans to enable proper scrutiny of their effectiveness. The objectives of these plans should be established in the Bill. Inshore fisheries comprise the largest segment of the fishing activity (by way of economic activity in both the commercial and recreational sector) and the objectives associated with the plans should include reference to how these can be developed in a sustainable manner. Historically, the management of fisheries by way of the allocation of quotas has favoured offshore fisheries. There is a risk that plans that do not explicitly establish objectives to protect / develop the inshore component of any fisheries continues this trend. This objective-led approach is necessary because:

- a) most fish stocks are trans-boundary
- b) generally inshore fisheries are already under greater levels of management control
- c) they are less well organised in their ability to influence government policy.

On this basis, it should be a requirement of the Bill to include social, economic, and environmental benefits. To that end, inshore fisheries managers should be required to be consulted about Fisheries Management Plans and there should be a duty of cooperation between regulators and policy makers.

3.2 The Bill should require the assessment of all major stocks (not just current Total Allowable Catch species). The majority of stocks which are economically important are not subject to such assessment. Historically, fishing effort led to the identification of those stocks which need assessment. The current framework is no longer adequate and, for UK fisheries to be world class, it is necessary to subject them to stock assessment.

3.3 An open, transparent, and objective led process of quota allocation should be pursued. Whilst very recent changes to the allocation of fishing opportunities has improved that system, it is still far from adequate. Once the UK system of control is established, the Bill should set out the basis for annual and multi-annual allocation of fishing opportunities in a fully transparent manner.

3.4 Truly sustainable management requires accurate and timely information to enable informed decision making. This is currently not possible due to the lack of Remote Electronic Monitoring on all commercial fishing vessels. Now is the right time to introduce this technology to all vessels fishing in UK waters. This would provide the robust data needed to fully inform sustainable management but also provide valuable new information on important issues such as by-catch and fishing methods.

3.5 The funding for marine fisheries management should be adequate. This is not the case at present. The Bill should require that relevant national policy costs be reimbursed to inshore fisheries management. A requirement should be included that these costs be met by the provisions of the Fisheries Management Plan and, where necessary, be borne by national Governments. Alternatively, other innovative processes could be investigated. In many other developed countries, academic institutions are contracted to undertake stock assessment. Such an approach would benefit the UK. Those quota holders and those activities which demonstrably score the lowest on social, economic, and environmental criteria should be charged to offset the societal costs of their impacts and thus pay for the necessary research and incentivise lower impact activity.

3.6 The reference in the Bill to extending the powers of the MMO to create byelaws for management outside of MCZs is helpful, insofar as it is necessary to enable better fisheries management. However, experience has shown that the inflexibility of byelaws and the issues of sub-delegation present problems. This is because, for fisheries management to be effective, it is required to be adaptive. Byelaws are demonstrably inflexible and take a very long time to implement; they are not adaptive.

The byelaw problem and possible solution is best demonstrated by way of comparison to the relatively recent adoption of 'powers of general direction' by Harbour Authorities. In this case, managing activities in a reactive way through the rather archaic byelaw system was problematic; General Directions Frameworks are preferred and increasingly more effective (for the reasons given above). "Powers of general direction" (or a similar system) should be adopted in the Bill and applied by IFCA's to both inshore and offshore fisheries.

3.7 For too long, the management of the marine environment has been viewed as somehow discreet from, and unconnected to, its freshwater counterpart. The continuity provided by estuaries, the migrations that occur through them, and the important nursery grounds these 'essential fish habitats' provide, demand more integrated management across the land/sea interface. We are very pleased to note that the current iteration of Marine Plans in England is paving the way for such integrated management. It is vitally important that marine fisheries management in the future is more integrated across these environments.

## **POSTSCRIPT**

Two key amendments were made to the Bill as it passed through its final stages in the House of Lords. The first puts environmental sustainability at the heart of the Bill. The second includes a commitment to roll out Remote Electronic Monitoring by requiring cameras to be put on all fishing boats over 10 metres.

The Bill now passes to the House of Commons and it remains to be seen whether these amendments are retained.

## **REFERENCES**

### **Fisheries Bill 2019-21:**

<https://services.parliament.uk/Bills/2019-21/fisheries/documents.html>

### **Marine Conservation Society**

From policy to plate: How the new Fisheries Bill affects the sustainability of your seafood

Clara Johnston, MCS Fisheries Policy Advocate:

[https://www.mcsuk.org/blog/post/policy\\_to\\_plate](https://www.mcsuk.org/blog/post/policy_to_plate)

### **British Retail Consortium**

The Fisheries Bill Explained. January 2020.

<https://brc.org.uk/news/csr/the-fisheries-bill-explained/>

### **Greenpeace**

Government Fisheries Bill – Green peace response. October 2018

<https://www.greenpeace.org.uk/news/government-fisheries-bill-greenpeace-response/>

Ministers give themselves 'licence to fail' as they dodge urgent nature targets.  
January, 2020

<https://www.greenpeace.org.uk/news/ministers-give-themselves-licence-to-fail-as-they-dodge-urgent-nature-targets/>

## Angling Trust

New UK Fisheries Bill Starts Process to Become Law. January 2020

<https://www.anglingtrust.net/news.asp?itemid=5179&itemTitle=New+UK+Fisheries+Bill+starts+process+to+become+law&section=29&sectionTitle=Angling+Trust+News>

*Paper prepared by the Institute of Fisheries Management (IFM), on behalf of the Environmental Policy Forum, a network of UK environmental professional bodies and learned societies promoting environmental sustainability and resilience for the public benefit. The EPF's member bodies have a collective membership of around 70,000 environmental professionals, many of whom are individually chartered in environmental practice, science and engineering disciplines.*

[www.envpolicyforum.org.uk/](http://www.envpolicyforum.org.uk/)

**July 2020**



Professor William Pope  
Chair, Environmental Policy Forum  
Chair, Society for the Environment

Chris Mills  
President, Institute of Fisheries  
Management



Steve Colcough  
Chair, Estuarine and Marine Specialist  
Section, Institute of Fisheries  
Management

Adam Donnan  
CEO, Institution of Environmental  
Sciences



Dr Emma Wilcox  
Chief Executive, Society for the  
Environment



## Notes

1. The Institute of Fisheries Management (IFM) is an international organisation of people sharing a common interest in the modern management of recreational and commercial fisheries.  
[www.ifm.org.uk](http://www.ifm.org.uk)
2. The Institution of Environmental Sciences (IES) is a membership organisation that represents professionals from fields as diverse as air quality, land contamination and education - wherever you find environmental work underpinned by science. A visionary organisation leading debate, dissemination and promotion of environmental science and sustainability, the IES promotes an evidence-based approach to decision and policy making.  
[www.the-ies.org](http://www.the-ies.org)
3. The Society for the Environment (SocEnv) is comprised of 24 Licenced Bodies, with over 500,000 members between them. It received a Royal Charter in 2004, which empowers it to regulate the Chartered Environmentalist (CEnv) and Registered Environmental Technician (REnvTech) professional registrations globally. There are now over 7,000 environmental professionals currently registered who share a common vision of delivering sustainability through environmental professionalism.

[www.socenv.org.uk](http://www.socenv.org.uk)