

## Fisheries Bill

### Clause 19

1 Clause 19, page 10, line 38, at end insert—

“( ) A determination under section 18 may not be made or withdrawn without the consent of the Scottish Ministers.”

2 Clause 19, page 10, line 41, leave out paragraph (a)

### After clause 29

3 After clause 29, insert—

#### **“Sea Fish Industry Authority: powers in relation to parts of UK etc.**

(1) The Fisheries Act 1981 is amended as follows.

(2) In section 2(1) (duties of the Authority)—

(a) after “of” in the third place where it occurs insert “(amongst other things)”,

(b) omit the words “as a whole”.

(3) After section 3 (powers of the Authority), insert—

#### **“3A Exercise of functions in relation to different parts of the UK etc.**

The Authority may exercise its functions separately and differently in relation to—

(a) the sea fish industry in different parts of the United Kingdom,

(b) sea fish and sea fish products landed in different parts of the United Kingdom,

(c) sea fish and sea fish products trans-shipped in different parts of the sea within British fishery limits adjacent to different parts of the United Kingdom.

#### **3B Delegation of functions**

(1) The Authority may authorise any other person to exercise on its behalf such of its functions and to such extent as it may determine.

(2) The Authority may give to any person authorised under this section to exercise any of its functions—

(a) financial assistance (by way of loan, grant or guarantee),

(b) other assistance including assistance by way of the provision of property, staff or services,

for the purposes of those functions.

(3) The giving of authority under this section to exercise a function does not—

(a) affect the Authority’s responsibility for the exercise of the function, or

(b) prevent the Authority from exercising the function itself.”.

- (4) In section 11 (accounts and reports), after subsection (7) insert—
- “(7A) The report must include details of how income received from levies imposed under section 4 has been applied in the financial year in respect of each part of the United Kingdom by the Authority in exercising its functions including in particular details, in respect of each part of the United Kingdom, of how the income has been applied by the Authority in—
- (a) promoting the efficiency of the sea fish industry in that part,
  - (b) promoting the marketing and consumption of, and the export of, sea fish and sea fish products relating to that part.”.
- (5) In schedule 1 (the Sea Fish Industry Authority), in paragraph 16—
- (a) before sub-paragraph (1) insert—
 

“(A1) The Authority must appoint a committee for the purpose of assisting the Authority in the exercise of its functions in relation to the sea fish industry in Scotland.

(A2) The committee is to consist of or include persons who are not members of the Authority.

(A3) The Authority must consult the committee on the exercise of its functions in relation to the sea fish industry in Scotland.”,
  - (b) in sub-paragraph (1), before “committees” insert “other”,
  - (c) in sub-paragraph (2), for “such committees” substitute “committees appointed under this paragraph”.”

#### **After clause 30**

- 4** After clause 30, insert—

##### **“Fisheries payments to the Scottish Ministers**

After exit day, the Secretary of State must make available to the Scottish Ministers each year sums which are at least equivalent to the sums made available to the Scottish Ministers in the year prior to exit day for the purpose of expenditure under the European Maritime and Fisheries Fund (established under Article 4 of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund).”

- 5** After clause 30, insert—

##### **“Sea Fish Industry Levies**

- (1) The Fisheries Act 1981 is amended as follows.
- (2) In section 4 (levies)—
  - (a) in subsection (2), for “Ministers” substitute “appropriate Ministerial authority”,
  - (b) in subsection (7), for “Ministers” substitute “appropriate Ministerial authority”,
  - (c) after subsection (8) insert—
 

“(8A) In this section, “appropriate Ministerial authority” means—

    - (a) in relation to sea fish or sea fish products landed in Scotland or trans-shipped within the Scottish zone, the Scottish Ministers,

- (b) in any other case, the Ministers.”,
  - (d) in subsection (9), after “order” in both places where it occurs insert “of the Ministers”,
  - (e) after subsection (9) insert—
    - “(9A) Any order of the Scottish Ministers—
      - (a) under subsection (2) is subject to the negative procedure,
      - (b) under subsection (7) is subject to the affirmative procedure.”.
- (3) In section 11 (accounts and reports), after subsection (2) insert—
  - “(2A) The statement of accounts must specify the total amount of income received in the financial year from levies imposed under section 4 in relation to sea fish or sea fish products landed in Scotland or trans-shipped within the Scottish zone.”.
- (4) In section 14 (interpretation of Part 1)—
  - (a) in the definition of “the Ministers”, in paragraph (c), after “with” insert “(except in the case of an order under section 4(2) or (7))”,
  - (b) after that definition insert—
    - ““Scotland” and “the Scottish zone” have the same meanings as in the Scotland Act 1998 (see section 126(1) and (2) of that Act);”.
- (5) In schedule 2 (Sea Fish Industry Levies)—
  - (a) for “Ministers” in each place where it occurs substitute “appropriate Ministerial authority”,
  - (b) after paragraph 3 insert—
    - “4 In this schedule, “appropriate Ministerial authority” has the same meaning as in section 4 of this Act”.”.