

STATUTORY INSTRUMENTS

**2019 No. 746**

**EXITING THE EUROPEAN UNION  
FISHERIES, ENGLAND AND WALES  
FOOD  
MARINE MANAGEMENT  
SEA FISHERIES**

**The Fisheries (Amendment) (EU Exit) Regulations 2019**

*Made - - - - 28th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** [2018 c. 16.](#)

**PART 1**

**Introduction**

**Citation and commencement**

**1.** These Regulations may be cited as the Fisheries (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 2

### Amendment of primary legislation

#### The Sea Fish (Conservation) Act 1967

2. In section 4C(2)(a) of the Sea Fish (Conservation) Act 1967 <sup>M2</sup>, for “an enforceable” substitute “a retained”.

#### Commencement Information

**I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M2** [1967 c. 84](#). Section 4C was inserted by the [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), [section 4](#). Section 4C(2) was amended by [S.I. 2011/1043](#).

#### The Fisheries Act 1981

3.—(1) The Fisheries Act 1981 <sup>M3</sup> is amended as follows.

(2) In section 2—

- (a) in subsection (1), omit “Subject to subsection (2A) below”;
- (b) omit subsection (2A);
- (c) in subsection (3), for “subsections (1) and (2A)” substitute “subsection (1)”.

(3) In section 14(2), in the words before paragraph (a), for “sections 2(2A) and 3(5)” substitute “section 3(5)”.

(4) In section 30, insofar as it extends to England and Wales and Scotland—

- (a) in the heading, for “Community rules” substitute “rules relating to sea fishing”;
- <sup>[F1]</sup>(b) in subsection (1), in the words before paragraph (a), for “enforceable Community restrictions, and enforceable EU obligations,” substitute “retained EU restrictions relating to sea fishing, retained EU obligations relating to sea fishing, Northern Ireland Protocol restrictions relating to sea fishing and Northern Ireland Protocol obligations,”;
- (c) in subsection (2), for “enforceable Community restriction or other obligation” substitute “retained EU restriction relating to sea fishing, retained EU obligation relating to sea fishing, Northern Ireland Protocol restriction relating to sea fishing or Northern Ireland Protocol obligation”;
- (d) in subsection (3), omit the definition of “enforceable Community restriction” and “enforceable EU obligation” and, in the appropriate places, insert the following definitions—

““Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;”;

““Northern Ireland Protocol obligation” means any obligation created or arising by or under the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;

““Northern Ireland Protocol restriction” means any restriction created or arising by or under the Northern Ireland Protocol, whether or not a restriction to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;

- “retained EU restriction” means a restriction that—
- (a) was created or arose by or under the EU Treaties before IP completion day, and
  - (b) forms part of retained EU law, as modified from time to time;..”].
- (5) In section 30, insofar as it extends to Northern Ireland—
- (a) in the heading, for “EU rules” substitute “ rules relating to sea fishing ”;
  - [<sup>F2</sup>(b) in subsection (1), in the words before paragraph (a), for “enforceable EU restrictions, and enforceable EU obligations,” substitute “retained EU restrictions relating to sea fishing, retained EU obligations relating to sea fishing, Northern Ireland Protocol restrictions relating to sea fishing and Northern Ireland Protocol obligations,”;
  - (c) in subsection (2), for “enforceable EU restriction or other obligation” substitute “retained EU restriction relating to sea fishing, retained EU obligation relating to sea fishing, Northern Ireland Protocol restriction relating to sea fishing or Northern Ireland Protocol obligation”;
  - (d) in subsection (3), omit the definition of “enforceable EU restriction” and “enforceable EU obligation” and, in the appropriate places, insert the following definitions—
    - “Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;”;
    - “Northern Ireland Protocol obligation” means any obligation created or arising by or under the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;
    - “Northern Ireland Protocol restriction” means any restriction created or arising by or under the Northern Ireland Protocol, whether or not a restriction to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;
    - “retained EU restriction” means a restriction that—
      - (a) was created or arose by or under the EU Treaties before IP completion day, and
      - (b) forms part of retained EU law, as modified from time to time;..”].
- (6) Omit section 31(3).

**F1** Reg. 3(4)(b)-(d) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(2), 2(2)

**F2** Reg. 3(5)(b)-(d) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(2), 2(3)

#### Commencement Information

**I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

**M3** 1981 c. 29. Section 2(1) and (3) was amended by [S.I. 1989/1190](#). Section 2(2A) was inserted by [S.I. 1989/1190](#). Section 14(2) was amended by [S.I. 1989/1190](#). In section 30(1), the words before paragraph (a) were amended in relation to England and Wales by the [Marine and Coastal Access Act 2009 \(c. 23\)](#), [section 293\(2\)\(a\)](#) and in relation to Scotland by the [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), [section 33\(a\)](#); the definition of “enforceable Community restriction”

and “enforceable EU obligation” in section 30(3) was amended by [S.I. 2011/1043](#). Section 30 was amended in relation to Northern Ireland by the [Fisheries Act \(Northern Ireland\) 2016 \(c. 27\)](#). Section 31(3) was amended by [S.I. 2011/1043](#).

## The Marine and Coastal Access Act 2009

- 4.—(1) The Marine and Coastal Access Act 2009 <sup>M4</sup> is amended as follows.
- (2) In section 30—
- (a) in subsection (2)(b), for “enforceable EU restrictions and enforceable EU obligations” substitute “retained EU restriction or retained EU obligation”;
  - (b) in subsection (4), for the definitions of “enforceable EU obligation” and “enforceable EU restriction” substitute—
 

““retained EU restriction” means a restriction that—

    - (a) was created or arose by or under the EU Treaties before [<sup>F3</sup>IP completion day], and
    - (b) forms part of retained EU law,

as modified from time to time..”.
- (3) In section 37—
- (a) in subsection (2)—
    - (i) omit paragraph (a);
    - (ii) in paragraph (b), omit “or the European Union”;
  - (b) omit subsection (9).
- (4) In section 238—
- (a) in subsection (2)(b), for “enforceable EU restrictions and enforceable EU obligations” substitute “retained EU restriction or retained EU obligation”;
  - (b) in subsection (10)—
    - (i) omit the definitions of “enforceable EU obligation” and “enforceable EU restriction”;
    - (ii) after the definition of “relevant British fishing boat” insert—
 

““retained EU restriction” means a restriction that—

      - (a) was created or arose by or under the EU Treaties before [<sup>F4</sup>IP completion day], and
      - (b) forms part of retained EU law,

as modified from time to time;.”.
- (5) In section 278(6)—
- (a) in the definition of “the fisheries legislation”, in paragraph (b), for “enforceable EU restrictions and enforceable EU obligations” substitute “retained EU restriction or retained EU obligation”;
  - (b) for the definitions of “enforceable EU obligation” and “enforceable EU restriction” substitute—
 

““retained EU restriction” means a restriction that—

    - (a) was created or arose by or under the EU Treaties before [<sup>F5</sup>IP completion day], and

(b) forms part of retained EU law,  
as modified from time to time.”.

- F3** Words in reg. 4(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), **12(2)(a)**
- F4** Words in reg. 4(4)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), **12(2)(b)**
- F5** Words in reg. 4(5)(b) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), **12(2)(c)**

**Commencement Information**

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

- M4** [2009 c. 23](#).

## PART 3

### Amendment of subordinate legislation

#### The Merchant Shipping (Registration of Ships) Regulations 1993

5. In paragraph 5(a) of Schedule 4 to the Merchant Shipping (Registration of Ships) Regulations 1993 <sup>M5</sup>, omit “and EC Number”.

**Commencement Information**

- I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

- M5** [S.I. 1993/3138](#), to which there are amendments not relevant to these Regulations.

#### The Sea Fisheries (Northern Ireland) Order 2002

- 6.—(1) The Sea Fisheries (Northern Ireland) Order 2002 <sup>M6</sup> is amended as follows.
- (2) In Schedule 2, in paragraph 3—
- (a) in the heading, omit “(enforcement of Community rules)”;
- (b) in sub-paragraph (1), for “enforceable Community restriction or other” substitute “retained EU restriction or retained EU”.
- (3) In Schedule 3, in paragraph 3(2)(c), for “an obligation under EU law” substitute “a retained EU obligation”.

#### Commencement Information

**I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M6** [S.I. 2002/790](#), amended by [S.I. 2011/1043](#).

### The Tope (Prohibition of Fishing) Order 2008

7. In article 2(2) of the Tope (Prohibition of Fishing) Order 2008 <sup>M7</sup>—

- (a) omit “another member State or in”;
- (b) after “country”, insert “ as defined in Article 4 of that Council Regulation. ”.

#### Commencement Information

**I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M7** [S.I. 2008/691](#), amended by [S.I. 2015/191](#).

### The Eels (England and Wales) Regulations 2009

8.—(1) The Eels (England and Wales) Regulations 2009 <sup>M8</sup> are amended as follows.

(2) In regulation 9, in the definition of “eel river basin”, for the words from “that has” to “Article 2(1)”, substitute “ for which there is an Eel Management Plan as defined in Article 1A ”.

(3) Omit regulation 11.

#### Commencement Information

**I8** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M8** [S.I. 2009/3344](#), to which there are amendments not relevant to these Regulations.

### The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009

9.—(1) The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 <sup>M9</sup> is amended as follows.

(2) In article 3(1), in the definition of “third country fishing vessel”, for “Community” substitute “ United Kingdom ”.

(3) In article 9—

- (a) in paragraphs (5)(b) and (6), for “Community” substitute “ United Kingdom ”;
- (b) in paragraph (6A)—

- (i) in sub-paragraph (c), for “fishing vessel flying the flag of a member State” substitute “ United Kingdom fishing vessel ”;
- (ii) in sub-paragraph (d), omit the words from “in relation to” to the end;
- (iii) in sub-paragraph (e), for “Community” substitute “ United Kingdom ”;
- (iv) in sub-paragraph (f), for “fishing vessel flying the flag of a member State” substitute “ United Kingdom fishing vessel ”.

#### Commencement Information

**I9** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M9** [S.I. 2009/3391](#), amended by [S.I. 2018/643](#); there is another amending instrument but it is not relevant.

### The Fish Labelling Regulations 2013

- 10.**—(1) The Fish Labelling Regulations 2013<sup>M10</sup> are amended as follows.
- (2) In regulation 1(2), omit the words from “except Part 2” to the end.
  - (3) In regulation 2—
    - (a) in paragraph (1), in the definition “the EU Regulations”, for “EU” substitute “ specified ”;
    - (b) in paragraph (2)(a) and (b), for “EU”, in each place it occurs, substitute “ specified ”.
  - (4) Omit regulation 3.
  - (5) In regulation 6—
    - (i) in paragraph (3), for “and (5)”, in the second place it occurs, substitute “ , (5) to (7) and (9) ”;
    - (ii) in paragraph (7), for “the sterling equivalent of 50 euros” substitute “ £45 ”.
  - (6) In regulation 7(3), in the definition of “operator”, for “EU” substitute “ specified ”.

#### Commencement Information

**I10** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

**M10** [S.I. 2013/1768](#), amended by [S.I. 2014/3104](#).

### The Sea Fishing (Points for Masters of Fishing Boats) Regulations 2014

**11.**—(1) The Sea Fishing (Points for Masters of Fishing Boats) Regulations 2014<sup>M11</sup> are amended as follows.

- (2) In regulation 2(1)—
  - (a) in the definition of “administrative sanction”, for “ another member State or” substitute “ a ”;
  - (b) in the definition of “third country”, for “which is not a member State” substitute “ other than the United Kingdom ”.

- (3) In regulation 3—
- (a) omit paragraph (1);
  - (b) in paragraph (2)—
    - (i) in sub-paragraph (a)(ii)—
      - (aa) in paragraphs (aa) and (bb), omit “another member State or in”;
      - (bb) in paragraph (cc), omit “another member State or”;
    - (ii) in sub-paragraph (b)(ii)—
      - (aa) in paragraphs (aa) and (bb), omit “another member State or in”;
      - (bb) in paragraph (cc), omit “another member State or”;
    - (iii) in sub-paragraph (c)(ii)—
      - (aa) in paragraphs (aa) and (bb), omit “another member State or in”;
      - (bb) in paragraph (cc), omit “another member State or”.
- (4) In regulation 8—
- (a) in the heading, omit “other member States and”;
  - (b) in paragraphs (1), (3) and (5), in the words before sub-paragraph (a), omit “another member State or”.
- (5) In regulation 9(2)(a)—
- (a) in the words before paragraph (i), for “Article 74 of the Control Regulation” substitute “carrying out inspections”;
  - (b) omit paragraph (ii) (together with the final “or”).

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**Commencement Information**

**I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

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**Marginal Citations**

**M11** [S.I. 2014/3345](#), to which there are amendments not relevant to these Regulations.

**The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015**

**12.**—(1) The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015 <sup>M12</sup> is amended as follows.

- (2) In article 2—
- (a) in paragraph (1)(a) and (b), omit “EU and”;
  - (b) omit paragraph (2).
- (3) In article 3(1)(a), omit “(enforcement of Community rules)”.

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**Commencement Information**

**I12** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)



**Marginal Citations**

**M12** S.I. 2015/191.

**[<sup>F6</sup>The Grants for Fishing and Aquaculture Industries Regulations 2015**

**13.** In regulation 2 of the Grants for Fishing and Aquaculture Industries Regulations 2015, in paragraph (a), for “as amended from time to time” substitute “as it had effect in EU law immediately before IP completion day”.]

**F6** Reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1542\)](#), regs. 1(2), **12(3)**

**Commencement Information**

**I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**The Sea Fishing (Enforcement) Regulations 2018**

**14.—**(1) The Sea Fishing (Enforcement) Regulations 2018 <sup>M13</sup> are amended as follows.

(2) In regulation 2—

- (a) in paragraph (1), omit “EU”.
- (b) in paragraph (2), omit “EU” in both places it occurs.

(3) In the Schedule—

- (a) in the heading, omit “EU”;
- (b) in the entry for Council Regulation [\(EC\) No 1224/2009](#) establishing a Community control system for ensuring compliance with the rules of the common fisheries policy—
  - (i) in the first column, omit “Article 42”;
  - (ii) in the second column, omit the corresponding entry for Article 42;
- (c) in the entry for Council Regulation [\(EU\) 2016/1627](#) of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, in the entry for Article 19(1), in the second column, omit “issued by the Member State”.

**Commencement Information**

**I14** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c.1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Marginal Citations**

**M13** S.I. 2018/849.

**Changes to legislation:** There are currently no known outstanding effects for the The Fisheries (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) (in particular under section 8(2)(a), (c), (d) and (g)) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of sea fisheries, inland fisheries, marine management and food. Part 2 amends primary legislation and Part 3 amends subordinate legislation.

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Fisheries (Amendment) (EU Exit) Regulations 2019.