

STATUTORY INSTRUMENTS

2019 No. 746

The Fisheries (Amendment) (EU Exit) Regulations 2019

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 ^{M1}, for “an enforceable” substitute “a retained”.

Commencement Information

II 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

M1 [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 ^{M2} 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 ”;
 - ^[F1](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 ”;
- ^{F2}(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)
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- 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

- I2** 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

- M2** [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^{M3} 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 [F³IP 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 [F⁴IP 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 [^{F5}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

- I3** 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

- M3** [2009 c. 23.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Fisheries (Amendment) (EU Exit) Regulations 2019, PART 2.