

Informal consultation on the Introduction of a System of Electronic Notification of Variations to Fishing Licences

December 2011

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This document/publication is also available on our website at: <http://www.defra.gov.uk/consult/2011/12/12/fishing-licence-1112/>

Any enquiries regarding this document/publication should be sent to us at: evariationsconsultation@defra.gsi.gov.uk

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Section 1

Scope of the Consultation

Topic of this consultation:	This consultation sets out proposals for the implementation of a system of electronic notification of variations to fishing licences.
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Scope of this consultation:	The purpose of the consultation is to set out our proposals and seek your views on the implementation of a system of electronic notification of licence variations, to replace the current system of paper variations. EU legislation requires that all commercial fishing vessels must have a valid fishing licence and authorisation. In England, fishing licences and their variations are currently issued in paper format and must be kept up to date and produced on request to Enforcement Officers during inspection. This is a costly, resource intensive and time consuming process for the Marine Management Organisation and fishermen. The intention is to amend The Sea Fishing (Licences and Notices) Regulations 1994 No. 2813 to allow for the introduction of an electronic system of notifying licence variations. We aim for this to take effect on 6 April 2012.
Geographical scope:	These proposals apply to all English licensed vessels.
Impact Assessment:	An impact assessment, which outlines the policy options, is attached

Basic Information

To:	We would like to hear from all registered vessel owners (England only), Producer Organisations and Commercial Fishermen's Organisations, eg: NFFO and NUTFA, or from anyone interested in this issue.
Body/bodies responsible for the consultation:	This consultation is being carried out by the Compliance and Licensing Policy Team in Defra's Sustainable Fisheries Division in liaison with the Marine Management Organisation (MMO).
Duration:	This is a 6 week informal consultation from 12 December 2011 to 23 January 2012
Enquiries:	<p>During the consultation:</p> <p>Jacinta Vaz tel: 020 7238 4606 Margaret Branson tel: 020 7238 6650</p> <p>After the consultation:</p> <p>A summary of responses will be placed on our website at: http://www.defra.gov.uk/corporate/consult/default.asp</p> <p>To see consultation responses and summaries, please contact the library at:</p> <p>Defra Information Resource Centre Lower Ground Floor</p>

Department for Environment, Food and Rural Affairs

	<p>Ergon House 17 Smith Square London SW1P 3JR</p> <p>Telephone: 020-7238-6575 Email: defra.library@defra.gsi.gov.uk</p> <p>Please give the library 24 hours' notice. There is a charge for photocopying and postage.</p> <p>If you have any comments or complaints about the consultation process, please address them to:</p> <p>Defra Consultation Co-ordinator, Area 7B Nobel House, 17 Smith Square, London SW1P 3JR,</p> <p>or email consultation.coordinator@defra.gsi.gov.uk.</p>
<p>How to respond:</p>	<p>Comments should be sent by 23 January 2012 either by letter or email to:</p> <p>Margaret Branson Sustainable Fisheries Area 2c, Nobel House 17 Smith Square, London, SW1P 3JR</p> <p>Email: evariationsconsultation@defra.gsi.gov.uk</p>
<p>After the consultation:</p>	<p>We will summarise all responses and place this summary on our website at: http://www.defra.gov.uk/corporate/consult/default.asp .</p> <p>This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.</p> <p>We will also put a copy of the responses in the Defra library at Ergon House, London. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.</p> <p>If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.</p> <p>Please explain why you need to keep details confidential.</p>

	We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.
Compliance with the Code of Practice on Consultation:	This consultation is in line with the Code of practice on Consultations. This can be found at: http://www.bis.gov.uk/policies/bre/consultation-guidance

Background

Getting to this stage:	Ongoing discussions have been held between the MMO and Defra Policy to formulate proposals for introducing a system of electronic variations to licences.
Previous engagement:	Defra officials have had informal discussions early in 2011 with representatives from the fishing industry on the introduction of electronic notification of licence variations. The idea of notices being communicated electronically was welcomed as was reducing the paper burden on industry.

Section 2 - Q and A

Purpose of Consultation

The purpose of the consultation is to set out our proposals and seek your views on the implementation of a system of electronic notification of licence variations, which would replace the current system of paper variations.

We would be grateful to have your comments on the attached impact assessment (IA). The IA sets out our proposals including our preferred policy option 3.

Why are the changes proposed?

EU legislation requires that all commercial fishing vessels must have a valid fishing licence and authorisation. In England, this licence is currently issued in paper format and must be produced on request to Enforcement Officers during inspection. During the quota year, numerous variations to these licences are produced and issued in paper format. This is a costly, resource intensive and time consuming process for the Marine Management Organisation and fishermen who must ensure that they keep the paper licence on board the vessel up to date.

Q 1: Do you have any comments on the way in which licences are issued to you?

What are the changes proposed?

We propose to replace the issue of paper variations with electronic notices of variation to all fishing vessel licences in England by publishing the notices on the MMO website. Licence holders, or their nominees, will be notified in advance via email or sms text message alerts of any changes to be made to their licence and they can then view the licence variation on the MMO website. The front page of the licence will still be issued as a paper document, as is current practice, and must be made available for on board inspection.

How will the proposals be taken forward?

The intention is to amend The Sea Fishing (Licences and Notices) Regulations 1994 No. 2813, under which the provisions to grant licences and issue notices of variations are set out, to allow for the introduction of an electronic system of notifying licence variations. We aim for this to take effect on 6 April 2012.

How will the new scheme of electronic variations be implemented?

The proposed date for the Regulation to come into force is 6 April 2012. To ensure a smooth transition to the new process, the MMO intends to phase the system in over a 3 month period to allow vessels to familiarise themselves with the process. Implementation of this measure will be closely monitored by the MMO.

Defra will carry out a review of the scheme within three years of it being implemented to ensure it is operating in a reasonable and proportionate manner. For more information, see sections 5.4 to 5.7 of the impact assessment.

Q2: Do you have any comments on the implementation or phasing in of this system?

Who might be affected by these proposals?

Defra invites the views of all those who will be affected by this new system. These include, amongst others, those in the commercial fishing industry, including licence and entitlement holders for all English vessels.

What are the benefits of introducing electronic variations?

It is anticipated that introducing electronic notices of variation in place of the process of paper systems will provide Government and vessel owners with a more efficient and cost effective means of communication. This will, in turn, aid compliance with EU regulations, and further the sustainable management of the fishery. The benefits of our preferred policy option 3 are set out in sections 6.24 and 6.27 of the impact assessment

Q3: Do you agree that the proposed system of electronic variations would deliver the benefits as set out in the impact assessment under our preferred Option 3?

- **If not, please state why not.**

Public Consultation

Defra officials have had informal discussions with representatives from the fishing industry early in 2011 on the introduction of electronic notification of licence variations. The idea of notices being communicated electronically was welcomed as was reducing the paper burden on industry.

What will the changes involve?

The preferred option (3) will allow vessel owners or nominees who do not have the necessary IT equipment to receive alerts via mobile telephones to check the MMO website when their licences have been varied. The variations can then be checked at a local library or the local MMO office where copies of the variations can be printed out. This option therefore places no new discriminatory financial burden on vessel owners.

Q4: Do you think there are any issues that we have not identified in the IA that we should be aware of?

What are the wider implications of this policy?

This will aid compliance with EU regulations, which aim to protect fish stocks and the marine environment through sustainable management of the fishery.

Q5: Do you have any comments on the IA?

Section 3 - Summary of Questions

1. Do you have any comments on the way in which licences are issued to you?
2. Do you have any comments on the implementation or phasing in of this system?
3. Do you agree that the proposed system of electronic variations would deliver the benefits as set out in the impact assessment under our preferred Option 3? If not, please state why not.
4. Do you think there are any issues that we have not identified in the IA that we should be aware of?
5. Do you have any comments on the IA?

Section 4 - Distribution of the Consultation

This document has been distributed in hard copy to:

- Registered owners of English fishing vessels
- Producer Organisations
- Commercial Fishermen's Organisations

Section 5 - Code of Practice of Consultations

This consultation is in line with the Code of Practice on Consultations. This can be found at www.bis.gov.uk/policies/bre/consultation-guidance

Section 6 - How to respond

Comments should be sent by 23 January 2012 either by letter or email to:

Margaret Branson
Sustainable Fisheries
Area 2c, Nobel House
17 Smith Square,
London, SW1P 3JR

Email: evariationsconsultation@defra.gsi.gov.uk

Section 7 - What will happen to your responses

We will summarise all responses and place this summary on our website at: <http://www.defra.gov.uk/corporate/consult/default.asp>.

This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

We will also put a copy of the responses in the Defra library at Ergon House, London. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.

Section 8 - Confidentiality Issues and Freedom of Information

- Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic

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confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

- The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.