

# LICENCE TO FISH IN THE NORTH EAST ATLANTIC FISHERIES COMMISSION REGULATORY AREA (ASH) – UK VESSEL

## **PART 2: CONDITIONS**

### **Definitions and matters of general application:**

Unless otherwise stated, reference in this licence to EU, Council or Commission Regulations shall be read as reference to those Regulations as they form part of retained EU law which, by virtue of the European Union (Withdrawal) Act 2018, forms part of UK domestic law and as may subsequently be amended from time to time.

## **1. VALIDITY**

- 1.1. This licence variation shall not authorise fishing anywhere unless the vessel is registered as a fishing vessel under the Merchant Shipping Act 1995, or in the Channel Islands or Isle of Man.
- 1.2. This licence variation shall not authorise fishing anywhere unless the vessel holds a valid licence to fish in United Kingdom waters issued by the Scottish Ministers, Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Marine Management Organisation.
- 1.3. Any licence or licence variations in respect of the areas covered by this licence variation previously issued in respect of the above-named vessel, is revoked immediately prior to the point at which this licence variation comes into force.
- 1.4. This licence, and any fishing authorisation issued in accordance with Article 7 of Council Regulation (EC) 1224/2009 must be carried on board the vessel and produced to a British Sea Fishery Officer or Marine Enforcement Officer on demand. This condition may be fulfilled by production of a copy in electronic format.
- 1.5. This licence variation supplements the domestic fishing licence and any other external waters licence held in respect of the vessel to which it relates. It is not transferrable and will cease to have effect if the UK fishing licence becomes no longer attached to the vessel to which it relates.
- 1.6. In accordance with regulation 3(2)(c)(ii) of the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011<sup>3</sup>, regulation 3(4)(b) of the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014<sup>4</sup> and regulations 3(3)(b) of the Sea Fishing (Licences and Notices) (England) Regulations 2012<sup>5</sup> and the Sea Fishing (Licences and Notices) (Wales) Regulations 2019<sup>6</sup> respectively, this external waters licence may be varied by publishing a notice on the following website:

<https://www.gov.uk/guidance/united-kingdom-single-issuing-authority-uk sia>

<sup>3</sup> S.S.I No. 70 (<https://www.legislation.gov.uk/ssi/2011/70/contents>)

<sup>4</sup> S.R (N.I) 2014 No.209 (<https://www.legislation.gov.uk/nisr/2014/209/contents/made>)

<sup>5</sup> S.I No.827 (<https://www.legislation.gov.uk/uk si/2012/827/contents>)

<sup>6</sup> S.I. 2019 No.500 W.116 (<https://www.legislation.gov.uk/wsi/2019/500/contents/made>)

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## 2. PERMITTED CATCHES

- 2.1. The vessel to which this licence variation relates shall not retain on board, land or trans-ship any sea fish of the descriptions set out in Part 3: Annex paragraph 1 of this licence. Any sea fish so caught must be returned to the sea immediately.
- 2.2. Notwithstanding the provisions of condition 2.1, where any sea fish of the descriptions set out in Part 3: Annex paragraph 1 of this licence variation is subject to the landing obligation in Article 15 of Regulation (EU) 1380/2013<sup>8</sup>, this licence variation shall not authorise fishing for any sea fish of those descriptions. Any such fish caught shall, in any event, be retained on board, landed and shall count against quota.
- 2.3. The vessel to which this licence variation relates must not retain on board, land or trans-ship, fish in excess of the amounts specified in relation to each such species in Part 3: Annex paragraph 2 of this licence.
- 2.4. Notwithstanding the provision of condition 2.3, where any sea fish of the descriptions set out in Part 3: Annex paragraph 2 of this licence variation is subject to the landing obligation in Article 15 of Regulation (EU) No 1380/2013 it shall be retained on board, recorded, landed and shall be included in calculating the total amount of fish of that description landed by and attributed to the vessel for the relevant period.
- 2.5. The quantities of fish that may be caught which are set out in Part 3: Annex paragraph 2 are cumulative to any fishing which takes place within British fishery limits and catches made outside British fishery limits will count towards the overall quantities of fish the vessel is permitted to catch in both British fishery limits and waters outside those limits.

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<sup>8</sup> As it applies in relevant parts of the UK respectively.

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## 3. **GENERAL CONDITIONS**

- 3.1. Unless otherwise stated in this licence variation, the conditions which apply to the vessel licence which authorises fishing within British fishery limits, or any other licence variation, apply to this licence variation insofar as the vessel must comply with those conditions whilst operating in the waters to which this licence variation grants access.
- 3.2. The owner and the master and/ or charterer must always comply with the rules applicable to vessels whilst operating in waters over which a country other than the UK has sovereignty or sovereign rights or subject to the measures or recommendations of a regional fisheries management organisation.
- 3.3. Condition 3.1 above is applicable only insofar as the relevant licence conditions are compatible with the rules referred to in condition 3.2. Should any conflict between licence conditions and the rules referred to in condition 3.2 occur, those rules have supremacy.

## 4. **LANDING AND OTHER REQUIREMENTS**

- 4.1. For landings into the United Kingdom, Atlanto-Scandian herring caught under the authority of this licence shall only be landed at one of the ports specified below:
  - Aberdeen
  - Fraserburgh
  - Grimsby
  - Hull
  - Lerwick
  - Peterhead
- 4.2. The vessel to which this licence relates must land all its Atlanto-Scandian herring catch before changing to another fishery.
- 4.3. The vessel to which this licence relates may not connect or otherwise use any fish-pump or other fish transport device, whether it is the equipment of this vessel, or any other vessel, at any time during which the vessel is in a sea area other than those described in Part 1 Section 3 in which it is authorised to fish.
- 4.4. If not landing into a UK port, the owner, master and/or charterer, as appropriate, of a fishing vessel shall not commence landing, transhipment or make use of other port services, without prior authorisation granted by the port State; and, the Estimated Time of Arrival (ETA) period, as stated in the prior notification form (PSC1 or PSC2), has passed.

## 5. **MARINE MAMMAL BYCATCH REPORTING**

- 5.1. Where the vessel undertakes fishing activities the result of which causes or contributes to the mortality of or injury to any species of marine mammal, or where such species are taken as bycatch (regardless of whether such catches are retained on board) the master, owner, charterer, as appropriate, of the vessel to which this licence relates must complete and submit to the Marine Management Organisation a marine mammal injury reporting form in accordance with the guidance provided at

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<https://www.gov.uk/guidance/marine-mammal-reporting-requirements> no later than 48 hours after the vessel returns to port.

- 5.2. For the purposes of this licence condition, the term “marine mammal” means any mammal which (a) is morphologically adapted to the marine environment including sea otters and members of the orders Cetacea (whales, dolphins, and porpoises), Pinnipedia, (walrus, seals and sea lions) and Sirenia (dugongs and manatees), or (b) primarily inhabits the marine environment (such as the polar bear); and includes any part of any such marine mammal, including but not limited to its raw, dressed, or dyed fur or skin.

## 6. **FISHING GEAR AND EQUIPMENT RESTRICTIONS**

- 6.1. The vessel is prohibited from using a collecting bag in the NEAFC Regulatory Area.

## 7. **AREAS IN WHICH THE VESSEL MAY NOT FISH AREAS IN WHICH THE VESSEL MAY NOT FISH**

- 7.1. The vessel must not be present in an area specified in the table below, other than when transiting at a speed of more than six knots (except in the case of force majeure or adverse conditions).
- 7.2. In the case of force majeure or adverse conditions, the master must immediately inform the UK Fisheries Monitoring Centre.
- 7.3. Vessels transiting through the areas listed below must ensure that all fishing gear is lashed and stowed in accordance with Article 47 of Council Regulation (EC) 1224/2009 at all times.

| Closure             | Areas of Sea |
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## **PART 3: ANNEX**

### **1. SPECIES FOR WHICH THE VESSEL MAY NOT FISH**

Any species which are listed in part I of the annex to the schedule to the licence authorising the vessel to fish within British fishery limits and any other external waters licence apply to fishing under the authority of this licence, subject to any amendment or addition in the table below:

| Description of Sea Fish | Notes |
|-------------------------|-------|
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### **2. SPECIES FOR WHICH THE VESSEL MAY FISH**

Unless indicated in the table below, this licence does not allow the vessel to catch species which are listed in the part II of the annex to the schedule to the licence authorising the vessel to fish within British fishery limits whilst fishing in the areas listed in Part 1: Section 3 of this licence.

| Description of Sea Fish                            | Notes                                                                                                                                               |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Atlanto-Scandian Herring<br><i>Clupea harengus</i> | When reporting catches to the Fisheries Administrations, the quantities fished in the following area shall also be reported: NEAFC Regulatory Area. |

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