

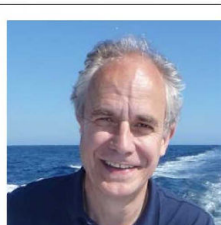
VIEWPOINT

The Fisheries Act, which established the legal framework for managing UK fisheries after Brexit, entered into law in November 2020. Five years on, the Blue Marine Foundation co-founder shares his views on what the act might have achieved – and how it has failed

FIVE YEARS OF THE FISHERIES ACT

AT THE OUTSET OF Brexit, there were high hopes for what might be achieved by Britain as an independent coastal state. Many of us were hoping for a similar law to the one in the United States that prioritises the conservation of public resources and has led to the recovery of many fish populations. Even as the 2020 Fisheries Act was completing its passage through Parliament, it was the government's proud boast that it would lead to 'the world-class sustainable management of fisheries'.

How wrong that has turned out to be. NGOs, fishermen and many influential MPs now believe that the Fisheries Act is failing. Around the coast we can all see that dwindling fish populations and an inequitable quota system are leaving coastal fishermen struggling to make ends meet – or leaving the industry altogether, while a handful of companies make eye-



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watering profits.

The extent of the overfishing crisis has become clear. North East Atlantic mackerel, our most valuable remaining stock, has seen its population decline 60% in a decade, and this autumn scientists said catches should be cut by 77% on this year's levels. For 10 years, the UK has gone along with other coastal states in setting unilateral quotas which vastly exceed scientific

advice. This year even the EU proposed to follow scientific advice, warning that a failure to do so by all would lead to severe overfishing, but the UK, disgracefully, failed to back the plan.

Cod, too, is in grave danger, and scientists have judged that the cod populations in nearly all of the UK's waters are so depleted that none should be caught in the next year. Some individual cod stocks are in a worse state than others, such as Celtic Sea cod, which has declined by 98% since 2012. For six years scientists advised a zero quota to allow stocks to recover, yet every year a quota was set. This year Celtic Sea haddock collapsed too, joining pollack, whiting and herring.

This continual official acceptance of an ever more depleted ocean has persisted every year since the Fisheries Act was passed. Earlier this year, the Government's own marine experts, the Centre

for Environment, Fisheries and Aquaculture Science, confirmed that catch limits for 54% of stocks were set above scientific advice. A similar percentage has been allocated over scientific advice every year since Brexit.

It is extraordinary that a country with the depth of knowledge and history that Britain has remains unable to take the straightforward steps necessary to put an end to overfishing. The act was meant to ensure that fishing was managed sustainably, but a High Court challenge brought by Blue Marine Foundation earlier this year showed that ministers cannot be held accountable for failing to apply its objectives. The act gives ministers discretion to prioritise short-term opaque 'economic interests' over long-term sustainability, and the court ruled that, as the law stands, a minister can knowingly and legally approve the very overfishing the law was meant to prevent.

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Something is deeply wrong both in the law and in its application. There are good things in the act such as Fisheries Management Plans, but these are taking a decade to implement and do not limit catches according to scientific advice. There is one bit, Section 25, which provides for

the allocation of quota to the most environmentally friendly and socially helpful fisheries – but this has yet to happen. The historic unfairness of distributing most of the quota to the industrial fleet and ignoring the inshore boats persists. The consequence is that the number of fishermen declined from 8,935 in 2016 to 7,220 in 2024, a fall of 20%.

The commodification of quota (FQAs) has created a system where the price of entry is prohibitive, effectively barring new generations from the industry. A public asset, our wild fish resources, which are conservatively valued at over £1bn, have been given to private interests. This has dispossessed the most sustainable fishers and their communities, stifled opportunity for new entrants and failed in the fundamental duty to manage a public resource for the benefit of the majority of citizens.

A fundamental reset is required – and luckily the Fisheries Act is due for

parliamentary scrutiny next year. It is time to strengthen the duty on ministers to allocate fishing opportunities sustainably, and to ensure the economic benefits of our seas flow back to the British public, not just to a few wealthy individuals who are increasingly squatting the resource.