

**MEMORANDUM OF UNDERSTANDING ON FISHERIES MANAGEMENT
BETWEEN THE FOUR FISHERIES POLICY AUTHORITIES OF THE UNITED
KINGDOM AND THE ISLE OF MAN**

This Memorandum of Understanding (MoU) is between –

- the Department for Environment, Food and Rural Affairs of the United Kingdom Government (“**DEFRA**”);
- the Department of Environment, Food and Agriculture of the Isle of Man Government (“**DEFA**”);
- the Marine Directorate of the Scottish Government;
- the Climate Change and Rural Affairs Group of the Welsh Government; and
- the Department of Agriculture, Environment, and Rural Affairs of the Northern Ireland Executive,

hereinafter referred to collectively as “the Participants”.

This MoU provides clarity on fisheries management arrangements between the four Fisheries Policy Authorities of the United Kingdom and the Isle of Man. It reinforces the importance of collaboration, communication and cooperation in developing, strengthening and broadening the positive relationship between the Participants.

1. Interpretations

In this MoU:

“**the 2012 Act**” means the Fisheries Act 2012 (of Tynwald);

“**the 2020 Act**” means the Fisheries Act 2020 (of the UK Parliament);

“**this MoU**” means the present “Memorandum of Understanding on Fisheries Management between the four Fisheries Policy Authorities of the UK and the Isle of Man” document;

“**British fishing boat**” has the same meaning as provided under section 52 of the 2020 Act;

“**EU**” means the European Union;

“**Fisheries Policy Authorities**” has the same meaning as provided under section 52 of the 2020 Act;

“**fishing opportunities**” as provided under section 23(11) of the 2020 Act;

“**ICES**” means the International Council for the Exploration of the Sea;

“**Isle of Man licensing function**” has the same meaning as provided under sections 37 and 38 of the 2012 Act;

“Isle of Man sea fishing licence” has the same meaning as provided under section 37 of the 2012 Act;

“MMO” means the Marine Management Organisation, an executive, non-departmental public body, sponsored by DEFRA and established under the Marine and Coastal Access Act 2009 (of UK Parliament);

“sea fishing licence” as provided for under section 15 of the 2020 Act;

“Secretary of State” means the Secretary of State for the UK Government Department for Environment, Food and Rural Affairs;

“SIA” means the UK Single Issuing Authority, which manages United Kingdom and Crown Dependency vessel access to foreign waters and foreign vessel access to United Kingdom and Crown Dependency waters;

“the territorial sea adjacent to the Isle of Man” provided under section 1 of the Territorial Sea Act 1987 (of UK Parliament), as modified in respect to the Isle of Man by the Territorial Sea Act 1987 (Isle of Man) Order 1991 (SI 1991/1722);

“the UK” means the United Kingdom of Great Britain and Northern Ireland;

“UK Fisheries Framework” means, collectively, the UK's approach to managing and regulating sea fishing activity under the 2020 Act, retained EU law (REUL), the Joint Fisheries Statement, Fisheries Management Plans, the UK Fisheries Management & Support Framework Memorandum of Understanding and any existing Operational Agreements or future Operational Arrangements;

“UK licensing function” refers to functions provided for under schedule 3 of the 2020 Act;

“UK Quota Management Rules” means the document issued by DEFRA that covers UK-level management of fishing opportunities determined by the Secretary of State under section 23 of the 2020 Act;

“0-6 NM area” means the waters lying within 6 nautical miles of the baselines from which the breadth of the UK territorial sea, including that which is adjacent to the Isle of Man, as appropriate;

“6-12 NM area” means the waters lying between 6-12 nautical miles of the baselines from which the breadth of the UK territorial sea, including that which is adjacent to the Isle of Man, as appropriate.

2. Context

- 1) The Isle of Man is a self-governing British Crown Dependency with its own parliament (“Tynwald”) and government. Although part of the British Islands,

the Isle of Man is not part of the UK and is not represented at Westminster. The UK Government is responsible for the international relations of the Isle of Man.

- 2) The Isle of Man's territorial sea was extended from the 0-3 nautical miles limit to the limit of the current territorial sea under the Territorial Sea Act 1987 (Isle of Man) Order 1991 (of the UK Parliament). This provision was repeated in section 1 of the Territorial Sea (Consequential Provisions) Act 1991 (of Tynwald).
- 3) Under the 2012 Act, DEFA is responsible for fostering the establishment, development, supervision and protection of sea fisheries within the territorial sea adjacent to the Isle of Man.
- 4) Regulatory provisions relating to fisheries, fishing, aquaculture and marine conservation within UK waters are laid out in the 2020 Act. The Fisheries Policy Authorities have certain powers in relation to their respective jurisdictions under the 2020 Act.
- 5) The 2020 Act does not extend to the Isle of Man except insofar as provided for in the 2020 Act which is reflected in this MoU. DEFA may apply any part of the 2020 Act with or without modifications as part of the law of the Isle of Man by order made under section 46 of the 2012 Act.
- 6) DEFA is not subject to the UK Fisheries Framework. However, DEFA will maintain overall coherence with the UK Fisheries Framework, to support the delivery of effective fisheries management.
- 7) As appropriate, DEFA will be invited to enter into Operational Arrangements established under the UK Fisheries Framework.
- 8) DEFA may develop and implement any aspect of fisheries policy within the territorial sea adjacent to the Isle of Man, following consultation with other Participants as set out in this MoU, provided that domestic policies do not contravene relevant international obligations which apply to the Isle of Man as referred to under section 3 of this MoU.
- 9) Any regulations made by DEFA, or any other government department of the Isle of Man, other than those made for the purpose of regulation of sea fishing under the 2012 Act, are outside the scope of this MoU.
- 10) This MoU is not a legally binding agreement, but a statement of accepted high-level policy and of the shared intention to work together in the spirit of cooperation, fairness, respect and reciprocity.

3. International Obligations

- 1) The United Kingdom is responsible for the international relations and defence of the Isle of Man and for relevant obligations binding on them in international law.

- 2) However, the Isle of Man, being a self-governing dependency of the Crown, exercises jurisdiction over the internal waters of and territorial sea adjacent to it and are responsible for complying with relevant international obligations within their jurisdiction.
- 3) To that end, DEFRA will advise the Isle of Man of any new or future measures relevant to this MoU that are required to meet the relevant international obligations that have been extended to the Isle of Man
- 4) Relevant international obligations that apply to the Isle of Man are set out in **Appendix A**. This Appendix may be amended if additional international instruments are extended to the Isle of Man or if the Isle of Man accedes to Regional Fisheries Management Organisations.
- 5) The UK has an obligation under international law to comply with relevant international instruments. Under Section 83 of the 2012 Act, DEFA must satisfy itself that provisions made to regulate sea fishing will not operate to contravene any international agreements that apply to the Isle of Man.
- 6) Under section 36 of the 2020 Act, DEFRA has the power to make regulations for the purpose of implementing relevant international obligations of the UK.
- 7) Other international obligations relating to the marine environment may also be applicable. These have not been listed in this document given its focus on fisheries management.

UK- EU Trade and Co-operation Agreement

- 8) DEFA is responsible for the administration, regulation and enforcement of fishing activity in the Isle of Man 6-12 NM area, under section 5 and part 5 of the 2012 Act, in relation to vessels registered in an EU Member State that may be entitled to fish in that area by virtue of a track record of exercising access rights that existed under the London Fisheries Convention (1964).
- 9) DEFA will work with DEFRA and the MMO's SIA to ensure that the determination of qualification and the extent and nature of access for EU vessels in the Isle of Man 6-12 NM area comply with the terms set out in Article 502 of the UK-EU Trade and Co-operation Agreement.
- 10) Where the introduction of any fisheries management measures, including emergency measures, by DEFA is likely to have an effect on vessels registered in the EU, DEFA will work with DEFRA to notify the EU, as necessary, following the process set out in Recommendation 1/2023 of the Specialised Committee on Fisheries published in July 2023.

4. Fishing Opportunities

Determination of fishing opportunities

- 1) Under section 23(1) of the 2020 Act, the Secretary of State may determine, for such year or other specified period as may be specified in the determination –
 - a) the maximum quantity of sea fish that may be caught by British fishing boats;
 - b) the maximum number of days that British fishing boats may spend at sea.
- 2) A determination under section 23(1) of the 2020 Act may be made only for the purpose of complying with an international obligation of the United Kingdom to determine the fishing opportunities of the United Kingdom.
- 3) Different maxima may be determined under section 23(1) of the 2020 Act –
 - a) for, or for fishing boats fishing for, different descriptions of sea fish;
 - b) for different areas of sea; or
 - c) (subject to section 23(4) of the 2020 Act) for different descriptions of fishing boat.
- 4) Fishing opportunities determined under section 23 of the 2020 Act apply to the Isle of Man insofar as –
 - a) the territorial sea adjacent to the Isle of Man may form part of an area of sea for which catch quota or effort quota has been determined; and
 - b) Isle of Man fishing boats are British fishing boats and their activities count against catch quotas and effort quotas.
- 5) DEFRA will engage with DEFA before a determination is made relating to stocks of fish and shellfish in an area of sea that includes the territorial sea adjacent to the Isle of Man.

Distribution of fishing opportunities

- 6) Fishing opportunities are apportioned between the Fisheries Policy Authorities by DEFRA. The apportionment methodology is published by DEFRA in the UK Quota Management Rules. The English share (which for these purposes includes the Isle of Man) is then distributed in accordance with section 25 of the 2020 Act. The distribution methodology is published by DEFRA in the English Quota Management Rules. DEFRA will update all of these rules from time to time in consultation with other relevant parties, where updates would affect the Isle of Man this would include DEFA.
- 7) DEFRA and DEFA will meet annually to discuss and review the fishing opportunities allocated to the Isle of Man.
- 8) DEFA will encourage the use of selective fishing gear and the use of fishing techniques that have a reduced impact on the environment in respect of fishing opportunities allocated within the territorial sea adjacent to the Isle of Man.

Duties to ensure fishing opportunities are not exceeded

- 9) Under section 26 of the 2020 Act, the Fisheries Policy Authorities must exercise their functions relating to fisheries so as to secure (so far as possible) that fishing opportunities are not exceeded.
- 10) DEFA will exercise its functions under Part 5 the 2012 Act in such a way as to support the Fisheries Policy Authorities in their duties to ensure fishing opportunities are not exceeded by -
 - a) conferring limited authority to utilise fishing opportunities in the territorial sea adjacent to the Isle of Man as appropriate;
 - b) specifying that catch or effort limitations imposed in the territorial sea adjacent to the Isle of Man apply concurrently with, and not in addition to, those imposed by the sea fishing licensing authorities; and
 - c) ensuring fishing activity data is collected and is available to the Fisheries Policy Authorities.

5. Access and licensing

- 1) The 2020 Act “equal access” objective applies to Fisheries Policy Authorities and does not –
 - a) generally include Isle of Man fishing boats; or
 - b) extend to DEFA.
- 2) A map showing the fisheries limits and jurisdictions of the Participants is at **Appendix B**.
- 3) The access of British fishing boats to the territorial sea adjacent to the Isle of Man is subject to an Isle of Man sea fishing licence being granted by DEFA.
- 4) The access of British fishing boats to UK waters is subject to a sea fishing licence being granted.
- 5) The Participants may exercise their respective licensing functions so as to –
 - a) limit the number of British fishing boats, or any description of British fishing boat, engaged in fishing in their waters; or
 - b) limit fishing in any area for any description of sea fish; and
 - c) attach to a licence such provisions as appear necessary or expedient for the regulation of sea fishing in their waters.
- 6) The Participants recognise that fisheries within the 0-6NM area may be subject to different access arrangements from those in the 6-12NM area to enable adaptive, flexible management measures driven by local priorities and the need to secure sustainable inshore fisheries. Examples of what this might include, such as additional licence, permit or authorisation requirements, are already undertaken by the organisations listed in **Appendix C**.

- 7) Notwithstanding paragraphs 1-4 the Participants will uphold a commitment to “fair access”, which means that the Participants will not exercise licensing functions such that access is affected solely by reason of the location of a British fishing boat’s home port.
- 8) Paragraph 7 does not affect the Participants’ ability to exercise licensing functions based on objective criteria, which may have different consequences for vessels of any particular description.
- 9) DEFA will support the delivery of effective fisheries management by taking into account the authority of a British fishing boat’s sea fishing licence when granting an Isle of Man sea fishing licence, but without prejudice to imposing additional or alternative measures in accordance with this MoU (see Section 6).

6. Introducing New Management Measures

- 1) Any Participant seeking to introduce a new technical and conservation measure will:
 - a) consult with each of the Participants, following good consultation practice; and
 - b) inform each of the Participants in time for clarification to be sought prior to the change being made.
- 2) All Participants will be:
 - a) consulted on proposed changes to the provision of authorisations that represent a material change in policy in time for clarification to be sought prior to the changes being made; and
 - b) informed of changes to provisions of authorisation that are likely to affect them directly but do not represent a material change in policy.
- 3) Where any Participant may reasonably seek to request that technical or conservation measures are duplicated in the waters of another Participant, the affected Participants will discuss the potential for their introduction, at the earliest opportunity.

7. Emergency Conservation Measures

- 1) This MoU does not preclude the taking of emergency measures with immediate effect if:
 - a) there is reasonable cause for concern of a serious threat to the conservation of marine ecosystems, or marine biological resources, resulting from fishing activity;
 - b) the measures are transparent and, in the opinion of the relevant Participant, are essential to protect the fishery;

- c) the measures are to have effect for a period of not more than one year (but without prejudice to taking further measures for a further year if deemed necessary or expedient).
- 2) See **Appendix D** of this MoU which summarises the legislative powers under which each Participant is able to introduce emergency conservation measures.
- 3) All Participants will be informed of emergency measures being introduced by any of the other Participants at the earliest opportunity and, as far as possible, prior to the measures coming into effect.

8. Disagreement and Dispute Resolution

- 1) A difference of opinion on matters relevant to this MoU may arise between Participants without the need for escalation to a disagreement.
- 2) If a difference of opinion is escalated, it becomes a disagreement. If a disagreement on a matter relevant to this MoU arises, best endeavours will be made to resolve the issue at official level.
- 3) If this is not possible, and a disagreement is escalated further, it becomes a dispute and will be considered by Participants at senior official level. Senior officials will seek to resolve the dispute before engaging Ministers.
- 4) If this is not possible, Ministers will be engaged.

9. Commencement and Review

This MoU:

- a) comes into operation on 22nd November 2023;
- b) will be reviewed annually by the Participants; and
- c) may be amended as necessary with the consent of all Participants.

10. Revocation

- 1) This MoU revokes and replaces both the Fisheries Management Agreement 1991 and the Fisheries Management Agreement 2012 between the Fisheries Policy Administrations of the United Kingdom and the Isle of Man.

Signed for and on behalf of the Department for Environment, Food and Rural Affairs
of the UK Government

By



..... on 22nd November 2023

Signed for and on behalf of the Department of Environment, Food and Agriculture of
the Isle of Man Government

By



..... on 22nd November 2023

Signed for and on behalf of the Marine Directorate of the Scottish Government

By



..... on 20th November 2023

Signed for and on behalf of the Climate Change and Rural Affairs Group of the Welsh
Government

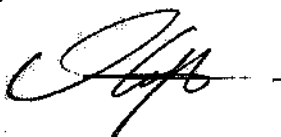
By



..... on 20th November 2023

Signed for and on behalf of the Department of Agriculture, Environment and Rural
Affairs of the Northern Ireland Executive

By



..... on 21st November 2023

APPENDIX A

List of relevant international obligations and international bodies that apply to the Isle of Man

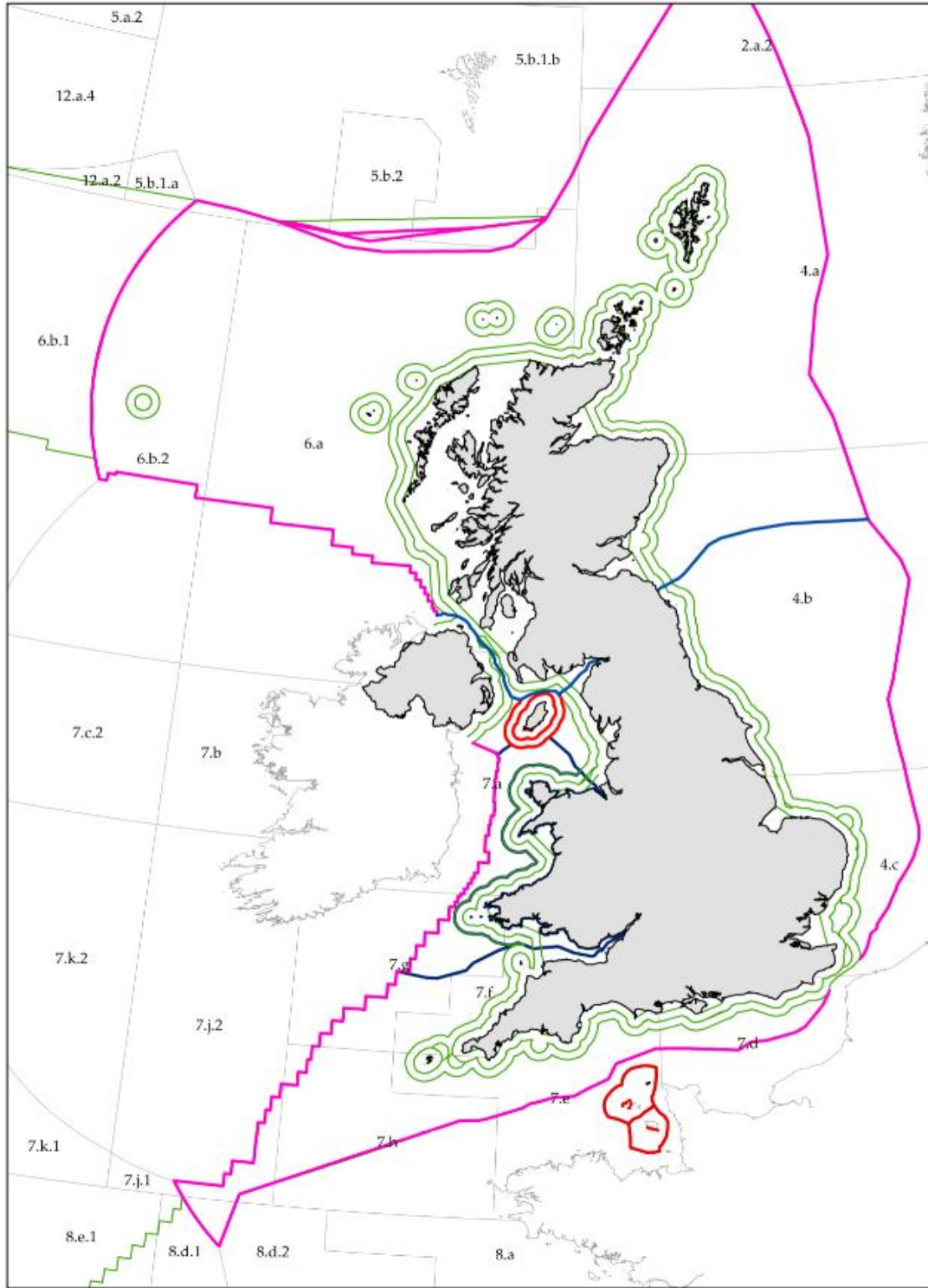
1. Relevant International instruments that apply to the Isle of Man

- UK-EU Trade and Co-operation Agreement (TCA), to the extent that it applies to the Isle of Man and is relevant to this MoU, i.e. the fisheries-specific aspects of the TCA, which include: access to waters; Total Allowable Catches (TACs) for quota species; and fishing within quota limits and introduction of management measures
- United Nations Convention on the Law of the Sea (UNCLOS)
- Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea
- United Nations Convention on Biological Diversity (CBD)
- Convention on International Trade in Endangered Species (CITES)
- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)
- Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries (NEAFC)

2. Relevant International bodies where the UK's membership applies to the Isle of Man

- United Nations
- Food and Agriculture Organisation of the United Nations

Fisheries limits and jurisdictions of the British Islands



In this map:
 - UK Exclusive Economic Zone (pink),
 - UK adjacent waters limits (dark blue)
 - baselines, six-mile and territorial sea limits of the Fisheries Policy Authorities (green)
 - Crown Dependencies (red).
 ICES Divisions are annotated and shown by light-grey outlines.
 (Data source: Admiralty Maritime Data Solutions (Marine Data Portal))

APPENDIX C

0-6 NM management arrangements

Region		Organisation	Established by
<i>0-6 NM management arrangements established under the <u>Marine and Coastal Access Act 2009</u></i>			
England	Cornwall	Cornwall IFCA	The Cornwall Inshore Fisheries and Conservation Order 2010
	Devon & Severn	Devon & Severn IFCA	The Devon & Severn Inshore Fisheries and Conservation Order 2010
	Eastern	Eastern IFCA	The Eastern Inshore Fisheries and Conservation Order 2010
	Isles of Scilly	Isles of Scilly IFCA	The Isles of Scilly Inshore Fisheries and Conservation Order 2010
	Kent & Essex	Kent & Essex IFCA	The Kent & Essex Inshore Fisheries and Conservation Order 2010
	North Eastern	North Eastern IFCA	The North Eastern Inshore Fisheries and Conservation Order 2010
	North Western	North Western IFCA	The North Western Inshore Fisheries and Conservation Order 2010
	Northumberland	Northumberland IFCA	The Northumberland Inshore Fisheries and Conservation Order 2010
	Southern	Southern IFCA	The Southern Inshore Fisheries and Conservation Order 2010
Sussex	Sussex IFCA	The Sussex Inshore Fisheries and Conservation Order 2010	
<i>0-6 NM management arrangements established under the <u>Sea Fisheries (Shellfish) Act 1967</u></i>			
Scotland	Shetland	SSMO	The Shetland Islands Regulated Fishery (Scotland) Order 2012

Legislative powers enabling introduction of emergency conservation measures by Participants in their own waters

Listed below are the respective legislative vehicles under which each Participant is able to introduce emergency conservation measures in their own waters.

United Kingdom Government

- Section 36 of the Fisheries Act 2020

Isle of Man Government

- Section 36 of the [Fisheries Act 2012](#); or, if implemented by way of licence condition, Section 38 of the [Fisheries Act 2012](#)

Scottish Government

- Section 15 and schedule 3 of the Fisheries Act 2020
- Section 137C of the Marine and Coastal Access Act 2009
- Section 88 of the Marine (Scotland) Act 2010

Welsh Government

- Section 136 Marine and Coastal Access Act 2009

Northern Ireland Executive

- Section 124 of the [Fisheries Act \(Northern Ireland\) 1966](#)