Thank you for your letter of 12 December 2018, following up on your Committee’s inquiry, Brexit and Northern Ireland: Fisheries. Please accept my apologies for the delay in replying.

Digital catch certification

The Government is on target to deliver a new digital system to issue catch certificates for exports by 12 April in the event of a “no deal” scenario. The service is now at the stage where it is publically available for test use, before officially going live. External stakeholders were given a live demonstration of the service at an industry-wide event at Westminster Hall on 4 March; representatives from Northern Ireland industry and regulators attended. The MMO have written to exporters to encourage them to register for the service ahead of EU Exit to practice creating sample documents. Improvements continue to be made to the system using feedback from industry users ahead of its official launch on Day 1.

Voisinage arrangement

Following recent action taken by Ireland to detain two Northern Irish fishing vessels fishing in the Irish 0-6nm zone, the Irish Taoiseach, Leo Varadkar, committed to changing the law to restore the status quo to what it was before 2016.

On 28 March, the Sea Fisheries (Amendment) Bill 2017 passed through final stages of the Dáil. Once the President, Michael D Higgins, has formally signed the bill into law, required legislation will be in place to reinstate a level playing field, so that Northern Ireland vessels are able to fish Irish 0-6nm waters and vice versa.

The UK Government has always been clear that we are committed to the Voisinage arrangement, and welcome the progress made by Irish Government towards reinstating the status quo to what it was before 2016.
Maritime border in Lough Foyle

Management of the relationship with Ireland over the border Loughs is a matter for the FCO. The FCO hosted a meeting with the Irish Government in London to discuss the Loughs on 9 October 2017. Since then, contact has been by telephone call and email, as the Irish considered they did not need a return to Dublin and work could progress by these means. Any working agreement/transitional arrangements for Lough Foyle will require a carefully managed plan with clearly defined timelines and actions before any functions are undertaken by the relevant Competent Authorities in both Jurisdictions. The management of Lough Foyle needs to be considered as a whole, and at present there are a number of matters that remain to be resolved including shipping and fisheries. It is not therefore possible to provide a single date for when matters relating to fisheries will be resolved.

Future labour in the fishing industry

The Immigration White Paper, published by the Home Office on 19th December 2018, sets out the foundation for a single immigration system, where it is workers’ skills that matter, not where they come from. Following publication, the government will initiate an extensive programme of targeted engagement across the UK, and with the EU and international partners, to capture views and ensure that we design a future system that works for the whole of the UK.

Working with Defra and other government departments, the Home Office is launching a 12-month engagement programme with sectors across the UK to enable businesses and other stakeholders to shape the development of the future skills-based immigration system. I have asked my officials to continue to liaise with the Home office to ensure that the specific issues relating to Northern Ireland fisheries are taken into consideration.

Amendments to legislation

To clarify, “the amendments to domestic sea fisheries and aquaculture legislation using powers separate from those in the EU Withdrawal Act” relate to the Sea Fishing (Miscellaneous Amendments and Revocations) Order (Northern Ireland) 2018 S.R 2018 No. 185. This Statutory Rule was laid under the negative resolution procedure at the Northern Ireland Assembly on 31 October 2018. This Order was made under powers conferred by section 127(1) and (3A) of the Fisheries Act (Northern Ireland) 1966, section 2(2) of the European Communities Act 1972 (ECA) and section 30(2) of the Fisheries Act 1981.

The main purpose of this Order was to revoke redundant EU implementing Statutory Rules made under section 2(2) of the ECA. This had to be done before repeal of the ECA or else this legislation would have remained on the NI statute book forever. The opportunity was also taken to make technical amendments to two Statutory Rules.
I have been informed that the Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA) has made two further Statutory Rules under powers conferred by the Sea Fish (Conservation) Act 1967.

**Laying regulations in the absence of the Northern Ireland Assembly**

Notwithstanding Exit Day, the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 makes provision about the exercise of governmental functions in relation to Northern Ireland in the absence of Northern Ireland Ministers. This Act does not prevent a senior officer from exercising a function of the Department if it is in the public interest to do so, and having regard to guidance published by the Secretary of State.

Thank you again for your letter.

With every good wish,

Michael Gove