

GLA11/8.3 Marine Bill Consultation Response

20 June 2006

BOARD PAPER REFERENCE – GLA11/8.3 – MARINE BILL CONSULTATION RESPONSE

Issue

1. To note the GLA response to the Defra consultation on the Marine Bill published on 29 March.

Recommendations

2. The Board are invited to note the GLA consultation response.

Background

3. Defra published a consultation paper on 29 March on a proposed Marine Bill. The document focuses on sustainable development and protecting the marine environment.
4. There are also proposals to improve marine management. The GLA executive believes the Bill might be used to standardise the various regional fisheries permits schemes.
5. In the Shellfish Gathering Consultation, the GLA proposes that one of the licence conditions for shellfish gathering should be compliance with the terms of a fisheries permit or licence. The nature of fisheries permits and licences vary from area to area, depending on the local circumstances. A standard national template would allow a practical, consistent approach to compliance. It would provide a national framework with a consistent set of mandatory requirements. This would dovetail with the GLA Licensing Standards, perhaps with the addition of local conditions, to ensure that the regulatory mechanisms for fisheries and gangmasters in shellfish gathering are complementary.
6. The draft response at Annex A urges Defra to consider the introduction of such a system.

Annex A

Draft GLA response to the Marine Bill consultation

The Gangmasters Licensing Authority (GLA) understands that Defra are reviewing the legislation underpinning Several and Regulating Orders with a view to using the Marine Bill to make any necessary changes to the process.

The GLA has a responsibility under the Gangmasters (Licensing) Act 2004 to licence and control the activities of gangmasters who engage in shellfish gathering activities.

The GLA is currently consulting on introducing licensing arrangements to the shellfish-gathering sector before licensing starts on 1 October 2006. Our proposals seek to ensure the conditions for a gangmaster's licence are specific and relevant to the shellfish gathering industry. These are slightly adapted from those that apply in the agriculture and processing and packaging sectors, where licensing commenced on 6 April 2006. The GLA consultation on introducing licensing to the shellfish-gathering sector is accessible on the GLA's website:
www.gla.gov.uk/consultation.htm.

While the legislative intent of Several and Regulating Orders differs from the Gangmasters (Licensing) Act, the GLA considers there are points where the intents operationally meet. Therefore, the GLA considers that any review of Several and Regulating Orders has regard to the Gangmasters (Licensing) Act and associated secondary legislation to ensure they are mutually supportive and do not unduly increase the burdens on those affected.

In the Shellfish Gathering Consultation, the GLA proposes that one of the licence conditions for shellfish gathering should be compliance with the terms of a fisheries permit or licence. The GLA would welcome any review of Several and Regulating Orders to explore the options for a standard national template that could allow for a more practical, consistent approach to compliance. Such an approach could dovetail neatly with the GLA's licensing scheme and would allow regulatory mechanisms for fisheries and gangmasters in shellfish gathering to be complementary.

The GLA would welcome the opportunity to work closely with Defra in reviewing the operation of Several and Regulating Orders to ensure that our two legislative frameworks are consistent.