



# HOUSE OF LORDS

Select Committee on the Constitution

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Lord Gardiner of Kimble  
Seacole Building  
2 Marsham Street  
London  
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28 October 2020

Dear Lord Gardiner,

## **Fisheries Bill – Permissive Extent Clause**

I write on behalf of the Constitution Committee regarding the Fisheries Bill.

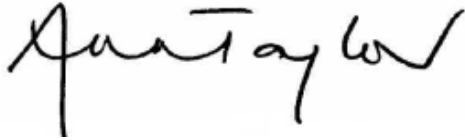
The Government amended the Bill at report stage in the Commons to insert a Permissive Extent Clause, such that the Secretary of State may implement parts of international fishing agreements on behalf of the Channel Islands and the Isle of Man. The governments of the Channel Islands have expressed concerns about these provisions, to which they have not consented.

We would be grateful for clarification about the Government's position on this matter and, in particular, your answers to the following questions:

- For what reasons has the Permissive Extent Clause been added to the Bill at this late stage in the process? What has changed since the Bill was first published in October 2018 and since its reintroduction in January 2020?
- The minister in the Commons, Victoria Prentis MP, said during the debate: "We are not intending to use the provision, but I think it is correct to have it in the Bill" (HC Deb, 13 October, col 310). If the Government does not intend to use the provision, what is the need for its inclusion in the Bill? We do not consider that it is acceptable for the Government to seek powers 'just in case' or because they might be 'convenient'. Powers should only be sought when the need for them can be demonstrated and the form of their exercise can be anticipated.
- What has been the process for consulting with the governments of the Channel Islands regarding the Permissive Extent Clause?
- When the Bill was first introduced in 2018, the Government said in the Explanatory Notes: "The Crown Dependencies are not part of the United Kingdom and the United Kingdom generally seeks their consent before extending legislation to them. This would be the case here." Is this still the case?
- If the Government intends to extend provisions of the Bill to the Channel Islands without their consent, what is the explanation and justification for doing so?

The insertion of a Permissive Extent Clause is a constitutional matter which would have attracted substantial debate if it had been included in the Bill during its passage in the House of Lords. The Government will need to satisfy the House of the necessity of this provision if it is to avoid it being opposed during Consideration of Commons Amendments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Baroness Taylor' followed by a stylized flourish.

Baroness Taylor of Bolton  
Chair of the Constitution Committee