

Devon and Severn IFCA Potting Permit Byelaw

The Permit Conditions:

Interpretations

In the following Flexible Permit Conditions:

“the Authority” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“berried edible crab” means any edible crab carrying any spawn attached to the body or some other exterior part of the crab, or which is in such a condition as to show that at the time when it was taken it was carrying spawn so attached;

“berried lobster” means any lobster or spiny lobster which is carrying any spawn attached to the tail or some other exterior part of the lobster, or which is in such a condition as to show that at the time it was taken it was carrying spawn so attached;

“the District” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“fishing” includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;

“mutilated lobster” means a lobster or spiny lobster where any of the five flaps of the tail fan is missing or mutilated in such a manner that could hide or obliterate a V-notch;

“pot” means any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;

“V notched lobster” means a lobster or European spiny lobster with an indentation in the shape of the letter “V” or resembling the shape of a “V” made in any one or more of the five flaps on the tail fan;

Species:

“bass” means a fish of the species *Dicentrarchus labrax*;

“ballan wrasse” means a wrasse of the species *Labrus bergylta*;

“corkwing wrasse” means a wrasse of the species *Symphodus melops*

“cuckoo wrasse” means a wrasse of the species *Labrus mixtus*;

“edible crab” means a crab of the species *Cancer pagurus*;

“goldsinny wrasse” means a wrasse of the species *Ctenolabrus rupestris*;

“green crab” means a crab of the species *Carcinus maenas*;

“lobster” means a lobster of the species *Homarus gammarus*;

“rock cook wrasse” means a wrasse of the species *Centrolabrus exoletus*

“scallop” means a scallop of the species *Pecten maximus*;

“spider crab” means a crab of the species *Maja spp.*;

“spiny lobster” means a lobster of the species *Palinurus elephas*;

“velvet swimming crab” means a crab of the species *Necora puber*;

“whelk” means a whelk of the species *Buccinum undatum*;

The Permit Conditions

1 Catch Restrictions

As provided by paragraph 24(a) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 1.1 A permit holder or named representative is not authorised to fish under this Permit if the Permit Holder or Named Representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.5.4 inclusive.
- 1.2 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:
- a) any 'V'-notched or mutilated lobster;
 - b) any berried lobster or berried edible crab;
 - c) any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster;
 - d) any edible crab or lobster or spiny lobster that has recently cast its shell;
- 1.3 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:
- a) a female edible crab less than 150mm measured across the broadest part of the carapace;
 - b) a male edible crab less than 160mm measured across the broadest part of the carapace;
 - c) a scallop less than 100mm measured across the broadest part of the flat shell;
 - d) a whelk less than 45mm measured along the length of the shell, except when Table 1 in paragraph 4.3 applies;
 - e) a lobster less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
 - f) a spider crab less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;
 - g) a spiny lobster less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;
 - h) a velvet swimming crab less than 65mm measured across the broadest part of the carapace;
 - i) a bass less than 42cm measured from the tip of the snout to the end of the tail fin;
- 1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.
- 1.3.2 The measurement of the size of a marine organism will take place in accordance with the provisions laid down in Annex XIII Article 18(1) of Council Regulation (EC) 850/98.

1.4 Additional Category One Catch Restrictions

1.4.1 A Category One permit holder using a named vessel without a shellfish fishing entitlement set out in Section 3 of the vessel's General Fishing Licence is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of five lobsters, however comprised, from the species of lobster or spiny lobster, and
- b) a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

1.5 Additional Category Two Catch Restrictions

1.5.1 A Category Two permit holder or named representative is not authorised under this Permit to remove from a fishery within the District in any calendar day more than:

- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster, and
- b) a total of three crabs, however comprised, from the species of edible crab and spider crab.

1.5.2 Subject to the restrictions imposed under paragraph 1.5.1 (a) & (b), a Category Two permit holder or named representative is only authorised under this Permit to remove sea fisheries resources for personal consumption.

1.5.3 A Category Two permit holder or named representative is not authorised under this Permit to retain on board live wrasse that have been removed from a fishery within the District.

1.5.4 Where a Category Two permit holder fishes under multiple permits issued by the Authority the total number of crabs, lobster and bass-that can be removed from a fishery within the District in any calendar day must not exceed the limits set out in 1.5.1 (a) & (b).

2 Gear Restrictions

As provided by paragraph 24 (b) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply

- 2.1 During the period specified in section 4.1, a permit holder or named representative is not authorised under this Permit, to use for the purpose of fishing for crab, lobster or spiny lobster, within the District any pot where the entrance or entrances to the pot or internal chamber of the pot are constructed from netting and are designed to prevent shellfish exiting unless;
- a) the pot is fitted with an escape gap or;
 - b) where a chamber is present, the chamber is fitted with an escape gap.
- 2.1.2 Any escape gap must;
- a) be located in the exterior wall of the pot or in the case of a multiple chambered pot each individual chamber must have an unobstructed escape gap located in its exterior wall;
 - b) be of sufficient size that there may be passed through the gap a rigid, box shaped gauge, 84 millimetres wide by 46 millimetres high and 100 millimetres long; and
 - c) be fitted in such a way that the longest side of the gap is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible, other than in the bottom.
- 2.2 Within the estuaries to the landward of the coordinates set out in the attached Annex 3 of this Permit, a permit holder or named representative, is not authorised under the Permit, to use any pot for the purposes of fishing, with an entrance at its narrowest point of 85mm or less in width unless;
- a) the entrance to the pot at its narrowest point is fitted with a ring constructed of a rigid material and;
 - b) the ring is fitted across the narrowest part of the entrance to the pot and is the same width as the narrowest part of the entrance to the pot.
- 2.3 A permit holder or named representative is not authorised under this Permit to use any pots, for the purpose of fishing, within the District unless all individual pots or each string or shank of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these buoys or dahns shall be clearly marked with either the relevant fishing vessels registration (port, letters and numbers) of the vessel named on the Permit or the Permit number.
- 2.4 Where a tag issued by the Authority has been lost, a permit holder or named representative must;
- a) must report as soon as practicable the loss of a tag and;
 - b) if a lost tag is subsequently recovered it must be returned to the Authority and must not be used on any pot and;
 - c) any request for a replacement tag must be in writing to the Authority

2.5 Bait

- 2.5.1 A permit holder or named representative is not authorised under this Permit to use any edible crab for bait within the District whilst fishing for crab, lobster and spiny lobster.
- 2.5.2 A permit holder or named representative is not authorised under this Permit to use any shellfish as bait within the District unless it meets the minimum sizes for shellfish set out in section 1.3 of the Flexible Permit Conditions above.
- 2.5.3 A permit holder or named representative is not authorised under this Permit to use any finfish as bait within the District unless it meets minimum sizes set out in Annex XII, Article 17 of Council Regulation (EC) 850/98.

2.6 Additional Category One Gear Restrictions

- 2.6.1 A Category One permit holder or named representative is not authorised under this Permit, to use a pot for the purpose of fishing for live wrasse, within the District, unless;
- a) in addition to paragraph 2.3 above, each floating buoy or dahn is clearly marked with the letters 'WRA';
 - b) the maximum number of pots used does not exceed 120;
 - c) each pot is tagged with a tag issued by the Authority; and
 - d) the retained live wrasse complies with the sizes as set out in paragraph 2.6.2;
- 2.6.2 A permit holder or named representative is not authorised to remove live wrasse within the District other than within the size ranges as set out in (a-e) below;
- a) ballan wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;
 - b) corkwing wrasse less than 140mm or greater than 180mm, measured from the tip of the snout to the end of the tail fin;
 - c) cuckoo wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;
 - d) goldsinney wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail;
 - e) rock cook wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin.

Additional Category Two Gear Restrictions

- 2.6.3 A Category Two permit holder or named representative is only authorised to haul pots within the District that are identified by tags issued to the Permit Holder by the Authority.
- 2.6.4 A person being a Category Two permit holder or a named representative nominated by a Category Two permit holder is not authorised under this Permit to use for the purpose of fishing within the District more than five pots in any day within the District.
- 2.6.5 A Category Two permit holder is not authorised to use for the purpose of fishing within the District a pot unless the pot is fitted with a tag issued by the Authority.
- 2.6.6 A Category Two permit holder or named representative is not authorised under this Permit to use any container or any other device to store any crab, lobster or scallop in the sea or in an estuary within the District.
- 2.6.7 A Category Two permit holder or named representative is not authorised under this Permit to land any sea fisheries resources removed from a fishery within the District other than on the day of their capture.

3 Spatial Restrictions

As provided by paragraph 24 (c) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 3.1 In the areas as defined by the coordinates set out in the attached Annex 1 of this Permit (Knoll Pins area at Lundy Island), a permit holder or named representative is not authorised under this Permit to remove any sea fish resources or use any container or any other device for the purpose of storing sea fish resources.
- 3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this Permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.
- 3.3 In the estuaries to the landward of the coordinates set out in the attached Annex 3 of this Permit, a permit holder or named representative is not authorised to use any pot for the purpose of fishing, with an entrance at its narrowest point of 85mm or less in width except where paragraph 2.2 (a) and (b) applies.
- 3.4 In the areas as defined by the coordinates set out in the attached Annex 4 of this Permit (Lundy Island No Take Zone), a permit holder or named representative is not authorised to remove any sea fisheries resources.

4 Time Restrictions

As provided by paragraph 24 (d) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 4.1 A permit holder or named representative is not authorised under this Permit to use a pot within the District, for the purpose of fishing for crab, lobster and spiny lobster between 1st April and 31st December (inclusive) unless it is used in accordance with paragraph 2.1 above.
- 4.2 A Category One permit holder or named representative is not authorised under this Permit to use a pot, for the purpose of fishing for live wrasse within the District, between 1st May and 15th July (inclusive).
- 4.3 A permit holder or named representative is only authorised to remove from a fishery within the District, whelk of a size specified in Table 1 below as measured along the length of the shell.

Table 1

<i>Date</i>	<i>Size</i>
<i>1st November 2018</i>	<i>55mm</i>
<i>1st November 2020</i>	<i>65mm</i>