



# **Devon and Severn Inshore Fisheries and Conservation Authority**

## **Byelaw Booklet**

## DEVON AND SEVERN INSHORE FISHERIES CONSERVATION AUTHORITY

On the 1<sup>st</sup> April 2011, the Devon and Severn Inshore Fisheries and Conservation Authority (D&SIFCA) was fully vested under the Marine and Coastal Access Act 2009 (MaCAA).

Under section 6 of The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011, the D&SIFCA has inherited and can actively enforce the local byelaws made by Devon Sea fisheries (DSFC) and the Environment Agency (EA) covering the district described above. D&SIFCA are required to review the inherited byelaws. The Authority has already introduced new permit byelaws to cover mobile fishing, potting, netting and diving activities.

The booklet provides information on all the legislation currently in force. If you are in any doubt on how these byelaws may impact on you, please contact the office for further advice before fishing.

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### The Devon and Severn IFCA District



DEVON AND SEVERN INSHORE FISHERIES CONSERVATION AUTHORITY

The district co-ordinates are as follows;

The western boundary of the district (North Devon/Cornwall Boundary)

1. 50° 55.74 N : 4° 32.95 W
2. 50° 55.74 N : 4° 43.55 W

The northern boundary of the district (River Severn up to Maisemore Weir)

1. 51° 34.18 N : 2° 42.63 W
2. 51° 33.88 N : 2° 42.53 W
3. 51° 32.53 N : 2° 42.95 W
4. 51° 31.58 N : 2° 47.15 W
5. 51° 27.35 N : 2° 59.54 W
6. 51° 25.53 N : 3° 01.63 W
7. 51° 21.51 N : 3° 06.29 W
8. 51° 21.45 N : 3° 06.93 W
9. 51° 21.00 N : 3° 11.11 W
10. 51° 17.75 N : 3° 14.59 W
11. 51° 17.18 N : 3° 18.38 W
12. 51° 19.31 N : 3° 38.84 W
13. 51° 23.85 N : 3° 57.57 W
14. 51° 21.66 N : 4° 26.57 W
15. 51° 21.70 N : 4° 26.71 W

The south eastern boundary of the district (Devon/Dorset Boundary)

1. 50° 43.07 N : 2° 56.78 W
2. 50° 36.36 N : 2° 56.78 W

The south western boundary of the district (Plymouth Sound into the River Tamar)

1. 50° 24.64 N : 4° 12.20 W
2. 50° 24.50 N : 4° 12.20 W
3. 50° 23.70 N : 4° 12.60 W
4. 50° 23.25 N : 4° 11.70 W
5. 50° 22.50 N : 4° 11.30 W
6. 50° 21.90 N : 4° 11.40 W
7. 50° 21.75 N : 4° 11.10 W
8. 50° 21.80 N : 4° 10.50 W
9. 50° 21.00 N : 4° 09.60 W
10. 50° 06.38 N ; 4° 09.60 W

The Devon and Severn Inshore Fisheries and Conservation Authority (DSIFCA) District extends out seawards 6 nautical miles from the shore except within the Bristol Channel.

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DEVON AND SEVERN INSHORE FISHERIES CONSERVATION AUTHORITY  
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Note:

In the Devon Sea Fisheries Committee byelaws all references to the Clerk of the Committee should now be read as Chief Officer.

**Charts provided are for illustrative purposes only.**

Charts relevant to above Devon Sea Fisheries Committee byelaws are also available on the D&SIFCA website. [www.devonandsevernifca.gov.uk](http://www.devonandsevernifca.gov.uk).

Minimum sizes and how to measure marine organisms can be found at the back of the booklet.

From time to time byelaws and other legislation covered in this booklet may change. Please always check the D&SIFCA website or contact the office if you are unsure how the legislation may affect your fishing activity.

**Devon and Severn IFCA Byelaws**

*The following Permit Byelaws apply to the whole of the D&SIFCA District*

**Mobile Fishing Permit Byelaw**

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

**Interpretation**

1. In this byelaw-

- a) “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);
- b) ‘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);
- c) “estuaries” means waters within the District to the landward side of the closing lines set out below;

- River Axe - a line drawn 090<sup>0</sup> True between 50<sup>0</sup> 42.135’N 003<sup>0</sup> 3.354’W and 50<sup>0</sup> 42.135’N 003<sup>0</sup> 3.274’W,
- River Otter - a line drawn 039<sup>0</sup> True between 50<sup>0</sup> 37.626’N 003<sup>0</sup> 18.399’W and 50<sup>0</sup> 37.821’N 003<sup>0</sup> 18.143’W and a line drawn 312<sup>0</sup> True between 50<sup>0</sup> 37.626’N 003<sup>0</sup> 18.399’W and 50<sup>0</sup> 37.791’N 003<sup>0</sup> 18.676’W,
- River Exe, - a line drawn 068<sup>0</sup> True between 50<sup>0</sup> 35.518’N 003<sup>0</sup> 26.629’W and 50<sup>0</sup> 36.421’N 003<sup>0</sup> 23.108’W,
- River Teign – a line drawn 000<sup>0</sup> True between 50<sup>0</sup> 32.272’N 003<sup>0</sup> 29.743’W and 50<sup>0</sup> 32.513’N 003<sup>0</sup> 29.743’W,
- River Dart – a line drawn 064<sup>0</sup> True between 50<sup>0</sup> 19.634’N 003<sup>0</sup> 34.266’W and 50<sup>0</sup> 20.141’N 003<sup>0</sup> 32.583’W,
- Salcombe Harbour – a line drawn 090<sup>0</sup> True between 50<sup>0</sup> 19.634’N 003<sup>0</sup> 46.836’W and 50<sup>0</sup> 19.634’N 003<sup>0</sup> 46.407’W,
- River Avon – a line drawn 090<sup>0</sup> True between 50<sup>0</sup> 16.684’N 003<sup>0</sup> 54.018’W and 50<sup>0</sup> 16.684’N 003<sup>0</sup> 52.676’W and a line drawn 206<sup>0</sup> True between 50<sup>0</sup> 16.876’N 003<sup>0</sup> 54.049’W and 50<sup>0</sup> 17.082’N 003<sup>0</sup> 53.390’W,
- River Erme - a line drawn 123<sup>0</sup> True between 50<sup>0</sup> 18.243’N 003<sup>0</sup> 57.834’W and 50<sup>0</sup> 17.750’N 003<sup>0</sup> 56.657’W,
- River Yealm – a line drawn 205<sup>0</sup> True between 50<sup>0</sup> 18.749’N 004<sup>0</sup> 04.139’W and 50<sup>0</sup> 18.560’N 004<sup>0</sup> 04.268’W,
- River Taw/Torridge – a line drawn 025<sup>0</sup> True between 51<sup>0</sup> 03.849’N 004<sup>0</sup> 13.416’W and 51<sup>0</sup> 04.524’N 004<sup>0</sup> 12.897’W.

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- d) 'fishing' for the purposes of this byelaw includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;
  - e) 'inboard, lashed and stowed' means that the mobile fishing gear is stored in such a way that use cannot readily be made of it for any purpose;
  - f) "mobile fishing gear" means a dredge, trawl or similar device, that is designed to be towed or pushed to take any sea fisheries resources;
  - g) "overall length" shall have the same meaning as "length overall" as defined in Regulation 2 of the Merchant Shipping (Tonnage) Regulations 1997/1510;
  - h) "owner" means the majority shareholder in the vessel as recorded on the vessel's certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993;
  - i) "permit" means:
    - i. a Category One Permit issued under paragraph 6 of this byelaw; or
    - ii. a Category Two Permit issued under paragraph 7 of this byelaw
  - j) "using" in the context of mobile fishing gear shall for the purposes of this byelaw mean moving, towing, pushing or dragging it on the seabed and or above the seabed and or on the surface of the sea and or anchoring and or leaving it on the seabed with or without the intention to take Sea Fisheries Resources and "use" and "used" shall be construed accordingly;
  - k) "vessel" means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

## Prohibitions

- 2 No person shall operate any vessel using mobile fishing gear except where paragraph 3 applies.
- 3 This paragraph applies where:
  - a) the use of mobile fishing gear is in accordance with a permit; or
  - b) a vessel less than 7 metres in overall length and is using a net with a mesh size of less than 31mm to fish for sand eels (*Ammodytidae sp.*).
- 4 No vessel shall carry any mobile fishing gear unless:
  - a) the mobile fishing gear is inboard, lashed and stowed;
  - b) the mobile fishing gear is being used in accordance with a permit;

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- c) the vessel is less than 7 metres in overall length and is using a net with a mesh size of less than 31mm to fish for sand eels (*Ammodytidae sp.*)

### Deeming

5. Whilst fishing within the District with a Permit as set out in paragraphs 6 and 7 of this byelaw, any sea fisheries resources that are on board shall be deemed to have been taken and or removed from a fishery within the District.

### Permits

6. The Authority may issue a document authorising a vessel to use mobile fishing gear in any part of the District other than in estuaries (a 'Category One Permit').
7. The Authority may issue a document authorising a vessel to use mobile fishing gear only in estuaries in any part of the District (a 'Category Two Permit').
8. Where the Authority issues a permit the Authority will at the same time issue a certificate disc.
9. An application for a permit may only be made by the owner of a vessel using the printed forms available from the Authority's office or its website
10. Only one Category One Permit and one Category Two Permit may be issued per vessel.
11. A permit and certificate disc:
  - a) are issued to the owner of a named vessel;
  - b) in the case of shared ownership the permit and certificate disc will be jointly issued to all owners;
  - c) are valid for the dates specified in the permit, up to a maximum of two years.
  - d) are not transferable between:
    - i. the permit holder and another person; or
    - ii. the vessel named in the permit and another vessel; and
  - e) must be surrendered to the Authority immediately if no longer required.
12. A permit holder may nominate a representative at the time of the permit application or at any other time in writing.
13. A fee will be charged for each permit which will be payable on application or renewal only. The fee for a permit is £20.

### Permit Conditions

14. The permit holder or the nominated representative must be present on board the vessel named in the permit while mobile fishing gear is in use.
15. The issued certificate disc must be clearly displayed at all times on the vessel named on the permit.
16. The permit holder shall provide any relevant fisheries information required by the Authority.



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17. All vessels issued with a Category One Permit as set out in paragraph 6 of this byelaw may be required to have fitted at the owner's expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the Category One Flexible Permit conditions.
18. All vessels issued with a Category Two Permit as set out in paragraph 7 of this byelaw may be required to have fitted at the owner's expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the Category Two Flexible Permit conditions.
19. Any Category Two Permit holder or the representative shall only retain on board the named vessel those sea fisheries resources authorised for retention by that permit. Any other sea fisheries resources taken must be immediately returned to the sea without further injury as near as possible to the place from which they were taken.
20. Failure to comply with any permit conditions constitutes a contravention of this byelaw.

### **Flexible Permit Conditions**

21. The Authority will introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 22.
22. The categories are:
  - a) Catch restrictions;
  - b) Gear restriction;
  - c) Spatial restrictions;
  - d) Time restrictions.
23. The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 25 to 27.
24. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 25 to 27 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.

### **Review Procedure**

25. The Authority shall review the flexible permit conditions no less than once every three years.
26. A review of the flexible permit conditions shall be undertaken as follows:
  - a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
  - b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation at paragraph 26(a) and the information gathered from permit holders and the information listed in paragraph 27;
  - c) Following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.

27. The information includes any one or more of the following:
- a) Data collected from permit holders;
  - b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
  - c) Scientific advice provided by CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;
  - d) An Impact Assessment of any proposed changes;
  - e) Advice given by Natural England or such other bodies, organisations, or persons as the Authority shall think fit;
  - f) Information from any other relevant source.

### **Revocation**

28. The byelaws with the following titles made by the Devon Sea Fisheries Committee in exercise of its power under sections 5 and 5a of the Sea Fisheries Regulation Act 1966 and in force immediately before the making of this byelaw are hereby revoked :
- a) 'Byelaw 3 – Scallops – Closed Periods';
  - b) 'Byelaw 4 - Escallops - Method of Fishing';
  - c) 'Byelaw 5 - Prohibition of Trawling in Start Bay';
  - d) 'Byelaw 6 - Restrictions of Trawling in Estuaries';
  - e) 'Byelaw 16 – Definition of Trawling';
  - f) 'Byelaw 23 – Dredging in Salcombe Estuary';
  - g) 'Byelaw 25 – Dredging in the Dart'.

### **Explanatory Note (not part of byelaw)**

The proposed Byelaw will provide the Authority with the ability to balance the needs of fishermen using mobile fishing gear with the requirements to secure a sustainable marine ecosystem and local socio-economic considerations. The Byelaw will introduce flexibility in the way that the Authority manages mobile gear fisheries and support the protection of the marine environment including all of the Marine Protected Areas in the District. The Byelaw will control access of vessels using bottom towed gears to Marine Protected Areas. The flexible permit conditions will be reviewed when necessary and within a time period not exceeding three years.

## Potting Permit Byelaw

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

### Interpretation

1. In this byelaw-

- a) “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);
- b) ‘the District’ means the Devon and Severn Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);
- c) ‘fishing’ for the purposes of this byelaw includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;
- d) “inboard, lashed and stowed” means that the pots are stored in such a way that they cannot readily be used for fishing;
- e) “permit” means:
  - i. a Category One Permit issued under paragraph 4 of this byelaw; or
  - ii. a Category Two Permit issued under paragraph 5 of this byelaw;
- f) “pot” means any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;
- g) “relevant fishing vessel” means a fishing vessel:
  - i. registered on Part II of The Registry of Shipping and Seamen as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 3138 of 1993). and
  - ii. in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967.
- h) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

## Prohibitions

2. It is prohibited for a person to use pots for fishing within the District otherwise in accordance with a permit.

## Deeming

3. Whilst fishing within the District;
  - a) any sea fisheries resources that are on board the relevant fishing vessel or vessel shall be deemed to have been taken and or removed from a fishery within the District.
  - b) any pots not inboard, lashed and stowed on board the relevant fishing vessel or vessel shall be deemed to be in use for fishing.

## Permits

4. The Authority may authorise the use of a pot for fishing within the District from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
5. The Authority may, authorise the use of pots for fishing within the District by issuing a Category Two Permit to:
  - a) the owner of a named vessel that is not a relevant fishing vessel;
  - b) a named person without a vessel.
6. Where the Authority issues a permit, the Authority will at the same time issue a certificate disc.
7. Only one permit may be issued to a named person without a vessel or in respect of a named vessel.
8. An application for a permit must be made using the printed forms available from the Authority's office and website.
9. A permit and certificate disc:
  - a) are issued to the owner of a named vessel;
  - b) in the case of shared ownership shall be jointly issued to all owners of the named vessel;
  - c) are issued to a named person without a vessel;
  - d) are valid for the dates specified in the permit, up to a maximum of two years;
  - e) are not transferrable between:
    - i. the permit holder and another person; or
    - ii. the named vessel in the permit and another vessel.
10. A permit holder using a vessel may nominate named representatives at the time of the permit application or at any other time in writing to the Authority.
11. A permit holder when nominating a named representative at any other time must;
  - a) make the nomination in writing;

b) contact and receive approval from the Authority for the named representative prior to fishing.

12. A fee will be charged for each permit which will be payable on application or renewal only. The fee for a permit is £20.
13. No fee will be charged for the issue of tags to a Category Two permit holder as required by paragraph 20. However, the Authority will charge £2 per replacement tag.

### **Permit Conditions**

14. A named vessel in a Category One Permit must be a relevant fishing vessel for the permit to remain valid.
15. The permit holder or the nominated representative must be present when the permit is in use.
16. The issued certificate disc must be clearly displayed at all times on the vessel named in the permit or must be produced by a named person without a vessel when requested by an officer holding an enforcement warrant issued by the Authority.
17. The permit holder shall provide any relevant fisheries information required by the Authority for the discharge of its functions.
18. All vessels issued with a Category One Permit may be required to have fitted at the owner's expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the permit conditions.
19. All vessels issued with a Category Two Permit may be required to have fitted at the owner's expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the permit conditions.
20. The Authority may require tags, issued by the Authority to be fitted to pots as set out in the permit conditions.
21. The permit holder must not use more than the maximum number of pots as set out in the flexible permit conditions.
22. Failure to comply with any permit conditions constitutes a contravention of this byelaw.

### **Flexible Permit Conditions**

23. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 24.
24. The categories referred to in paragraph 23 are:
  - a) Catch restrictions;
  - b) Gear restriction;
  - c) Spatial restrictions;
  - d) Time restrictions.

25. The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 27 to 29.
26. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 27 to 29 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.

### **Review Procedure**

27. The Authority shall review the flexible permit conditions not less than once every three years.
28. A review of the flexible permit conditions shall be undertaken as follows:
  - a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
  - b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation set out in paragraph 28 (a) and the information gathered from permit holders and the processes listed in paragraph 29. Following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.
29. The information referred to paragraph 28(b) includes any one or more of the following;
  - a) Data collected from permit holders;
  - b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
  - c) Scientific advice provided by CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;
  - d) An Impact Assessment of any proposed changes;
  - e) Advice given by Natural England or such other bodies, organisations, or persons as the Authority shall think fit;
  - f) Information from any other relevant source.

### **Revocation**

30. The Byelaws with the following titles made by the Devon Sea Fisheries Committee in exercise of its power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and in force immediately before the making of this byelaw are hereby revoked:
  - a) Byelaw 15 - Potting Restriction – Lundy Island Marine Conservation Zone (MCZ);

- b) Byelaw 22 - Pots Used For Fishing For Crustacea;

**Explanatory Note (not part of byelaw)**

The proposed Byelaw will provide the Authority with the ability to balance the needs of persons potting with the requirements to secure a sustainable marine eco-system and the local socio-economic environment for the benefit of all sea users. Any person that uses pots to fish in the Authority's district is required to do so in accordance with a permit issued by the Authority. The byelaw introduces the ability to restrict the number of pots that can be used and a daily catch limit. The flexible permit conditions contain all the Authority's management restrictions that apply to potting activity in the district. The flexible permit conditions will be reviewed when necessary on the basis of best available evidence and within a time period not exceeding three years.

## Diving Permit Byelaw

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

### Interpretation

1. In this byelaw-

- a) “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);
- b) ‘the District’ means the Devon and Severn Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212).
- c) ‘crab’ means any crab of the species of *Cancer pagarus* or *Maia squinado*;
- d) ‘diving’ means any underwater swimming activity;
- e) ‘lobster’ means any lobster of the species *Homarus gammarus*; or *Palinurus elephas*;
- f) ‘scallop’ means any scallop of the species *Pecten maximus*;
- g) “permit” means:
  - i. a Category One Permit issued under paragraph 4 of this byelaw; or
  - ii. a Category Two Permit issued under paragraph 5 of this byelaw;
- h) “relevant fishing vessel” means a fishing vessel:
  - i. registered on Part II of The Registry of Shipping and Seamen Cardiff as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 3138 of 1993). and
  - ii. in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967.
- i) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

### Prohibitions

2. It is prohibited for a person when diving to remove from a fishery within the District;
  - a) crab;
  - b) lobster;



otherwise in accordance with a permit.

### **Deeming**

3. Whilst diving within the District, any crab, lobster or scallop that are on board the relevant fishing vessel or vessel shall be deemed to have been taken and or removed from a fishery within the District.

### **Permits**

4. The Authority may authorise the removal of the species listed in paragraph 2 from a fishery within the District by diving from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
5. The Authority may authorise the removal of the species listed in paragraph 2 from a fishery within the District by diving by issuing a Category Two Permit to:
  - a) the owner of a named vessel that is not a relevant fishing vessel;
  - b) a named person without a vessel.
6. Where the Authority issues a permit, the Authority will at the same time issue a certificate disc.
7. Only one permit may be issued to a named person without a vessel or in respect of a named vessel.
8. An application for a permit must be made using the printed forms available from the Authority's office and website.
9. A permit and certificate disc:
  - a) are issued to the owner of a named vessel;
  - b) in the case of shared ownership shall be jointly issued to all owners of the named vessel;
  - c) are issued to a named person without a vessel
  - d) are valid for the dates specified in the permit, up to a maximum of two years;
  - e) are not transferrable between:
    - i. the permit holder and another person; or
    - ii. the named vessel in the permit and another vessel.
10. A permit holder using a vessel may nominate named representatives at the time of the permit application or at any other time.
11. A permit holder when nominating a named representative at any other time must;
  - a) make the nomination in writing;
  - b) contact and receive approval from the Authority for the named representative prior to fishing.

12. A fee will be charged for each permit which will be payable on application or renewal only. The fee for a permit is £20.

### **Permit Conditions**

13. A named vessel in a Category One Permit must be a relevant fishing vessel for the permit to remain valid.
14. The permit holder or the nominated representative must be present when the permit is in use.
15. The issued certificate disc must be clearly displayed at all times on the vessel named in the permit or must be produced by a named person without a vessel when requested by an officer holding an enforcement warrant issued by the Authority.
16. The permit holder shall provide any relevant fisheries information required by the Authority for the discharge of its functions.
17. Failure to comply with any permit conditions constitutes a contravention of this byelaw.

### **Flexible Permit Conditions**

18. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 19.
19. The categories referred to in paragraph 18 are:
  - a) Catch restrictions;
  - b) Gear restriction;
  - c) Spatial restrictions;
  - d) Time restrictions.
20. The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 22 to 24.
21. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 22 to 24 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.

### **Review Procedure**

22. The Authority shall review the flexible permit conditions no less than once every three years.
23. A review of the flexible permit conditions shall be undertaken as follows:
  - a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
  - b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation set out in paragraph 23 (a) and the

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information gathered from permit holders and the processes listed in paragraph 24. Following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.

24. The information referred to in paragraph 23(b) includes any one or more of the following:
- a) Data collected from permit holders;
  - b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
  - c) Scientific advice provided by CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;
  - d) An Impact Assessment of any proposed changes;
  - e) Advice given by Natural England or such other bodies, organisations; or persons as the Authority shall think fit;
  - f) Information from any other relevant source.

**Explanatory Note (not part of byelaw)**

The proposed Byelaw will provide the Authority with the ability to balance the needs of persons diving with the requirements to secure a sustainable marine eco-system and the local socio-economic environment for the benefit of all sea users. Any person that dives with or without breathing equipment and removes crab, lobster or scallops from any fishery in the Authority's district is required to do so in accordance with a permit issued by the Authority. The byelaw introduces the ability to apply a daily catch limits for all divers. The flexible permit conditions contain all the Authority's management restrictions that apply to potting activity in the district. The flexible permit conditions will be reviewed when necessary on the basis of best available evidence and within a time period not exceeding three years.

## Netting Permit Byelaw

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

### Interpretation

1. In this byelaw and associated flexible permit conditions-
  - a) “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);
  - b) “the District” means the Devon and Severn Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010;
  - c) “inboard, lashed and stowed” means that the nets are stored in such a way that the cannot readily be used for fishing;
  - d) “fishing” includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;
  - e) “net” means any type of net other than:
    - i. any net that forms part of a dredge, trawl, or similar device that is designed to be towed, or pushed by a vessel or mechanical device to take any sea fisheries resources;
    - ii. any net which forms part of any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;
    - iii. a landing net when used in conjunction with fishing by rod and line or a trolling line;
    - iv. any net which when fully expanded does not exceed an area of more than four meters squared, where it is operated only manually and not in connection with any vessel or mechanical device;
    - v. a brailing net;
  - f) “permit” means:
    - i. a Category One Permit issued under paragraph 4 of this byelaw; or
    - ii. a Category Two Permit issued under paragraph 5 of this byelaw;
  - g) “relevant fishing vessel” means a fishing vessel:
    - i. registered under Part II of The Registry of Shipping and Seamen as governed by the provisions of the Merchant Shipping Act 1995 (c.21) and the Merchant

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Shipping (Registration of Ships) Regulations 1993 (SI 3138/1993), or in the  
Channel Islands or Isle of Man;

and in respect of which there is a valid fishing licence issued under the Sea Fish  
(Conservation) Act 1967 (c.84); or

- ii. a vessel used for commercial fishing that has no mechanical propulsion of any kind on board.
- i) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

## **Prohibitions**

- 2 A person must not use a net for fishing otherwise than in accordance with a permit.
- 3. A person must not carry any net on board a vessel unless:
  - a) the net is inboard, lashed and stowed; or
  - b) the net is being used for fishing in accordance with a permit.

## **Permits**

- 4. The Authority may authorise the use of a net for fishing from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
- 5. The Authority may authorise the use of a net for fishing by issuing a Category Two Permit to:
  - a) the owner of a named vessel that is not a relevant fishing vessel; or
  - b) a named person without a vessel.
- 6. Only one permit may be issued to a named person without a vessel or in respect of a named vessel.
- 7. An application for a permit may only be made by using the printed forms available from the Authority’s office or its website.
- 8. A permit:
  - a) is issued to the owner of a named vessel or a named person;
  - b) in the case of shared ownership the permit will be jointly issued to all co-owners;
  - c) is valid for the dates specified in the permit, up to a maximum of two years;
  - d) is not transferable between:
    - i. the permit holder and another person; or
    - ii. the vessel named in the permit and another vessel; and
  - e) must be surrendered to the Authority immediately if no longer required.

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9. A permit holder may nominate a named representative at the time of the permit application or at any other time in writing to the Authority.
10. A permit holder, when nominating a named representative at any time other than at the time of the permit application, must:
  - a) make the nomination in writing; and
  - b) receive approval from the Authority prior to the named representative fishing under the authority of the Permit issued to the Permit holder.
11. A fee will be charged for each permit which will be payable on each application or renewal. The fee for a permit is £20.
12. No fee will be charged for the issue of a tag to a permit holder as required by paragraph 18. However, the Authority will charge £2 per replacement tag.

### **Permit Conditions**

13. A named vessel in a Category One Permit must be a relevant fishing vessel for the Permit to remain valid.
14. The permit holder or a named representative must be present when fishing is being undertaken under the authority of the permit.
15. The permit holder must provide any relevant fisheries information required by the Authority for the discharge of its functions.
16. A vessel in respect to which a permit has been issued may be required to have fitted at the owner's expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the permit conditions.
17. The Authority may require tags, issued by the Authority, to be fitted to a net as set out in the flexible permit conditions.
18. A Category Two Permit holder or a named representative must not remove sea fisheries resources except for personal consumption.
19. A Category Two Permit holder or named representative must not use any container or any other device to store any crab, lobster, scallop or bass in the sea or in an estuary.
20. Failure to comply with a permit condition constitutes a contravention of this byelaw.

### **Flexible Permit Conditions**

21. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 22.
22. The categories referred to in paragraph 21 are:
  - a) catch restrictions;
  - b) gear restriction;
  - c) spatial restrictions;

23. The Authority may introduce, remove or vary flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 26 to 28.
24. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 26 to 28 are those set by the Authority taking into account the impact assessment that accompanies this byelaw and all other material considerations.
25. Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

### **Review Procedure**

26. The Authority must review the flexible permit conditions no less than once every three years from their coming into force.
27. A review of the flexible permit conditions will be undertaken as follows:
  - a) The Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any proposed amendments to the flexible permit conditions;
  - b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation at paragraph 24(a) and any material information gathered from permit holders and the information listed in paragraph 25. Following a decision being made by the Authority, permit holders will be notified in writing and flexible permit conditions will be amended as necessary at no cost to the permit holder.
28. The information referred to in paragraph 24(b) includes any one or more of the following:
  - a) data collected from permit holders;
  - b) scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority thinks fit;
  - c) scientific advice provided by relevant statutory bodies or such other bodies, organisations, or persons as the Authority thinks fit;
  - d) an impact assessment of any proposed changes;
  - e) advice given by relevant statutory bodies or such other bodies, organisations, or persons as the Authority thinks fit;
  - f) information from any other relevant source.

### **Revocation**

29. The byelaw with the title “Byelaw 12 – Prohibition of Netting – River Exe” made by the Devon Sea Fisheries Committee on the 13<sup>th</sup> of September 1998 is revoked.
30. The byelaw with the title “Byelaw 14 – Trawling and Netting Prohibition – part of Lundy Island Marine Conservation Zone (MCZ)” made by the Devon Sea Fisheries Committee is

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revoked.

31. The byelaw with the title “Byelaw 29 – River Exe – Prohibition of Netting” made by the Devon Sea Fisheries Committee on the 11<sup>th</sup> of June 2009 is revoked.

### **Effective Date**

32. The provisions of this byelaw will come into effect on the 1<sup>st</sup> March 2018

### **Explanatory Note (not part of byelaw)**

This byelaw will provide the Authority with the ability to balance the needs of persons netting with the requirements to secure a sustainable marine eco-system and local socio-economic environment for the benefit of all sea users. Any person that uses a net, other than of a type specified in the byelaw, to fish in the Authority’s District is required to do so in accordance with a permit issued by the Authority. The byelaw introduces the ability of the Authority to restrict the number of nets that can be used, specify where and when nets can be used, and introduce a daily catch limit. The flexible permit conditions contain all the Authority’s management restrictions that apply to netting activity in the District. The flexible permit conditions will be reviewed when necessary on the basis of best available evidence and within a time period not exceeding three years.



## **Emergency Application Byelaw**

In accordance with section 157(2)(a) of the Marine and Coastal Access Act 2009, the Authority for the Devon and Severn Inshore Fisheries and Conservation District considers that there is an urgent need for this Byelaw.

In accordance with section 157(2)(b) of the Marine and Coastal Access Act 2009, the need to make the Byelaw could not have been reasonably foreseen.

Accordingly, the Authority, in exercise of its powers conferred by sections 155, 156 and 157 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

### **Interpretation**

1. In this Byelaw –
  - a) “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);
  - b) ‘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;
  - c) ‘breeding’ includes the removal of sea fish resources to develop breeding programmes such as may occur in sea fish hatcheries, or encouraging breeding potential by removing and relaying sea fish resources to increase breeding density to facilitate spawning and recruitment;
  - d) ‘exploitation’ has the same meaning as set out in section 153(12) of the Marine and Coastal Access Act 2009;
  - e) ‘sea fisheries resources’ has the same meaning as set out in section 153(10) and (11) of the Marine and Coastal Access Act 2009;
  - f) ‘stocking’ includes supplying to or replenishing an area, within the District, with new stock or supply of that sea fish resource. This may include stocking for aquaculture purposes.

### **Application**

2. The Authority, subject to paragraph 3, may consent to the exploitation of sea fisheries resources within the District, with or without conditions, for a period not exceeding twelve calendar months by any vessel or person otherwise than in accordance with part or the whole of a Byelaw
  - a) Made by the Authority or
  - b) Enforced by the Authority under the provisions contained in The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011.
3. The exploitation of sea fisheries resources in respect of which consent may be given is;
  - a) for scientific purposes or
  - b) for stocking purposes or

c) for breeding purposes.

4. The authorisation shall;

- a) be signed by a Chief Officer or Deputy Chief Officer and counter signed by the Chair or a Deputy Chair of the Authority on behalf of the Authority and
- b) state the Byelaw in respect of which the consent is granted and
- c) set out the reasons for the granting of the consent and
- d) state the conditions upon which the consent is granted

5. For the avoidance of doubt any contravention of a condition in the written authorisation may result in proceedings being taken for contravention of the Byelaw from which the written authorisation gave relief.

6. A consent given under this Byelaw may be revoked by the Authority by written Notice of not less than 28 days.

**Explanatory Note (not part of Byelaw)**

The proposed Byelaw will provide the Authority with the opportunity to consider whether to relax any Byelaw that it has made or it can enforce under the provisions contained in The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011. The Byelaw allows the Authority to relax a named Byelaw and authorise the exploitation of sea fisheries resources that the Authority believes are necessary for furthering the understanding of marine fisheries and the environment by undertaking scientific studies and to continue to support aquaculture developments in the District. The authorisation may contain conditions that restrict the activity used in the exploitation of sea fisheries resources and will be limited to a maximum of 12 months before being reviewed. In reaching its decision, the Authority will seek to ensure that it meets its duties set out in section 153 of the Marine and Coastal Access Act 2009.

The said Byelaw shall come into force on 9<sup>th</sup> May 2018.

**1. Revocation of Existing Byelaws**

All Byelaws heretofore in force in the Devon Sea Fisheries District are hereby revoked, provided that nothing in such revocation shall affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Byelaw so revoked.

**7. Shellfish – Scallop**

No person shall remove from a fishery any scallop measuring less than 100mm across the broadest part of the flat shell.

**8. Shellfish – Re-deposit of**

Any person who takes any shellfish, the removal of which from a fishery is prohibited by any of the Byelaws, or the possession or sale of which is prohibited by or in pursuance of any Act of Parliament, shall forthwith re-deposit the same without injury in the water as near as possible to the place from which they were taken.

**9. Temporary Closure of Shellfish Beds**

Where in the opinion of the Committee, in any fishery, any bed or part of a bed of shellfish is so severely depleted as to require temporary closure in order to ensure recovery, or any bed or part of a bed contains mainly immature or undersized shellfish which in the interests of the protection and development of the fishery ought not to be fished for the time being or any bed of transplanted shellfish ought not to be fished until it has become established, and where the bed or part thereof has been clearly defined in notices displayed in the vicinity prohibiting the removal of the shellfish, or where the display of notices is not practicable a notice in a weekly newspaper circulating in the district in which the shellfish bed or part of the bed is situated, no person shall, while the bed or part thereof so defined, take away any shellfish without the consent of the Committee. For the purpose of this Byelaw the term “shellfish” means mussels, oysters, clams and periwinkles.

**10. Winkles**

No person shall remove from a fishery any winkle which will pass easily through a gauge within a square opening of 16mm measures over side of the square.

**11. Crab – *Cancer pagarus***

No person shall remove from a fishery any edible female crab which measures less than 140mm across the broadest part of the back. No person shall remove from a fishery any edible cock crab which measures less than 160mm across the broadest part of the back provided that this Byelaw shall not apply to any person removing any such crab for scientific purposes, or for stocking or breeding purposes, under the written authority of the Clerk of the Committee.

**13. Prohibition of Spear Fishing in Lundy Marine Conservation Zone (MCZ)**

No person shall use in fishing for sea fish or shellfish any harpoon spear or like instrument within the area designated by the Secretary of State for the Environment, by Order under Section 36 of the Wildlife and Countryside act 1981, as the Lundy Island Marine Conservation Zone, that is, the area enclosed by the following limits:-

From a point                    51° 09'N    004° 42'W thence due North  
to a point                        51° 13'N    004° 42'W thence due East

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to a point                    51° 13'N    004° 38'W thence due South  
to a point                    51° 09'N    004° 38'W thence due West  
to a point                    51° 09'N    004° 42'W.

**17. Fixed Engines**

(To be read with Article 11 of Council Regulation (EC) No 850/98)

*Please note that EC No 850/98 requirements mean that the maximum permitted mesh size under section 2(c) of the byelaw should be 70mm.*

The local sea fisheries committee of the Devon Sea Fisheries District by virtue of the powers vested in them by section 5 of the Sea Fisheries Regulation Act 1966 and Section 37(2) of the Salmon Act 1986 and with the consent of the Environment Agency revoke the existing byelaw and make the following byelaw.

The placing and use of fixed engines for taking sea fish is prohibited.

1 In any waters inshore or the specified closing lines for the following estuaries or harbours:-

a) in South Devon

- i) River Axe - a line joining the breakwater 270° True to the beach.
- ii) River Otter - a line drawn from Otter Ledge to Otter Point.
- iii) River Exe - a line drawn from Warren Point to Orcombe Point.
- iv) River Teign - a line drawn from the Ness 000° True to the harbour light.
- v) River Dart - a line drawn from Combe Point to Inner Froward Point.
- vi) Salcombe - a line drawn from Splat Point to Limbury Point.
- vii) River Avon - a line drawn from the seaward extremity of Burgh Island 090° True to the coast.
- viii) River Erme - a line drawn from Beacon Point to the seaward extremity of Battsborough Island.
- ix) River Yealm - a line drawn from Season Point to Mouthstone Point.
- x) River Plym - a line drawn from the Western end of Mountbatten Pier 000° True to Fishers Nose.
- xi) River Tamar - a line drawn from Devils Point 225° True to Wilderness Point.

b) in North Devon

- i) River Lyn - a line drawn across Lynmouth Harbour Mouth.

2. In the areas enclosed by the following lines within one nautical mile of the shore as defined by the lowest astronomical tide.

a) in South Devon

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- i) From Humble Point (East of Axe) to a point bearing 162° True and from Branscombe Mouth (West of Beer Head) to a point bearing 181° True.
  - ii) From Salcombe Mouth (East of Sidmouth) to a point bearing 173° True and from Torquay Harbour to a point bearing 178° True.
  - iii) From Mewstone (East of Dartmouth) to a point bearing 158° True and from Langerstone Point (East of Prawle Point) to a point bearing 154° True.
  - iv) From Warren Point (East of Thurlestone) to a point bearing 244° True and from St Anchorite's Rock (West of River Erme) to a point bearing 184° True.
  - v) From Yealm Head (East of Plymouth) to a point bearing 205° True and from Rame Head (West of Plymouth) to a point bearing 180° True.
- b) in North Devon
- i) From Blackchurch Rock (West of Clovelly) to a point bearing 026° True and from Baggly Point to a point bearing 270° True
  - ii) From Morte Point (West of Morteheo) to a point bearing 275° True and from Bull Point to a point bearing 326° True.
  - iii) From Beacon Point (East of Ilfracombe) to a point bearing 341° True and from Rillage Point (East of Hele Bay) to a point bearing 341° True.
  - iv) From Duty Point (West of Wringcliff Bay) to a point bearing 342° True and from Foreland Point to a point bearing 000° True.
- c) Unless the headline of every fixed engine is set at least three metres below the surface of the water at any state of the tide or the fixed engine does not prevent or interfere with the migration of salmon or sea trout and permission has been given by the Chief Fishery Officer of the Authority, subject to the consent of the Environment Agency. Any permit shall be in writing under the hand of the Chief Officer and shall be used in accordance with the conditions set out in that permit regarding the times and manner of setting fixed engines.
- i) The maximum permitted mesh size contained in any fixed engine to which such permit refers shall be **71** millimetres, except
  - ii) during the period between 1<sup>st</sup> October and 31<sup>st</sup> December inclusive the maximum mesh size may be between 90 and 93 millimetres.
3. Permits which will be valid until the following 31<sup>st</sup> December shall be issued by the Authority to the owner of the boat and shall refer to the registered number of the boat to be used in connection therewith. They may include conditions requiring the holder
- of the permit to submit to the Authority such information in regard to catches and other data relating to fishing as the Authority may require. The permit shall not be transferable.
4. For the purposes of this byelaw "fixed engine" has the same meaning as in the Salmon and Freshwater Fisheries Act 1975.

**18. Size of Vessels**

1. No vessel which exceeds 15.24 metres overall length shall be used in fishing for or taking sea fish within the District except:-

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- (i) in that part of the district within 3 miles from baselines vessels exceeding 15.240 metres overall length but not exceeding 18.288 metres registered length may be used as long as the vessel fished in the district prior to the Byelaw coming into force and remains in the same ownership as on 9<sup>th</sup> March 1989.
  - (ii) in that part of the district between 3 and 6 miles from baselines vessels exceeding 15.24 metres overall length may be used as long as the vessel fished in the district within the previous 24 months prior to the Byelaw coming into force and remains in the same ownership as on the date of the Byelaw coming into force.
2. No vessel which exceeds 15.24 metres overall length shall be used for fishing or taking sea fish within the district unless the vessel satisfies the criteria in (i) or (ii) above and the vessel is registered with the Committee and has obtained a certificate to that effect signed by the Chief Fishery Officer of the Committee. The certificate shall be issued without payment upon application on the prescribed form and on production of the Certificate of Registry of the said vessel as recorded in Part II of the register of British Ships established under Section 8 of the Merchant Shipping Act 1995. Applications must be made within 6 months of the date of the bylaw coming into force.

### **Definitions**

“Overall length” means the distance in a straight line between the foremost part of the bow and the aftermost part of the stern.

“Bow” includes the stem, forward bulkheads and any permanent fixtures thereto.

“Stern” includes the transom and any trawl ramp bulwark and other permanent fixtures thereto but excludes the rudder and rudder post.

“Sea fish” means fish of any description found in the sea including shellfish.

“The baselines” means the baselines as they existed at 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIIp. 6452A) as amended by the Territorial Waters (Amendment) Order in Council 1979 (1979 IIp 2866).

“Ownership” means as recorded in Fishing Boat Register held by the Registrar of Shipping and Seamen at Cardiff.

### **20. Jurisdiction**

All byelaws under Section 5 of the Sea Fisheries Regulation Act 1966 as read with Section 37 of the Salmon Act 1986 which are in force in the Devon Sea Fisheries District on 22 December 1992 shall not apply to any part of the sea beyond 3 nautical miles from the 1983 baselines.

For the purposes of the byelaw ‘the 1983 baselines’ means the baselines as they existed at 25 January 1983 in accordance with the Territorial Waters Order in Council 1964(1965 III p. 2866).

### **21 Parts of Edible Crab (*Cancer pagurus*)**

No person shall remove from a fishery any part of an edible crab (*Cancer pagurus*) which is detached from the carapace of the crab.

### **24 Harvesting of Shore Crab**

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For the purpose of conservation of marine resources the taking of shore crab (*Carcinus maenas*) is prohibited in the following areas:-

- a) In the Exe estuary north of a line joining Starcross Yacht Club Lat 50°38.8N Long 003°27.00W and Parsonage Stile Lat 50°38.99N Long 003°25.90W.
- b) In the vicinity of Dawlish Warren, south of a line joining Lat 50°36.65N Long 003°26.62W and Lat 50°36.62N Long 003°25.74W.

## **26 Protection of V-Notched Lobsters**

1. No person shall remove from a fishery any V-Notched or mutilated lobster of the species *Homarus gammarus*.
2. Any lobster so marked shall be returned immediately to the sea.

### **Definitions:**

“V-Notched” means an indentation in the shape of the letter “V” made in either of the two uropods on either side of the central telson of the lobster

“Mutilated lobster” means any lobster where either of the two uropods adjoining the central telson of the tail fan missing or mutilated in such a manner that could hide or obliterate a V-notch.

## **27 Protection of Undersize and Berried Lobsters**

1. No person shall remove from a fishery any berried Lobster, i.e. any lobster 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 when it was taken, it was carrying spawn so attached.
2. No person shall remove from a fishery any lobster of the species (*Homarus gammarus*) which has a carapace length less than that specified in paragraph 3 below.
3. The minimum size for lobster (*Homarus gammarus*) as measured in accordance with paragraph 4 below shall be 87 millimetres in the twenty-four months following confirmation of this byelaw and 90 millimetres thereafter.
4. Lobsters are to be measured using the carapace length and shall be measured parallel to the mid line from the rear of either eye socket to the distal edge of the carapace.
5. This byelaw shall apply to any part of the Devon Sea Fisheries District within a line drawn on the seaward side of the baselines six nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured. For the purposes of this paragraph “the baselines” means the baselines as they existed on 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIIp.6452A) as amended by the Territorial Waters (amendment) Order in Council 1979 (1970 IIIp.2866).
6. The byelaw shall come into operation on the confirmation hereof by the Minister of Agriculture Fisheries and Food and may be cited as the Devon Sea Fisheries District Lobster Byelaw 1998.

**28 Lundy "No Take Zone"**

For marine environmental purposes no person shall remove any sea fish from within the following area:-

From North East Point	Lat:- 51° 12.04N	Long:- 004° 40.12W
	thence due east	
to a point	Lat:- 51° 12.04N	Long:-004° 39.00W
	thence due south	
to a point	Lat:- 51° 10.07N	Long:-004° 39.00W
	thence due west	
to a point	Lat:- 51° 10.07N	Long:- 004°39.60W
	known as Sugar Loaf	

Thence in a northerly direction along the east coast of Lundy Island following the contour of the highest astronomical tide to the North East Point.

This area shall be known as the Lundy Island "No Take Zone"



## **1 Application**

These byelaws shall apply to the areas described in Byelaws 8 and 10 below where the Environment Agency acts as the local fisheries committee pursuant to section 18 of the Sea Fisheries Regulation Act 1966.

## **2 Interpretation**

“Devon Sea Fisheries Committee district” means the district created by the principal order as defined in the Devon Sea Fisheries District (Variation) Order 1998 SI 1998/1211.

“fixed engine” means –

- a) a stake net, bag net, putt or putcher;
- b) any fixed implement or engine for taking or facilitating the taking of fish;
- c) any net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way; and
- d) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for taking fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

“sea fish” means fish of any description found in the sea including shellfish but does not include –

- a) fish of the salmon species, or
- b) trout which migrate to and from the sea.

## **8 Sea fishing in areas inland of Devon Sea Fisheries Committee district**

The placing and use of fixed engines for taking sea fish is prohibited in any water inland of the landward boundary of the Devon Sea Fisheries Committee district.

## **10 Sea fishing in River Severn**

The placing and use of fixed engines for taking sea fish is prohibited in all parts of the River Severn and its tributaries in England inland of a line drawn across the River Severn, from a point of the eastern side of the mouth of the Rhymney River in the county of Cardiff (ST229774) true north of the lighthouse on Flatholm (ST222646), thence to the said lighthouse, and thence true east to the coast of the Unitary Authority of North Somerset (ST331646).

DEVON AND SEVERN INSHORE FISHERIES CONSERVATION AUTHORITY  
(Environment Agency– the following byelaws; Nos. 1- 11 are only applicable to the estuaries of the Rivers Taw and Torridge. These byelaws were made by the Devon River Board, the River Board was superseded by the Devon River Authority on 1 April 1965, and by virtue of the Water Resources Act 1963, these byelaws are still in force. Please note that following the above introduction of byelaw No.8 -Sea fishing in areas inland of Devon Sea Fisheries Committee district, October 2010 byelaw No.4 below no longer applies)

**1 Application**

The following Byelaws shall apply to the whole of the area or areas in respect of which the Devon River board (hereinafter referred to as 'the Board') have the powers of a Local Fisheries Committee, under the Rivers Boards Act 1948, and the Sea Fisheries Regulation Acts 1888 to 1930, as amended or extended by any other enactment, except in the cases to which the provisions of the Thirteenth Section of the Sea Fisheries Regulation Act 1888, apply: PROVIDED that nothing in such Byelaws shall apply to a person fishing solely for scientific or experimental purposes or removing shellfish for stocking or breeding under the written authority in that behalf of the Board signed by their Clerk, and in accordance with the conditions contained in that Authority.

**2 Revocation of existing byelaws**

All byelaws of the Board relating to sea fisheries hitherto in force in the Board's area are hereby repealed, provided that nothing in such repeal shall affect any penalty, forfeiture or punishment incurred in respect of any offences committed against any Byelaws so repealed.

**3 Trawling and trammelling**

No person shall use in fishing for sea fish any kind of trawl net or trammel net except in the area to the West of a line drawn from the most westerly point of North Tail to the most westerly point of South Tail.

**4 Stake or Stop nets**

*(Please note that this is no longer applicable by virtue of by Byelaw 8 Sea fishing in areas inland of Devon Sea Fisheries Committee district (above))*

**5 Mesh and nets**

No person shall use in the fishing for sea fish any net unless it has in all its parts a mesh of such dimension that when the mesh is stretched diagonally lengthwise of the net a flat gauge 3 inches broad and  $\frac{3}{32}$  of an inch thick will pass through it easily when the net is wet.

**6 Reducing mesh of nets**

No person shall use any double net or over-lapping net, or an artifice so as to reduce the effective size of the mesh of any net to a size prohibited by these Byelaws.

**7 Shellfish – Minimum sizes**

No person shall remove from a fishery:-

- (a) Any oyster that will pass through a gauge having a circular opening of  $2\frac{1}{4}$  inches in diameter.
- (b) Any mussel of less than 2 inches length.

(c) Any cockle that will pass through a gauge having an aperture of  $\frac{3}{4}$  inch square.

(d) Any edible crab measuring less than  $4\frac{1}{2}$  inches across the broadest part of the back.

(e) Any lobster or crawfish measuring less than 9 inches from the tip of the beak at the end of the tail when spread as far as possible flat.

**8 Lobster, Crawfish and crabs**

No person shall remove from a fishery any berried edible crab, lobster or crawfish or any soft shelled crab or crawfish

**9 Shellfish – Redeposit of**

Any person who by inadvertence takes any shellfish, the removal of which from a fishery is prohibited by any of the Byelaws, or the possession or sale of which is prohibited by or in pursuance of any Act of Parliament, shall forthwith redeposit the same as nearly as possible in the place from which they were taken or under the written authority of the Clerk on other suitable ground, and, in redepositing cockles, in accordance with this Byelaw shall spread them thinly and evenly over the beds.

**10 Regulation of shellfish beds**

Where, in the opinion of the Board, in any fishery any bed or part of bed of shellfish is so severely depleted as to require temporary closure in order to ensure recovery, or any bed or part of a bed contains mainly immature or undersized shellfish which in the interests of the protection and development of the fishery ought not to be disturbed for the time being, or any bed or transplanted shellfish ought not to be fished until it has become established, and where the bed or part of bed thereof has been clearly defined in notices displayed in the vicinity prohibiting the removal or disturbance of the shellfish, or where the display of notices is not possible written notice has been given by one of the Board's officers, no person shall, while the bed or any part thereof is so defined, take away or otherwise disturb any shellfish without the consent of the Board.

**11 Deposit of refuse**

No person shall deposit or discharge any solid or liquid substance detrimental to sea fish or sea fishing except in such places and at such times and in such quantities, and subject to such conditions as may from time to time be prescribed by the Board, in writing, under the hand of the Clerk.

**1 Prevent Sea Fishing in the Tidal River Yeo (Barnstable)**

No person shall fish for sea fish in the tidal River Yeo (Barnstaple) between an imaginary line drawn across its confluence with the tidal River Taw at NGR SS 5532 3336 and Raleigh Weir at NGR SS 5660 3397

DEVON AND SEVERN INSHORE FISHERIES CONSERVATION AUTHORITY

**Minimum Sizes for Fish and Shellfish**

EU/ National		Devon & Severn IFCA	
Species	Size (cms)	Species	Size (cms)
Anchovy	12	Anchovy	12
Bass	42	Bass	42
Cod	35	Cod	35
Haddock	30	Haddock	30
Hake	27	Hake	27
Herring	20	Herring	20
Horse Mackerel	15	Horse Mackerel	15
Ling	63	Ling	63
Blue Ling	70	Blue Ling	70
Mackerel	20	Mackerel	20
Mackerel (North sea)	30		
Megrim	20	Megrim	20
Plaice	27	Plaice	27
Pollack	30	Pollack	30
Saithe (Coley)	35	Saithe (Coley)	35
Sardine	11	Sardine	11
Sole	24	Sole	24
Whiting	27	Whiting	27

Species	Size (cms)	Species	Size (cms)
Lobster (Carapace)	8.7	Lobster (Carapace)	9
Queen Scallop	4	Queen Scallop	4
Spider Crab (female)	12	Spider Crab (female)	13
Spider Crab (male)	13	Spider Crab (male)	13
Scallop	10	Scallop	10
Scallop (7D & Wales)	11		
Velvet Crab	6.5	Velvet Crab	6.5
Crawfish (Carapace)	9.5	Crawfish (Carapace)	11
Surf Clam	2.5	Surf Clam	2.5
Nephrops (overall)	8.5	Nephrops (overall)	8.5
Nephrops (carapace)	2.5	Nephrops (carapace)	2.5
Nephrops (tails)	4.6	Nephrops (tails)	4.6
Whelk (length of shell)	4.5	Whelk (length of shell)	4.5*
Edible Crab (female)	Various	Edible Crab (Female)	15
Edible Crabs (male)	Various	Edible Crabs (Male)	16
Winkles		Winkles	1.6 <sup>1</sup> (square)

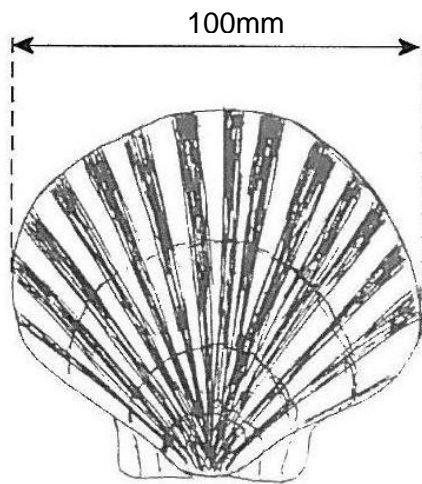
**Notes**

<sup>1</sup>Winkle size refers to 1.6 cm square gauge.

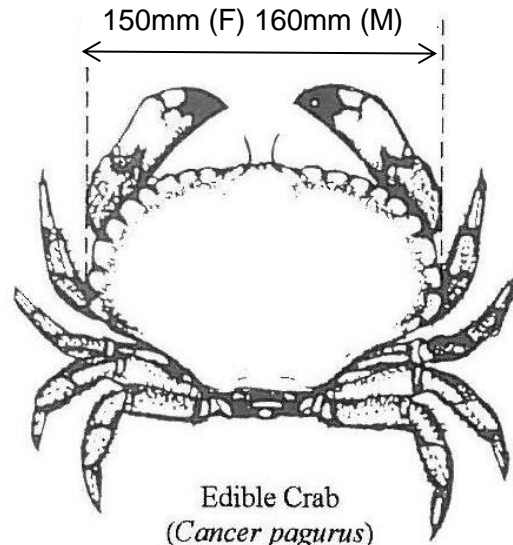
Female edible crab sizes vary in other areas. Other minimum landing sizes apply for nephrops in areas 7A and 6A.

\*Subject to increase via the date specified in permit byelaw

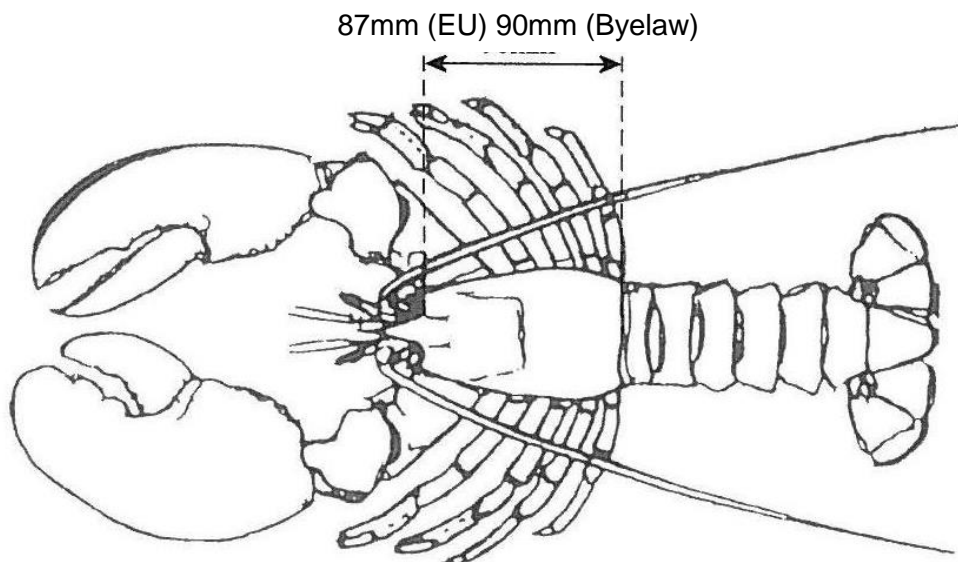
How to measure a marine organism



Scallop  
(*Pecten maximus*)



Edible Crab  
(*Cancer pagurus*)



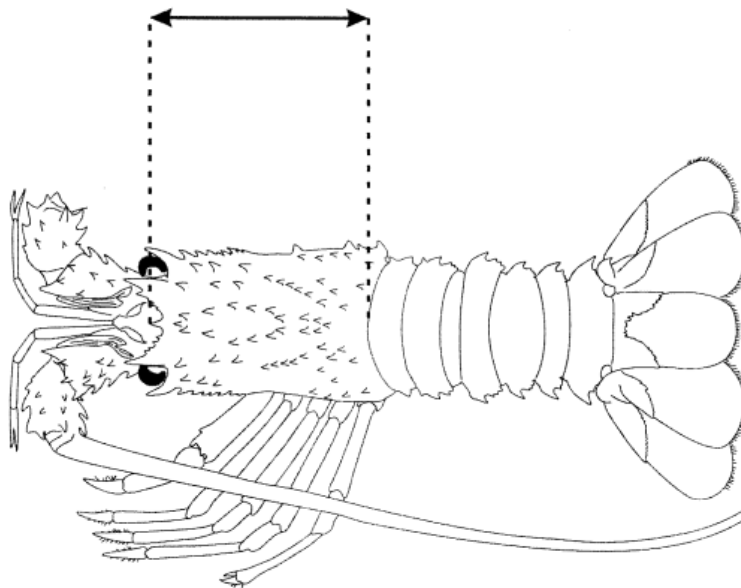
Lobster (*Homarus gammarus*)

Males 130mm (EU and Byelaw)  
Females 120mm (EU) 130mm (Byelaw)



Spider Crab (*Maia squinado*)

95mm (EU) 110mm (Byelaw)



Spiny Lobster (*Palinurus spp*)