

Dr M Di Fonzo
Fisheries Bodies Team
Department for Environment, Food and Rural Affairs
Nobel House
17 Smith's Square
London
SW1P 3JR

24th August 2018

Dear Martina

Payment of Financial Administrative Penalties

Please accept my apologies for not responding sooner to your letter dated 3rd May 2018. In your letter you explained why it was not possible to retain the monies that had been collected from Financial Administrative Penalties (FAP).

Your letter was considered by Members of Devon and Severn Inshore Fisheries and Conservation Authority at the Quarterly Meeting held on 14th June 2018.

All of the Authority's investigations are independently assessed under the Code for Crown Prosecutors by the Authority's prosecuting agent. This enables there to be an independent assessment of whether the evidential test and public interest are satisfied. This generates a legal cost to the Authority of between £300 and £500 for each case.

Members expressed their disappointment at the confirmation that there was no legal mechanism by which the Authority could retain the money or part of the money received through the payment of FAP, particularly given the outlined costs above.

Members however have accepted that to be compliant with current legislation the FAP monies should be paid into the Consolidated Fund. Please could you provide the details of the payment mechanism that the Authority will need to follow in order to transfer the money from its account to the Fund. Could you also advise whether future payments should be done annually or as soon as FAP money is received by the Authority or at some other interval.

Members have also requested that Defra considers making the necessary amendments to the Sea Fishing (Penalty Notices) (England) Order 2011 to allow the Authority to retain the FAP money in the future.

Yours sincerely



Matthew Mander
Acting Chief Officer