

Byelaw Review Update

Meeting of the Byelaw & Permitting Sub-Committee

(12th April 2018)

A packed agenda included decision making in regard to permit condition amendments for both the Mobile Fishing Permit Byelaw and also the Potting Permit Byelaw. Although permit condition changes relevant to the Live Wrasse Fishery are included within the Potting Permit Byelaw permit conditions, they were discussed as a separate item as required via the formal review of this fishery. Two items from the last agenda were deferred until the next meeting.

(16th August)

Eight members were required to attend the meeting for it to be quorate. Due to holidays and other commitments this was not possible and the meeting had to be cancelled. It is suggested that members discuss a suitable date or dates for the next meeting to replace the August meeting. The next scheduled meeting of the Byelaw and Permitting Sub-Committee has already been set for 15th November 2018.

Progress – New Permit Conditions:

Consultation was required to amend existing permit conditions for separate permit byelaws. (Potting and Mobile Fishing). The process (including legal advice and re-drafting) has resulted in new permit conditions being finalised and creation or changes to other supporting documentation such as policy, guidance and the application forms.

During August a significant amount of time has been spent re-circulating the new permit conditions and other supplementary information to existing permit holders. The re-issue of Potting Permits (over 500 Permits) required approximately three days of work from two separate officers.

Some (but not all) of the changes include:

- The introduction of IVMS (Applies to Mobile Fishing)
- An increase in the minimum size of whelk (Applies to both Mobile Fishing & Potting)
- A new narrower slot size for corkwing wrasse and a change in the closed season for the Live Wrasse Pot Fishery (Applies to Potting)

Reporting

All proposed changes in permit conditions are subjected to consultation. These proposed changes are set out in consultation reports that are posted on the D&S IFCA website and can be sent directly to stakeholders. The findings of all consultations are documented in the form of supplements that are provided to members prior to meetings. The separate supplements and the outcome of decision making are then merged into overarching Byelaw Development Reports which document the complete process in relation to each of the separate permit condition review. Final Byelaw Development Reports relating to the changes and the complete decision-making process from start to finish have now been created and are published on our website.

- ***All documentation used for Sub-Committee meetings are posted on the members area of the D&S IFCA website***

- ***The majority of documentation used for Full Authority & Sub-Committee meetings are now posted on the open pages of the D&S IFCA website***

Upcoming work

Papers for the next Sub-Committee meeting have already been circulated, but a revised agenda will be created and any additional papers required will also follow in due course.

Key Topics to be Discussed	Comments
Diving Permit Conditions (3-year review of Permit Conditions)	The first phase consultation is complete. Members will discuss the findings from phase 1. Items (potential changes) will be highlighted by members. Dependent on those discussions, a final phase of consultation will be actioned and a start date selected
Managing Hand Working Fishing Activity	A planning report has been prepared on how to potentially proceed with the required work. The planning report will be discussed and potentially approved providing officers with the required frame work to follow.
Draft - A guide to the work of the Sub-Committee	This document has been prepared to assist new members and information of this type is expected to be produced as set out in D&S IFCA High Level Objectives. One section of this guide has been highlighted in the agenda to prompt discussions of the review of permit conditions and the level of evidence required to trigger any such review
Emergency Application Byelaw	This was introduced in May 2018 after a legal weakness with the legacy Application Byelaw (No. 2 - 26 th February 1998) was identified. Discussions are now required to plan for a permanent replacement and its scope
Mobile Fishing Byelaw	Discussions are now required to plan the work required to conduct the required 5-year review of this <u>Byelaw</u> rather than the Permit Conditions that are issued under the Byelaw.