

Byelaw Technical Working Group

Background

On 11th October 2018, members of the Byelaw & Permitting Sub - Committee agreed to establish the Byelaw Technical Working Group.

Terms of Reference must be agreed, and the following have been prepared for discussion.

Byelaw Technical Working Group Terms of Reference

Name:

The group shall be known as the Byelaw Technical Working Group (BTWG)

Membership:

The membership consists of the Chair and Vice-Chair of the Byelaw & Permitting Sub-Committee, Fred Howell (D&S IFCA Prosecuting Solicitor) and selected D&S IFCA Officers.

Quorum:

Meetings of the Technical Working Group should consist of at least two members of that group.

Functions:

The role of the BTWG is to prepare legal documentation that is relevant to support the functions of the Byelaw & Permitting Sub-Committee (B&PSC) as set out in the B&PSC Terms of Reference.

The BTWG has no decision-making function.

Reporting:

All work conducted by the BTWG will be reported to the B&PSC or the Full Authority for consideration and decision making.

Depending on the agreed Terms of Reference it may be necessary for the B&PSC to provide more detail to the BTWG regarding the decisions taken to complete its functions.

Application Byelaw

Background information relating to the introduction of the Emergency Application Byelaw was presented to and discussed by members of the B&PSC on 11th October 2018. There is an expectation that this emergency measure is replaced by 9th May 2019. A replacement byelaw must be “made” by the Authority and subjected to formal consultation by this time.

The current Emergency Byelaw makes it clear that consent can be given to relax a named Byelaw to authorise specific activities related to the exploitation of sea fisheries resources. Consent can be gained for:

- a) **Scientific purposes**
- b) **Stocking purposes**
- c) **Breeding purposes**

Although the Emergency Application Byelaw is fit for purpose, there is potential to widen the scope to include additional criteria such as:

- **Educational purposes**
- **Gear recovery**
- **Activities that have a heritage value**
- **An appeal process**

Examples:

Educational:

Demonstrating traditional fishing activities which could not otherwise be conducted due to the Byelaws. This may include activity conducted by sailing trawlers or activities conducted for educational television programs.

Gear Recovery:

The retrieval of fishing gear caused by poor weather or the testing of fishing gear where it has no contact with the seabed.

Appeal Process:

Although D&S IFCA has an overarching complaints procedure, an appeal process within a byelaw may make that option more clear.

End.