

## **Update on The Three-Year Review of Diving Permit Conditions**

### **Background**

The first phase consultation was conducted between 1<sup>st</sup> December 2017 and 12<sup>th</sup> January 2018. This was an open phase of consultation and can effectively be considered and described as a scoping exercise or an invitation for information. All responses submitted during this period were summarised into a supplement report that was presented to members of the Byelaw & Permitting Sub-Committee on 11<sup>th</sup> October 2018.

### **Information not summarised**

Responses submitted after 12<sup>th</sup> January 2018 were not summarised in the supplement report. One such verbally submitted response includes concerns raised by one stakeholder regarding the issue of Category One Diving Permits to divers that do not possess (in his view) adequate training or qualifications to conduct commercial diving.

### **Health and Safety considerations**

The duties of D&S IFCA as specified in the Marine and Coastal Access Act 2009 do not extend to health and safety considerations; however, the concerns raised by this stakeholder may have been partially addressed by changes already applied to application forms needed to acquire a permit. The introduction of GDPR required that changes had to be made to the application forms and the privacy notice that appears on the application form. Whilst D&S IFCA could not consider modification of permit conditions to introduce requirements for Health and Safety, the amended privacy notice does now demonstrate that D&S IFCA can share information submitted as part of an application with other regulators such as the Health & Safety Executive.

### **Work now required**

At the Byelaw and Permitting Sub-Committee Meeting on 11<sup>th</sup> October 2018, members identified several items that will be subjected to further consultation including the following:

- **Daily catch limit of scallops for recreational (Cat 2) diving permit holders**
- **To use permit conditions to replace a reliance on the deeming clause**
- **To add protection for spiny lobster (MCZ Areas & Recently Cast Shell)**
- **To introduce Lundy Island – No Take Zone as a permit condition**

Existing diving permit conditions can be examined by the Byelaw Technical Working Group. Draft amended Diving Permit conditions will be discussed and prepared that can potentially introduce the items as set out above. These proposed amended permit conditions will (subject to the approval of members) be inserted into a consultation report along with a full explanation of the implications to fishers that will arise if any changes are finally implemented.

End.