



**Devon and Severn**  
**Inshore Fisheries and Conservation Authority**  
**MARINE AND COASTAL ACCESS ACT 2009**  
**Exemptions Byelaw 2019**

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 and 158 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;

**Exemptions**

2. The Authority, subject to paragraph 3, may
  - a) consent to the undertaking of an activity within the District or any part or parts thereof with or without conditions, for a period not exceeding twelve calendar months by any person, with or without a vessel, otherwise than in accordance with part or the whole of a Byelaw;
    - i. made by the Authority or
    - ii. made by the former Devon Sea Fisheries Committee and enforced by the Authority under the provisions contained in the Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011.
  - b) decline to consent to the undertaking of such activity.

3. Authorisation may only be given for any activity relating to the discharge of the Authority's duties under sections 153 and 154 of the Marine and Coastal Access Act 2009.

### **Applications**

4. An application for authorisation in accordance with paragraphs 2 and 3 may only be made by using the printed forms available from the Authority's office or its website.
5. The Authority may require an applicant at the applicant's expense:
  - a) to supply such information,
  - b) to produce such articles, and
  - c) to commission such investigations, examinations and tests,as in the opinion of the Authority may be necessary or expedient to enable it to determine the application.
6. If an applicant fails to comply with a requirement made by the Authority the Authority may;
  - (a) reject the application, or
  - (b) refuse to proceed with it until the failure is remedied.

### **Determination**

7. The application shall be determined within 60 days of receipt of the application at the Authority's office by the Chief Officer or a Deputy Chief Officer and the Chair or a Deputy Chair of the Authority on behalf of the Authority unless agreed otherwise by the applicant and the Authority in writing.
8. In making a determination under this Byelaw, the Authority may consult with other persons as it deems appropriate.
9. Where the Authority grants a written authorisation, it shall;
  - a) be signed by the persons determining the application;
  - b) set out the reasons for granting of the written authorisation;
  - c) state any conditions upon which the written authorisation is granted and
  - d) be sent to the postal or email address provided on the application form.
10. Where the Authority has declined to grant a written authorisation, it must give written notice which shall;
  - a) be signed by the persons determining the application;
  - b) set out the reasons for declining to grant the written authorisation;
  - c) be sent to the postal or email address provided on the application form.

## **Miscellaneous**

11. A person who fails to comply with any conditions within the Authorisation contravenes this Byelaw and is guilty of an offence.
12. An authorisation given under this Byelaw may be revoked in writing for good reason upon notice by the Authority.
13. Written notice that the Authority has revoked an authorisation shall be deemed to be received if sent to the postal or email address provided on the application form.

## **Revocation**

14. The Application Byelaw (26<sup>th</sup> February 1998) made by the Devon Sea Fisheries Committee is hereby revoked.

I hereby certify that the above Byelaw was made and agreed by the Authority on xxxx 2019.

Matthew Mander

Acting Chief Officer

Devon and Severn Inshore Fisheries and Conservation Authority.

Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA.

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

This Byelaw enables the Authority to consider and potentially grant or decline permission for the conducting of an activity that would otherwise be a contravention of a Byelaw or a Permit Condition within a Byelaw that the Authority has inherited or introduced. Any permission will only be issued, where in the view of the Authority, the permission does not materially detract from the Authority's duties as set out within section 153 and 154 of the Marine and Coastal Access Act 2009.

The Byelaw provides guidance regarding how any such application is considered and processed within a specified time. The application will be determined within 60 days of receipt of the application.

The Byelaw also provides the potential applicant with transparency regarding their responsibility to assemble the information or evidence as determined by the Authority so that the Authority can fully consider the application for an authorisation in accordance with the relevant paragraphs. If required, the Authority will be able to advise the potential applicant or applicants regarding the type and detail of information and evidence that must be submitted to support their application and the subsequent assessment of it.