

Byelaw Review Update and the making of an Exemptions Byelaw

A significant amount of work has been undertaken since the last byelaw review update provided to all Authority members in March 2019. There was a Byelaw and Permitting Sub-Committee (B&PSC) meeting on 16th May 2019 and an interim B&PSC meeting planned for 13th June 2019. This update includes the use of embedded information (hyperlinks).

Following Progress

The website www.devonandsevernifca.gov.uk is a good platform for all members to follow the work of the B&PSC. All stakeholders have access to the meetings page and the information contained in the [website resource library](#). Sections B and F are strongly related to B&PSC working. The [Consultation page](#) is also updated regularly for byelaw work

- ***The most recent papers, reports and draft minutes used for Sub-Committee meetings are posted on the secure members area of the D&S IFCA website (login required)***

The news scroll and [latest news tab](#) on the home page is where work, in the form of mini news items, can be followed as and when it happens. Often this work is byelaw related.

The work of ABP Mer, who are conducting meetings with various IFCAs as part of an IFCA performance evaluation for Defra, asked several questions about the Byelaw work being conducted by the Authority. They were presented with the following report to assist their work.

- **[Byelaw Work – Timelines, Status & Changes \(April 2019\)](#)**

Temporary Closure of Shellfish Beds

A temporary closure to the public mussel beds within the [Exe](#) and [Teign](#) was introduced on 1st May 2019. Communication work has been conducted to inform stakeholders and D&S IFCA has received assistance from contacts regarding the placement of internally produced posters in different locations and access points to the defined sites.

Consultation and Documentation

A significant amount of consultation and the documenting of work has been undertaken during this period. Three separate Call for Information, exercises have been completed. Specific information was prepared relating to each topic and a Mail Chimp email circular was the main tool used for each exercise to give a wide audience (including members) direct notification.

All consultation working now includes the use of surgery sessions which provide stakeholders with the opportunity to talk to an officer in person about the different consultations. Other initiatives have included the use of on-line survey forms to help stakeholders engage.

Diving Permit Conditions

The final phase of consultation associated with the mandatory Three-Year Review of the Diving Permit Conditions has now been completed. Several specific items were subjected to [consultation](#) including the introduction of additional protective measures for spiny lobster and consideration of a change in the daily bag limit of scallops that can be taken by recreational divers. The findings of the consultation were document in a [supplement report](#) that was presented to and discussed by the B&PSC on 16th May 2019. Several changes to the existing Diving Permit Conditions were agreed including an increase (now 25) in the number of

scallops that can be taken by a recreational diver each calendar day. Work will now be undertaken to amend the Diving Permit Conditions in due course and re-issue the conditions of use along with new Annexes.

Potting Permit Conditions

As agreed by the B&PSC, a single condition of the Potting Permit Conditions was subjected to [consultation](#) with a view to its removal. The specific condition related to the use of finfish of a specified size (Minimum Conservation reference Size) for use as bait within pots. The existing condition was not considered to harmonize with the 2019 Landing Obligation. The findings of the consultation were documented in a [supplement report](#) that was presented to and discussed by the B&PSC on 16th May 2019. Following the decision taken by the B&PSC, the Potting Permit Conditions will now be amended and re-circulated in due course.

Review of Hand Working Fishing Methods (Bait Digging)

Work related to the review of all defined Hand Working Fishing methods has continued. Information, including an overview of the method, current management (Voluntary Codes) and some compiled D&S IFCA research work was assembled within a [Mail Chimp circular](#) with the intention of engaging with stakeholders to gather further information and evidence. The four-week engagement process provided a mixed response which was summarised and assembled into a [supplement report](#). The same supplement report also contained a full account (with the use of hyperlinks) to the numerous and relevant Marine Protected Area Assessments that had been completed by the Environment team, coupled with the formal advice provided by Natural England.

The supplement report was presented to and discussed by the B&PSC on 16th May. The focus on bait digging is the second of three separate phases of the initial review. Key findings and concerns related to aspects of bait digging were noted and will be re-visited during more formal “Options for Management” discussions later in 2019. The management of some hand working fishing methods has potential to develop into a Byelaw, but what regulation may apply and in what form has not been established at this time.

Exemptions Byelaw

D&S IFCA must replace an Emergency Byelaw which has been granted an extension by the Secretary of State. The main objective of this Byelaw is to enable D&S IFCA to grant permissions (Exemptions) to a person, persons or organisations to undertake an activity that would otherwise be prohibited by another Byelaw. This would include scientific work that could add to an existing evidence base or contribute to a longer-term data set, potential to explore new fisheries through pilot projects such as aquaculture and allow for other activities such as gear recovery from a Marine Protected Area to be evaluated and monitored. The Authority has recognised that without an Exemptions Byelaw in place there could be an adverse impact on the Authority’s ability to manage inshore fisheries as the opportunity to gain a better insight or understanding of the marine environment would be more restricted. Slightly different drafts were prepared and presented to the B&PSC. The B&PSC concluded that references to the charging of fees for exemptions was to be removed from the final draft and replaced with suitable wording to clarify that the applicant is responsible to assemble the information and evidence to support their application, so it can be assessed by the Authority prior to any authorisation being granted. A final draft of the Exemptions Byelaw has now been prepared and included within the papers circulated to the B&PSC. An impact Assessment has been prepared to accompany the Byelaw during a formal phase of consultation. It has been recommended that the B&PSC “make” the Byelaw so it can be subjected to formal consultation.