



Devon and Severn

Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

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;
 - c) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

Exemptions

2. The Byelaws in force as at the date this Byelaw comes into force and listed in paragraph 3 and paragraph 4 do not apply to a person performing an act which would otherwise constitute an offence against that byelaw if that act was carried out in accordance with an authorisation issued by the Authority permitting that act for scientific, stocking or breeding purposes.
3. Paragraph 2 applies to the following Byelaws made by the Authority:

Mobile Fishing Permit Byelaw
Potting Permit Byelaw
Diving Permit Byelaw
Netting Permit Byelaw

4. Paragraph 2 applies to the following Devon Sea Fisheries Committee Byelaws:

7. Shellfish – Scallops
8. Shellfish - Re-deposit of
9. Temporary closure of shellfish beds
10. Winkles
13. Prohibition of spear fishing in Lundy Island Marine Conservation Zone
17. Fixed engines
18. Size of vessels
21. Parts of Edible Crab (*Cancer pagurus*)
24. Harvesting of shore crab
26. Protection of V-Notched lobsters
27. Protection of undersized and berried lobsters
28. Lundy "No Take Zone"

Applications

5. An application for authorisation in accordance with paragraphs 2 and 3 may only be made by using the forms available from the Authority's office or its website.
6. 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 may be necessary or expedient in the opinion of the Authority to enable it to determine the application.
7. 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

8. The application shall be determined by the Authority within 60 days of receipt of the application at the Authority's office.
9. In making a determination under this byelaw, the Authority may consult with other persons as it deems appropriate.
10. Where the Authority grants a written authorisation, the authorisation shall;

- a) be signed by the person determining the application;
- b) set out the reasons for granting 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.

11. Where the Authority has declined to grant a written authorisation, it must give written notice which shall;

- a) be signed by the person determining the application;
- b) set out the reasons for declining to grant the written authorisation; and
- c) be sent to the postal or email address provided on the application form.

Obligations

12. A person who fails to comply with any conditions within the written authorisation contravenes this byelaw and is guilty of an offence.

13. A written authorisation given under this byelaw may be revoked and notice of this revocation will be provided in writing by the Authority.

14. Written notice of revocation shall be sent to the postal or email address provided on the application form and shall take effect four working days after the date on which the notice was sent.

Revocation

15. The byelaw with the title "Application Byelaw" made by the Devon Sea Fisheries Committee on the 26th February 1998 in exercise of its power under sections 5 and 5a of the Sea Fisheries Regulation Act 1966 and in force immediately before the making of this byelaw is hereby revoked.

I hereby certify that the above byelaw was made and agreed by the Authority on 13th June 2019.



Matthew Mander

Acting Chief Officer

Devon and Severn Inshore Fisheries and Conservation Authority.

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

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Exemptions Byelaw 2019 made by Devon and Severn Inshore Fisheries and Conservation Authority on 13th June 2019.

The said byelaw shall come into force on 14 April 2020.

A senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

A handwritten signature in black ink, appearing to read 'C. Faulkner', written over a horizontal dotted line.

Colin Faulkner

Date: 14 April 2020

Deputy Director, External Fisheries Negotiations & Trade Policy

Department for Environment, Food & Rural Affairs

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 an existing permit byelaw or a permit condition within a byelaw that the Authority has introduced as set out in the Exemptions Byelaw 2019 or a byelaw that has been inherited as set out within the Exemptions Byelaw 2019. An authorisation may only be given for scientific work or for stocking or breeding purposes.

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.