

## Review of the Size of Vessels Byelaw

### Officers' Recommendations

- a) **That the B&PSC agrees to the commencement of the Formal Review and the subsequent process to re-make the Size of Vessels Byelaw.**
- b) **That a maximum length of 15 metres in overall length forms the basis for the development of the re-made Size of Vessels Byelaw and to form the basis for pre-consultation.**
- c) **That the B&PSC determines the length of time and conditions, that a “Sunset Clause” should apply to currently exempt vessels, which will form the basis for pre-consultation.**

### Background

The existing Size of Vessels Byelaw was inherited from Devon Sea Fisheries Committee (DSFC) and must be formally reviewed by D&S IFCA. The Review of the Size of Vessels Byelaw is highlighted as a specific Key Task (KT007) in D&S IFCA's Annual Plan 2021-22. The Review will require the re-making of the Size of Vessels Byelaw.

Where possible, the Authority is following an “activity based” byelaw model as set out in existing principles for Byelaw making; however, at this time, there is still a need for some stand-alone byelaws to remain (or be re-made). This particular Byelaw is one such example as elements of it need to be addressed before it can result in one single provision in the future – a maximum length in metres for licenced fishing vessels operating within D&S IFCA's District.

### Supporting Information

Officers' have produced a document to support (and potentially incorporate) the above Officers' recommendations.

- **Size of Vessels Byelaw – The Formal Review of the Byelaw – Overview & Planning Report (3<sup>rd</sup> June 2021)**

The supporting document sets out some of the weaknesses associated with the existing Size of Vessels Byelaw and is an attempt, by Officers, to establish an initial course of action and an estimated timetable to undertake and deliver the required review that will lead to the re-making of this Byelaw.

The main weakness is that the current “Grandfather Rights” have provided the opportunity for three large vessels (up to 25.28m) to operate within D&S IFCA's District for longer than was expected when the Size of Vessel Byelaw was introduced in 1996. One vessel continues to actively fish and exert pressure on stocks within the District and the other two vessels represent considerable latent capacity, neither of which is appropriate in the inshore area.

The recommendation to reduce the maximum size of vessel to 15m in overall length has been determined by the fact there are no vessels, with D&S IFCA Permits, that are greater than 15m in overall length other than the one active vessel with “Grandfather Rights”.

The “Grandfather Rights” were designed to allow owners of vessels greater than 15.24m time to adjust to the requirements of the Size of Vessel Byelaw when introduced in 1996. These three vessels have continued to benefit from these rights for 25 years and it is the Officers’ opinion that a definitive date is now identified to achieve the long-held intention to reduce fishing effort in the D&S IFCA’s District from large vessels, regardless of whether the applicable vessels remain in the same ownership. With the recommendation to reduce the maximum size of vessels to an overall length of 15m, Officers believe that a relatively short “Sunset Clause” of two years would be appropriate to give notice to the vessels so they can adjust their fishing activities accordingly.

In order for the Review Plan (in its existing form) to be followed, a decision is required by the B&PSC so that communication work including pre-consultation can commence.

End.