



Size of Vessels Byelaw

Have Your Say

Size Restrictions, Grandfather Rights & Sunset Clause

What's the purpose of this information gathering exercise?

D&S IFCA is inviting you to have your say on the development of a Size of Vessels Byelaw that will replace the existing Size of Vessels Byelaw that was introduced by Devon Sea Fisheries in 1996. Your input may assist D&S IFCA's Byelaw and Permitting Sub-Committee in their decision making and influence the content of the Byelaw. The Size of Vessels Byelaw will apply to all commercial fishing vessels that are registered (Port letters and Numbers) and have a valid fishing licence.

Although the topic is of particular significance to owners, masters and crew of commercial fishing vessels, all stakeholders can respond even if they would not be directly impacted by the potential introduction of the re-made Size of Vessels Byelaw. Your view is important, and we encourage you to forward this information if you know others that may have an interest.

- A questionnaire is included that is based around some questions split into five short sections.
- Background information has been included to help give the questions some context.
- The information gathering exercise ends on Friday 24th September 2021.
- We are directly contacting everyone on our mailing list and advertising this "Have Your Say" opportunity on our website and other social media platforms.
- Details on how to respond follow the questions.

Background Information

D&S IFCA must manage the exploitation of sea fisheries resources within its District. This is specified within the Marine & Coastal Access Act 2009. The existing Size of Vessels Byelaw was introduced by Devon Sea Fisheries in 1996 and was itself developed from an even earlier (earlier than 1989) Size of Vessels Byelaw. This Byelaw must be formally reviewed by D&S IFCA, and a report was presented to D&S IFCA's Byelaw and Permitting Sub-Committee on the 22nd of July 2021 that set out weaknesses associated with it. The re-making of the Byelaw provides an opportunity to address the documented weaknesses.

[Size of Vessels Byelaw – The Formal Review of the Byelaw – Overview & Planning Report \(3rd June 2021\).](#)

Foundations of the Byelaw

To develop the Byelaw there are three initial considerations, all of which are explained:

- To consider what will be the maximum size for commercial fishing vessels operating within the District (an overall length in metres).
- To consider if any existing rights (Grandfather Rights) for commercial fishing vessels above a determined size should continue to apply.
- If Grandfather Rights continue to apply, for how long should they apply (Sunset Clause).

The Questionnaire

The questionnaire is divided into five short sections.

Section 1:

About You:

1. Please provide your name
 2. Please provide your contact details
 3. Are you a Permit Holder (any permitted fishing activity) within D&S IFCA's District?
 4. Are you a commercial fishing vessel owner, master of a commercial fishing vessel or crew on a commercial fishing vessel?
 5. If other, please explain your interest in the Size of Vessels Byelaw?
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Section 2:

Establishing a Maximum Size of Commercial Fishing Vessels

The current Size of Vessels Byelaw restricts commercial fishing vessels to those that are 15.24 metres in overall length (with exceptions). Except for two vessels, the commercial fleet in D&S IFCA's District are below 15 metres in overall length. It is the view of D&S IFCA's Byelaw and Permitting Sub-Committee that the maximum size for commercial fishing vessels to operate within the District could be reduced to 15 metres in overall length (as set out on a Certificate of Registry) without impacting on the inshore fleet. Only vessels that are above this size, would be potentially impacted.

6. Would a change in the maximum size of vessels impact you?
 7. Do you support a potential new maximum size of 15 metres in overall length?
 8. If you support this revised size of 15 metres in overall length, why?
 9. If you do not support this revised size of 15 metres in overall length, why not?
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Section 3:

Grandfather Rights

The main weakness associated with the inherited Size of Vessels Byelaw is that the current "Grandfather Rights" (built into the Byelaw) have provided the opportunity for two vessels (up to 25.28m) to operate within D&S IFCA's District for longer than was expected when the Byelaw was introduced in 1996. Grandfather Rights enable vessels to continue fishing (or have rights of access to fish) within the District until the vessel changes ownership.

One commercial fishing vessel continues to actively fish and exert pressure on stocks within the District and the other commercial fishing vessel represents considerable latent capacity. The larger vessels are outliers and D&S IFCA's Byelaw and Permitting Sub-Committee would like your views on the potential inclusion (or not) of "Grandfather Rights" in the re-made Byelaw.

10. Do you think that existing Grandfather Rights should continue to apply, and if so, why?
11. Do you think existing Grandfather Rights should not apply, and if so, why?

Section 4:

Sunset Clause (a grace period within the Byelaw to adapt for change)

This section is linked with previous section on “Grandfather Rights”. A “Sunset Clause” is a set period of time to enable fishers (owners of vessels) time to adapt to new restrictions that may impact on them and their business plans.

It should be recognised that creating a new Size of Vessels Byelaw would not be complete until 2022 at the earliest and will involve more consultation. The byelaw making process, including this initial “Have Your Say” exercise therefore does provide notice that changes are being considered. D&S IFCA’s Byelaw and Permitting Sub-Committee would like your views on the potential inclusion (or not) of a “Sunset Clause” in the re-made Byelaw.

12. Do you think that a Sunset Clause should apply, and if so, why?
13. If it should apply, for how long?
14. Do you think that a Sunset Clause should not apply, and if so, why?

Section 5

Other information:

15. Do you have any other views or comments regarding the Size of Vessels Byelaw?

How will your information help us?

We will collate the information you provide, and this may help our Byelaw and Permitting Sub-Committee in their decision making. When the revised Size of Vessels Byelaw is at an advanced state it will be subjected to a formal period of consultation and stakeholders will have the opportunity to support or object to its introduction.

How you can have your say

You have different options to choose from:

1. Contact us via email – consultation@devonandsevernifca.gov.uk
2. Write to us

Address:

Devon and Severn IFCA
Brixham Laboratory,
Freshwater Quarry,
Brixham,
TQ5 8BA.

Phone us for more information:

01803 854648

- **This information gathering exercise will end on Friday 24th September 2021**

Further Information

Further detail about our byelaw review and the work conducted by our Byelaw & Permitting Sub-Committee can be found in our [guide](#) that is posted on the D&S IFCA website or available upon request.

Reports presented to and discussed by the Byelaw and Permitting Sub-Committee can be found on the D&S IFCA website in the [Resource Library](#) or are available upon request.

Minutes of Byelaw and Permitting Sub-Committee meetings can be found on the D&S IFCA website in the [Resource Library](#) or available upon request.

How to follow our work?

If you are not already on our mailing list, then you can get yourself added by [contacting D&S IFCA](#) or by using this [link](#). You will then be directly notified of all our consultations. You will also receive our free e-newsletter.

Keep an eye on our [consultation page](#) on our website to read about other work being done and how you can get involved and have your say.

Follow our [latest news items](#) displayed on our website or our face book page.

Explore our website [Resource Library](#) for an extensive range of our information and publications. It's all free.

What do we do with your information – Privacy Policy

We protect any personal data that you may provide. Any personal data submitted in this information collecting process will not be shared with others. The content of responses will be summarised and anonymised where appropriate for documenting in reports that will be presented to the Byelaw & Permitting Sub-Committee and published on our website.

D&S IFCA has a privacy policy which can be found by visiting our website (home page) www.devonandsevernifca.gov.uk

- You can change your preferences at any time.
- We have a duty to consult with D&S IFCA Permit Holders.

You can manage your preferences by contacting D&S IFCA.

End.