

# **Draft Size of Fishing Vessels Byelaw (V0.4)**

## **Supporting information for the Byelaw & Permitting Sub-Committee**

Drafting work completed by the Byelaw Technical Working Group 2021/22  
on behalf of the Byelaw & Permitting Sub-Committee.



**Devon and Severn**  
**Inshore Fisheries and Conservation Authority**  
**MARINE AND COASTAL ACCESS ACT 2009**  
**Size of Fishing Vessels Byelaw 2022**

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

## **Interpretation**

1. In this Byelaw;

“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);

“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 (S.I. 2010 No. 2212);

“**Fishing**”, includes searching for sea fisheries resources, deploying or towing of or hauling of a mobile fishing gear or taking sea fisheries resources on board;

“**Overall Length**” shall be determined by reference to the Certificate of Registry of the **Relevant Fishing Vessel**;

“**Relevant Fishing Vessel**” means a fishing vessel:

- a) registered under Part II of The Registry of Shipping and Seamen as governed by the provisions of the Merchant Shipping Act 1995 (c.21) and the Merchant Shipping (Registration of Ships) Regulations 1993 (S.I. 1993 No. 3138) as amended from time to time, or in the Channel Islands or Isle of Man;
- b) and in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84).

“**Sea Fisheries Resources**” has the same meaning as set out in section 153 Marine and Coastal Access Act 2009.

## Prohibitions

2. No person shall use any **Relevant Fishing Vessel** that is over 14.99 metres in **Overall Length** for **Fishing** for any **Sea Fisheries Resources** within the **District**.
3. When transiting through the **District**, any **Relevant Fishing Vessel** with fishing gear on board must have such gear stowed on deck.
4. Contravention of this Byelaw constitutes an offence.

## Exemptions

5. This Byelaw does not apply to any person performing an act which would otherwise constitute an offence against this Byelaw, if that act was carried out in accordance with a written authorisation issued by the **Authority** permitting that act for maintenance, scientific, stocking or breeding purposes.

## Revocation

6. The Byelaw with the title “Byelaw No 18 – Size of Vessels”, made by the Devon Sea Fisheries Committee on 19<sup>th</sup> January 1996 is hereby revoked.

## Effective Date

7. The provisions of this Byelaw will come into effect six months after the date the Byelaw comes into force. (DATE).

I hereby certify that the above Byelaw was made by the Devon and Severn Inshore Fisheries and Conservation Authority at their meeting on (DATE).

## Signature

Matthew Mander

Chief Officer

Devon and Severn Inshore Fisheries and Conservation Authority.

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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 Mobile Fishing Permit Byelaw 2019 made by Devon and Severn Inshore Fisheries and Conservation Authority.

Date:

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

**Explanatory Note (not part of byelaw)**

This Byelaw supports the management of the exploitation of sea fisheries resources and prohibits registered fishing vessels that are over 14.99 metres in overall length, from fishing within the D&S IFCA's District. In addition to scientific, stocking or breeding purposes, this Byelaw enables registered fishing vessels over 14.99 metres in overall length to undertake maintenance activity within the D&S IFCA's District under the conditions set out in an exemption to this Byelaw authorised by D&S IFCA.

This Byelaw will be reviewed by the Authority five years after its confirmation or sooner if required.

End of draft - Version 0.4.