

Byelaw & Byelaw Review Update

Exemptions Byelaw 2019

The Exemptions Byelaw 2019 was submitted to MMO for final Quality Assurance assessment, in October 2019, the penultimate step before submission to Defra for consideration by the Secretary of State. In November 2019 MMO notified D&S IFCA that it could not support the submission of the Exemptions Byelaw in its current state. The MMO considers that D&S IFCA do not have the powers to implement the Exemptions Byelaw 2019. The byelaw states that an exemption can be given for any activity relating to the discharge of the Authority's duties under sections 153 and 154 of the Marine and Coastal Access Act 2009 (MaCAA) These two sections constitute the entire remit of an IFCA and as such the MMO believe that the scope of this byelaw is too wide to be enforceable or legally robust.

D&S IFCA officers have reviewed the MMO's comments and referred the matter back to D&SIFCA's legal adviser. D&S IFCA's legal position has not changed and it is the Officers' opinion that the MaCAA was drafted intentionally to enable such a byelaw to be made.

On 19th December 2019, on request from D&SIFCA, MMO submitted the byelaw to Defra. The MMO's submission included a covering letter confirming its position that the byelaw was outside of the scope of the MaCAA.

D&S IFCA has requested that Defra set out a timeline for its consideration of the byelaw. The Emergency Application Byelaw ceased on 9th November 2019. D&S IFCA can no longer consider exempting any activity from the requirements set out in any of its permit byelaws. This has resulted in seven scientific survey applications already being refused or withdrawn.

Changes to Permit Conditions

Potting Permit Conditions

Members at the B&PSC meeting on 11th February will consider the data from the 2019 live wrasse fishery and on-board surveys carried out by the environment team. These data and the Officers' findings will be included in the three-year comprehensive review report. This report will enable the members to review the fishery and determine whether the fishery should continue. Depending on the decisions made at that meeting changes may need to be made to the potting permit conditions. In addition, the five-year review of the Potting Permit Byelaw will commence in 2020.

Review of Hand Working Fishing Methods

Hand Gathering

At the BP&SC meeting held in November 2019, members considered different options to manage hand working activities. Members concluded that a Hand Working Permit Byelaw should be developed. The proposed byelaw would differ from the existing permit byelaw. It is proposed that a threshold concept will be used so that a fixed level of resource, reflecting recreational activity and needs, can be taken with no need for a permit. Fixed provisions in the byelaw can be used to protect features such as sea grass from any person carrying out potentially damaging hand gathering activities. Commercial operators would need a permit.

Members will consider the officers' proposed bag limits for species harvested by hardworking activities before undertaking a phase of pre-consultation on the issue.

Mobile Fishing

The BP&SC considered that it was important to introduce management to regulate fishing for sandeels using towed gear boats less than seven metres in overall length. The BTWG identified that to introduce the necessary management framework two further permit categories would need to be created to accommodate for recreational and commercial activities.

Consultation on the proposal to introduce two new permits and the associated permit conditions (management measures) ends on 17th January 2020.

The review of the Mobile Fishing Byelaw and the current permit conditions is progressing and it is hoped that by May 2020 D&S IFCA will be in apposition to make the revised Mobile Fishing Permit Byelaw and go out to formal consultation in early June 2020 with the amended four categories of permit conditions.