



Byelaw Work

Timelines, Status & Changes

April 2019

Contents

Mobile Fishing Permit Byelaw	3
Potting Permit Byelaw (Including the Live Wrasse Fishery)	5
Diving Permit Byelaw	10
Netting Permit Byelaw	12
Managing Hand Working Fishing Activity	14
Emergency Application Byelaw	16

Key:

Green = Consultation/Engagement

Red = Implemented Management or Decision Making

Orange = Environmental Information

Version Control	Author	Comments
Edition 2 30/04/2019	Neil Townsend	Created as a guide for stakeholders and staff to demonstrate the completed and forthcoming work associated with the review of byelaws, permit conditions and the management of fishing activity

Mobile Fishing Permit Byelaw

Key Dates	Comments	Information
1st January 2014	<p>Byelaw came into force.</p> <p>The whole Byelaw must be reviewed in 2019 (5 years).</p> <p>The Permit Conditions must be reviewed at least every 3 years</p>	<p>Provides Catch, Gear, Spatial & Time Restrictions (2 Categories - At sea & Estuary)</p> <p>Incorporated several legacy measures – 7 Old stand-alone Byelaws revoked.</p> <ul style="list-style-type: none"> • Scallops - Closed Periods • Escallops – Methods of fishing • Prohibition of Trawling in Start Bay • Restrictions of Trawling in Estuaries • Definition of Trawling • Dredging in Salcombe Estuary • Dredging in Dart
30th November 2016	<p>Mandatory Consultation for a Three-year Review of Permit Conditions Required</p>	<p>Multi-phase consultation begins</p>
27th March 2017	<p>Focussed Consultation on specific items (6 week)</p>	<p>a) Demersal Towed Gear in Torbay MCZ b) Demersal trawl gear Lundy SAC c) Scallop dredge Lundy SAC d) Prohibition on the removal of Spiny Lobster – Tranche 1 & 2 Sites</p>
15th May 2017	<p>Byelaw & Permitting Sub-Committee Meeting</p> <p>Findings of Consultation and the evidence submitted was discussed. The proposals were revised and then agreed at the Full Authority meeting in June 2017.</p>	<p>Revised Proposals:</p> <ol style="list-style-type: none"> 1. Torbay MCZ <ul style="list-style-type: none"> • Scallop dredging & Trawling activity separated • Scallop Dredging Prohibited in Torbay MCZ • Seasonal Trawling (End of March to end of June permitted subject to impact study, gear trials detailed within a Control & Monitoring Plan. 2. Lundy Island (Trawl) Monitoring & Control Plan required to gather information, monitor activity levels and assess gear impact on subtidal coarse sediment sub feature of Lundy SAC. 3. Lundy Island (Scallop) To prohibit scallop dredging on the subtidal coarse sediment sub feature of the Lundy SAC. 4. Protection of spiny Lobster in MCZ areas Prohibit removal of spiny lobster by demersal towed gear in Lundy, Skerries Bank & Surrounds and Bideford to Foreland Point MCZ
15th June 2017	<p>Full Authority Meeting</p>	<p>Revised proposals approved, and the new Permit Conditions & Annexes finalised</p>

28th July 2017	New Mobile Fishing Permit Conditions came into force	All existing permit holders and new applicants to receive the amended Permit Conditions.
August 2018	Reporting	A Final Report created to document complete process. Report is still published on D&S IFCA Website (File F) – “The Mobile Fishing Permit Byelaw – A three-year review of the permit conditions” – August 2017.
11th September 2017	A “Further Review” of the Mobile Fishing Permit Conditions begins with a six-week consultation	Specific items already identified by D&S IFCA subjected to a Multi -Phase consultation process – Specific Items as follows: <ul style="list-style-type: none"> • Introduction of IVMS • Replacing a reliance on a Deeming Clause • Introducing the size of a scallop (100mm) as a Permit Condition • Permit Conditions to manage the IPA • Permit Conditions to manage access for ring netting activity in Plymouth Sound
31st January 2018	2nd phase Consultation (six-week period begins)	Same proposals as above subjected to consultation with proposed Permit Conditions also detailed in consultation reports.
12th April 2018	Byelaw & Permitting Sub-Committee Meeting	All proposals approved as set out. Permit Conditions & 8 separate Annexes were then refined in preparation for issue whilst IVMS units were still being fitted. Other documents changed such as Application Forms. New Documents prepared including Policy.
28th August 2018	New Mobile Fishing Permit Conditions & 8 Annexes came into force	A mail shot to issue the new Permit Conditions was conducted and the new Mobile Fishing Permit Conditions, Annexes, Application Forms (& Policy) posted on D&S IFCA website. <p>Other Environmental Information: There is an expectation that D&S IFCA continues development of a plan to introduce a Fully Documented Fishery (Shad bycatch) by contacting and including interested parties which include Plymouth University, Environment Agency, and potentially SIFCA and CIFCA.</p>
September 2018	Reporting	A Final Report – “Mobile Fishing Permit Byelaw – Development Report for Additional Changes to Permit Conditions” Edition 4 – Final Report – August 2018 is posted on website (File F)
October 2018	Byelaw & Permitting Sub-Committee Meeting	Members began review the whole Mobile Fishing Permit Byelaw, however it was agreed to delay the discussions until 2019.

Potting Permit Byelaw (Including the Live Wrasse Fishery)

Key Dates	Comments	Information
1st March 2015	<p>Byelaw came into force.</p> <p>The whole Byelaw must be reviewed in 2020 (5 years).</p> <p>The Permit Conditions must be reviewed at least every 3 years</p>	<p>Provides Catch, Gear, Spatial & Time Restrictions (2 Categories – Commercial & Recreational Fishers)</p> <p>No Annexes were issued with original Permit Conditions Incorporated several legacy measures. 2 Old stand-alone Byelaws revoked.</p> <ul style="list-style-type: none"> • Potting Restriction – Lundy Island MCZ • Pots used for Fishing for Crustacea
March/April 2015	Consultation to increase the MCRS of female brown crab to 150mm.	A change to the Catch Restrictions element of the Potting Permit
1st May 2015	Permit Conditions with new MCRS for female Brown Crab in force	All Permit Holders now have Potting Permit Conditions with the 150mm MCRS for female Brown Hen Crab
4th November 2016	Live Wrasse Pot Fishery	After seeing the emergence of the Live Wrasse Pot Fishery, D&S IFCA informs all commercial Potting Permit Holders that it is considering new management measures
24th February 2017	Consultation for the Live Wrasse Pot Fishery	<p>5 Proposals:</p> <ul style="list-style-type: none"> • Implement a Fully Documented Fishery • Pot Limitation (60 pots per vessel) • Requirements to mark gear • Closed season (between 1st April & 31st July) • Min & Max Sizes <p>120mm to 230mm (Rock cook, Goldsinny & Corkwing) 150mm to 230mm (Ballan & Cuckoo)</p>
15th May 2017	Byelaw & Permitting Sub-Committee Meeting	<p>Decisions Taken:</p> <ol style="list-style-type: none"> 1. Implementation of Fully Documented Fishery 2. 120 Pot limits per permit holder 3. Gear marking “WRA” required 4. Closed Season – 1st April - 30th June 5. Introduction of Min & Max sizes as set out in proposals. 6. Issue of a Policy Statement, 7. Requirements for fishers to allow officers aboard for surveys 8. Voluntary Closed Areas 9. Formal Review set for Nov 2017

July 2017	New Potting Permit Conditions came into force	A mail shot to issue the new Permit Conditions was conducted
August 2017	Reporting	A Report created to document complete process. Report is still published on D&S IFCA Website (File F) – “Management of the Live Wrasse Pot Fishery” Version 3 – August 2017
September 2017	Mandatory Consultation for a Three-year Review of Permit Conditions Required	Multi-phase consultation begins (general Potting Conditions) – Phase One “open consultation” - (11th September to 23rd October 2017)
November 2017	Formal Review of the Live Wrasse Pot Fishery	Members of the Byelaw & Permitting Sub – Committee began the Formal Review by studying a Live Wrasse Fishery Data Analysis Research Report (November 2017) by Dr Libby West & Stephanie Davies. Consultation actioned.
31 st January 2018	Consultation conducted for the Live Wrasse Pot Fishery	2 Specific Proposals including proposed Permit Conditions: <ul style="list-style-type: none"> • Change to closed season to be 1st May to 15th July inclusive. • Change in the slot size for Corkwing Wrasse to be 140mm to 180mm.
31 st January 2018	Consultation conducted for general Potting Permit Conditions	6 Focussed Items (including proposed Permit conditions) that could result in changes to general Potting Conditions: <ul style="list-style-type: none"> • Potting Permit Conditions to replace a reliance on a deeming clause. • Potting Permit Conditions to prohibit the removal of spiny lobster from MCZ areas – Adding Bideford to Foreland Point MCZ to already protected Skerries Bank & Surrounds and Lundy MCZ. • Protection for spiny lobster that has recently cast its shell. • Gear restrictions to protect otters in estuaries • Managing the Whelk Fishery • Lundy Island “No Take Zone” (as a Potting Permit Condition) • Changes to Category Two Permit Conditions (hauling pots that belong to others)
March 2018	End of both consultations	Information collated was presented to Byelaw & Permitting Sub-Committee in April 2018.

12 th April 2018	Byelaw & Permitting Sub - Committee Meeting	<p>Decisions Taken (general potting):</p> <ul style="list-style-type: none"> • Potting Permit Conditions to be implemented as proposed to replace a reliance on the deeming Clause. • Potting Permit Conditions to be implemented as proposed to protect spiny lobster that has recently cast its shell. • Potting Permit Conditions to be implemented to prohibit removal of spiny lobster from MCZ (this adds Bideford to Foreland Point MCZ) – New Annexes created. • Potting Permit Conditions to be implemented to protect Otters in estuaries (gear restrictions in areas defined in new Annexes) • Potting Permit Conditions to be implemented to introduce a phased in new MCRS for Whelk (45mm to 65mm in 10mm increases over two years from November 2018)
12 th April 2018	Byelaw & Permitting Sub -Committee Meeting	<p>Decisions Taken (Live Wrasse Pot Fishery)</p> <ul style="list-style-type: none"> • Potting Permit Conditions to be implemented to amend closed season to be 1st May to 15th July each year. • Potting Permit Conditions to be implemented to amend the slot size for corkwing wrasse to be 140mm to 180mm. • New guidance to be issued (Voluntary closed areas) • A date set for another review in November 2018
May/June	Legal advice taken to refine wording in the Potting Conditions	4 New Annexes prepared for the general Potting Permit Conditions and, also new Application forms, policy and guidance made.
13 th August 2018	New Potting Permit Conditions & 4 Annexes came into force	A mail shot to issue the new Permit Conditions was conducted and the new Potting Permit Conditions, Annexes, Application Forms (& Policy) posted on D&S IFCA website.
September 2018	Reporting	<p>Two Final Reports posted in file F of website</p> <ul style="list-style-type: none"> • “Potting Permit Byelaw – A Three-Year Review of the Permit Conditions” Edition 3 – July 1st2018. • “Potting Permit Byelaw – Development and Management of the Live Wrasse Pot Fishery” Edition 2 – July 1st, 2018.

<p>20th November 2018</p>	<p>Byelaw & Permitting Sub-Committee Meeting (Non-Quorate Meeting)</p>	<p>A Formal Review of the Live Wrasse Fishery (2018-19) began.</p> <p>Members were presented with a Supplement Report: Formal Review of the Live Wrasse Pot Fishery. The report was a compilation of information including details about management already introduced and information and evidence compiled by D&S IFCA.</p> <p>Members were also presented with a report: Live Wrasse Data Analysis (Nov 2018) by Sarah Curtin & Dr Libby West (D&S IFCA).</p> <p>Members were also presented with a summary paper compiled by Sarah Clark (D&S IFCA): Current Research relating to the Live Wrasse Fisheries in the South West.</p> <p>Members recommended that (subject to the findings of further evidence presented by D&S IFCA Officers) there should be no changes to the current management of the Live Wrasse Pot Fishery. Management includes both the Potting Permit Conditions and separate Policy & Guidance.</p>
<p>26th February 2019</p>	<p>Byelaw & Permitting Sub-Committee Meeting</p>	<p>Members were presented with an addendum to the Live Wrasse Data Analysis (Nov 18).</p> <p>Decisions Taken:</p> <ul style="list-style-type: none"> • Members endorse findings of the reports presented to them to date • That existing management measures for the Live Wrasse Pot Fishery be Maintained • That a comprehensive review of the Live Wrasse Pot Fishery will be conducted to reflect the three years of data that will have been collected and collated. <p>Members were presented with a report about the work of the Technical Byelaw Working Group which highlighted an issue with the Potting Permit Condition 2.5.3 (Bait restriction for general potting)</p> <p>Decision Taken: That Permit Condition 2.5.3 is subjected to consultation with a view to its removal.</p>

8th March 2019	Consultation conducted on the potential removal of Potting Permit Condition 2.5.3	Consultation ended on 12th April 2019. Responses assembled into a Supplement Report to be discussed by the Byelaw & Permitting Sub-Committee on 16th May 2019
16th May 2019	Byelaw & Permitting Sub-Committee Meeting	Decisions to be taken about changes to the Potting Permit Conditions

Diving Permit Byelaw

Key Dates	Comments	Information
1st March 2015	<p>Byelaw came into force.</p> <p>The whole Byelaw must be reviewed in 2020 (5 years).</p> <p>The Permit Conditions must be reviewed at least every 3 years.</p>	<p>Provides Catch, Gear, Spatial & Time Restrictions (2 Categories – Commercial & Recreational Fishers)</p> <p>Permits only required for Divers that intend to take scallops, lobster & crab – not other forms of Diving.</p> <p>Incorporated several legacy measures into the Permit Conditions but no revocation as relevant legacy measures still apply to “any person”.</p> <p>No Annexes are issued with original Permit Conditions.</p> <p>The Diving Permit Byelaw includes a deeming clause which will be highlighted in the review.</p> <p>Annexes will be created and used following a review.</p>
13th November 2017	Byelaw & Permitting Sub – Committee Meeting	Officers actioned to begin the mandatory Three-Year review of Diving Permit Conditions
1st December 2017	Mandatory Consultation for a Three-year Review of Permit Conditions Required	Multi-phase consultation begins – Phase One “open consultation” - (1st December 2017 to 12th January 2018.
February/March 2018	Findings collated	Supplementary report created for Sub - Committee
12 th April 2018	Byelaw & Permitting Sub – Committee Meeting	Diving Discussions deferred until next meeting where identified & focussed items will be highlighted for a 2 nd phase of consultation.
August 2018	Byelaw & Permitting Sub – Committee Meeting Cancelled	The meeting was rearranged for October 2018
Sept 2018	Reporting	The Diving Consultation Phase 1 Supplement published as a member’s paper on the Meetings Page of the D&S IFCA Website.
11th October 2018	Byelaw & Permitting Sub – Committee Meeting	<p>Members were presented with a Supplement Report: A Summary of Response from the Phase 1 Consultation.</p> <p>Members agreed that some specific items be subjected to a 2nd and focused period of consultation. Items included: Protection of Spiny Lobster, Scallop Bag Limit, Deeming Clause, Lundy No Take Zone</p>

8th March 2019	Consultation conducted on 7 specific items within the Diving Permit Conditions	<ul style="list-style-type: none"> • Number of scallops that can be taken by a recreational diver • Protection of spiny lobster that have recently cast their shell • Prohibition on the removal of spiny lobster from Tranche 2 Marine Conservation Zones (Bideford to Foreland Point) • Incorporating the Lundy Island No Take Zone into the Diving Permit Conditions • To use Permit Conditions to replace a reliance on the deeming clause • Prohibition on the removal of parts of spiny lobster • Amending the Knoll Pins (Lundy Island) restrictions
16th May 2019	Byelaw & Permitting Sub-Committee Meeting	Decisions to be taken about changes to the Potting Permit Conditions

Netting Permit Byelaw

Key Dates	Comments	Information
<p>1st March 2018</p>	<p>Byelaw provisions (Effective Date) came into force.</p> <p>Byelaw signed by Secretary of State on 8th May 2018.</p> <p>The whole Byelaw must be reviewed after 5 years.</p> <p>The Permit Conditions must be reviewed at least every 3 years</p>	<p>Provides Catch, Gear, Spatial & Time Restrictions (2 Categories – Commercial & Recreational Fishers)</p> <p>Incorporated several legacy measures into the Permit Conditions, but some stand-alone measures are still relevant as they apply to “any person”.</p> <p>3 old legacy measures were revoked.</p> <ul style="list-style-type: none"> • Prohibition of Netting – River Exe • Trawling & Netting Prohibition – part of Lundy Island Marine Conservation Zone • River Exe – Prohibition of Netting <p>Legacy Byelaw 17 was not revoked as its legal definition still includes “long lines” which has yet to be subjected to a review by D&S IFCA</p> <p>No Deeming Clause was placed in the Byelaw. The Permit Conditions are already used effectively so it is not needed.</p> <p>5 Annexes are issued with these original Permit Conditions.</p> <p>Key Conditions –</p> <ul style="list-style-type: none"> • Netting within estuaries is now very restrictive – no fixed or drift nets. 20 metre seine net permitted in estuaries for sand eel (20mm mesh) • Netting closing line generally harmonise with Bass Nursery Area closing lines. • Restrictions in coastal zones (Annex 3) maintained as per legacy Byelaw 17 with a 3-metre headline restriction for fixed nets – subject to potential review if the EA provide evidence to support change. • Gear limits for recreational fishers – 25 metre max length at sea. • Catch restrictions introduced for recreational fishers

		<ul style="list-style-type: none"> • Protection for Spiny lobster (prohibition on removal) in three sites including Bideford to Foreland Point already established (Annex 1) • Old EA measures in Somerset areas re-established (Annex 5) which harmonise with Voluntary Angling Zones.
June/July 2018	Presentation & GDPR	Presentation of Permit Conditions amended but not the content. Also, changes have been made to Application Forms (including privacy notices)

Managing Hand Working Fishing Activity

There are many fishing activities that will be reviewed as part of this work. The Byelaw & Permitting Sub Committee (B&PSC) began to examine the management of these activities in October 2018. A draft planning report - Managing Hand Working Fishing Activity – 28th June was presented, refined and agreed to be suitable for use.

The planning report has divided the activity into three key sections and the required work will be divided into three key sections:

1. **The use of crab tiles**
2. **Bait Collection**
3. **A mixture of methods that have been categorised as “Hand Gathering”.**

It is planned so that each topic will be examined at B&PSC meetings during 2019.

It is planned so that the submitted information for each topic will include:

- **Environmental assessments/summaries of the assessments**
- **Reports of any relevant completed surveys**
- **An overview of any potentially relevant legacy Byelaw measures**
- **An overview of any relevant voluntary codes.**

Several options will be considered during the process; however, this review work may lead to the creation of a new Hand Working Permit Byelaw. A formal discussion on “Options for Management” is not expected until all three-phases are complete.

Key Dates	Comments	Information
November & December 2018	D&S IFCA Preparation	Information and evidence are assembled relating to crab tiling. The information is to be used in a three-phase information gathering exercise throughout 2019 enabling all stakeholders to engage
4th January 2019	Start of a “Call for Information” engagement campaign (Crab Tiles)	A collection of information about the method and research work undertaken was assembled into a mail chimp circular that was directly circulated to stakeholders that had provided an email. Campaign was supported by the D&S IFCA website and Facebook. Multiple options were provided for stakeholders to respond by 8th February 2019.
26th February 2019	Byelaw & Permitting Sub-Committee Meeting	A supplement report – Information & Evidence (Feb 2019) was presented to members. The report included a summary of response from stakeholders and a summary of Research and Assessment work . Members did not formulate an initial position at this time on how the activity could or should be managed.
March 2019	D&S IFCA Preparation	Information and evidence are assembled relating to bait digging. The information is to be used in a 2 nd Phase information gathering exercise enabling all stakeholders to engage.

29 th March 2019	Start of a “Call for Information” engagement campaign (Bait Digging)	A collection of information about the method and research work undertaken was assembled into a mail chimp circular that was directly circulated to stakeholders that had provided an email. Campaign was supported by the D&S IFCA website and Facebook. Multiple options were provided for stakeholders to respond by 26th April 2019.
16 th May 2019	Byelaw & Permitting Sub-Committee Meeting	A supplement report – Information & Evidence (May 2019) will be presented to members. The report includes a summary of response from stakeholders and a summary of Research and Assessment work.

Emergency Application Byelaw

This Byelaw was introduced on 9th May 2018. This Byelaw enables dispensations to be issued. The content of the Byelaw is focussed on the following:

- a. Scientific Purposes
- b. Stocking Purposes
- c. Breeding Purposes

The Byelaw & Permitting Sub Committee (B&PSC) discussing how to proceed and introduce a replacement at their meeting in October 2018. Establishing the scope of the Byelaw formed part of those discussions. Members of the B&PSC agreed to formulate a Byelaw Technical Working Group (BTWG) to conduct drafting work on their behalf and terms of reference were agreed which included a reporting requirement.

Key Dates	Comments	Information
26 th November 2018 & 8 th February 2019	In house preparation and 2 separate meetings to conduct drafting work	A replacement "Exemptions" Byelaw was drafted by the BTWG. A report to explain aspects of this drafting process and the outcomes was formulated in preparation to be presented to members of the B&PSC in February 2019.
26th February 2019	Byelaw & Permitting Sub-Committee Meeting	A BTWG report was presented to and discussed by the B&PSC. Members were satisfied with the draft Exemptions Byelaw and requested that an Impact Assessment be created to accompany the byelaw in preparation for formal consultation.
March 2019	Extending the Emergency Byelaw	The Acting Chief Officer notified DEFRA that a six-month extension to the Emergency Byelaw was required so D&S IFCA has enough time to implement a replacement.

End.