

The Category One (at sea) Mobile Fishing Permit Conditions

Interpretations

In the following Category One Mobile Fishing Permit Conditions:

“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);

“**Berried Edible Crab**” means any **Edible Crab** carrying any spawn attached to the body or some other exterior part of the crab, or which is in such a condition as to show that at the time when it was taken it was carrying spawn so attached;

“**Berried Lobster**” means any **Lobster** or **Spiny Lobster** which is carrying any spawn attached to the tail or some other exterior part of the **Lobster** or **Spiny Lobster**, or which is in such a condition as to show that at the time it was taken it was carrying spawn so attached;

“**Co-ordinate**” means a co-ordinate on the World Geodetic System 1984 Datum (WGS84);

“**Demersal Mobile Fishing Gear**” means any **Mobile Fishing Gear** that is, or is likely to be, in contact with the seabed or any **Mobile Fishing Gear** designed to be in contact with the seabed;

“the **District**” means the Devon and Severn Inshore Fisheries and Conservation district 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, pushing of, or hauling of **Mobile Fishing Gear** or taking **Sea Fisheries Resources** on board (and “**Fish**” shall be interpreted accordingly);

“**Heritage Assets Site**” means any site designated under Section 1 of the Protection of Wrecks Act 1973 or scheduled under the Ancient Monuments and Archaeological Areas Act 1979 or any subsequent legislation;

“**Mobile Fishing Gear**” means a dredge, elevator harvester, trawl or similar device, that is designed to be towed or pushed to take any **Sea Fisheries Resources**;

“**Mutilated Lobster**” means a **Lobster** or **Spiny Lobster** where any of the five flaps of the tail fan is missing or mutilated in such a manner that could hide or obliterate a **V-notch**;

“**Named Representative**” means any person named by an **Owner** to the **Authority** and who may act as the Master of the **Vessel** in their absence;

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

“**Owner**” means a shareholder in the **Relevant Fishing Vessel**;

“**Permit**” means a Category One **Permit** issued under paragraph 4 of the Mobile Fishing Permit Byelaw 2022 to an **Owner** of a **Relevant Fishing Vessel**;

“**Permit Conditions**” means the conditions set out in a Category One **Permit**;

“**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; and
- b) in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);

“**Remotely Accessed Electronic Reporting Device**” means a device that transmits the **Required Information** which must be received by the UK VMS hub;

“**Required Information**” means the transmission of data set out in the national type approved specifications;

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

“**Vessel**” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes, and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

“**Writing**” means communication to the **Authority** by written document sent by recorded delivery, hand delivered to an officer of the **Authority**, or sent by email to the address published on the **Authority’s** website;

“**‘V’ Notched Lobster**” means a **Lobster** or **Spiny Lobster** with an indentation in the shape of the letter “V” or resembling the shape of a “V” made in either of the outer pairs of uropods on the tail fan (and **‘V’ Notch** and **‘V’ Notching** shall be interpreted accordingly).

Species:

“**Bass**” means a fish of the species *Dicentrarchus labrax*;

“**Edible Crab**” means a crab of the species *Cancer pagurus*;

“**Lobster**” means a lobster of the species *Homarus gammarus*;

“**Mussel**” means a mussel of the species *Mytilus* spp.;

“**Scallop**” means a scallop of the species *Pecten maximus*;

“**Spider Crab**” means a crab of the species *Maja* spp.;

“**Spiny Lobster**” means a lobster of the species *Palinurus elephas*;

“**Velvet Swimming Crab**” means a crab of the species *Necora puber*;

“**Whelk**” means a whelk of the species *Buccinum undatum*.

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Management Measures

Limitation on Catches

- 1.1 An **Owner** or **Named Representative** is not authorised to **Fish** under this **Permit** if the **Permit Holder** or **Named Representative** has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.3 inclusive.
- 1.2 An **Owner** or **Named Representative** is not authorised under this **Permit** to remove from a fishery within the **District**:
 - a) any ‘**V**’ **Notched** or **Mutilated Lobster**;
 - b) any **Berried Lobster** or **Berried Edible Crab**;
 - c) any part of an **Edible Crab**, **Lobster** or **Spiny Lobster** which is detached from the carapace of the **Edible Crab**, **Lobster** or **Spiny Lobster**;
 - d) any **Edible Crab**, **Lobster** or **Spiny Lobster** that has recently cast its shell.
- 1.3 An **Owner** or **Named Representative** is not authorised under this **Permit** to remove from a fishery within the **District**:
 - a) a female **Edible Crab** less than 150mm measured across the broadest part of the carapace;
 - b) a male **Edible Crab** less than 160mm measured across the broadest part of the carapace;
 - c) a **Scallop** less than 100mm measured across the broadest part of the flat shell;
 - d) a **Whelk** less than 65mm measured along the length of the shell;
 - e) a **Lobster** less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
 - f) a **Spider Crab** less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;
 - g) a **Spiny Lobster** less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;
 - h) a **Velvet Swimming Crab** less than 65mm measured across the broadest part of the carapace;
 - i) a **Bass** less than 42cm measured from the tip of the snout to the end of the tail fin.

- 1.4 All such species falling within the prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.
- 1.5 The measurement of the size of a marine organism or the **V Notching** of a **Lobster** or a **Spiny Lobster** will take place in accordance with the provisions set out in Annex 14 to the Category One **Permit Conditions**.

Dredging

- 2.1 An **Owner** or **Named Representative** is not authorised to **Fish** within the **District** with any dredge gear except:
- a) one fitted with a spring-loaded tooth bar;
 - b) any part of the frame does not exceed 85 centimetres in width;
 - c) where rings are used in the construction of a retaining bag these shall not be less than 75mm measured across the inside diameter;
 - d) where net is used in the construction of a retaining bag it shall have a minimum mesh size of 100mm; and
 - e) the size of the ring or net mesh of the retaining bag shall not be obstructed or otherwise reduced.
- 2.2 An **Owner** or **Named Representative** is not authorised to **Fish** with any dredge gear from a **Relevant Fishing Vessel** within the **District** with more than two tow bars at any one time.
- 2.3 An **Owner** or **Named Representative** is not authorised to **Fish** with any dredge gear from a **Relevant Fishing Vessel** within the **District**:
- a) when operating more than 12 dredges at any one time; and
 - b) where multiple dredges are used, with a tow bar, including attachments, that exceeds 5.18 metres in length.

Restriction on Engine Power and Dredges

- 3.1 Within the access Area 4 as defined by the **Co-ordinates** set out in the attached Annex 3a and 3b (part of the South Devon Inshore Fishing Grounds known as Inshore Potting Agreement Areas), an **Owner** or **Named Representative** is not authorised under this **Permit** to **Fish** with **Demersal Mobile Fishing Gear** unless:
- a) the **Relevant Fishing Vessel's** engines are rated at 100KW or less;
 - b) when dredging, the **Relevant Fishing Vessel Fishes** with no more than two tow bars;
 - c) each tow bar does not exceed 2.6 metres in total length; and
 - d) there are no more than three dredges attached to each tow bar.

Remotely Accessed Electronic Reporting Device

- 4.1 An **Owner** or **Named Representative** is not authorised to use a **Relevant Fishing Vessel** over 6.99 metres in **Overall Length** within the **District** unless:
- a) a **Remotely Accessed Electronic Reporting Device** has been fitted to the **Relevant Fishing Vessel**; and
 - b) the **Remotely Accessed Electronic Reporting Device** is fully functioning at all times to transmit the **Required Information** as specified in Paragraph 6.1(b).

Failure of a Remotely Accessed Electronic Reporting Device

- 5.1 If the **Remotely Accessed Electronic Reporting Device** installed pursuant to paragraph 4.1 above has failed to transmit the **Required Information**, for whatever reason, an **Owner** or **Named Representative** must:
- a) if at sea, immediately cease **Fishing** and return to one of the areas as defined by the **Co-ordinates** set out in the attached Annex 13 or leave the **District**; or
 - b) if already in an area as defined by the **Co-ordinates** set out in the attached Annex 13, remain there in accordance with paragraph 5.2.
- 5.2 If, as a result of a failure of the **Remotely Accessed Electronic Reporting Device** to transmit the **Required Information** and in compliance with paragraph 5.1, the **Relevant Fishing Vessel** is not authorised to sail in the **District** unless:
- a) the **Remotely Accessed Electronic Reporting Device** has been inspected, repaired, or replaced by the manufacturer's approved engineer, and an approved engineer's report has been received by the Authority in **Writing** that contains the information specified in Paragraph 7.1; or
 - b) a written authorisation has been issued in respect of the **Relevant Fishing Vessel** under paragraph 24 of the Mobile Fishing Permit Byelaw 2022.

Remotely Accessed Electronic Reporting Device

- 6.1 An **Owner** or **Named Representative** is not authorised to use a **Relevant Fishing Vessel** over 6.99 metres in **Overall Length** within the **District** unless:
- a) an **Owner** of the **Relevant Fishing Vessel** has provided in **Writing** a copy of the **Remotely Accessed Electronic Device** manufacturer's approved engineer's installation report containing the information specified in paragraph 7.1; and
 - b) the **Required Information** is received by the UK VMS hub at least every three minutes except when a **Relevant Fishing Vessel** is within an area as defined by the **Co-ordinates** set out in the attached Annex 13.

Installation, Inspection, Repairs, or Replacement of a Remotely Accessed Electronic Reporting Device

- 7.1 A report by a manufacturer's approved engineer for the installation, inspection, repair, or replacement of a **Remotely Accessed Electronic Reporting Device** must contain the following information:

Installation or replacement:

- a) name of engineer;
- b) engineer's employer (if applicable);
- c) name of the **Vessel**;
- d) port letters and numbers of the **Vessel**;
- e) official number of the **Vessel** (Certificate of Registry);
- f) date of installation;
- g) geographical location of installation;
- h) time of installation;
- i) confirmation that the **Required Information** is being transmitted at the specified intervals as set out in paragraph 6.1(b);
- j) VMS/iVMS manufacturer;
- k) VMS/iVMS model;
- l) VMS/iVMS serial number;
- m) photograph of installed device;
- n) image of the device's location on the **Vessel** and the location of the device's antenna;
- o) image of the power connection;
- p) image of the **Vessel**; and
- q) signature of engineer and date of signature.

Inspection or repair of a device:

- a) name of engineer;
- b) engineer's employer (if applicable);
- c) summary of inspection and remedial action taken;
- d) confirmation that the **Required Information** is being transmitted at the specified intervals as set out in paragraph 6.1(b); and
- e) signature of engineer and date of signature.

Marine Protected Areas

- 8.1 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 1 of this **Permit** (Lundy Special Area of Conservation and Lundy Marine Conservation Zone) unless:

- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place;
- b) the trawl gear is used for **Fishing** in the areas as defined by the **Co-ordinates** set out in the attached Annex 1a of this **Permit**; or

- c) the dredge gear is used for **Fishing** in the areas as defined by the **Co-ordinates** set out in the attached Annex 1b of this **Permit**.
- 8.2 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 2 of this **Permit** (the Lyme Bay section of the Lyme Bay and Torbay Special Area of Conservation (SAC)) unless the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place.
- 8.3 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 3 of this **Permit** (the Torbay section of the Lyme Bay and Torbay Special Area of Conservation (SAC), the Torbay Marine Conservation Zone (MCZ) and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place;
 - b) the trawl gear is used for **Fishing** in the Areas 1, 2, 3 and 4 as defined by the **Co-ordinates** set out in the attached Annex 3a of this **Permit** and **Fishing** with the trawl gear is in accordance with paragraphs 3.1 and 12.3; or
 - c) the dredge gear is used for **Fishing** in the area as defined by the **Co-ordinates** set out in the attached Annex 3b of this **Permit** and **Fishing** with the dredge gear is in accordance with paragraph 3.1.
- 8.4 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 4 of this **Permit** (Plymouth Sound and Estuaries Special Area of Conservation) (including the Rivers Plym, Tamar, Tavy and Yealm) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
 - b) where an encircling net is used for **Fishing** in the area as defined by the **Co-ordinates** as set out in the attached Annex 4a of this **Permit**.
- 8.5 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 5 of this **Permit** (part of Start Bay, Start Point to Plymouth Sound and Eddystone Special Area of Conservation (SAC), part of the Skerries Bank and Surrounds Marine Conservation Zone and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place;
 - b) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area A as defined by the **Co-ordinates** set out in the attached Annex 5a of this **Permit** and **Fishing** with the **Demersal Mobile Fishing Gear** is in accordance with the periods set out in paragraph 12.4, table 1;

- c) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area B as defined by the **Co-ordinates** set out in the attached Annex 5a of this **Permit** and **Fishing** with the **Demersal Mobile Fishing Gear** is in accordance with the periods set out in paragraph 12.4, table 1;
 - d) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area C as defined by the **Co-ordinates** set out in the attached Annex 5a of this **Permit** and **Fishing** with the **Demersal Mobile Fishing Gear** is in accordance with the periods set out in paragraph 12.4, table 1; or
 - e) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area D as defined by the **Co-ordinates** set out in the attached Annex 5a of this **Permit** and **Fishing** with the **Demersal Mobile Fishing Gear** is in accordance with the periods set out in paragraph 12.4, table 1.
- 8.6 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 6 of this **Permit** (Severn Estuary Special Area of Conservation) unless the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place.
- 8.7 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 7 of this **Permit** (Hartland Point to Tintagel Marine Conservation Zone) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
 - b) the trawl gear is used for **Fishing** in the Area as defined by the **Co-ordinates** set out in the attached Annex 7a of this **Permit**.
- 8.8 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 8 of this Permit (Bideford to Foreland Point Marine Conservation Zone) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
 - b) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area defined by the **Co-ordinates** set out in the attached Annex 8a of this **Permit**.
- 8.9 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 9 of this Permit (Morte Platform Marine Conservation Zone) unless:
- a) the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
 - b) the **Demersal Mobile Fishing Gear** is used for **Fishing** in the Area as defined by the **Co-ordinates** set out in the attached Annex 9a of this **Permit**.

Spiny Lobster

- 9.1 An **Owner** or **Named Representative** is not authorised to remove any **Spiny Lobster** from the areas as defined by the **Co-ordinates** set out in the attached Annex 10 of this **Permit** (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones).

Heritage Assets Sites

- 10.1 No **Owner** or **Named Representative** shall access the area as defined by the **Co-ordinates** set out in the attached Annex 11 of this **Permit** (the South Australian **Heritage Assets Site**) unless the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place.

Coastal Mariculture Sites

- 11.1 No **Owner** or **Named Representative** shall access the areas as defined by the **Co-ordinates** set out in the attached Annex 12 of this **Permit** (the Coastal Mariculture sites) unless the **Demersal Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place.

Fishing Time Limitations

- 12.1 When **Fishing** with dredge gear, an **Owner** or **Named Representative** is only authorised to **Fish** within the **District** between 0700hrs (local time) and 1900hrs (local time).
- 12.2 An **Owner** or **Named Representative** is not authorised under this **Permit** to remove **Scallop** from a fishery within the **District** between 1st July and 30th September (inclusive).
- 12.3 An **Owner** or **Named Representative** is only authorised to **Fish** with trawl gear within the Areas 1, 2 and 3 as defined by the **Co-ordinates** set out in the attached Annex 3a of this **Permit** between 1st April and 30th June (inclusive).
- 12.4 An **Owner** or **Named Representative** is only authorised to **Fish** with **Demersal Mobile Fishing Gear** within the Areas A, B, C and D as defined by the **Co-ordinates** set out in the attached Annex 5a of this **Permit** during the periods set out in table 1 below:

Table 1

Annex	Sub Area of annex 5a	Annual Access Periods
5a	Area A	1 st January to 31 st May inclusive
5a	Area B	1 st January to 31 st March inclusive
5a	Area C	1 st March to 31 st March inclusive
5a	Area D	1 st February to 31 st August inclusive

End.