

The Size of Fishing Vessels Byelaw 2022 & Formal Consultation

Officers' Recommendations

- a) That the Impact Assessment (Agenda Item 7 – Appendix 1) that accompanies the proposed Size of Fishing Vessels Byelaw 2022 is approved for use in the formal consultation.
- b) That the B&PSC makes the Size of Fishing Vessels Byelaw 2022 (Agenda Item 7 - Appendix 2) and proceeds with formal consultation on the Byelaw.

Background

The review of the current Size of Vessels Byelaw began in 2021. Since that time the B&PSC has discussed different elements of weakness associated with the Byelaw. Officers' papers and reports have helped to inform the B&PSC's decision making to this point. Development of the proposed Size of Fishing Vessels Byelaw 2022 has included pre-consultation, with the findings being presented to the B&PSC in October 2021. The decision making of the B&PSC has been documented and has informed drafting work conducted by the Byelaw Technical Working Group (BTWG), acting on behalf of the B&PSC.

Impact Assessment

The creation of an Impact Assessment (IA) is a requirement of the process to implement a new Byelaw. The IA (agenda item 7 - Appendix 1) sets out rationale for intervention, objectives and explores and explains areas of change (impact).

The Byelaw

As a summary, the proposed Size of Fishing Vessels Byelaw 2022 (agenda item 7 – appendix 2) has addressed identified weakness in the following ways:

- The introduction of a new size restriction of 14.99 metres in overall length, which is a reduction from the current size of 15.24 metres in overall length.
- The introduction of revised interpretations including “Relevant Fishing Vessel” that underpins the prohibition paragraphs (setting out which vessels the Byelaw applies to).
- Improved presentation including the use of capitalised bold italic font to emphasise the interpretations used in the different paragraphs and to provide clarity for the reader.
- A grandfather rights clause (fishing rights) is not included in the Byelaw.
- The introduction of an exemptions clause that extends to maintenance activity.

Formal Consultation

If approved by the B&PSC, the Byelaw and Impact Assessment will be subjected to formal consultation as a package of information. As part of Defra's IFCA Byelaw Guidance, the Authority must place advertisements for two consecutive weeks in suitable newspapers. As well as this, Officers will utilise a range of communication options at their disposal during the formal consultation such as direct notification (mail chimp email circular), the website (news and engagement display page) and Facebook.

Other Stages of Process

After the formal consultation ends, the responses will be collated, and a report will be presented to the B&PSC. The responses to the formal consultation will be discussed by the B&PSC, and this may result in changes to the content of the Byelaw. A final Impact Assessment will be created to accompany the Byelaw which will then sent to the Marine

Management Organisation (MMO) for quality assurance. Officers will recognise feedback from the MMO quality assurance team. After this phase, and assuming there are no significant issues for the B&PSC to address, the Byelaw will be submitted to the Secretary of State for confirmation.

Background Papers

B&PSC reports and minutes – 2021 to 2022

End.