

Non-Payment of Fines and Issuing Permits

Background

The Budget Audit Process has identified an issue associated with outstanding payments to the Authority from D&S IFCA Investigations and the awarding of fines and costs in court against both vessel owners and masters. Other IFCA's have also experienced similar difficulties.

The budget deficit is currently around £15000 and involves seven different payment schedules that have failed to be adhered to. The DCO (Enforcement) has raised concern with the Court Authorities, but the advice that has been forthcoming is that the Fines Recovery Department would deal with such matters.

Policy Review

Each of the Permitting Byelaws specify how permits can be authorised and issued. Similar wording is applied in all the Permit Byelaws and adapted for different categories of fishers.

Some examples from the Mobile Fishing, Potting and also the Diving Permit Byelaws are shown below:

- The Authority may issue a document authorising a vessel to use mobile fishing gear in any part of the District other than in estuaries (a Category One Permit)
- The Authority may authorise the use of a pot for fishing within the District from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
- The Authority may authorise the removal of the species listed in paragraph 2 from a fishery within the District by diving from a relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.

It is important to recognise that each Byelaw states that the Authority "may" issue a permit for a particular fishing activity to be conducted. The Byelaws do not state that the Authority "will" issue a permit. This difference provides members with the opportunity to consider policy in regard to permit issue where outstanding fines or costs exist.

D&S IFCA are currently in the process of developing/amending aspects of documentation associated with policy and also permit issue. This includes remodelled application forms, policy notices and also the permit conditions and associated annexes (charts).

Policy notices have already been developed for several aspects of the permit system. These add clarity for stakeholders, along with demonstrating how the Authority has interpreted aspects of the Permitting Byelaws from both an enforcement and administration stand point.

- **D&S IFCA cannot remove a valid permit as this is a matter for the Court.**
- **Officers can create a policy and clarification statement making all stakeholders aware that D&S IFCA will not issue new permits where outstanding fines or costs set by a court have failed to be paid to the Authority.**
- **Policy and clarification documentation can be drafted and focussed in respect of fishing vessels rather than individuals. Owners and Masters of vessels will have equal responsibility to ensure payments schedules are maintained as agreed in court.**