



## Devon and Severn

### Inshore Fisheries and Conservation Authority

#### MARINE AND COASTAL ACCESS ACT 2009

#### Mobile Fishing Permit Byelaw 2022

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156, and 158 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

### Interpretation

1. In this Mobile Fishing Permit Byelaw 2022:

“the **Act**” means the Marine and Coastal Access Act 2009;

“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);

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

“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);

“**Estuaries**” means waters within the **District** to the landward side of the closing lines as set out in Schedule 1 of the Mobile Fishing Permit Byelaw 2022;

“**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**” and “**Fished**” shall be interpreted accordingly);

“**Impact Assessment**” means a documented account of the review process, including the rationale for potential changes, the findings of consultations and the decision making of the **Authority**;

“**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**;

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

**“Overall Length”** shall be determined by:

- a) reference to the Certificate of Registry of the **Relevant Fishing Vessel**; or
- b) in respect of a **Vessel** that is not a **Relevant Fishing Vessel**, a measurement of the extremity of the **Vessel** from the bow to the stern excluding any attachments;

**“Owner”** means a shareholder of a **Relevant Fishing Vessel**;

**“Permit”** means:

- a) a Category One **Permit** issued under paragraph 4 of the Mobile Fishing Permit Byelaw 2022; or
- b) a Category Two **Permit** issued under paragraph 5 of the Mobile Fishing Permit Byelaw 2022;

**“Permit Conditions”** means the conditions set out in a **Permit** issued under the Mobile Fishing Permit Byelaw 2022;

**“Relevant Fisheries Information”** means any information required by the **Authority** for the effective management of the exploitation of **Sea Fisheries Resources** in the **District**;

**“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);

**“Sand Eel”** means an eel of the species *Ammodytidae spp.*;

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

**“Seagrass”** means plants of the species *Zostera spp.*;

**“Specified Equipment”** has the same meaning as set out in section 156(7) 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.

## Prohibitions

2. No person shall operate any vessel within the **District** with **Mobile Fishing Gear** aboard unless paragraph 3 applies.
3. This paragraph applies where:
  - a) **Fishing** with **Mobile Fishing Gear** is being conducted in accordance with a **Permit**, or
  - b) the **Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
  - c) a **Vessel** of less than seven metres in **Overall Length** is **Fishing** for **Sand Eel** in accordance with Schedule 2 of the Mobile Fishing Permit Byelaw 2022.

## Applications

4. The **Authority** may authorise **Fishing** with **Mobile Fishing Gear** from a named **Relevant Fishing Vessel** in any part of the **District** other than within **Estuaries** by issuing a Category One **Permit** with conditions to an **Owner**.
5. The **Authority** may authorise **Fishing** with **Mobile Fishing Gear** from a named **Relevant Fishing Vessel** within **Estuaries** by issuing a Category Two **Permit** with conditions to an **Owner**.
6. An application for a **Permit** must be made by an **Owner** using the printed forms available from the **Authority's** office or by using the on-line application facility on the **Authority's** website.
7. Only one **Permit** in each category will be issued per **Relevant Fishing Vessel**.
8. The **Permit** will be issued to all **Owners** of a named **Relevant Fishing Vessel**.
9. The **Permit** will be valid for the dates specified in the **Permit**, up to a maximum of two years, and is not transferable.
10. The Authority may cancel a **Permit** upon a receipt of a request in **Writing** to do so by an **Owner**.

## Provisions

11. A **Relevant Fishing Vessel** can only be operated under the authority of a **Permit** by an **Owner** or a **Named Representative** identified on the **Permit** except where the **Authority** has received notification in **Writing** from an **Owner** of an additional **Named Representative** prior to the operation of the vessel.
12. The **Authority** may charge a fee for a **Permit** in accordance with Section 156(4) Marine and Coastal Access Act 2009 (as amended).
13. An **Owner, Named Representative**, or an owner of a **Vessel** that has **Fished** within the **District**, must provide any information or document required by the **Authority** for the purpose of discharging its functions.

14. The **Authority** when issuing a **Permit** has the power to include, prohibitions, restrictions, or requirements as a condition of the **Permit** provided the prohibitions, restrictions or requirements are within the Provisions that may be made by a byelaw contained in Sections 156 and 158 of the **Act** as amended.
15. The **Authority** may at any time introduce, remove, or vary any **Permit Conditions** following a review conducted in accordance with the review procedure set out in paragraphs 18 to 20.
16. An **Owner** shall provide any **Relevant Fisheries Information** required by the **Authority**.
17. Any **Relevant Fishing Vessel** authorised by a **Permit** may be required to have, for the purposes of monitoring the exploitation of **Sea Fisheries Resources**, specific equipment fitted at an **Owner's** expense. Any prohibition, restriction, or requirement relating to this paragraph will be set out in the **Permit Conditions**.

## Review Procedure for the Permit Conditions

18. The **Authority** shall review the **Permit Conditions** not less than once every three years from the date of entry into force.
19. A review of the **Permit Conditions** shall be undertaken as follows:
  - a) The **Authority** shall consult with **Owners** and such other stakeholders, organisations and persons as appear to the **Authority** to be representative of the interests likely to be substantially affected by any proposed amendments to the **Permit Conditions**; and
  - b) The **Authority** will make a decision whether to introduce, remove or vary any **Permit Conditions** taking into account the consultation set out in paragraph 19(a) and the information listed in paragraph 20.
20. The information referred to in paragraph 19(b) includes any one or more of the following:
  - a) data collected from **Owners**;
  - b) scientific and survey data gathered by the **Authority** or provided to the **Authority** by such other bodies, organisations or persons as the **Authority** shall think fit;
  - c) advice and guidance provided by relevant statutory bodies or such other bodies, organisations, or persons as the **Authority** shall think fit;
  - d) an **Impact Assessment** of any proposed changes; and
  - e) any information which the **Authority**, in its absolute discretion, considers material.
21. Where national legislation necessitates an amendment to the **Permit**, the **Authority** may amend the **Permit Conditions** without following the requirements set out in paragraphs 19 and 20.
22. Following any decision being made by the **Authority** to amend the **Permit Conditions**, all **Owners** will be notified in writing and issued with the amended **Permit Conditions**.

## Offences

23. Failure to comply with the Mobile Fishing Permit Byelaw 2022 or any condition in a Permit issued by the Authority constitutes an offence.

## Exemptions

24. The Mobile Fishing Permit Byelaw 2022 does not apply to any person performing an act which would otherwise constitute an offence under the Mobile Fishing Permit Byelaw 2022, if that act was carried out in accordance with a written authorisation issued by the **Authority** permitting that act for maintenance, scientific, stocking or breeding purposes.

## Revocation

25. The Byelaw with the title Mobile Fishing Permit Byelaw, made by Devon and Severn Inshore Fisheries and Conservation Authority on 27<sup>th</sup> June 2013 is hereby revoked.

## Schedules

### Schedule 1: Closing Lines

26. The **Co-ordinates** for the estuary closing lines are set out in Table 1 as follows:

Estuary/River	Points	Latitude	Longitude
River Axe Devon	A line drawn between points A to B		
	A	50° 42.135' N	003° 03.354' W
	B	50° 42.135' N	003° 03.274' W
River Sid	A line drawn between points A to B		
	A	50° 40.726'N	003° 14.054'W
	B	50° 40.735'N	003° 14.005'W
River Otter	A line drawn between points A to B		
	A	50° 37.791'N	003° 18.676'W
	B (Otterton Ledge)	50° 37.626'N	003° 18.399'W
	And a line drawn between points B to C		
	C (Otterton Point)	50° 37.821'N	003° 18.143'W
River Exe	A line drawn between points A to B		
	A (Langstone Point)	50° 35.518'N	003° 26.629'W
	B (Orcombe Point)	50° 36.421'N	003° 23.108'W
River Teign	A line drawn between points A to B		
	A (leading light)	50° 32.546'N	003° 29.810'W
	B (The Ness)	50° 32.279'N	003° 29.810'W
River Dart	A line drawn between points A to B		
	A (Combe Point)	50° 19.634'N	003° 34.266'W
	B (Inner Froward Point)	50° 20.141'N	003° 32.583'W
Salcombe Estuary	A line drawn between points A to B		
	A (Splatcove Point)	50° 13.444'N	003° 46.871'W
	B (Limebury Point)	50° 13.444'N	003° 46.402'W

Estuary/River	Points	Latitude	Longitude
River Avon Devon	A line drawn between points A to B		
	A (Warren Point)	50° 17.077'N	003° 53.884'W
	B (Herringcove Point)	50° 16.876'N	003° 54.049'W
	And a line drawn between points C to D		
	C (Burgh Point)	50° 16.684'N	003° 54.018'W
	D (Bantham Sand)	50° 16.684'N	003° 52.676'W
River Erme	A line drawn between points A to B		
	A (Battisborough Island)	50° 18.243'N	003° 57.834'W
	B (Beacon Point)	50° 17.750'N	003° 56.657'W
River Yealm	A line drawn between points A to B		
	A (Season Point)	50° 18.736'N	004° 04.148'W
	B (Mouth Stone)	50° 18.550'N	004° 04.275'W
River Plym	A line drawn between points A to B		
	A (Mount Batten Breakwater)	50° 21.558'N	004° 08.130'W
	B (Fishers Nose)	50° 21.801'N	004° 08.130'W
River Tamar	A line drawn between points A to B		
	A (Wilderness Point)	50° 21.514'N	004° 10.304'W
	B (Devils point)	50° 21.592'N	004° 10.026'W
Rivers Taw & Torridge	A line drawn between points A to B		
	A (Airy Point)	51° 04.524'N	004° 12.897'W
	B (Northam Burrows)	51° 03.849'N	004° 13.416'W
River Lyn	A line drawn between points A to B		
	A (Landward end of Pier)	51° 13.900'N	003° 49.918'W
	B	51° 13.900'N	003° 49.758'W
River Parrett	A line drawn between points A to B		
	A (Stert Point)	51° 13.106'N	003° 01.177'W
	B (Beacon)	51° 13.056'N	003° 00.595'W
River Brue	A line drawn between points A to B		
	A	51° 13.528'N	003° 00.091'W
	B (West of slipway)	51° 13.618'N	003° 00.091'W
River Axe Somerset	A line drawn between points A to B		
	A	51° 19.450'N	003° 00.108'W
	B	51° 19.417'N	002° 59.418'W
Upper Reaches Severn	A line drawn between points A to B		
	A	51° 22.553' N	003° 05.090' W
	B	51° 22.553' N	002° 57.724' W

**Schedule 2: Sand Eel Trawling**

27. **Fishing** for **Sand Eel** must be conducted in accordance with the conditions as set out below:

- a) A **Vessel** must be less than seven metres in **Overall Length**.
- b) Any person using a **Vessel** that is not a **Relevant Fishing Vessel** is limited to a catch of 15kg of **Sand Eel** in any calendar day and the catch must be intended for personal use only.
- c) **Fishing** for **Sand Eel** is only authorised using a trawl with a maximum cod end mesh size of 16mm.
- d) Any person using a **Vessel** that is not a **Relevant Fishing Vessel** must fish independently and not in combination with any other **Vessel**.
- e) Any person using a **Vessel** that is not a **Relevant Fishing Vessel** is not authorised to use any container or similar device to store **Sand Eel** in the water unless it is attached to the **Vessel** that is being used to **Fish** at that time.
- f) Any person using a **Vessel** that is not a **Relevant Fishing Vessel** is not authorised to use any mechanical assistance for hauling the trawl.
- g) **Fishing** for **Sand Eel** is prohibited on designated areas of **Seagrass** as displayed on the **Authority's** website.
- h) **Fishing** for **Sand Eel** must only be undertaken between sunrise and sunset (local time).
- i) An owner of a **Vessel** that has **Fished** for **Sand Eel** must provide any relevant information or documents required by the **Authority** for the discharge of its functions.

**Effective Date**

The provisions of the Mobile Fishing Permit Byelaw 2022 will come into effect on (DATE).

I hereby certify that the Mobile Fishing Permit Byelaw 2022 was made by the Devon and Severn Inshore Fisheries and Conservation Authority at their meeting on (DATE).

**Signature**

Matthew Mander, Chief Officer

Devon and Severn Inshore Fisheries and Conservation Authority.

Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (4) of the Marine and Coastal Access Act 2009 confirms the Mobile Fishing Permit Byelaw 2022 made by Devon and Severn Inshore Fisheries and Conservation Authority.

Date: xxxxxxxxx

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

**Explanatory Note (not part of the Mobile Fishing Permit Byelaw 2022)**

*The proposed Mobile Fishing Permit Byelaw 2022 builds upon the previous Byelaw (revoked) and will enable the Authority to continue managing mobile fishing to meet its duties under sections 153 and 154 of the Marine and Coastal Access Act 2009. Flexible, adaptive, and inclusive management is achieved by a continuation of a permit-based model that utilises the provisions provided by sections 156 and 158 of the Marine and Coastal Access Act 2009. Management measures are located within permit conditions, that can be amended via a review process. The Permit Conditions will be reviewed when necessary and within a time not exceeding three years. The Mobile Fishing Permit Byelaw 2022 will be reviewed when necessary and within a time not exceeding five years.*