

Devon and Severn IFCA Diving Permit Byelaw

The Permit Conditions:

Interpretations

In the following Flexible 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 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);

“the District” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“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;

“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 any one or more of the five flaps on the tail fan;

Species

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

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

“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*.

1. Catch Restrictions

As provided by paragraph 19(a) of the Devon and Severn IFCA Diving Permit Byelaw, the following permit conditions apply:

- 1.1 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District any edible crab, spider crab, lobster, spiny lobster or scallop 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 1.4.3 inclusive.
- 1.2 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:
- a) any 'V'-notched or mutilated lobster or spiny lobster;
 - b) any berried lobster, spiny lobster or edible crab;
 - c) any part of an edible crab, lobster or spiny lobster which is detached from the carapace of the crab or lobster;
 - d) any edible crab, lobster or spiny lobster that has recently cast its shell.
- 1.3 A permit holder 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 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;
 - e) 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;
 - f) 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;
- 1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.
- 1.3.2 The measurement of the size of a marine organism will take place in accordance with the provisions laid down in Annex XIII Article 18(1) of Council Regulation (EC) 850/98.

1.4 Additional Category Two Catch Restrictions

1.4.1 A Category Two permit holder is not authorised under this permit to remove from a fishery within the District in any calendar day more than:

- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster, and
- b) a total of three crabs, however comprised, from the species of edible crab and spider crab and
- c) a total of 25 scallops.

1.4.2 Subject to the restrictions imposed under paragraph 1.4.1 (a), (b) & (c), a Category Two permit holder is only authorised under this Permit to remove from a fishery within the District, edible crab, spider crab, lobster, spiny lobster or scallop for personal consumption.

1.4.3 Where a Category Two permit holder fishes under one of more permits issued by the Authority, a Category Two permit holder is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster, and
- b) a total of three crabs, however comprised, from the species of edible crab and spider crab and
- c) a total of 25 scallops.

2. **Gear Restrictions**

As provided by paragraph 19 (b) of the Devon and Severn IFCA Diving Permit Byelaw, the following permit conditions apply:

2.1 Category Two Gear Restrictions

2.1.1 A Category Two permit holder is not authorised under this permit to use any container or any other device to store any edible crab, spider crab, lobster, spiny lobster or scallop in the sea or in an estuary within the District.

2.1.2 A Category Two permit holder is not authorised under this permit to land any edible crab, spider crab, lobster, spiny lobster or scallop removed from a fishery within the District other than on the day of capture.

3. Spatial Restrictions

As provided by paragraph 19 (c) of the Devon and Severn IFCA Diving Permit Byelaw, the following permit conditions apply:

- 3.1 In the areas as defined by the coordinates set out in the attached Annex 1 of this Permit (Lundy Island No Take Zone), a permit holder or named representative is not authorised to remove any edible crab, spider crab, lobster, spiny lobster or scallop.
- 3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this Permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.
- 3.3 In the areas as defined by the coordinates set out in the attached Annex 3 of this Permit (Knoll Pins), a permit holder or named representative is not authorised to use any container or any other device to store any edible crab, spider crab, lobster, spiny lobster or scallop.

4. Time Restrictions

As provided by paragraph 19 (d) of the Devon and Severn IFCA Diving Permit Byelaw, the following permit conditions apply:

4.1 Category One Time Restrictions

- 4.1.1 A Category One permit holder or named representative is not authorised under this permit to remove scallop from a fishery within the District during the months of July, August and September each year.
- 4.1.2 A Category One permit holder or named representative is not authorised under this permit to remove scallop from a fishery within the District during the period from 1900hrs to 0700hrs (local time) the following day.