

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);

“Diving” means any underwater swimming activity;

“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;

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

“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

- a) the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
- b) date and time (in UTC) of the fixing of the most recent position;

- c) the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
- d) the unique serial number of transmitting device;
- e) a status code;
- f) an indicator of the strength of the positional report accuracy.

“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 1.5.3 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, except where paragraph 1.4.1 applies;
 - 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 set out in the Schedule that accompanies the Category One and Category Two Permit Conditions.

1.4 Additional Category One Catch Restrictions

- 1.4.1 A Category One permit holder or named representative is not authorised under this permit to remove from a fishery a scallop less than 110mm measured across the broadest part of the flat shell during July, August, and September.
- 1.4.2 A Category One permit holder or named representative is not authorised under this permit to remove from a fishery, more than 2400 scallops per Relevant Fishing Vessel per calendar day during July, August, and September.

1.5 Additional Category Two Catch Restrictions

- 1.5.1 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.
- 1.5.2 Subject to the restrictions imposed under paragraph 1.5.1 (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.
- 1.5.3 Where a Category Two permit holder fishes under one or 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 One Gear Restrictions

2.1.1 A Category One permit holder or named representative is not authorised to use a Relevant Fishing Vessel to remove scallop during July, August, and September within the District; unless

- a) The Remotely Accessed Electronic Reporting Device on board the Relevant Fishing Vessel is fully functioning at all times during July, August, and September; and
- b) the Required Information is transmitted at least every three minutes except when a Relevant Fishing Vessel is within an area as defined by the coordinates set out in the attached Annex 5; and
- c) The Category One permit holder or named representative has provided a copy of the Remotely Accessed Electronic Reporting Device manufacturer's approved engineer's installation report containing the following information;
 - I. Name of engineer and company
 - II. Date, time, and location of installation
 - III. Vessel details (name of vessel and owner, PLN)
 - IV. Model of device and serial number
 - V. Installation start and finish times
 - VI. Confirmation device transmitting data
 - VII. Photo evidence of device installed on vessel

Vessel Monitoring System - Failure of Device

2.1.2 If the Remotely Accessed Electronic Reporting Device installed pursuant to paragraph 2.1.1 above, has failed to transmit the Required Information, during July, August, and September, for whatever reason, a Category One permit holder or named representative must not remove scallop from a fishery within the District.

2.1.3 Where a Remotely Accessed Electronic Reporting Device has been repaired or replaced by the manufacturer's approved engineer, a copy of the engineer's report must be provided by the Category One permit holder or named representative containing the information set out in 2.1.1 (c).

2.2 Category Two Gear Restrictions

2.2.1 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.

2.2.2 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.

Additional Category One Spatial Restrictions

- 3.4 During July, August and September, a Category One permit holder or named representative is not authorised to remove scallop from a fishery within the District; except where;
 - 3.4.1 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4a of this Permit (part of the Lundy Special Area of Conservation (SAC) and Lundy Marine Conservation Zone (MCZ)).
 - 3.4.2 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4b of this Permit (the Lyme Bay section of the Lyme Bay and Torbay Special Area of Conservation (SAC)).
 - 3.4.3 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4c of this Permit (which includes the Torbay section of the Lyme Bay and Torbay Special Area of Conservation (SAC), and the Torbay Marine Conservation Zone (MCZ)).
 - 3.4.4 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4d of this Permit (Plymouth Sound and Estuaries Special Area of Conservation).
 - 3.4.5 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4e 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 (MCZ) and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas (IPA)).
 - 3.4.6 the removal of scallop is from areas as defined by the coordinates set out in the attached Annex 4f of this Permit (Severn Estuary Special Area of Conservation (SAC)).

- 3.5 A Category One permit holder or named representative is not required to ensure that the remotely accessed electronic monitoring device transmits the Required Information when the vessel is within the areas as defined in Annex 5.
- 3.6 In July, August, and September a Category One permit holder or named representative is not authorised to remove scallop from a fishery unless all scallop removed from a fishery, on that fishing trip, is from within the District.

4. Time Restrictions

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

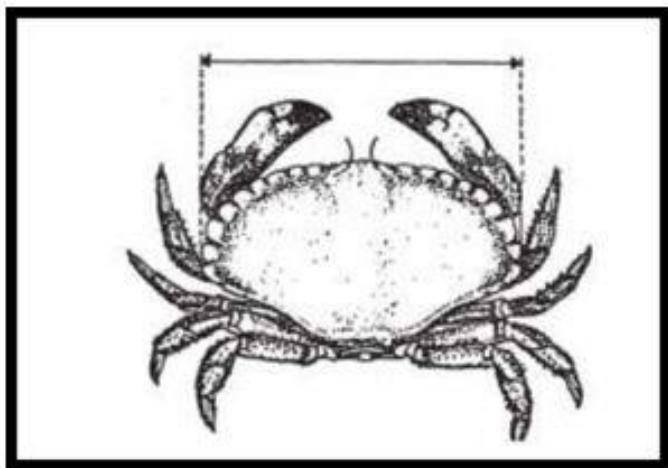
- 4.1 Category One Time Restrictions
- 4.2 A Category One permit holder or named representative is not authorised to remove scallop from a fishery within the District in the months of July, August, and September unless the scallops are removed from the areas set out in paragraph 3.4.1 to 3.4.6.
- 4.3 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.

Schedule: Guidance on the Measurement of a Marine Organism

The following explains how shellfish are measured and the size they must be in order to be removed from a fishery within the District. The schedule should be read in conjunction with the catch restrictions set out in the Diving Permit Conditions.

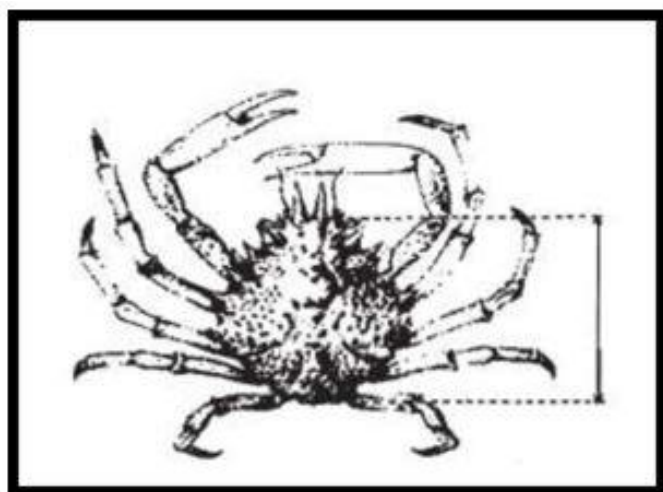
Edible Crab

1. A female edible crab is measured across the broadest part of the carapace and must be 150mm or more.
2. A male edible crab is measured across the broadest part of the carapace and must be 160mm or more.



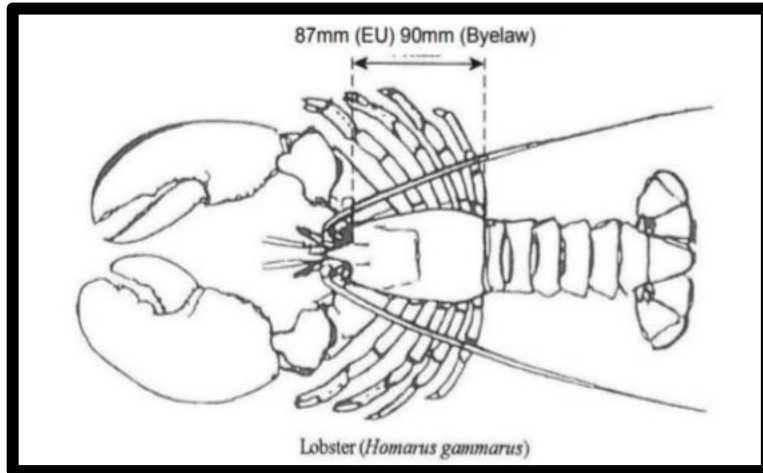
Spider Crab

3. Male and female spider crabs are 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 and must be 130mm or more.



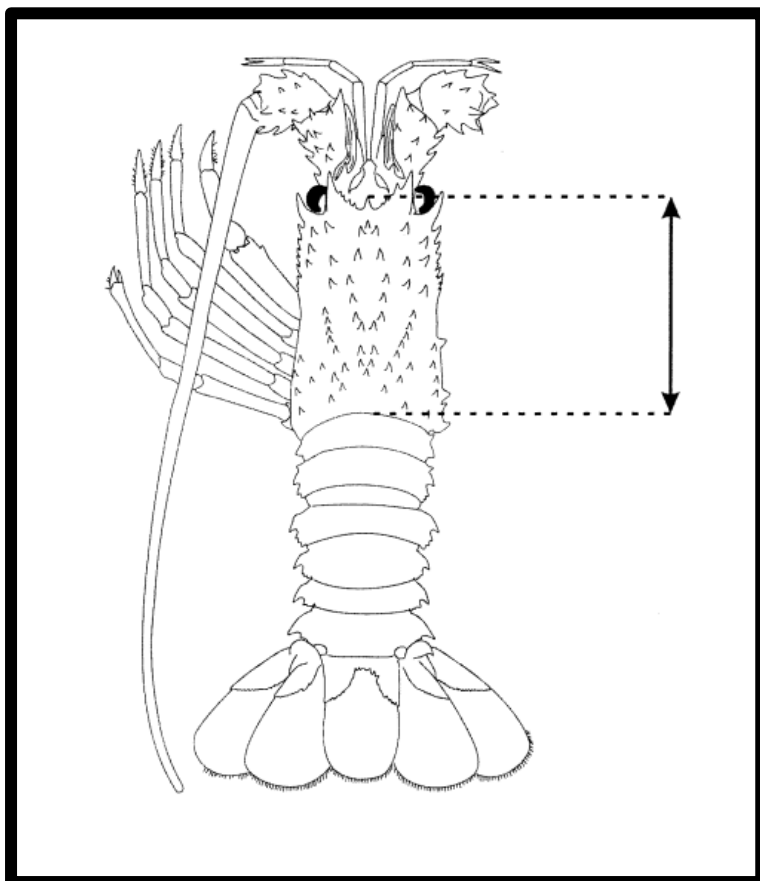
Lobster

4. A lobster is 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 and must be 90mm or more.



Spiny Lobster

5. A spiny lobster is measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace and must be 110mm or more.



Scallop

6. A scallop is measured across the broadest part of the flat shell and must be 100mm or more except where paragraph 1.4.1 applies (110mm for Category One Permit Holders during the months of July, August, and September).

