

The Category Two (Estuaries) Mobile Fishing Permit Conditions

Interpretations

In the following Category Two Mobile Fishing 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);

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

“**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 (and “**Estuary**” shall be interpreted accordingly);

“**Fishing**” includes searching for sea fisheries resources, deploying or towing of, pushing of, or hauling of a **Mobile Fishing Gear** or taking **Sea Fisheries Resources** on board (and “**Fish**” shall be interpreted accordingly);

“**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** and who may act as the Master of the **Vessel** in their absence;

“**Overall Length**” shall be determined by reference to the **Relevant Fishing Vessel’s** Certificate of Registry;

“**Owner**” means a shareholder in the **Relevant Fishing Vessel**;

“**Permit**” means a Category Two **Permit** issued under paragraph 5 of the Mobile Fishing Permit Byelaw 2022 to an **Owner** of a **Relevant Fishing Vessel**;

“**Permit Conditions**” means the conditions set out in a Category Two **Permit**;

“**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);

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

“**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.

Species:

“**Mussel**” means a mussel of the species *Mytilus spp.*;

“**Scallop**” means a scallop of the species *Pecten maximus*.

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Management Measures

Fishing in Estuaries

- 1.1 Subject to paragraph 1.2, **Fishing** with **Mobile Fishing Gear** is prohibited within **Estuaries**.
- 1.2 No **Owner** or **Named Representative** shall access the **Estuaries** unless:
- a) the **Mobile Fishing Gear** is stowed on deck and no **Fishing** is taking place; or
 - b) **Fishing** with a dredge is conducted in the areas as defined by the **Co-ordinates** set out in the attached Annex 1 (Salcombe **Estuary**) of this **Permit**; or
 - c) **Fishing** with an elevator harvester is conducted in the areas as defined by the **Co-ordinates** set out in the attached Annex 2 (Exe **Estuary**) of this **Permit**.

Limitation on Catches

- 2.1 Except where national legislation applies, an **Owner** or **Named Representative** is only authorised under this **Permit** to remove:
- a) **Scallop** from a fishery within the Salcombe **Estuary**; and
 - b) **Mussel** from a fishery within the Exe **Estuary**.
- 2.2 All other **Sea Fisheries Resources** must be immediately returned to the water without further injury as near as possible to the place from which they were taken.
- 2.3 An **Owner** or **Named Representative** is not authorised under this **Permit** to remove **Scallop** less than 100mm measured across the broadest part of the flat shell and any such **Scallop** must be returned immediately to the water without further injury as near as possible to the place from which they were taken.
- 2.4 The measurement of a size of a marine organism will take place in accordance with the provisions set out in Annex 3 to the Category Two **Permit Conditions**.

Catch Reporting

- 3.1 An **Owner** or **Named Representative** is only authorised to **Fish** with dredges within the area as defined by the **Co-ordinates** set out in the attached Annex 1 (Salcombe **Estuary**) providing the Authority is informed in **Writing**:
- a) prior to **Fishing** for the first time annually during the period set out in paragraph 6.2; and
 - b) at the end of the period set out in paragraph 6.2, of the total number of **Scallop** landed during that period.
- 3.2 An **Owner** or **Named Representative** is only authorised to **Fish** with an elevator harvester within the area as defined by the **Co-ordinates** set out in the attached Annex 2 (Exe Estuary) providing the Authority is informed in **Writing**:
- a) prior to **Fishing** for the first time each calendar year; and
 - b) at the end of each calendar year, of the total weight of **Mussel** landed during that calendar year.

Dredges

- 4.1 An **Owner** or **Named Representative** is not authorised to dredge using any **Relevant Fishing Vessel** exceeding 7 metres in **Overall Length**.
- 4.2 An **Owner** or **Named Representative** is not authorised to **Fish** with a dredge except where:
- a) the dredges have no teeth;
 - b) a maximum of two dredges are operated at any one time;
 - c) no part of the dredge frame exceeds 85 centimetres in width; and
 - d) the dredges are hauled by hand only with no mechanical assistance.

Elevator Harvester

- 5.1 An **Owner** or **Named Representative** is not authorised to **Fish** with an elevator harvester unless:
- a) the **Relevant Fishing Vessel** does not exceed 10 metres in **Overall Length**; and
 - b) the elevator harvester is of a design and specification approved by the **Authority** in writing.

Fishing Time Limitations

- 6.1 An **Owner** or a **Named Representative** is only authorised to **Fish** with dredges within the Salcombe **Estuary** between 0900hrs (local time) and 1600hrs (local time).

- 6.2 An **Owner** or **Named Representative** is only authorised to **Fish** with dredges within the area as defined by the **Co-ordinates** set out in the attached Annex 1 (Salcombe **Estuary**) between 15th December and 15th March inclusive.
- 6.3 An **Owner** or **Named Representative** is only authorised to **Fish** with dredges within the area as defined by the **Co-ordinates** set out in the attached Annex 1 (Salcombe **Estuary**) on Monday to Friday (inclusive) not including bank holidays.

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Explanatory Note (not part of the Category Two Permit Conditions)

Private fishery areas that exist within the Exe Estuary are not managed under the Category Two Permit Conditions.

End.