

## Devon and Severn IFCA News

### Formal Consultation – Proposed Size of Fishing Vessels Byelaw 2022

**D&S IFCA looks to replace the existing Size of Vessels Byelaw. See what is proposed and have your say.**

On 20<sup>th</sup> October 2022 D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) agreed to formally consult on a proposed new Size of Fishing Vessels Byelaw 2022. As part of the formal process D&S IFCA must provide formal notice as follows:

#### **Section 155 & 156 - Marine and Coastal Access Act**

Notice is hereby given that pursuant to the above Act, Devon & Severn Inshore Fisheries and Conservation Authority intends to apply to the Minister for the Department for Environment, Food and Rural Affairs (DEFRA) for the confirmation of the following Byelaw –

#### **The Size of Fishing Vessels Byelaw 2022.**

Before this, a formal consultation will be undertaken, and all stakeholders can examine the proposed Size of Fishing Vessels Byelaw 2022 and the Impact Assessment - and choose to comment on its potential introduction. The formal consultation begins on 25<sup>th</sup> November 2022.

#### **Overview**

For those less familiar with the current situation, there is already a Size of Vessels Byelaw in place that will be revoked six months after the date when the Size of Fishing Vessels Byelaw 2022 comes into force. The combination of this proposed Byelaw and other permit-based Byelaws prevents owners of commercial fishing vessels that exceed a specified size being eligible for a Permit and therefore operating within the District under the conditions of a Permit.

The current Size of Fishing Vessels Byelaw includes provisions (fishing rights known as "grandfather rights") that have enabled larger vessels (including one over 25 metres in overall length) to operate in the District until a change of ownership has occurred. Over time the number of vessels that have benefitted from grandfather rights has fallen; however, the existence of this clause is determined to be a weakness and no longer appropriate.

The proposed Size of Fishing Vessels Byelaw 2022 will:

- **introduce a new maximum size of 14.99 metres in overall length**
- **not include a provision for grandfather rights**

The proposed Size of Fishing Vessels Byelaw 2022 balances the needs of different fishers. It will only apply to fishing vessels that are both registered and hold a fishing licence (a Relevant Fishing Vessel). The Byelaw will not apply to recreational vessels. It should be recognised that all the current inshore fishing fleet (Relevant Fishing Vessels) in D&S IFCA's District are below 15 metres in overall length and therefore will not be impacted by the introduction of this proposed Size of Fishing Vessels Byelaw 2022.

#### **What else is new?**

The Byelaw has a fresh look in its layout and structure, but it also includes an exemptions clause which enables an authorisation to be issued for an activity that would otherwise be a contravention of the Byelaw. Fishers often have a legitimate need to conduct maintenance

activity at sea and this is particularly evident with larger vessels (above 14.99 metres in overall length) that are based in ports including Brixham and Plymouth. The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for maintenance. The Authority will be able to determine the suitability of the authorisation request and consider what types of maintenance are suitable, where within the District it can be conducted and at what time it can take place. Depending on the types and suitability of maintenance required, the exemption clause in the Byelaw (a granted authorisation) will remove the need for large commercial fishing vessels having to transit to areas outside the District to conduct essential maintenance work; thereby losing fishing time taken for the repairs, spending more money on fuel and increasing their carbon footprint.

### **A Closer Look**

The following links can be used to view all the information, or you can visit our [Engagement and Have Your Say](#) website page to access the information.

- [Size of Fishing Vessels Byelaw 2022](#)
- [Impact Assessment](#)

If you prefer the above information in hard copy or in an email attachment, then please [contact](#) D&S IFCA.

### **Your view and the next steps**

Any person wishing to comment, support or object to the confirmation of the above Byelaw must do so in writing to:

Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH.  
Email [IFCAbyelaws@marinemanagement.org.uk](mailto:IFCAbyelaws@marinemanagement.org.uk)

A copy must be sent to the Chief Officer at Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA  
Email [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)

- The formal consultation begins on 25<sup>th</sup> November 2022
- Any person wishing to object to the Byelaw should provide their response not later than 28 days after the date of the last advertisement in a selection of newspapers
- The closing date to submit responses is 20<sup>th</sup> January 2023

### **Later Stages**

When the formal consultation ends, all responses will be collated, and a report will be provided to the B&PSC which will be published on D&S IFCA's website. Based on the response, the B&PSC will determine if there are to be any changes to the Byelaw as proposed. A report "response to stakeholders" will be made available and circulated to those who responded. Ultimately it will be the Secretary of State that determines if the proposed Byelaw is signed and introduced.

### **More information about D&S IFCA**

Our website includes a range of display pages and an interactive publication scheme ([Resource Library](#)) which contains a range of information including Officer papers and minutes from meetings.

A guide has been produced to explain the work of the Byelaw and Permitting Sub-Committee which can be viewed [here](#).

[Contact Us](#) or find out more [About Us and Our Work](#).