

## Progressing the Size of Fishing Vessels Byelaw 2022

### Background

A package of information including the proposed Byelaw, the Impact Assessment, proof of advertising and minutes of B&PSC meetings were sent to the Marine Management Organisation's (MMO) byelaw review/legal team in late May 2023.

The MMO confirmed receipt of the proposed Size of Fishing Vessels Byelaw 2022. The MMO were unable to provide feedback and advice within the expected 45-day period for Quality Assurance.

On 3<sup>rd</sup> August the MMO provided feedback on the proposed Size of Fishing Vessels Byelaw 2022 and the accompanying Impact Assessment. Changes to both the Byelaw and the Impact Assessment were recommended by the MMO before the Byelaw is submitted to the Secretary of State. Comments and advice from the MMO included the following:

- Suggested minor amendments to paragraph wording.
- Suggested additions to the interpretations.
- Advice to remove capitalised bold italics for the interpretations.
- Advice to consider removing "maintenance" from the Exemptions Clause.
- Advice to remove a delayed in force date for the Byelaw.

### Byelaw Technical Working Group (BTWG) Meeting & Report

On 27<sup>th</sup> October 2023, the BTWG examined the MMO's advice and discussed alterations to the Byelaw, with notes taken by Officers. Some of the suggested changes to paragraphs were not considered by the BTWG to be good drafting practice or consistent with the content of recently approved Byelaws developed by other IFCA's.

Officers have now applied amendments to the Byelaw. Some amended paragraphs recognise the MMO advice in full and some amended paragraphs are now a hybrid of original text and that provided by the MMO. The significant amendments are reflected in a revised Impact Assessment which will be sent back to the MMO with the amended Byelaw. In addition, Officers will respond to the MMO (in a supplied spreadsheet) to explain where a difference of opinion exists and the rationale as to why some elements of the Byelaw that were not amended.

### The Amended Byelaw

The amended Byelaw still delivers key elements as discussed and agreed by the B&PSC during its development. The Byelaw will prohibit relevant fishing vessels that are over 14.99 metres in overall length, from fishing within the D&S IFC District.

Although its inclusion was questioned by the MMO, the BTWG determined that maintenance within the exemptions clause should remain. Retaining maintenance within the exemptions clause will provide monetised and non-monetised benefits as explained in the Impact Assessment. During the quality assurance phase, the maintenance clause received support from the SW Producers Organisation, which is also reflected in the updated Impact Assessment.

The rationale for including a delayed in-force date was explained to the B&PSC during development of the Byelaw. Given the time taken to develop the Byelaw (an extended notice period), the BTWG have accepted advice from the MMO to remove a delayed in-force date for the Byelaw.

In line with advice from the MMO, capitalised, bold, and italic wording for the interpretations have been removed from the Byelaw – the version that will be submitted to the Secretary of State.

However, the inclusion of capitalised, bold and italic words is considered by the BTWG to be of benefit to a wider audience as it helps to clarify elements of the Byelaw. It is possible to retain this presentation in versions of the Byelaw (in D&S IFCA products), for example when the Byelaw is displayed on the Authority's website or within a D&S IFCA produced Byelaw book.

### **Background Papers**

Officers' Papers for B&PSC Meetings (Section B of D&S IFCA's Website Resource Library)

Minutes of B&PSC Meetings (Section B of D&S IFCA's Website Resource Library)

End.