

Changes to Category One Mobile Fishing Permit Conditions

Background

The Category One Mobile Fishing Permit Conditions include spatial and time restrictions. Paragraph 3.5 interlinks with Annex 5 and Annex 5a. The Annexes define where demersal gear can be used in accordance with time restrictions set out in paragraph 4.5 of the Category One Permit Conditions. The access areas (green) are shown below:

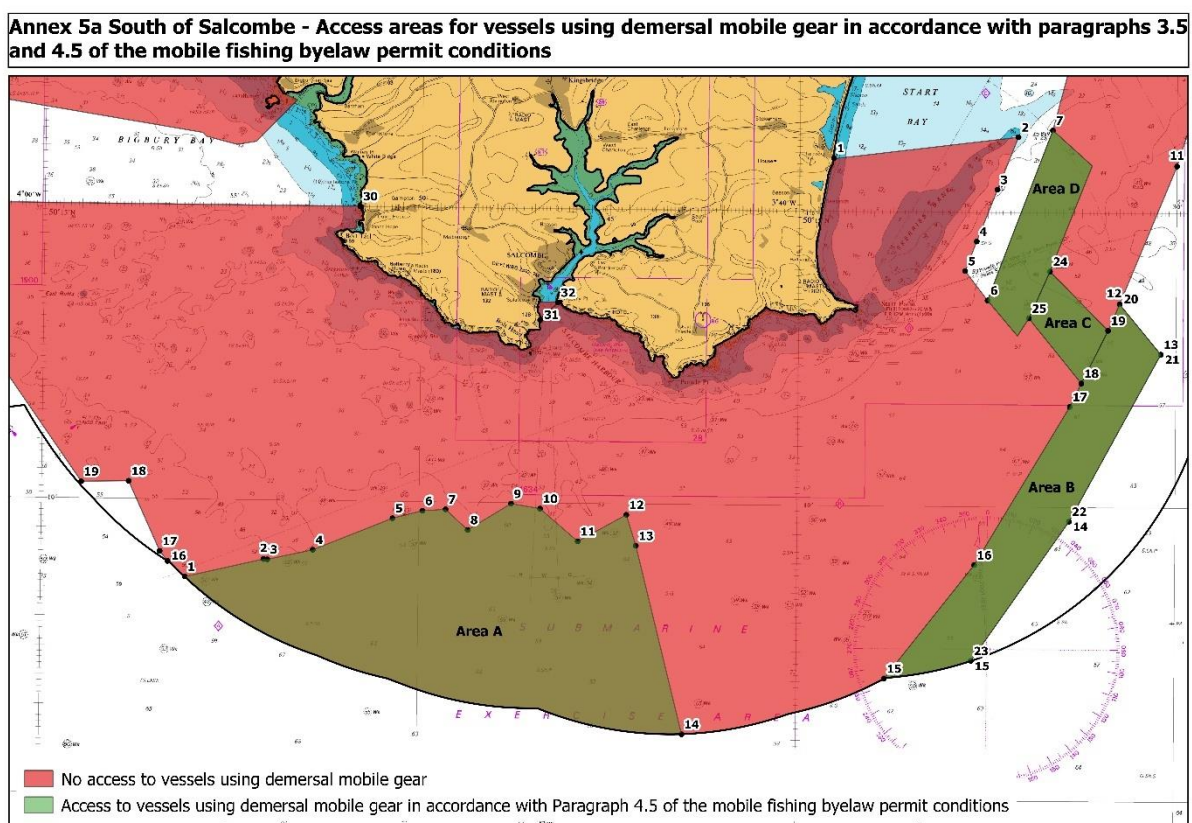


Figure 1: Annex 5a Mobile Fishing Permit Conditions

The access areas and time restrictions align with the South Devon Trawling and Crabbing Chart Inshore Potting Agreement (IPA) 2023 (a Commercial Fishing Licence Condition) - see Figure 2.

The Inshore Potting Agreement Committee

The IPA Committee meets once a year in the autumn, normally in October. Further meetings can be arranged under the IPA Committee's Terms of Reference should the first meeting not be quorate or further decisions on any management changes needs to be agreed. The Committee currently consists of five members of the commercial potting fleet and five members of the mobile fishing (trawling and scalloping) fleet that actively fish within the IPA or are representatives of those that do. The MMO and D&S IFCA facilitate and chair the meeting. The South Devon Trawling and Potting Chart (IPA) Licence Condition has been in place since 2002 and prior to that (since the 1970s) the IPA was managed under voluntary

measures. It is a nationally and international recognised gear conflict resolution system and co-locates with two Marine Protected Areas, the Skerries Bank and Surrounds MCZ and Start Point to Plymouth Sound and Eddystone SAC, which were designated in 2013 and 2011 respectively.

The IPA Chart is discussed each year and any changes to the chart, in terms of opening and closing areas where trawling and scalloping vessels can operate, are decided by the Committee Members at the annual meeting.

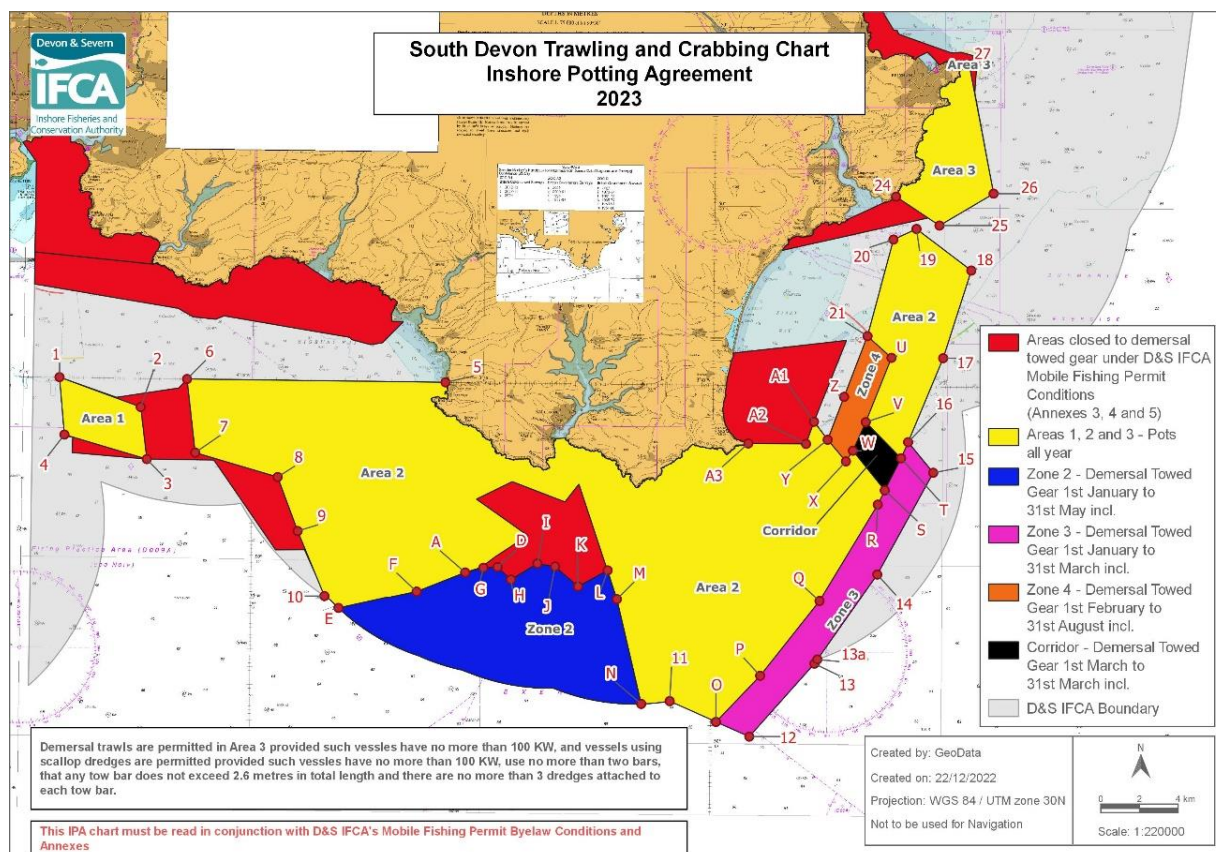


Figure 2 IPA Chart - Part of the MMO Licence Condition

At the IPA annual meeting on 19th October 2022, it was decided by the Committee that if there were any infringements in 2023, by the mobile gear fleet, within an area known as the Corridor, shown in black in Figure 2 (Area C of D&S IFCA's Annex 5a shown in Figure 1), during the months the Corridor is closed to mobile gear vessels, then the Corridor would be closed totally for 2024.

The IPA Committee recently met on 31st October 2023. Due to a reported infringement and loss of pots in the Corridor in February 2023, the Committee made the decision, at this meeting, to close the Corridor in 2024. The IPA Members (both potting and mobile gear representatives) agreed:

to close the Corridor for 2024 due to the infringement in 2023. The Committee unanimously agreed that it would review this closure with the intention to open the Corridor for 2025, and particularly in light of REM (cameras and gear in gear out technology) developments to monitor compliance.

D&S IFCA's Process

Now it has been determined that there will be a change to the Licence Condition for the IPA, management measures within the Licence Condition and D&S IFCA's Mobile Fishing Permit Conditions would no longer be aligned. The Permit Conditions and the Licence Condition must harmonise, or an ultra vires situation would exist. The Permit Conditions cannot be less restrictive than national legislation.

The Mobile Fishing Permit Byelaw sets out a process (Review Procedure) that must be followed to make changes to the Permit Conditions. Therefore, a consultation on the changes to the Category One Permit Conditions must take place. Following the consultation, the Authority (B&PSC) must decide on the changes to be made.

Consultation & Notification

The consultation is effectively a notification that a change will be made, and the responses will be collated and reported to the B&PSC. This is a time-consuming process that ideally could be avoided. In discussions relating to development of a new Mobile Fishing Permit Byelaw, the B&PSC has recognised a need to address this issue.

The proposed Byelaw is currently with the MMO for quality assurance. The proposed Byelaw includes a refined process for making changes to the Permit Conditions which includes the following:

Where national legislation necessitates an amendment to the *Permit*, the *Authority* may amend the *Permit Conditions* without following the requirements set out in paragraphs 19 and 20.

Paragraphs 19 and 20 of the proposed Byelaw set out the review process and this additional paragraph (shown in purple font) will remove the need to consult if a similar situation arises in the future.

Background Papers

South Devon Trawling and Crabbing IPA Chart and Positions 2023

End.