

## **DSIFCA 02\_25 – Removal of scallops during curfew**

At approximately 08:52 on Thursday 9<sup>th</sup> January 2025, Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) Officers observed a small fishing vessel within the confines of the Salcombe harbour with warps extending from the stern of the vessel into the water towing an object which was later confirmed to be a scallop dredge. Conditions attached to permits issued under the D&S IFCA Mobile Fishing Permit Byelaw restrict the times of operating a scallop dredge to weekdays between 0900 – 1600 hours.

An interview invitation was issued to the individual responsible for the fishing operation, providing an opportunity to respond to the observations and clarify any mitigation.

During the interview, the individual acknowledged having previously received a Financial Administrative Penalty for breaching a permit condition. When asked about fishing prior to the legal start time, it was explained that they typically arrive early and prepare the gear before beginning fishing. The individual reported adjusting their routine following this incident to ensure compliance in future.

While cooperative during the interview, officers noted a lack of remorse, including comments downplaying the significance of minor breaches of curfew.

### **Relevant Permit Conditions and Regulations**

#### **D&S IFCA Mobile Fishing Permit – Paragraph 4.6:**

“A permit holder or named representative is only authorised to use demersal scallop gear, in accordance with paragraph 2.4, within Salcombe Harbour as defined by the coordinates set out in the attached Annex 13a, between 0900 hours (local time) and 1600 hours (local time), on weekdays and not during public holidays.”

### **Offences to Consider**

- Use of mobile fishing gear otherwise in accordance with Permit Condition 4.6 of the D&S IFCA Mobile Fishing Permit. Contrary to Paragraphs 2 and 3 of the D&S IFCA Mobile Fishing Permit Byelaw and Section 163 of the Marine and Coastal Access Act 2009

### **Outcome**

The Authority reviewed the case and was satisfied that the evidential test had been met. The Authority considered the Public Interest in this case and recognised that the breach was relatively minor with little or no financial gain from the offence and considered that whilst the individual had previously received a Financial Administrative Penalty, as this was for a different permit condition it could not influence disposal. In line with the Authority’s Compliance and Enforcement Strategy, an Official Written Warning was issued for the offence.