

## **DSIFCA 05\_25 – Fishing Without a Permit**

On Friday 28<sup>th</sup> February 2025, D&S IFCA officers conducted a patrol aboard the Fisheries Patrol Vessel (FPV) DAVID ROWE in Torbay. At approximately 13:20 officers observed a freediver operating near East Shag Rock, off Meadfoot Beach, displaying a surface marker buoy with an 'alpha' flag.

The diver identified himself and confirmed he was targeting scallops (*Pecten maximus*), stating he had retained nine scallops. The catch was inspected and all measured above the Minimum Conservation Reference Size of 100mm.

Upon checking permit records, officers confirmed the individual's Recreational Diving Permit had expired on 3<sup>rd</sup> February 2025. Although he had applied for renewal and received confirmation of payment that morning, the permit had not yet been issued, and the diver had no valid authorisation to remove scallops from a fishery.

Officers informed the diver that he was not currently permitted to fish for scallops. The catch was seized and returned to the sea, and the diver was advised he could not target scallops until in receipt of a valid permit. The diver complied fully with the officers' directions.

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

#### **The D&S IFCA Diving Permit Byelaw – Paragraph 2:**

“It is prohibited for a person when diving to remove from a fishery within the District: a) crab; b) lobster; c) scallop otherwise in accordance with a permit.”

#### **Offences to Consider**

- Removal of scallops from a fishery within the D&S IFCA District without a valid permit, contrary to paragraph 2 of the D&S IFCA Diving 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 has been met. The Authority considered the Public Interest in this case and determined, as the permit application had already been completed and catch returned to sea, in line with the Authority's Compliance and Enforcement Strategy, an Official Written Warning was issued for the offence.