

The Category Two (Estuaries) Mobile Fishing Permit Conditions

Interpretation

In the Category Two Mobile Fishing Permit Conditions:

- a) “the Act” means the Marine and Coastal Access Act 2009¹ as amended;
- b) “the Authority” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in Article 4 of the Devon and Severn Inshore Fisheries and Conservation Order 2010²;
- c) “the Byelaw” means the Mobile Fishing Permit Byelaw 2022;
- d) “co-ordinate” means a co-ordinate on the WGS 84 datum;
- e) “the District” means the Devon and Severn Inshore Fisheries and Conservation district as defined in Article 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010;
- f) “dredge” means a dredge that has no teeth and where no part of the frame exceeds 85 centimetres in width;
- g) “elevator harvester” means a device that is pushed along the seabed and lifts the sea fisheries resources onboard using a conveyor system;
- h) “estuaries” means waters within the District to the landward side of the closing lines as set out in Schedule 1 of the Byelaw (and “estuary” shall be interpreted accordingly);
- i) “fishing” includes searching for sea fisheries resources, deploying or towing of, pushing of, or hauling of mobile fishing gear, or taking sea fisheries resources onboard (and “fish” and “fished” shall be interpreted accordingly);
- j) “mobile fishing gear” means a dredge, elevator harvester, trawl, ring net, or similar device, that is designed to be towed or pushed to take any sea fisheries resources;
- k) “named representative” means any person named in writing by a permit holder to the Authority who may then act as the master of the relevant fishing vessel in their absence;
- l) “overall Length” shall be determined by reference to the relevant fishing vessel’s Certificate of Registry;
- m) “permit holder” means the owner or owners of a relevant fishing vessel who have been issued with a Category 2 Permit by the Authority in accordance with paragraph 5 of the Byelaw;

¹ Marine and Coastal Access Act 2009

² S.I. 2010 No.2212

- n) “relevant fishing vessel” means a fishing vessel:
 - i) registered under Part II of The Registry of Shipping and Seamen as governed by the provisions of the Merchant Shipping Act 1995³ and the Merchant Shipping (Registration of Ships) Regulations 1993⁴, or in the Channel Islands or Isle of Man; and
 - ii) in respect of which there is a valid fishing licence issued under the Fisheries Act 2020⁵;
- o) “sea fisheries resources” has the same meaning as set out in the Act;
- p) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes, and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;
- q) “WGS84” means the World Geodetic System as revised in 1984 and 2004;
- r) “writing” means communication to the Authority by written document sent by recorded delivery, hand delivered to an Officer of the Authority, or sent by email to the address published on the Authority’s website⁶.

Species:

“mussel” means a mussel of the species *Mytilus spp.*;

“scallop” means a scallop of the species *Pecten maximus*.

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³ 1995 c.21

⁴ S.I. 1993 No.3138

⁵ 2020 c.22

⁶ www.devonandsevernifca.gov.uk/about-us-our-work/contact-us/

Management Measures

Fishing in Estuaries

- 1.1 Subject to paragraph 1.2, a permit holder or a named representative must not fish with mobile fishing gear within estuaries in the District.
- 1.2 A permit holder or a named representative must not access the estuaries with mobile fishing gear unless:
 - a) the mobile fishing gear is stowed on deck and no fishing is taking place; or
 - b) fishing with a dredge is conducted in the areas as defined by the co-ordinates set out in the attached Annex 1 to these permit conditions (Salcombe Estuary); or
 - c) fishing with an elevator harvester is conducted in the areas as defined by the co-ordinates set out in the attached Annex 2 to these permit conditions (Exe Estuary).

Limitation on Catches

- 2.1 Except where national legislation applies, a permit holder or a named representative must not remove any sea fisheries resources other than:
 - a) scallop from a fishery within the Salcombe Estuary; and
 - b) mussel from a fishery within the Exe Estuary.
- 2.2 Except where national legislation applies, a permit holder or a named representative must immediately return all sea fisheries resources other than scallop and mussel to the water without further injury as near as possible to the place from which they are taken.
- 2.3 A permit holder or a named representative must not remove scallop less than 100 millimetres measured across the broadest part of the flat shell and any such scallop must be returned immediately to the water without further injury as near as possible to the place from which they were taken.
- 2.4 The measurement of a size of a marine organism will take place in accordance with the provisions set out in Annex 3 to these permit conditions.

Catch Reporting

- 3.1 A permit holder or named representative must not use a dredge in accordance with paragraph 1.2(b), other than between 15th December and 15th March inclusive, providing the Authority is notified prior to fishing for the first time during the fishing season.

- 3.2 A permit holder or named representative that has fished in the period 15th December to 15th March inclusive with a dredge in accordance with paragraph 1.2(b), must provide the Authority with the number of scallops caught in the fishing season.
- 3.3 A permit holder or a named representative must not fish with an elevator harvester in accordance with paragraph 1.2(c), unless:
- a) the Authority is informed in writing prior to the permit holder or named representative fishing for the first time each calendar year; and
 - b) the Authority is informed in writing, at the end of each calendar year, of the total weight of mussel landed by the permit holder or named representative during that calendar year.

Dredges

- 4.1 A permit holder or a named representative must not fish with a dredge, unless:
- a) the relevant fishing vessel does not exceed 7 metres in overall length;
 - b) a maximum of two dredges are operated at any one time; and
 - c) the dredges are hauled by hand only with no mechanical assistance.

Elevator Harvester

- 5.1 A permit holder or a named representative must not fish with an elevator harvester unless the relevant fishing vessel does not exceed 14.99 metres in overall length.
- 5.2 A permit holder or a named representative must not fish with an elevator harvester where:
- a) the maximum width of the conveyor exceeds a width of 1.4 metres; or
 - b) where a blade is attached to the front of the conveyor the width of the blade exceeds one metre.

Fishing Time Limitations

- 6.1 A permit holder or a named representative must not fish with dredges in accordance with paragraph 1.2(b), other than between 15th December and 15th March inclusive.
- 6.2 A permit holder or named representative must not fish with dredges in accordance with paragraph 1.2(b), other than between 0900 hours (local time) and 1600 hours (local time), on weekdays and not during public holidays.

End.