



Devon and Severn Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009

Mobile Fishing Permit Byelaw 2022

The Authority for the Devon and Severn Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156, and 158 of the Marine and Coastal Access Act 2009¹ makes the following byelaw for that District.

Commencement

1. This Byelaw comes into force 14 days after the day on which it is confirmed by the Secretary of State.

Interpretation

2. In this Byelaw:
 - a) “the Act” means the Marine and Coastal Access Act 2009 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) “category one permit” means a permit authorising fishing with mobile fishing gear from a named relevant fishing vessel in any part of the District other than in estuaries;
 - e) “category two permit” means a permit authorising fishing with mobile fishing gear from a named relevant fishing vessel within estuaries only;
 - f) “co-ordinate” means a co-ordinate on the WGS 84 Datum;
 - g) “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;

¹ 2009 c.23

² S.I. 2010 No.2213

- h) “estuaries” means waters within the District to the landward side of the closing lines as set out in Schedule 1 of the Byelaw;
- 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 on board (and “fish” and “fished” shall be interpreted accordingly);
- j) “impact assessment” means a documented account of the review process, including the rationale for potential changes, the findings of consultations and the decision making of the Authority;
- k) “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;
- l) “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;
- m) “overall length” shall be determined by:
 - i) reference to the Certificate of Registry of the relevant fishing vessel; or
 - ii) in respect of a vessel that is not a relevant fishing vessel, a measurement of the extremity of the vessel from the bow to the stern excluding any attachments;
- n) “permit holder” means the owner or owners of a relevant fishing vessel who have been issued with a permit by the Authority in accordance with paragraph 5 of the Byelaw;
- o) “permit” means:
 - i) a category one permit issued under the Byelaw; or
 - ii) a category two permit issued under the Byelaw;
- p) “permit conditions” means the conditions set out in a permit issued under the Byelaw;
- q) “relevant fisheries information” means any information required by the Authority for the effective management of the exploitation of sea fisheries resources within the District;
- r) “relevant fishing vessel” means a 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;

³ 1995 c. 21

⁴ S.I 1993 No.3138

⁵ 2020 c.22.

- s) “remote electronic monitoring system” means an integrated system using an array of electronic equipment, such as gear sensors and video cameras used to remotely monitor fishing activities on a relevant fishing vessel;
- t) “sand eel” means an eel of the family *Ammodytidae*;
- u) “sea fisheries resources” has the same meaning as set out in the Act;
- v) “specified equipment” means equipment fitted to a relevant fishing vessel for the purposes of monitoring the exploitation of sea fisheries resources such as a vessel monitoring device or a remote electronic monitoring system;
- w) “seagrass” means plants of the species *Zostera spp.*;
- x) “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;
- y) “vessel monitoring device” means a device that transmits the relevant data which must be capable of being received by the UK VMS hub;
- z) “WGS 84” means the World Geodetic System as revised in 1984 and 2004;
- aa) “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.

Prohibitions

- 3. A person must not operate any vessel within the District with mobile fishing gear aboard otherwise than in accordance with a valid permit.
- 4. Paragraph 3 does not apply if:
 - a) the mobile fishing gear is stowed on deck and no fishing is taking place;
 - b) a vessel is less than seven metres in overall length and the vessel is fishing for sand eel in accordance with Schedule 2 of the Byelaw;
 - c) a person is acting in accordance with a written authorisation issued by the Authority for maintenance, scientific, stocking or breeding purposes.

Permits

- 5. On receipt of a valid application, the Authority may issue to the owner or owners of a named relevant fishing vessel:
 - a) a category one permit with conditions; and
 - b) a category two permit with conditions.

⁶ www.devonandsevernifca.gov.uk

6. The Authority may issue a permit that includes prohibitions, restrictions, or requirements as a condition of the permit, in accordance with the provisions that are contained in sections 156 and 158 of the Act.
7. The owner or owners of a relevant fishing vessel, operating within the District in accordance with a valid permit, may be required to have specified equipment fitted to the vessel or the mobile fishing gear.
8. The required specified equipment and any prohibition, restriction, or requirement, relating to the specified equipment are set out in the permit conditions.
9. The owner or owners of a relevant fishing vessel may only hold a maximum of one category one permit and one category two permit at any time.
10. A permit will be valid for the dates specified in the permit, up to a maximum of two years.
11. A permit is not transferable.
12. An application for a permit must be made using the printed forms available from the Authority's office⁷ or by using the on-line application facility on the Authority's website⁸.
13. The Authority may charge an administration fee for a permit in accordance with the Act.
14. Any changes to administration fees will be subject to the review process set out in paragraphs 19 and 20 of the Byelaw.
15. The Authority will cancel a permit upon a receipt of a request in writing to do so by a permit holder.
16. A vessel can only be operated under the authority of a permit providing:
 - a) a permit holder is on board; or
 - b) a named representative is on board.
17. A permit holder, or a named representative, that fishes or has fished within the District, must provide any relevant fisheries information or document required by the Authority for the purpose of carrying out its functions.
18. The Authority may at any time introduce, remove, or vary any permit conditions following the review procedure set out in paragraphs 20 and 21 of the Byelaw.

Review Procedure for the Permit Fees and Permit Conditions

19. The Authority must review the permit conditions and administration fees for the issue of a permit at least once every three years.

⁷ Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA

⁸ www.devonandsevernifca.gov.uk/apply-for-a-permit/

20. A review of the permit conditions and administration fees for a permit shall be undertaken as follows:
- a) the Authority must consult with permit holders and other relevant stakeholders, organisations and persons that appear to the Authority to be representative of the interests likely to be substantially affected by any proposed amendments to the permit conditions; and
 - b) the Authority will decide whether to introduce, remove or vary any permit conditions, or to amend the administration fees for a permit, taking into account the consultation set out in paragraph 20(a) and the information listed in paragraph 21.
21. The information referred to in paragraph 20(b) includes any one or more of the following:
- a) data collected from permit holders;
 - b) scientific and survey data gathered by the Authority or provided to the Authority by such other relevant bodies, organisations or persons as the Authority thinks fit;
 - c) advice and guidance provided by relevant statutory bodies or other relevant bodies, organisations, or persons as the Authority thinks fit;
 - d) an impact assessment of any proposed changes; and
 - e) any information which the Authority considers material.
22. Where national legislation necessitates an amendment to the permit conditions, the Authority may amend the permit conditions without following the requirements set out in paragraphs 20 and 21.
23. Following any decision being made by the Authority to amend the permit conditions, all permit holders will be notified by the Authority and issued with the amended permit conditions.

Offences

24. A person who contravenes the Byelaw is guilty of an offence under section 163 of the Act.

Revocation

25. The Byelaw with the title "Mobile Fishing Permit", made by Devon and Severn Inshore Fisheries and Conservation Authority on 27th June 2013 in accordance with Section 155(3) of the Act as confirmed by the Secretary of State for Environment Food and Rural Affairs on 17th December 2013, is revoked. I certify that the Byelaw was made by the Devon and Severn Inshore Fisheries and Conservation Authority at their meeting on 20th October 2022.



Matthew Mander,

Chief Officer,

Devon and Severn Inshore Fisheries and Conservation Authority.



Dame Angela Eagle DBE MP

The Minister of State for Food Security and Rural Affairs in exercise of the power conferred by section 155(3) of the Marine and Coastal Access Act 2009 confirms the Mobile Fishing Permit Byelaw 2022 made by Devon and Severn Inshore Fisheries and Conservation Authority on 20th October 2022.

Date: 04/03/2026

Schedules

Schedule 1: Closing Lines

1. The co-ordinates for the estuary closing lines are set out in Table 1 as follows:

Table 1

Estuary/River	Points	Latitude	Longitude
River Axe Devon	<i>a straight line drawn between points A to B</i>		
	A	50° 42.135' N	003° 03.354' W
	B	50° 42.135' N	003° 03.274' W
River Sid	<i>a straight line drawn between points A to B</i>		
	A	50° 40.726'N	003° 14.054'W
	B	50° 40.735'N	003° 14.005'W
River Otter	<i>a straight line drawn between points A to B</i>		
	A	50° 37.791'N	003° 18.676'W
	B	50° 37.626'N	003° 18.399'W
	<i>and a straight line drawn between points B to C</i>		
C	50° 37.821'N	003° 18.143'W	
River Exe	<i>a straight line drawn between points A to B</i>		
	A	50° 35.518'N	003° 26.629'W
	B	50° 36.421'N	003° 23.108'W
River Teign	<i>a straight line drawn between points A to B</i>		
	A	50° 32.546'N	003° 29.810'W
	B	50° 32.279'N	003° 29.810'W
River Dart	<i>a straight line drawn between points A to B</i>		
	A	50° 19.648'N	003° 34.220'W
	B	50° 20.121'N	003° 32.648'W
Salcombe Estuary	<i>a straight line drawn between points A to B</i>		
	A	50° 13.444'N	003° 46.871'W
	B	50° 13.444'N	003° 46.402'W
River Avon Devon	<i>a straight line drawn between points A to B</i>		
	A	50° 17.077'N	003° 53.884'W
	B	50° 16.876'N	003° 54.049'W
	<i>and a straight line drawn between points C to D</i>		
	C	50° 16.684'N	003° 54.018'W
D	50° 16.684'N	003° 52.676'W	
River Erme	<i>a straight line drawn between points A to B</i>		
	A	50° 18.243'N	003° 57.834'W
	B	50° 17.750'N	003° 56.657'W
River Yealm	<i>a straight line drawn between points A to B</i>		
	A	50° 18.736'N	004° 04.148'W
	B	50° 18.550'N	004° 04.275'W
River Plym	<i>a straight line drawn between points A to B</i>		
	A	50° 21.562'N	004° 08.120'W
	B	50° 21.801'N	004° 08.130'W

Table 1 - continued

Estuary/River	Points	Latitude	Longitude
River Tamar	<i>a straight line drawn between points A to B</i>		
	A	50° 21.541'N	004° 10.208'W
	B	50° 21.592'N	004° 10.026'W
Rivers Taw & Torridge	<i>a straight line drawn between points A to B</i>		
	A	51° 04.524'N	004° 12.897'W
	B	51° 03.849'N	004° 13.416'W
River Lyn	<i>a straight line drawn between points A to B</i>		
	A	51° 13.900'N	003° 49.918'W
	B	51° 13.900'N	003° 49.758'W
River Parrett	<i>a straight line drawn between points A to B</i>		
	A	51° 13.106'N	003° 01.177'W
	B	51° 13.056'N	003° 00.595'W
River Brue	<i>a straight line drawn between points A to B</i>		
	A	51° 13.528'N	003° 00.091'W
	B	51° 13.618'N	003° 00.091'W
River Axe Somerset	<i>a straight line drawn between points A to B</i>		
	A	51° 19.450'N	003° 00.108'W
	B	51° 19.417'N	002° 59.418'W
Upper Reaches Severn	<i>a straight line drawn between points A to B</i>		
	A	51° 22.553' N	003° 05.090' W
	B	51° 22.553' N	002° 57.724' W

Schedule 2: Sand Eel Trawling

2. Fishing for sand eel must be conducted in accordance with the conditions as set out below:
 - a) A vessel must be less than seven metres in overall length.
 - b) Any person using a vessel that is not a relevant fishing vessel may catch up to 15 kilogrammes of sand eel in any calendar day and the catch must be intended for personal use only.
 - c) Fishing for sand eel must only be undertaken using a trawl with a maximum cod end mesh size of 16 millimetres.
 - d) Any person using a vessel that is not a relevant fishing vessel must:
 - i) fish independently and not in combination with any other vessel; and
 - ii) not use any device to store sand eel in the water unless it is attached to the vessel that is being used to fish at that time; and
 - iii) not use any mechanical assistance for hauling the trawl.
 - e) Fishing for sand eel is prohibited in designated areas of seagrass as displayed on the Authority's website.
 - f) Fishing for sand eel must only be undertaken between sunrise and sunset (local time).
 - g) Any person that fishes or has fished for sand eel within the District in accordance with Schedule 2 of the Byelaw must provide any relevant fisheries information or document required by the Authority for the purpose of carrying out its functions.

EXPLANATORY NOTE

(This is not part of the Byelaw)

The Byelaw prohibits the operation of fishing vessels with mobile fishing gear aboard otherwise than in accordance with a permit unless other criteria are met, including stowage requirements for mobile fishing gear on board the vessels.

The Authority can authorise exemptions to the Byelaw for activities that would otherwise constitute an offence under the Byelaw. This is limited to activities involving maintenance, scientific, stocking or breeding purposes.

The Byelaw enables the Authority to issue permits (Category One Permits) to owners of commercial mobile fishing vessels to authorise mobile fishing activity at sea. The Byelaw also enables the Authority to issue permits (Category Two Permits) to owners of commercial mobile fishing vessels to authorise mobile fishing activity within estuaries. The Byelaw enables the Authority to introduce permit conditions and explains the application process to gain a permit. An administration fee will be charged for a permit. A permit is valid for the dates specified on the permit, for a maximum period of two years.

The Byelaw includes provisions for the operation of a vessel subject to the presence of a permit holder or a named representative.

The Byelaw includes a provision relating to specified equipment for the monitoring of the exploitation of sea fisheries resources such as a vessel monitoring device or a remote electronic monitoring system. The requirements relating to specified equipment apply at all times whilst the vessel is operating under a valid permit. The required specified equipment and any prohibition, restriction, or requirement relating to the specified equipment are set out in the permit conditions.

The Byelaw regulates both commercial and recreational sand eel trawling which can be undertaken without a permit.

The Byelaw contains a review process that is relevant to any amendments of permit conditions and the administration fees for a permit. The review process sets out procedure and the types of information which can be sought to inform any decision to amend the permit conditions and the administration fees for a permit. Permit conditions will be reviewed when necessary and within three years of the Byelaw coming into force.

This Byelaw comes into force 14 days after the day on which it is confirmed by the Secretary of State and during this time the Authority will issue permits to owners of commercial mobile fishing vessels to authorise mobile fishing activity at sea and within estuaries.

The Byelaw will be reviewed in August 2030 or sooner if necessary.