

Devon and Severn IFCA Mobile Fishing Permit Byelaw

The Permit Conditions (Category 1 – At Sea)

Interpretations

In the following permit conditions:

“the Authority” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“berried edible crab” means any edible crab carrying any spawn attached to the body or some other exterior part of the crab, or which is in such a condition as to show that at the time when it was taken it was carrying spawn so attached;

“berried lobster” means any lobster or spiny lobster which is carrying any spawn attached to the tail or some other exterior part of the lobster, or which is in such a condition as to show that at the time it was taken it was carrying spawn so attached;

“co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum (WGS84 as revised in 1984 and 2004);

“demersal” means any part of the fishing gear is in contact with the sea bed at any time;

“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;

“fishing” includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;

“mutilated lobster” means a lobster or spiny lobster where any of the five flaps of the tail fan is missing or mutilated in such a manner that could hide or obliterate a V-notch;

“remotely accessed electronic reporting device” means a device that transmits the required information which must be received by the UK VMS hub;

“required information” means

- a) a report flag to indicate that the report is the result of the Authority’s permit condition requirements and is not made under EU regulations;
- b) the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
- c) date and time (in UTC) of the fixing of the most recent position;

- d) the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
- e) the unique serial number of transmitting device;
- f) a status code;
- g) an indicator of the strength of the positional report accuracy.

“using” in the context of mobile fishing gear shall for the purposes of this permit means moving, towing, pushing or dragging it on the seabed and or on the surface of the sea and or anchoring and or leaving it on the seabed with or without the intention to take sea fisheries resources and “use” and “used” shall be construed accordingly;

“‘v’ notched lobster” means a lobster or spiny lobster with an indentation in the shape of the letter “v” or resembling the shape of a “v” made in either of the outer pairs of uropods on the tail fan (and ‘v’ Notch and ‘v’ notching shall be interpreted accordingly).

Species:

“bass” means a fish of the species *Dicentrarchus labrax*

“edible crab” means a crab of the species *Cancer pagurus*;

“green crab” means a crab of the species *Carcinus maenas*;

“lobster” means a lobster of the species *Homarus gammarus*;

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

“spider crab” means a crab of the species *Maja spp.*;

“spiny lobster” means a lobster of the species *Palinurus elephas*;

“velvet swimming crab” means a crab of the species *Necora puber*;

“whelk” means a whelk of the species *Buccinum undatum*;

1. Catch Restrictions

As provided by paragraph 22 (a) of the Devon and Severn IFCA Mobile Fishing Permit Byelaw, the following permit conditions apply:

- 1.1 A permit holder or named representative is not authorised to fish under this permit if the permit holder or named representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.3 inclusive.
- 1.2 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:
 - a) any 'V'-notched or mutilated lobster;
 - b) any berried lobster or berried edible crab;
 - c) any part of an edible crab, lobster or spiny lobster which is detached from the carapace of the crab or lobster;
 - d) any edible crab, lobster or spiny lobster that has recently cast its shell;
- 1.3 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:
 - a) A female edible crab less than 150mm measured across the broadest part of the carapace;
 - b) a male edible crab less than 160mm measured across the broadest part of the carapace;
 - c) a scallop less than 100mm measured across the broadest part of the flat shell;
 - d) a whelk less than 65mm measured along the length of the shell;
 - e) a lobster less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
 - f) a spider crab less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;
 - g) a spiny lobster less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;
 - h) a velvet swimming crab less than 65mm measured across the broadest part of the carapace;
 - i) a bass less than 42cm measured from the tip of the snout to the end of the tail fin.
- 1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.
- 1.3.2 Except where national legislation applies, when fishing within Salcombe Harbour, using mobile fishing gear, a permit holder or named representative is only authorised to remove scallop.
- 1.3.3 The measurement of the size of a marine organism will take place in accordance with the provisions set out in the Schedule that accompanies the Category One Permit Conditions.

2. Gear Restrictions

As provided by paragraph 22 (b) of the Devon and Severn IFCA Mobile Fishing Permit Byelaw, the following permit conditions apply:

Scallop dredging

- 2.1. A permit holder or named representative is not authorised, to fish for scallop within the District, other than within Salcombe Harbour, using any dredge except;
- a) one fitted with a spring-loaded tooth bar and;
 - b) the mouth does not exceed 85cm width overall and;
 - c) where rings are used in the construction of a retaining bag these shall not be less than 75mm measured across the inside diameter and;
 - d) where net is used in the construction of a retaining bag it shall have a minimum mesh size of 100mm and;
 - e) the size of the ring or net mesh of the retaining bag shall not be obstructed or otherwise reduced.
- 2.2 A permit holder or named representative is not authorised to use a vessel within the District with more than two tow bars at any one time.
- 2.3 A permit holder or named representative is not authorised to use a vessel within the District operating more than 12 dredges at any one time and;
- a) where multiple dredges are used, the length of the tow bar, including attachments shall not exceed 5.18 metres.

Scallop dredging in Salcombe Harbour

- 2.4 A permit holder or named representative is only authorised, to fish for scallop within Salcombe Harbour where;
- a) the vessel used is below seven metres in overall length and;
 - b) a maximum of two dredges are used and;
 - c) the mouth of any dredge does not exceed 85cm in with overall and;
 - d) there are no toothed dredges and;
 - e) any dredges are hauled by hand with no mechanical assistance and;
 - f) scallop dredging is conducted within the areas set out in paragraph 3.13 and;
 - g) scallop dredging is conducted during the periods set out in paragraphs 4.5 and 4.6.

Mussel dredging

- 2.5 A permit holder or named representative is only authorised, to fish for mussel within the District, using a dredge where;
- a) the maximum inside opening of any dredge does not exceed two metres and;
 - b) the total number of mussel dredges used does not exceed two at any one time and;
 - c) any blade fitted to the fishing bar is solid and does not exceed 50mm in depth.

Vessel Monitoring System

- 2.6 A permit holder or named representative is not authorised to use a vessel between 6.99 metres and 15.00 metres within the District unless a fully functioning, remotely accessed electronic reporting device is on board the vessel at all times and the required information is transmitted at least every ten minutes except when;
- a) a vessel is within a restricted access area as defined by the coordinates set out in the attached Annexes 1 to 12 (inclusive) when the required information must be transmitted at least every three minutes.
 - b) a vessel is within a restricted access area as defined by the coordinates set out in the attached Annex 14.

Vessel Monitoring System - Failure of device

- 2.7 If the remotely accessed electronic reporting device installed pursuant to paragraph 2.6 above, has failed to transmit the required information, for whatever reason, a permit holder or named representative must;
- a) if at sea, immediately cease fishing and return to one of the areas as defined by the coordinates set out in the attached Annex 14 or leave the District;
 - b) if already in an area as defined by the coordinates set out in the attached Annex 14, remain there.
- 2.8 If as a result of a failure to transmit the required information and in compliance with paragraph 2.7, the vessel is in one of the areas as defined by the coordinates set out in the attached Annex 14 or has left the District, the vessel is not authorised to sail in the district unless;
- a) the remotely accessed electronic reporting device has been repaired or replaced by the remotely accessed electronic device manufacturer's approved engineer to meet the requirements specified in paragraph 2.6.
 - b) an authorisation has been issued under 2.8.1.
- 2.8.1 Where a vessel has returned to one of the areas as defined by the coordinates set out in the attached Annex 14 a written permission may be issued by the Authority to proceed to another place outside of that area in order for a repair to the remotely accessed electronic reporting device to be effected.

- 2.8.2 Where a remotely accessed electronic reporting device has been repaired or replaced, the permit holder or named representative must provide a copy of the engineer's report to the Authority confirming that the equipment is fully operational before proceeding to sea or re-entering the District.
- 2.9 Within the access Area 4 as defined by the coordinates set out in the attached Annex 3a and 3b (part of the South Devon Inshore Fishing Grounds known as Inshore Potting Agreement Areas), a permit holder or named representative is not authorised under the permit to use demersal mobile fishing gear unless;
- a) the vessel is rated at 100KW or less and;
 - b) when using scallop dredges, the vessel uses no more than two tow bars, each tow bar does not exceed 2.6 metres in total length and there are no more than three dredges attached to each tow bar.

3. Spatial Restrictions

As provided by paragraph 22 (c) of the Devon and Severn IFCA Mobile Fishing Permit Byelaw, the following permit conditions apply:

- 3.1 In the areas as defined by the coordinates set out in the attached Annex 1 of this permit (Lundy Special Area of Conservation and Lundy Marine Conservation Zone) a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;
- a) access is authorised for demersal trawl gear in the areas as defined by the coordinates set out in the attached Annex 1a of this Permit.
 - b) access is authorised for demersal scallop gear in the areas as defined by the coordinates set out in the attached Annex 1b of this Permit.
- 3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this permit (the Lyme Bay section of the Lyme Bay and Torbay Special Area of Conservation), a permit holder or named representative is not authorised to use demersal mobile fishing gear.
- 3.3 In the areas as defined by the coordinates set out in the attached Annex 3 of this permit (which includes the Tor Bay section of the Lyme Bay and Torbay Special Area of Conservation, the Torbay Marine Conservation Zone and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;
- a) access is authorised for demersal trawl gear within Areas 1, 2, 3 and 4 as defined by the coordinates set out in the attached Annex 3a of this permit and the demersal trawl gear is used in accordance with paragraph 2.9 and 4.3.
 - b) access is authorised for scallop gear within Area 4 as defined by the coordinates set out in the attached Annex 3b of this permit and the scallop gear is used in accordance with paragraph 2.9.

- 3.4 In the areas as defined by the coordinates set out in the attached Annex 4 of this permit (Plymouth Sound and Estuaries Special Area of Conservation), (including the rivers Plym, Tamar, Tavy and Yealm) a permit holder or named representative is not authorised to use demersal mobile fishing gear except where; access is authorised for an encircling net where the footrope may be in contact with the seabed to be used in the area as defined by the coordinates set out in the attached Annex 4a of this permit.
- 3.5 In the areas as defined by the coordinates set out in the attached Annex 5 of this permit (part of Start Bay, the Devon part of the Start Point to Plymouth Sound and Eddystone Special Area of Conservation, part of the Skerries Bank and Surrounds Marine Conservation Zone and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;
- a) the demersal gear used within Area A as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.4, table 1.
 - b) the demersal gear used within Area B as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.4, table 1.
 - c) the demersal gear used within Area D as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.4, table 1.
- 3.6 In the areas as defined by the coordinates set out in the attached Annex 6 of this permit (Severn Estuary Special Area of Conservation), a permit holder or named representative is not authorised to use demersal mobile fishing gear.
- 3.7 In the areas as defined by the coordinates set out in the attached Annex 7 of this permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.
- 3.8 In the areas as defined by the coordinates set out in the attached Annex 8 of this permit (Specified Coastal Mariculture Sites), a permit holder or named representative is not authorised to use mobile fishing gear.
- 3.9 In the areas as defined by the coordinates set out in the attached Annex 9 of this permit (Bideford to Foreland Point Marine Conservation Zone), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where; access is authorised for demersal mobile fishing gear in the area as defined by the coordinates set out in the attached Annex 9a of this permit.
- 3.10 In the areas as defined by the coordinates set out in the attached Annex 10 of this permit (Morte Platform Marine Conservation Zone), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where; access is authorised for demersal mobile fishing gear in the area as defined by the coordinates set out in the attached Annex 10a of this permit.

- 3.11 In the areas as defined by the coordinates set out in the attached Annex 11 of this permit (The South Australian Heritage Asset Site), a permit holder or named representative is not authorised to use mobile fishing gear.
- 3.12 In the areas as defined by the coordinates set out in the attached Annex 12 of this permit (Hartland Point to Tintagel Marine Conservation Zone), a permit holder or named representative is not authorised to use scallop gear.
- 3.13 In the areas as defined by the coordinates set out in the attached Annex 13 of this permit (Salcombe Harbour), a permit holder or named representative is not authorised to use mobile fishing gear except where; access is authorised for scallop gear, in accordance with paragraph 2.4, in the areas as defined by the coordinates set out in the attached Annex 13a of this Permit.

4. Time Restrictions

As provided by paragraph 22 (d) of the Devon and Severn IFCA Mobile Fishing Permit Byelaw, the following permit conditions apply:

- 4.1 A permit holder or named representative is only authorised to use scallop dredge gear within the District between 0700hrs (local time) and 1900hrs (local time)
- 4.2 A permit holder or named representative is not authorised to remove from a fishery within the District any scallop (*Pecten maximus*) during the period of July, August, September.
- 4.3 A permit holder or named representative is only authorised to use demersal trawl gear within the Areas 1, 2 and 3 as defined by the coordinates set out in the attached Annex 3a between 1st April and 30th June (inclusive).
- 4.4 A permit holder or named representative is only authorised to use demersal mobile fishing gear within the Areas A, B, and D as defined by the coordinates set out in the attached Annex 5a of this permit during the periods set out in table 1 below.

Table 1

Annex	Sub Area of annex 5a	Annual Access Dates
5a	Area A	1 st Jan to 31 st May inclusive
5a	Area B	1 st Jan to 31 st March inclusive
5a	Area D	1 st Feb to 31 st Aug inclusive

- 4.5 A permit holder or named representative is only authorised to use scallop gear, in accordance with paragraph 2.4, within Salcombe Harbour as defined by the coordinates set out in the attached Annex 13a, between 15th December and 15th March inclusive, and providing the Authority is notified prior to fishing for the first time during the fishing season.
- 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.

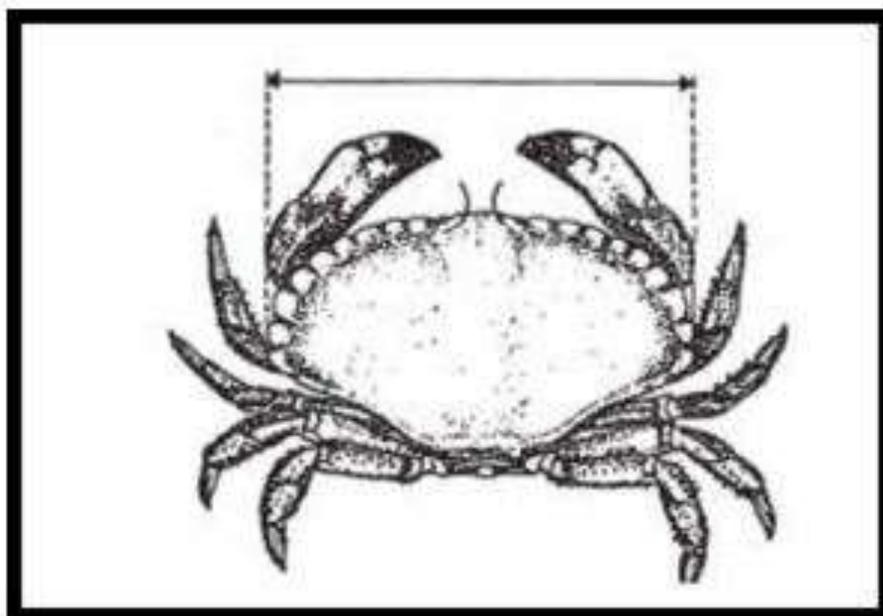
- 4.7 A permit holder or named representative that has fished in the period 15th December to 15th March with demersal scallop gear, in accordance with paragraph 2.4, within Salcombe Harbour as defined by the coordinates set out in the attached Annex 13a, must provide the Authority with the number of scallops caught.

Schedule 1: Guidance on the Measurement of a Marine Organism

The following explains how shellfish and fish are measured and the size they must be in order to be removed from a fishery within the District. The schedule should be read in conjunction with the catch restrictions set out in the Category One Mobile Fishing Permit Conditions.

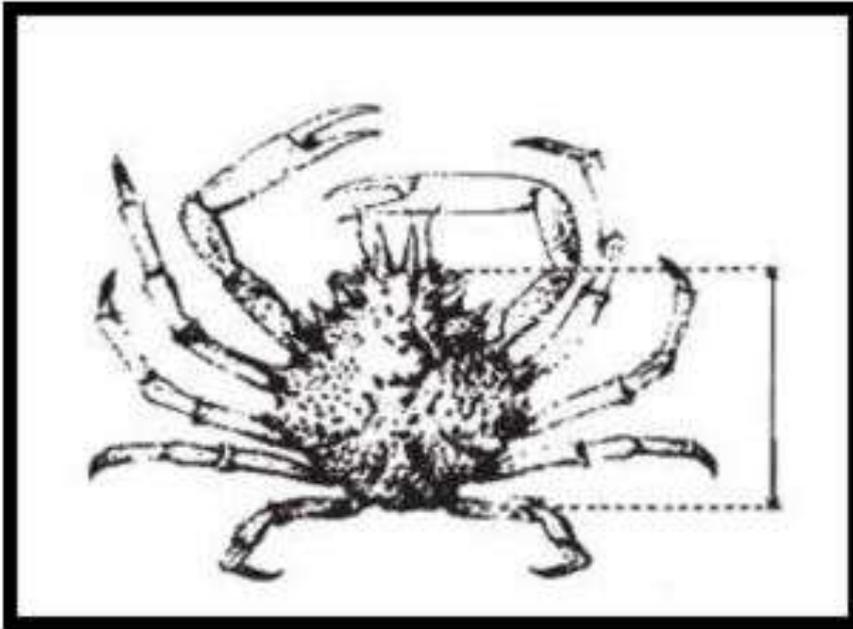
Edible Crab and Velvet Swimming Crab

1. A female edible crab is measured across the broadest part of the carapace and must be 150mm or more.
2. A male edible crab is measured across the broadest part of the carapace and must be 160mm or more.
3. A velvet swimming crab is measured across the broadest part of the carapace and must be 65mm or more.



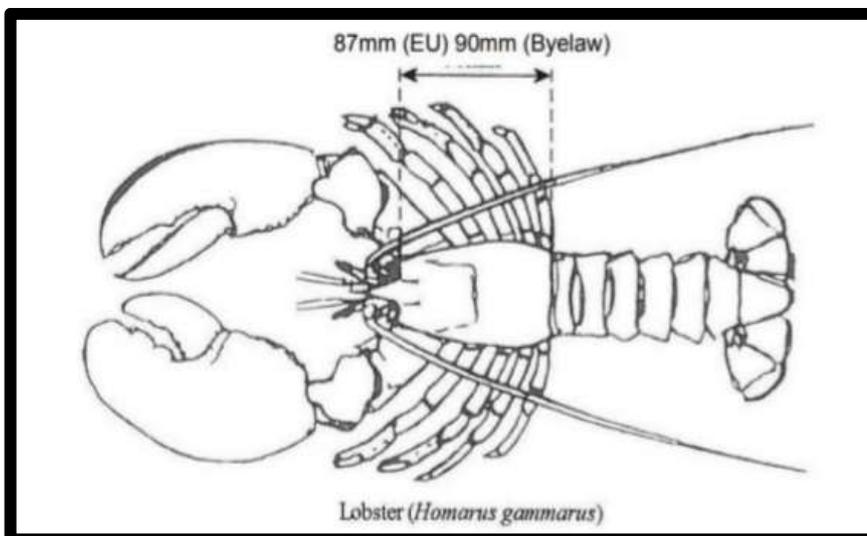
Spider Crab

4. Male and female spider crabs are measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and must be 130mm or more.



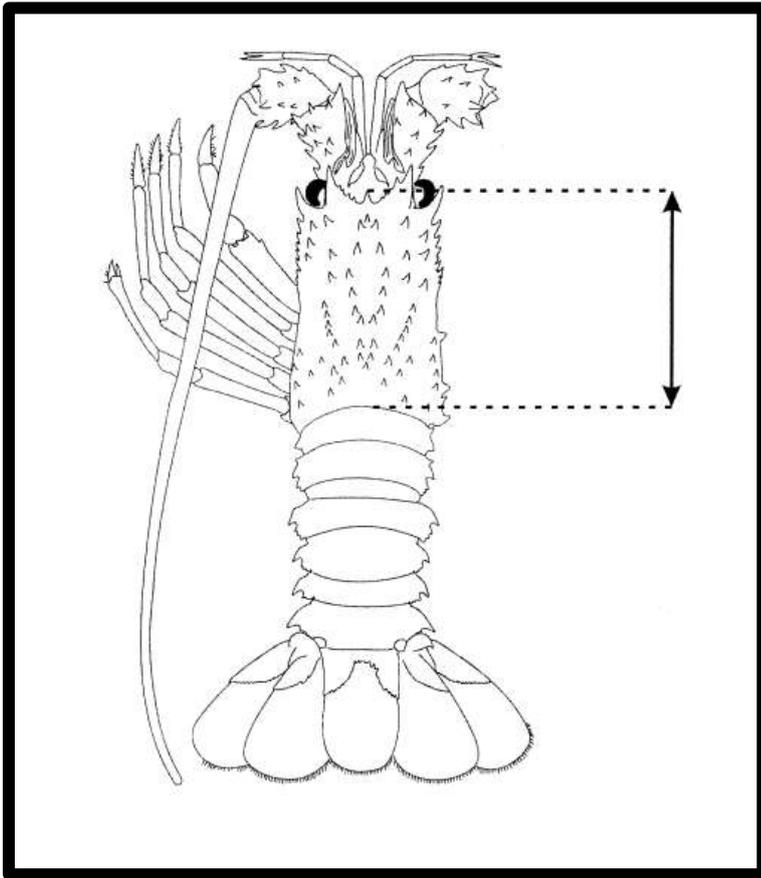
Lobster

5. A lobster is measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace and must be 90mm or more.



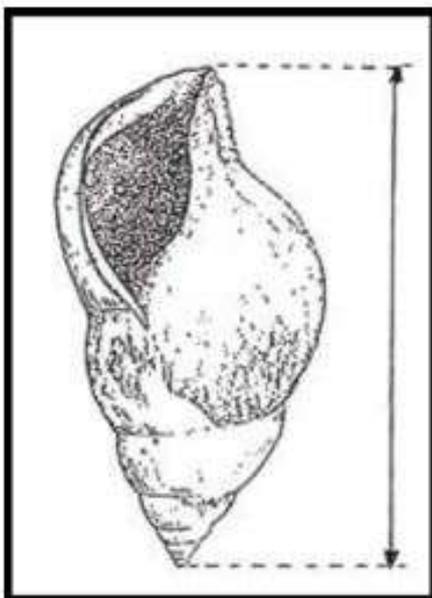
Spiny Lobster

6. A spiny lobster is measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace and must be 110mm or more.



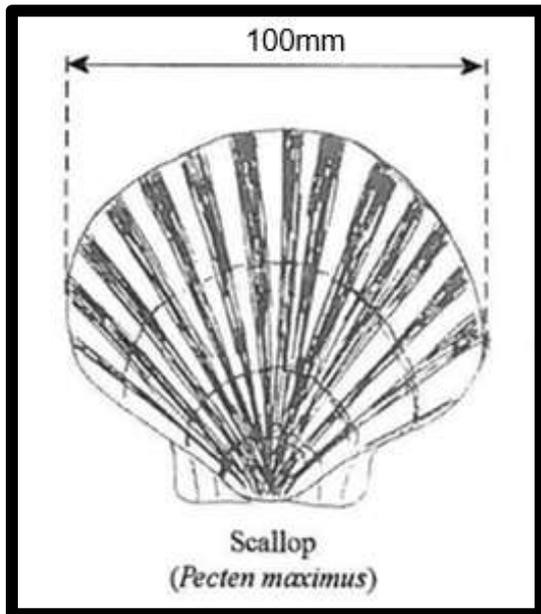
Whelk

7. A whelk is measured along the length of the shell and must be 65mm or more.



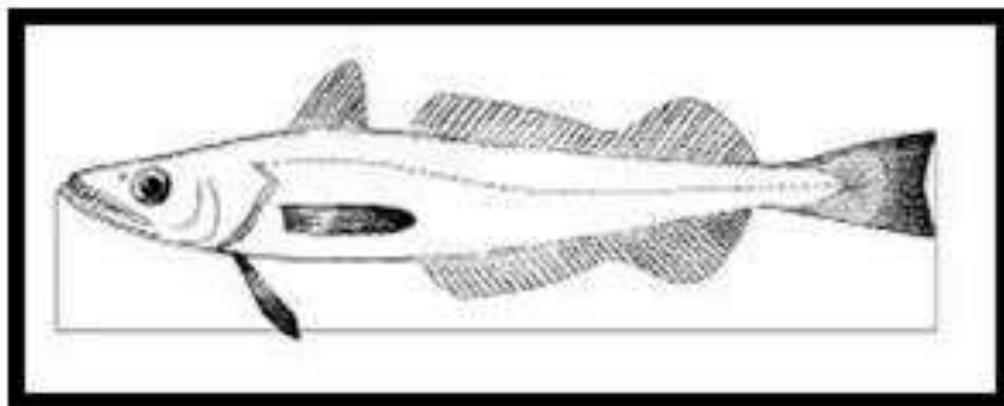
Scallop

8. A scallop is measured across the broadest part of the flat shell and must be 100mm or more.



Finfish

9. Finfish are measured from the tip of the snout to the end of the tail fin.



- Bass must be 42cm or more in length.