# Enforcement and Compliance Guidance

Image: D&S IFCA Fisheries Patrol Vessel "David Rowe"

*Version 0.1*

*September 2026*

Brixham Laboratory
Freshwater Quarry
Brixham
TQ5 8BA
01803 854648
Office@devonandsevernifca.gov.uk
www.devonandsevernifca.gov.uk
Incident Line: 07740 175479
Intel@devonandsevernifca.gov.uk

# Contents



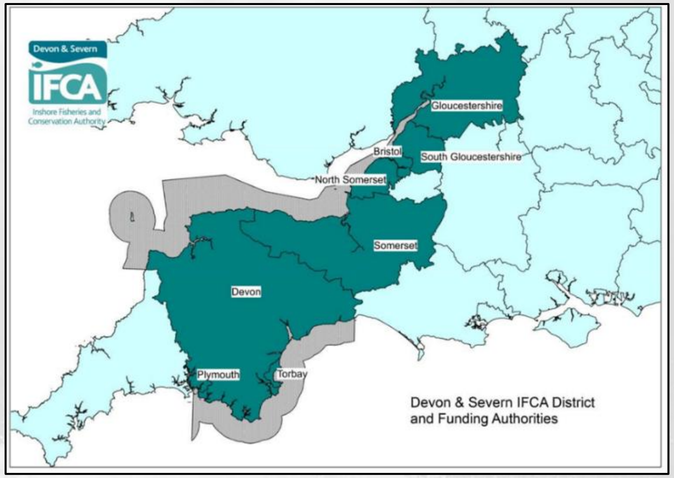

***Version Control:***

***Draft Version 0.1 for consideration by the Authority in September 2026***

# Background Information:

## Who We Are

Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) was created by the UK Government. D&S IFCA's area is the largest of the ten IFCAs' districts and has two separate coastlines, north and south. The area of the District is 4,522km² and is defined in the Statutory Instrument (2010 No. 2212). D&S IFCA's District includes the areas of Devon, Gloucestershire County Councils; Bristol and Plymouth City Councils; North Somerset District Council; Torbay, Somerset, and South Gloucestershire Councils; and all adjacent waters out to six nautical miles offshore or the median line in the Bristol Channel with Wales.




The fisheries and marine environment are markedly different on the two coasts. The north coast of the District from Somerset to the east up the Severn estuary is characterised by significant tidal ranges, large amounts of suspended sediment, and extensive mudflat habitats that support a range of different types of net fisheries and significant recreational angling. The Devon coasts and estuaries in contrast are known for their diverse fisheries including significant pot fisheries, the largest mobile fishing fleet operating in any IFCA District and an extensive network of Marine Protected Areas.

## Main Duties

The Marine and Coastal Access Act 2009 (MaCAA) sets out D&S IFCA's duties. D&S IFCA must manage the exploitation of sea fisheries resources in its District. Managing fishing activity includes the enforcement of fisheries legislation.

## Our Enforcement Officers & Resources

- D&S IFCA is funded by central government (Defra), and eight local authorities.
- D&S IFCA currently employs five Enforcement Officers with warrants.
- D&S IFCA has one main office, based in Brixham, South Devon.
- D&S IFCA has one 7.8 metre patrol vessel, FPV David Rowe, and sometimes charters other coded vessels.
- D&S IFCA makes use of technology for its enforcement work, including inshore vessel monitoring systems (IVMS and AIS), and drones.

### Links to Information:

- About Us and Our Core Work: https://www.devonandsevernifca.gov.uk/about-us-our-work/
- Contact Us: https://www.devonandsevernifca.gov.uk/about-us-our-work/contact-us/
- Enforcement & Legislation Overview: https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/

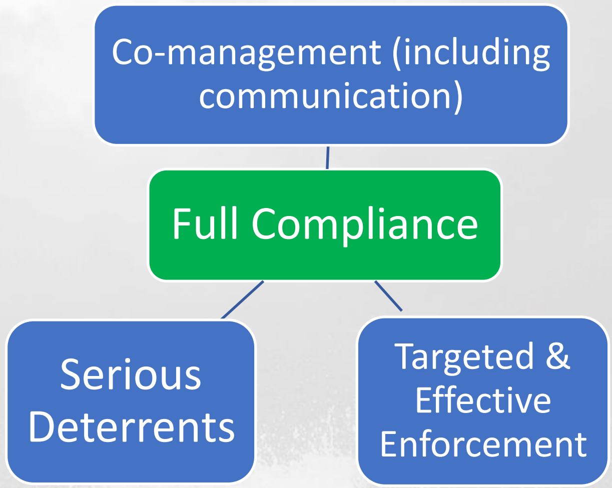
## D&S IFCA's Vision

*"We believe in shared responsibility for the health and benefits of the marine environment and uphold our duties, now and in the future. We will be proactive in our management to restore and recover marine ecosystems, habitats, and species. We envisage that the waters, under our authority, will support sustainable fishing practices serving local, national, and international communities. We will innovate, and champion the use of technology, the delivery of low impact fisheries and the UK Government's 'Net Zero' by 2050 carbon target. We embrace co-management and will drive change in inshore recreational and commercial fisheries, recognising their social and economic benefits, and securing a future for sustainable fishing in the coastal belt".*

# Compliance Aims

### Objective:

Delivery of our statutory responsibilities and vision requires high compliance with fisheries and environmental legislation. The Authority starts from the position that the majority of the people and companies engaged in the inshore fisheries, whether recreationally or commercially, are compliant with the regulations and controls that affect them.




### Achieving the Objective:

High compliance is best achieved through the adoption of an adaptive co-management approach to fisheries management and innovative use of technology. The Authority must endeavour to provide opportunities for fishers and other stakeholders potentially affected by regulation to engage with the Authority over the local management approach to be taken and to understand the legislation that applies to them and how to remain compliant.

Formal regulation is seen as the final option and voluntary arrangements are the starting point for any management considerations. However, where fisheries management is necessarily complex, or where it involves a large number of fishers or applies across a large area, voluntary measures are unlikely to be successful in regulating the fishery or the impact on the environment. Therefore, in support of the aim to achieve high compliance, the Authority has introduced four activity-based permit byelaws since 2014. The permitting byelaw model places all the management measures within the permit conditions, which can be amended when required. Therefore, these byelaws represent the Authority's flexible approach to fisheries and conservation management.

Under Section 153(d) of MaCAA, the Authority has a duty to seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the District. All fishers, both commercial and recreational are regulated, where applicable, through the permit byelaws.

Permitting byelaws allow the Authority to communicate directly with permit holders, as their details are provided to the Authority when obtaining a permit. This is important as the different sectors have varying degrees of co-ordinated representation. Even where representation does exist it is hard to reflect the full range of views held by fishers. By engaging in the management process, (for example reviews of the permit conditions), the Authority and all the users get a far better understanding of the requirements of the other stakeholders. Conflicts of interest will not always be resolved but, having gained an understanding of why actions are taken, affected users are far more likely to accept the management approach adopted.

Where consensus with the management approach is not achieved or where the potential financial gain is significant, the risk of illegal activity increases. The risk is even greater where an effective enforcement deterrent is not in place. The deterrent is only effective where the risk of enforcement action is high, and the resulting sanctions are proportionate and significant.

The Authority will also seek to use appropriate compliance and enforcement measures, where it considers it to be necessary, to ensure that the marine environment is not disproportionally affected by fishing activities and that no person illegally engaged in fishing related activity removes fishing opportunities for others or gains an unfair market advantage by breaking the rules or that law-abiding fishers are not disadvantaged by being compliant with the law.

# Enforcement Priorities

D&S IFCA shares boundaries with Cornwall IFCA (CIFCA), Southern IFCA (SIFCA) & the Welsh Government. D&S IFCA has twenty-two Marine Protected Areas with 57% of Marine Protected Areas closed to mobile fishing gear. Each year the Authority approves the Annual Plan for D&S IFCA which sets out enforcement priorities. For efficient enforcement, D&S IFCA prioritises use of its limited resources, based on a range of factors including evaluation of the risk of non-compliance.

D&S IFCA operates a risk-based approach to enforcement, meeting the recommendations of the Hampton Review. The Authority consistently identifies that fishing activities with the highest social, economic, or environmental impact risk, arise from illegal access by demersal towed gear vessels in Marine Protected Areas and illegal netting from vessels in estuaries.

Marine Protected Areas are not protected by designation alone but by effective monitoring and enforcement action. Over 100 mobile fishing vessels (scallop/trawl) operate within D&S IFCA's District. The damaging interaction of demersal towed gears with the designated features within D&S IFCA's Marine Protected Area network represents the greatest environmental risk that D&S IFCA has a responsibility to manage. Illegal incursions reduce the sustainability of the marine environment and of fisheries derived from these important habitats and can significantly impact static gear fishers through the loss of pots and nets towed away by illegal fishing with towed gear.


The monitoring of IVMS, VMS and AIS data for mobile fishing gear vessels and the targeting of mobile gear vessels that may be operating without fully functioning IVMS and VMS devices has become a repeating priority workstream for D&S IFCA. The enforcement of spatial restrictions under the Mobile Fishing Permit Conditions aims to seek to ensure the protection of designated features of Marine Protected Areas.

Illegal coastal and estuarine netting continues to pose a high risk to the environment and species of fish that are known to use these areas of D&S IFCA's District. The enforcement of the Netting Permit Conditions is therefore D&S IFCA's other priority.

D&S IFCA has embraced greater use of technology, such as vessel monitoring and the use of drones for surveillance, to improve efficiency and effectiveness of monitoring and enforcement. D&S IFCA aims to make further use of technology in the future to continue to improve regulation and will consider the formal introduction of Remote Electronic Monitoring) (REM) on fishing vessels in the near future.

# Better Regulation

Where the Authority undertakes monitoring compliance activity, it will work in accordance with the Hampton Principles of Better Regulation as set out in the Regulator Compliance Code and the Legislative and Regulatory Reform Act 2006 (as amended). This plan also reflects the national AIFCA Regulation and Compliance Strategy, the AIFCA Enforcement Policy, and the AIFCA Code of Conduct for Inshore Fisheries and Conservation Officers (IFCOs). When carrying out its functions, the Authority will ensure that:

- Any action taken is **proportionate**;
- It is **accountable** for its regulatory activity – to its stakeholders, its partner organisations, Ministers, local taxpayers, the general public and the Courts;
- Its actions are **consistent**, in that it should make similar (but not necessarily the same) decisions about activity in similar circumstances, in accordance with its delegated responsibilities, statutory objective and guidance;
- Its regulatory actions are **transparent**, by publishing information to its regulated stakeholders indicating what enforcement action it can and may take in appropriate circumstances;
- It is **transparent** about its action and publishes a summary of its investigations and outcomes regularly throughout the year;
- All its activities and, in particular those that would place a "burden" on a regulated person (such as monitoring, inspection, investigation and compliance actions), are targeted using a **risk based approach**, ensuring such action is for a specific identifiable need, for example, limiting random inspections to specific, identified compliance requirements;
- IFCOs appointed by the Authority are **trained**, and **competent**;
- It works in **collaboration** with partner organisations including the Marine Management Organisation(MMO), Environment Agency (EA), Maritime and Coastguard Agency (MCA), Police, Ministry of Defence (MoD) and other IFCAs, to make best use of available resources and shares information.

**Hampton Principles of Good Regulation**

These state that regulatory activities are carried out in a way which is transparent, accountable, and consistent.

Targeted only at cases in which action is needed.

The principles also state that regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only intervene when there is a clear case for protection.

Regulators should concentrate their resources on the areas that need them most.

The Regulators Compliance Code can be viewed online here.

**Links to Information:**

The website has a display page that includes a table of investigations, which is updated every three months.

https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/investigation-tables/

A section in the Annual Report details enforcement work undertaken each year. D&S IFCA's Annual Reports can be read by visiting the website.

https://www.devonandsevernifca.gov.uk/about-us-our-work/annual-business-plans-reports/

# Enforcement Operations

In determining where and when to undertake its enforcement operations, the Authority adopts the National Intelligence Model used by other enforcement agencies. This improves the sharing of intelligence between the organisations, giving a better overview of potential illegal activities.

This intelligence is monitored by the lead Intel Officer and fed into regular Tactical Coordination Group (TCG) meetings, from which Officers develop enforcement plans that reflect both the predicted risk and reports of suspicious activity. The plans set out the activities for the compliance activities that the Officers are intended to undertake. At the next TCG meeting, Officers feedback the results of their planned action to determine whether further action is required.

Intelligence and information are shared through the CLUE™ system between IFCAs, MMO and, where appropriate, with other agencies. The CLUE™ system (the software product is called CLUE™) records all intelligence, information, records of persons, vessels, incidents (offences) and outcomes produced by IFCAs and MMO. The sharing of this information is crucial to ensure a co-ordinated and cross agency approach to enforcement is achieved.

**Inteligence**
- Gather Inteligence
- Share Inteligence

**Resources**
- Availibility of Officers & Equipment
- Potential to work with others

**Action**
- Develop Enforcement Plan
- Conduct Enforcement Plan

### Intelligence: Reporting Illegal Fishing

D&S IFCA has developed a dedicated website display page for the reporting of illegal, or suspected illegal fishing activity. The website page includes an Intelligence Gathering Form that enables stakeholders to report incidents anonymously. All personal data submitted is securely handled.

- https://www.devonandsevernifca.gov.uk/reporting-illegal-fishing/

D&S IFCA also has a dedicated telephone number and email for reporting suspected illegal fishing:

**INCIDENT LINE: 07740 175479**

**Intel@devonandsevernifca.gov.uk**

The contact details of all D&S IFCA Enforcement Officers are set out on the website:

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


REPORTING ILLEGAL FISHING

Home / Reporting Illegal Fishing

Page review/updated 04/12/2024

(Content of page last updated: 23rd July 2024)

D&S IFCA has a risk based and intelligence led approach to its enforcement work. We actively encourage the reporting of suspected illegal fishing. This page provides you with options how you can report to us. You can either contact one of our Enforcement Officers using the details provided below, or you may prefer to use the intelligence gathering form set out at the bottom of this page.

For general enquiries and direct contact with Enforcement Officers please visit our Contact Us page, and to find out more about the work of the Enforcement Team please visit the Enforcement & Legislation pages.

HOW TO REPORT

However you choose to report an incident to us, it helps if you give us detail. If possible please include the ***location***, ***date & time*** and a description of what you saw, such as ***vessels***, ***vehicles***, ***fishing gear*** and ***people***.

INCIDENT LINE: 07740 175479

**Enforcement Office: 01803 854648 – Option 4.**

INTELLIGENCE GATHERING FORM

The form below allows you to report incidents anonymously as you don't have to provide your name or contact details. You can provide these details if you wish, as Officers may then contact you to ask further questions about the incident.

# Working Together

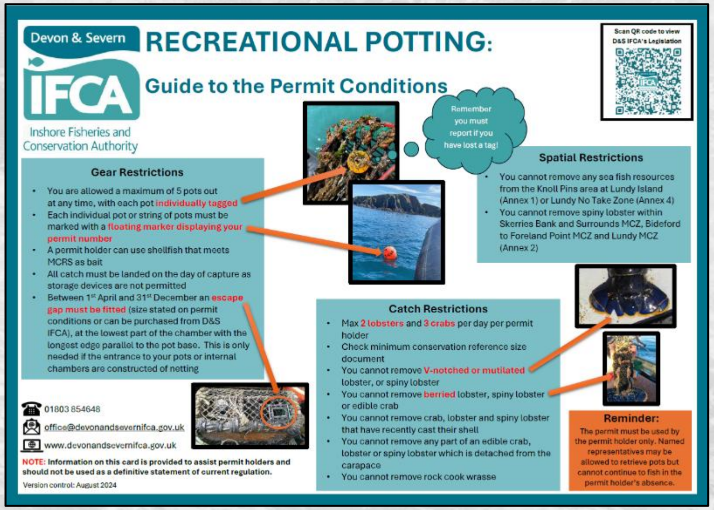
Partnership working with other enforcement agencies is a requirement under the Authority's Success Criterion developed by Defra. This approach is already well established within the Authority with joint enforcement meetings and inspections (at sea and ashore) being regularly undertaken by IFCOs and Marine Enforcement Officers from the MMO.

The Authority also issues a warrant to EA Enforcement Officers to undertake fisheries enforcement work on behalf of the Authority. An annual training and briefing meeting is provided to Enforcement Officers from D&S IFCA, CIFCA and the EA by Senior Officers from these organisations

The Authority liaises with other enforcement agencies including the Police (Civil and Military), Gangmasters Licencing Authority, Department of Works and Pensions, MCA, Health and Safety Executive (H&SE), Environmental Health Officers, Centre for Environment, Fisheries and Aquaculture Science (CEFAS), and other IFCAs.

# Guidance for Fishers

D&S IFCA produces and issues guidance for fishers to help them remain compliant with fisheries legislation. As well as personal interaction with Officers, D&S IFCA encourages stakeholders and other organisations to visit the website for up-to-date information. D&S IFCA also uses direct communication channels (contact data bases developed by the issue of permits) to provide a range of information to fishers.



Devon & Severn IFCA Inshore Fisheries and Conservation Authority

**RECREATIONAL POTTING:**

**Guide to the Permit Conditions**

Scan QR code to view D&S IFCA's Legislation

Remember you must report if you have lost a tag!

**Gear Restrictions**

- You are allowed a maximum of 5 pots out at any time, with each pot individually tagged
- Each individual pot or string of pots must be marked with a floating marker displaying your permit number
- A permit holder can use shellfish that meets MCRS as bait
- All catch must be landed on the day of capture as storage devices are not permitted
- Between 1st April and 31st December an escape gap must be fitted (size stated on permit conditions or can be purchased from D&S IFCA), at the lowest part of the chamber with the longest edge parallel to the pot base. This is only needed if the entrance to your pots or internal chambers are constructed of netting

**Spatial Restrictions**

- You cannot remove any sea fish resources from the Knoll Pins area at Lundy Island (Annex 1) or Lundy No Take Zone (Annex 4)
- You cannot remove spiny lobster within Skerries Bank and Surrounds MCZ, Bideford to Foreland Point MCZ and Lundy MCZ (Annex 2)

**Catch Restrictions**

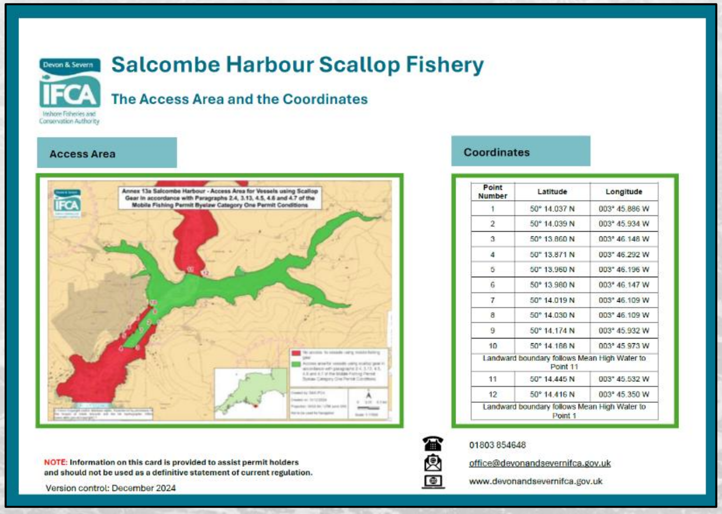
- Max 2 lobsters and 3 crabs per day per permit holder
- Check minimum conservation reference size document
- You cannot remove V-notched or mutilated lobster, or spiny lobster
- You cannot remove berried lobster, spiny lobster or edible crab
- You cannot remove crab, lobster and spiny lobster that have recently cast their shell
- You cannot remove any part of an edible crab, lobster or spiny lobster which is detached from the carapace
- You cannot remove rock cook wrasse

**Reminder:**
The permit must be used by the permit holder only. Named representatives may be allowed to retrieve pots but cannot continue to fish in the permit holder's absence.

01803 854648
office@devonandsevernifca.gov.uk
www.devonandsevernifca.gov.uk

NOTE: Information on this card is provided to assist permit holders and should not be used as a definitive statement of current regulation.

Version control: August 2024



Devon & Severn IFCA Inshore Fisheries and Conservation Authority

**Salcombe Harbour Scallop Fishery**

**The Access Area and the Coordinates**

**Access Area**

Annex 13a Salcombe Harbour - Access Area for Vessels using Scallop Gear in accordance with Paragraphs 2.4, 3.13, 4.5, 4.6 and 4.7 of the Mobile Fishing Permit Byelaw Category One Permit Conditions

**Coordinates**

| Point Number | Latitude | Longitude |
|---|---|---|
| 1 | 50° 14.037 N | 003° 45.886 W |
| 2 | 50° 14.039 N | 003° 45.934 W |
| 3 | 50° 13.860 N | 003° 46.148 W |
| 4 | 50° 13.871 N | 003° 46.292 W |
| 5 | 50° 13.960 N | 003° 46.196 W |
| 6 | 50° 13.980 N | 003° 46.147 W |
| 7 | 50° 14.019 N | 003° 46.109 W |
| 8 | 50° 14.030 N | 003° 46.109 W |
| 9 | 50° 14.174 N | 003° 45.932 W |
| 10 | 50° 14.186 N | 003° 45.973 W |
| Landward boundary follows Mean High Water to Point 11 | | |
| 11 | 50° 14.445 N | 003° 45.532 W |
| 12 | 50° 14.416 N | 003° 45.350 W |
| Landward boundary follows Mean High Water to Point 1 | | |

NOTE: Information on this card is provided to assist permit holders and should not be used as a definitive statement of current regulation.

Version control: December 2024

01803 854648
office@devonandsevernifca.gov.uk
www.devonandsevernifca.gov.uk

### Links to Information:

The national IFCA success criteria produced by Defra is recognised each year in D&S IFCA's Annual Plans.

The national success criteria can be viewed here.

D&S IFCA's Annual Plans can be viewed here.

## Use of Technology for Enforcement

The Authority recognises the benefits of remote monitoring technologies. D&S IFCA's Vision *includes '…we will innovate, and champion the use of technology'*. A requirement for vessel monitoring (IVMS) for all mobile fishing vessels operating at sea has formed part of the Mobile Fishing Permit Byelaw (2014) and then in the Mobile Fishing Permit Byelaw 2022. The requirement for IVMS became a permit condition in 2018 and the IVMS devices must be fully functioning to transmit required data every three minutes when within any Marine Protected Areas.

IVMS data has been used by D&S IFCA in many different applications including marine spatial prioritisation and monitoring and compliance. The use of IVMS data has been key to improving compliance with legislation designed to protect MPAs from illegal demersal towed gear fishing activities. The use of IVMS evidence, combined with other sources of evidence, has resulted in approximately 50% of spatial investigations meeting the evidential threshold for prosecution compared to an estimated 5% of investigations before the introduction of IVMS.

D&S IFCA is pursuing the introduction of Remote Electronic Monitoring (REM) on the towed gear fleet to improve compliance with MPA legislation. D&S IFCA has trialled a REM system using two onboard cameras and gear sensors on up to five mobile gear vessels since 2023. The results of the trial have demonstrated that a low cost, fully monitored mobile gear fishery is achievable. Officers believe that the use of REM will act as an effective deterrent because detection of illegal activity will be made much easier and will dissuade vessel owners and masters from taking the risk. The introduction of the Mobile Fishing Permit Byelaw 2022 introduces the necessary provisions to allow for REM to be mandated (as a Permit Condition).

D&S IFCA uses a drone to assist with the monitoring of fishing activity and the collection of evidence close to shore and in estuaries. D&S IFCA operates the drones according to its Safe Systems of Work and drone policies. The use of drones will be in accordance with an operational authorisation issued by the Civil Aviation Authority. These requirements include that the Officers are fully trained as drone operators.

## Drafting of Legislation to Support Effective Enforcement

IFCAs were required to undertake a review of all of the byelaws inherited from Devon Sea Fisheries Committee by April 2015. This provided the Authority with the opportunity to develop legislation that supported better management of sea fisheries resources and enable it to deliver the duties under sections 153 and 154 of MaCAA. The review of the byelaws has also allowed the drafting of legislation to support effective enforcement. Whilst vessels are fishing (as defined in D&S IFCA Permit Byelaws) in the District, all the catch on board must be compliant with the Minimum Conservation Reference Sizes and other relevant management that applies to the District. The byelaws also assist the Authority's management of non-powered vessels fishing commercially. The flexibility provided by using permit conditions means that unintended management or enforcement consequences can be rectified more quickly using the review mechanism set out in the main activity-based permit Byelaw. This removes the need to remake the entire Byelaw, a time consuming and expensive process.

## IFCO Enforcement Training

The Authority's IFCOs follow a structured national IFCA training system, starting with induction and safety training followed by attendance at a residential Competent Officer Course focusing on enforcement training before being issued with an enforcement warrant. All Officers are expected to continue to develop professionally during their careers, taking up opportunities to further their training that include joining MMO training courses and further national training opportunities when and where appropriate to their learning needs.

## Investigation Process

The Authority adopts the national IFCA Code of Conduct that sets out how officers should conduct inspections. The Code of Conduct should be read with other Statutory requirements set out in the Police and Criminal Evidence Act 1984 (PACE) and MaCAA, both of which set out how investigations should be conducted. PACE must be followed during inspections, including where interviews are undertaken. MaCAA sets out provisions, among other things, for notifying persons regarding seizure of evidence. In addition, the Authority has developed Safe Systems of Work (SSOW) that also describe how IFCOs will undertake their duties, which include inspections at sea and ashore.

The Authority has developed a separate policy for the use of Audio-Visual Recording Devices. The policy sets out how such devices (cameras and video recorders) will be used by IFCOs whilst fulfilling their enforcement role and how information obtained from the devices will be used and stored. The policy includes the requirement that IFCOs Body Worn Cameras are switched on for every inspection.

On completion of an inspection of a vessel, vehicle, or premises, the Authority will issue a SF1 Form that sets out the results of the inspection. A copy of the SF1 Form is provided to the relevant person, usually the Master of a vessel, that is in attendance and retained on record in line with Data Protection Policy. If no person connected to the inspection is present, then a copy of the SF1 Form is forwarded to the relevant person as soon as possible.

## Investigation Process

Where D&S IFCA Enforcement Officers suspect breaches of legislation, they will undertake a thorough investigation. A case file is opened for every investigation. Officers follow the Statutory requirements set out in PACE, MaCAA and the Criminal Procedure and Investigations Act 1996 regarding how investigations should be conducted, including how to record, retain and disclose evidence or material obtained during an inspection or subsequent investigation. There are also requirements for specific roles and responsibilities, including the Officer in Charge and the Exhibits and Disclosure Officers.

The Authority's Enforcement Officers use process maps to support the development of case files regarding the extent of the detail assembled in the initial stages. This assists consideration of straightforward minor offences which reduces the officers' workload. In addition, this allows for fishers to receive notice of the outcome of the investigation earlier.

A Decision-Making Record (DMR) is produced for any investigation where the proposed disposal is by way of a Financial Administrative Penalty, a Caution or a Prosecution. The DMR is produced by the Senior Enforcement Officer and then reviewed by the Chief Officer. The Chief Officer shares the decision with the Chair of the Authority.

D&S IFCA's Data Protection Register sets out how long information relating to investigations, including personal information, is held and for what purposes the data is held.

**Links to Information:**

D&S IFCA's Policy for the use of Audio Visual Recording can be viewed on D&S IFCA's website:

https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/enforcement-related-guidance-documents/

# IFCA Enforcement Powers

Inshore Fisheries and Conservation Officers' (IFCOs) main enforcement powers are conferred by sections 245 to 261 and sections 264, 268, 269 and 284 of MaCAA. Appointed IFCOs may be cross warranted by the MMO under section 235 of MaCAA and by the EA under the Salmon and Freshwater Fisheries Act 1975 to enforce additional legislation.

**Some of the more frequently used powers are;**

- To enter and search business premises;
- To board and inspect fishing vessels;
- To stop, enter and inspect vehicles;
- To search for, examine and seize sea fish resources and fishing gear;
- To require the attendance of certain persons;
- To require the production of and to inspect documentation;

**IFCOs have these powers for the purpose of enforcing:**

- Any byelaws made under section 155 or 157 of MaCAA for the district (or having effect as if so made);
- Sections 1 to 3, 5 and 6 of the Sea Fish (Conservation) Act 1967 (c.84) and any Orders made under any of those sections;
- Any provision made by or under an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967 (c.83);
- Any provisions of, or any rights conferred by, section 7 of that Act;
- Any byelaws made under section 129 or 132 of MaCAA;
- Section 140 of MaCAA;
- Sea Fishing (Enforcement) Regulations 2018 (SI 849/18) (as amended)

**Links to Information:**

The Marine and Coastal Access Act 2009 (MaCAA) can be viewed by using this link:

# Hierarchy of Enforcement Actions/Disposal

The Authority will use an adaptive co-management approach, where compliance is underpinned by engagement, understanding and advice. Where compliance is not achieved by this approach, the Authority has a range of enforcement actions available to it:

| Disposal Options | |
|---|---|
| | Advisory Letter |
| | Verbal Warning |
| | Official Written Warning |
| | Simple Caution |
| | Financial Administrative Penalties |
| | Prosections |

**Advisory Letter**

Where it is believed that **breaches of the law may have been committed**, but either the evidential or public interest test have not been met, an advisory letter may be sent reminding the person(s) of the need to obey the law. This letter is recorded by D&SIFCA This may be sent without prejudice to other purely civil remedies*.

**Verbal Warning**

A verbal warning is issued **when a minor** infringement of relevant legislation is detected. This approach is used to remind person(s) of relevant legislation. The warning is recorded by D&S IFCA. If the person(s) subsequently commits a similar offence, the individual involved may face a higher level of enforcement action.

**Official Written Warning**

Where there is evidence that an offence has been committed but it is **not in the public interest** to implement formal prosecution proceedings, an official written warning letter may be sent, and the warning is recorded by D&S IFCA. The warning outlines the alleged offending, when it occurred and what regulation(s) were was breached. It will also set out that it is a matter which could be subject to prosecution should the same behaviour occur in the future. This may be sent without prejudice to other purely civil remedies.

**Simple Caution**

A simple caution may be offered by the Authority with or without a condition requiring a contribution towards D&S IFCA's legal costs in the case. Issuance of a simple caution may be deemed to be the most appropriate means to deal with the offence(s), particularly **where there is no identified financial gain**. By accepting the caution, the defendant is admitting to the offence(s). The use of a simple caution reduces the time and resource burdens of the Courts but also may reduce the overall legal costs to the defendant. However, a simple caution is only offered when the Authority believes that the evidential threshold has been met and is prepared to instigate legal proceedings and prosecute if the person(s) decides to decline the simple caution. Where a simple caution is accepted it is recorded by D&S IFCA.

**Civil remedies are procedures and sanctions, used to prevent or reduce criminal activity as an alternative to using formal court proceedings*

## Financial Administrative Penalties (FAPs)

The Authority may issue a Financial Administrative Penalty (FAP), the level of which may be up to £10,000, as an alternative to criminal prosecution in certain circumstances. For example, where financial gain from the activity has been identified but the seriousness of the offending is such that an alternative to prosecution should be offered

However, a FAP is only offered when the Authority believes that the evidential threshold has been met and is prepared to instigate legal proceedings and prosecute if the person(s) decide to decline the FAP or payment is not received. The requirement for a FAP payment in full and within 28 days is set out in legislation.

Payment of the FAP must be made by cheque or electronic transfer. Electronic transfer includes payments made by BACS and credit cards. The inclusion of credit cards as a form of payment provides fishers with greater opportunity to pay the FAP within 28 days as they may not otherwise have the funds immediately available in the limited time frame determined by the legislation. Where a FAP is accepted it is recorded by D&S IFCA.

Any FAP money that is received by the Authority cannot be utilised by the Authority and is held in anticipation that the funds will be transferred to HM Treasury at some point in the future determined by the Treasury.

## Prosecutions

The ability to take criminal prosecutions is essential in **discouraging serious or repeated non-compliance**. The purpose is to secure conviction and ensure that the offender can be punished by a Court at an appropriate level, thus acting as a deterrent to any future wrongdoing to both the offender and others who may engage in similar criminal behaviour.

Once an investigation has been completed the case file is forwarded to the Authority's independent solicitors (prosecuting agents). The solicitors' role is to consider whether the evidential and public interest tests have been satisfied and to advise on what action is appropriate to dispose of the investigation. The solicitors are bound by The Code for Crown Prosecutors and must be fair, independent and objective. Once the solicitors' opinion is received, the Chief Officer has the delegated responsibility from the Authority to make the final decision on how to dispose of an investigation. The Chief Officer will make their determination after consulting with the Senior Enforcement Officer. The Chief Officer will notify the Authority's Chair of their decision.

A prosecution may be undertaken where it is felt that the matter is too serious or not suitable for another form of disposal, such as a FAP or Simple Caution or where these disposals were offered and not accepted by the offender. To assist with the evaluation of the seriousness of the offence, the prosecuting agent and the Chief Officer consider the Environmental Sentencing Guidelines used by the Courts to determine levels of culpability and harm to the marine environment.

In order to prosecute, the prosecuting agent and the Chief Officer have to be satisfied both that there is sufficient evidence of the alleged offending and that there is a clear public interest in taking criminal proceedings. The prosecuting agent and the Chief Officer will only commence a prosecution if it is satisfied that there is a realistic prospect of conviction against each suspect on each charge on the available evidence. **If a case does not pass the evidence test, the case will not go ahead regardless of how important or serious it may be.**

**Related Information - FAPs:**

The four levels of fines (first offence) are as follows:

1. £250
2. £500
3. £1000
4. £2000

- The 28-day requirement for payment of a FAP is set out in the Sea Fishing (Penalty Notices) Order 2011.

### Links to Information

**Guidance on Financial Administrative Penalties**

The Marine Management Organisation has produced guidance relating to Financial Administrative Penalties for fisheries offences.

As this is relevant to D&S IFCA's investigations, and potential disposal, it can be viewed online here.

## Prosecutions – Continued

The Chief Officer will lay the Information for prosecution with the Courts, and the Senior Enforcement Officer will write to the accused giving notice of the Authority's intention to prosecute prior to Summons being issued. Once the Summons has been approved by the Courts, these are issued to the accused as part of a package which includes a summary of the case being brought against them, information around what to expect in court on the day, how they may wish to prepare for the hearing and signpost them to some sources of support and legal advice. This is to assist the accused in being prepared and to minimise/reduce any unnecessary disruption or delays to the hearing.

Where there is a link (nexus) between offences that the Authority has the power to investigate and other offences that have been identified during the investigation, the Authority will consider prosecuting for these other offences. For example, where an investigation has identified a byelaw offence and there is an offence connected to the safe operation of the vessel, the Authority may, after consultation with the relevant regulator, prosecute both offences

In recognition of the need to have an effective deterrent, fines applicable to byelaw offences were increased from a maximum of £50,000 to unlimited (Section 163 of MaCAA). Where appropriate, the Authority may apply to the Courts for further action to be considered. This may include applying for Criminal Behaviour Order under the Anti-social Behaviour Crime and Policing Act 2014 to prevent continuation of anti-social behaviour connected to the individual's fishing activity. Where appropriate, the Authority may instigate proceedings under the Proceeds of Crime Act 2002 to deprive offenders of the unlawful benefits of their criminal activity.

The following lists of factors in determining the public interest in favour and against prosecution are not exhaustive and each case must be considered on its own facts and on its own merits.

- Whether the implications of the offending for the enforcement of the regulatory regime undermines the management approach taken by the Authority;
- The impact of the offending on the environment, including wildlife, and also, where applicable, any impact upon the objectives of Marine Protected Areas;
- With regard to offences affecting fish and fish stocks, whether the species in question are subject to a recovery plan intended to recover stocks and any issues as to quota status;
- The financial benefit of the offending or other financial aspects of the offence, including the impact on other legitimate fishers or operators;
- Whether the offence was committed deliberately, or officers were obstructed during the course of the offending / investigation;
- The previous enforcement record of the offender;
- The attitude of the offender, including any action that has been taken to rectify or prevent recurrence of the matter(s);
- Where offences are prevalent or difficult to detect and the deterrent effect on others by prosecuting the offender.

A prosecution is less likely to be appropriate if:

- The court is likely to impose a nominal penalty;
- The seriousness and the consequences of the offending can be appropriately dealt with by an out-of-court disposal which the offender(s) accepts;
- The offence was committed as a result of a genuine mistake or misunderstanding;
- The financial gain or the disturbance to sensitive marine habitat can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement or inadvertently;
- There has been a long delay between the offence taking place and the date of the trial, unless there are key mitigating circumstances that caused the delay;
- The person(s) played a minor role in the commission of the offence;
- The suspect is, or was at the time of the offence, suffering from significant mental or physical ill health.

# Respecting Each Other

## We all have the right to be treated with respect and feel safe

## We will not tolerate abuse

**What will we do if your behaviour is unacceptable?**

We will take action that may include:

- Asking you to control your behaviour.
- Ending the interaction (for example, a meeting, call, or conversation).
- Restricting your contact with us or the services you receive, where appropriate.
- Involving the Police.

The impact of your behaviour and our statutory duties will be taken into account. We know that some situations can be difficult and lead to frustration or feeling annoyed. However, our staff (including our Enforcement Officers) have the right to do their jobs without being abused. Our enforcement Officers wear body worn video cameras during their inspections. Video and audio recordings can be used to demonstrate unacceptable behaviour directed towards our Officers, but also to ensure that our Officers conduct themselves professionally and show others courtesy and respect.

**What can count as unacceptable behaviour?**

This can include, but is not limited to the following:

- Verbal or written abuse such as personal insults, shouting, swearing or threatening an Officer, their property or other people associated with them.
- Any behaviour that causes the Officer, or people associated with them to feel threatened or intimidated
- Violence or physical abuse such as throwing objects, hitting, punching, kicking, biting, spitting or inappropriate touching.
- Harassment: offensive, hostile, humiliating, degrading or intimidating behaviour about someone's age, disability, gender identity or reassignment, race (ethnicity and nationality), religion or belief, sex or sexual orientation. This includes hate speech and sexual harassment.
- Making unreasonable demands.
- Persistent or vexatious contact (unreasonable frequent contact; aiming to cause annoyance).
- Spreading malicious rumours.

(This includes behaviour online (including social media), in writing, over the phone, or face-to-face).

**Your rights**

You also have the right to be respected and fairly treated. If you feel that Officers have not conducted themselves professionally and treated you with respect, then it is important that you make the Authority aware as soon as possible. You may wish to consider making a formal complaint to D&S IFCA using the Complaints Policy (D&S IFCA Website) https://www.devonandsevernifca.gov.uk/resource-library/d-human-resource-working-practice-procedure/

# National IFCO Code of Conduct

**Inshore Fisheries and Conservation Officers**

**Code of Conduct**

## Introduction

The Inshore Fisheries and Conservation Authorities (IFCAs) appoint[1] warranted Inshore Fisheries and Conservation Officers (IFCOs) who have the necessary powers[2] to enable them to conduct inspections and investigations. This includes powers to inspect vessels, vehicles and premises, to seize items, fish and fishing gear, to request and copy documents, to detain a vessel to port and to use reasonable force[3], if necessary, in the exercise of such powers.

The IFCAs' approach is to encourage compliance with regulation through engagement, education and proportionate enforcement, with sanctions available to deter, penalise and remove any benefit from non-compliance in line with the IFCA Enforcement Policy.

In achieving this it is important that individuals and organisations that are the subject to regulation and the wider public have trust and confidence in warranted IFCOs.

## Purpose of the Code

The purpose of the Code of Conduct is to provide standards of professional behaviour that are appropriate for IFCOs charged with undertaking duties and exercising powers that impact upon the activities and lives of others.

Whilst the Code of Conduct is not statutory for IFCAs it is drawn from the Standards of Professional Behaviour set out in legislation that applies to the Police Service in England and Wales[4]. The Code is approved by the IFCA Chief Officer Group and is adopted by all IFCAs.

## Standards of Professional Behaviour

Honesty and Integrity

IFCOs must act with honesty and integrity and must not compromise or abuse their position.

Authority, Respect and Courtesy

IFCOs must act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

IFCOs must not abuse their powers or authority and must respect the rights of all individuals.

**References**

[1]Section 165 Marine and Coastal Access Act 2009.

[2]Chapter 2 (Common Enforcement Powers) and sections 264, 268, 269 and 284 Marine and Coastal Access Act 2009.

[3]Section 261 Marine and Coastal Access Act 2009.

[4]Schedule 2, The Police (Conduct) Regulations 2020.

Equality and Diversity

IFCOs must act with fairness and impartiality. They must not discriminate unlawfully or unfairly.

Use of Reasonable Force

IFCOs do not ordinarily use force and will only do so to the extent that it is necessary, proportionate, reasonable and lawful in all the circumstances.

Orders and Instructions

IFCOs must only give and carry out lawful orders and instructions.

IFCOs must abide by their IFCA policies and lawful orders.

Duties and Responsibilities

IFCOs must be diligent in the exercise of their duties and responsibilities.

IFCOs have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a warranted officer when identified as a witness.

Confidentiality

IFCOs must treat information with respect and access or disclose it only in the proper course of IFCA duties and in compliance with legislation.

Fitness for Duty

IFCOs when on duty or presenting themselves for duty must be fit to carry out their responsibilities.

Discreditable Conduct

IFCOs must not behave in a manner which discredits the IFCAs or undermines public confidence in them, whether on or off duty.

IFCOs must report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct

IFCOs must report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

**Note:**

**The National IFCO Code of Conduct was approved and adopted by the IFCA Chief Officers Group on 12th August 2026**