



Devon and Severn
Inshore Fisheries and Conservation Authority
MARINE AND COASTAL ACCESS ACT 2009 (c.23)
Emergency Application Byelaw

In accordance with section 157(2)(a) of the Marine and Coastal Access Act 2009, the Authority for the Devon and Severn Inshore Fisheries and Conservation District considers that there is an urgent need for this Byelaw.

In accordance with section 157(2)(b) of the Marine and Coastal Access Act 2009, the need to make the Byelaw could not have been reasonably foreseen.

Accordingly, the Authority, in exercise of its powers conferred by sections 155, 156 and 157 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

Interpretation

1. In this Byelaw-
 - a) "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);
 - b) 'the District' means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010;
 - c) 'breeding' includes the removal of sea fish resources to develop breeding programmes such as may occur in sea fish hatcheries, or encouraging breeding potential by removing and relaying sea fish resources to increase breeding density to facilitate spawning and recruitment;

- d) 'exploitation' has the same meaning as set out in section 153(12) of the Marine and Coastal Access Act 2009;
- e) 'sea fisheries resources' has the same meaning as set out in section 153 (10) and (11) of the Marine and Coastal Access Act 2009;
- f) 'stocking' includes supplying to or replenishing an area, within the District, with new stock or supply of that sea fish resource. This may include stocking for aquaculture purposes.

Application

- 2. The Authority, subject to paragraph 3, may consent to the exploitation of sea fisheries resources within the District, with or without conditions, for a period not exceeding twelve calendar months by any vessel or person otherwise than in accordance with part or the whole of a Byelaw
 - a) made by the Authority or
 - b) enforced by the Authority under the provisions contained in The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011.
- 3. The exploitation of sea fisheries resources in respect of which consent may be given is;
 - a) for scientific purposes or
 - b) for stocking purposes or
 - c) for breeding purposes.
- 4. The authorisation shall;
 - a) be signed by a Chief Officer or Deputy Chief Officer and counter signed by the Chair or a Deputy Chair of the Authority on behalf of the Authority and
 - b) state the Byelaw in respect of which the consent is granted and
 - c) set out the reasons for the granting of the consent and
 - d) state the conditions upon which the consent is granted
- 5. For the avoidance of doubt any contravention of a condition in the written authorisation may result in proceedings being taken for contravention of the Byelaw from which the written authorisation gave relief.
- 6. A consent given under this Byelaw may be revoked by the Authority by written Notice of not less than 28 days.

I hereby certify that the above Byelaw was made and agreed by the Authority on 9th May 2018.



Matthew Mander
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Devon and Severn Inshore Fisheries and Conservation Authority.
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Explanatory Note (not part of Byelaw)

The proposed Byelaw will provide the Authority with the opportunity to consider whether to relax any Byelaw that it has made or it can enforce under the provisions contained in The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011. The Byelaw allows the Authority to relax a named Byelaw and authorise the exploitation of sea fisheries resources that the Authority believes are necessary for furthering the understanding of marine fisheries and the environment by undertaking scientific studies and to continue to support aquaculture developments in the District. The authorisation may contain conditions that restrict the activity used in the exploitation of sea fisheries resources and will be limited to a maximum of 12 months before being reviewed. In reaching its decision, the Authority will seek to ensure that it meets its duties set out in section 153 of the Marine and Coastal Access Act 2009.

The said Byelaw shall come into force on 9th May 2018.