

Devon and Severn IFCA Netting Permit Byelaw

The technical permit conditions:

Interpretations

In the following flexible permit conditions:

“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;

“drift net” means a net which remains throughout the entirety of its use free of any contact with any part of the foreshore or seabed or any object or structure thereon or therein;

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

“fixed net” means a net that comes into contact with any part of the foreshore or sea bed or any object or structure thereon or therein;

“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;

“seine net” means a single wall of fishing net with the headline floating on the sea surface, which is used or intended to be used to fully encircle fish before being gathered at the lower meshes to trap fish within it;

“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 any one or more of the five flaps on the tail fan.

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*;

“sand eel” means a fish of the species *Ammodytidae spp.*;

“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 Netting 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 1.6.3 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 or lobster or spiny lobster which is detached from the carapace of the crab or lobster except where paragraph 1.3 applies;
 - d) any edible crab or lobster or spiny lobster that has recently cast its shell;
- 1.3 Paragraph 1.2(c) does not apply where:
 - a) the catch taken and retained on board at the time of landing complies with Articles 11, 12 and 13 and Annex VI of Council Regulation (EC) 850/98; and
 - b) the total of such parts of crab does not exceed more than 30kg per calendar day; and
 - c) only netting activities authorised by this permit are undertaken during the entire fishing trip where crab claws are retained on board or landed.
- 1.4 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 45mm 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.

1.4.1 All crab and lobster not authorised under this permit to be removed from a fishery must be returned immediately to the sea without further injury.

1.4.2 the measurement of the size of a marine organism will take place in accordance with the provisions laid down in Annex XIII Article 18(1) of Council Regulation (EC) 850/98.

1.5 Additional Category One Catch Restrictions

1.5.1 A Category One permit holder without a shellfish fishing entitlement as set out in the vessel's fishing licence is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of five lobsters, however comprised, from the species of lobster or spiny lobster; and
- b) a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

1.6 Additional Category Two Catch Restrictions

1.6.1 Subject to the restrictions imposed under paragraph 1.6.2(a-b), a Category Two permit holder or a named representative, is only authorised under the Permit to remove sea fisheries resources for personal consumption.

1.6.2 Subject to the time restrictions imposed under paragraph 4.1, a Category Two permit holder or named representative is not authorised under this permit to remove from a fishery within the District in any calendar day more than:

- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster; and
- b) a total of three crabs, however comprised, from the species of edible crab and spider crab.

- 1.6.3 Where a Category Two permit holder fishes under multiple permits issued by the Authority the total number of crabs, lobster and bass that can be removed from a fishery within the District in any calendar day must not exceed the limits set out in 1.6.2(a-b).

2 Gear Restrictions

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

- 2.1 A permit holder or named representative is only authorised under this permit to use a net within the District if:
- a) each net is clearly marked by at least one floating marker at either end of the net; and
 - b) each of the markers must display clearly the port, letters and numbers of the vessel named on the permit; or
 - c) in the case of a Category Two Permit holder each of the markers must display clearly the permit number; and
 - d) in each case where a fixed net is used the fixed net consists of a flag on at least one end of the net; and
 - e) in each case where tags are issued by the Authority, a tag is fixed to one end of the headline of the net.
- 2.2 A permit holder or named representative is not authorised to use a net within the mesh size range 71 to 89mm.
- 2.3. Where a permit holder or named representative is authorised under the Devon and Severn IFCA Netting Permit Byelaw 2016 to use a seine net within the District, the Permit holder or named representative must:
- a) remain in attendance with the net for the entire duration that the net is deployed in the water; and
 - b) deploy and haul the net in one continuous action without pause or delay.
- 2.3.1 Where a permit holder or named representative is authorised under the Devon and Severn IFCA Netting Permit Byelaw 2016 to use a drift net within the District, the permit holder or named representative must for the entire duration remain within 100 metres of the net.
- 2.4 **Additional Category Two Gear Restrictions**
- 2.4.1 A Category Two permit holder is only authorised to use a net within the District fitted with a tag issued by the Authority.

- 2.4.2 A Category Two permit holder or named representative is only authorised to haul nets within the District that have tags issued to the permit holder.
- 2.4.3 A Category Two permit holder must report as soon as reasonably practicable the loss of a tag.
- 2.4.4 If a lost tag is subsequently recovered it must be returned to the Authority and must not be used on any net.
- 2.4.5 Any request for a replacement tag must be in writing to the Authority.
- 2.4.6 A Category Two permit holder or named representative is not authorised under this permit to use any container or any other device to store any crab, lobster, scallop or bass in the sea or in an estuary within the District.

3 Spatial Restrictions

As provided by paragraph 22(c) of the Devon and Severn IFCA Netting 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, 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.
- 3.2 In the estuaries to the landward of the coordinates set out in the attached Annex 2 of this permit, a permit holder or named representative is not authorised to use any net other than a seine net and providing that;
- a) the net measures no longer than 20 metres in length;
 - b) all species caught other than sand eel are returned immediately to the water;
 - c) the size of mesh does not exceed 20mm.
- 3.3 In the areas to the seaward of the coordinates set out in the attached Annex 2 of this permit, a Category Two permit holder is only authorised under this permit to use a single net, not exceeding 25 metres in length.
- 3.4 In the coastal areas as defined by the coordinates set out in the attached Annex 3 of this permit, a permit holder or named representative is only authorised to use a net where;
- a) the headline of the fixed net is set at least 3 metres below the surface of the water at any state of the tide;
 - b) the net used is a seine net; or
 - c) the net used is a drift net.
- 3.5 In the areas as defined by the coordinates set out in the attached Annex 4 of this permit (Lundy Island), a permit holder or named representative is not authorised to use any net.

3.6 In the areas as defined by the coordinates set out in the attached Annex 5 of this permit (Somerset areas), a permit holder or named representative is not authorised to use a fixed net except where 4.1 applies.

4 Time Restrictions

As provided by paragraph 22(d) of the Devon and Severn IFCA Netting Permit Byelaw 2016, the following permit conditions apply:

4.1. A permit holder or named representative is authorised to use fixed nets in the area 'Berrow Flats' set out in Annex 5 to this Permit between 30th September and 1st April.