

The Master and Owner of the fishing vessel J SEA (E333) fined a record total of £37,770 for illegally fishing in Lyme Bay

On 8th December 2016, at Plymouth Magistrates Court, prior to trial commencing, Mr Dominic Welsh and D W Fisheries Ltd as the respective Master and Owner of the fishing vessel J SEA (PLN E333), pleaded guilty to one charge of illegal fishing between 11th and 13th December 2015. The defendants had already pleaded guilty to another related offence at a previous hearing heard in Torquay Magistrates' Courts on 20th September 2016.

Both defendants pleaded guilty to using 16 scallop dredges inside the Devon and Severn Inshore Fisheries and Conservation Authority's (D&SIFCA) district, four more than the maximum number permitted and also fishing with the excessive number of scallop dredges within The Lyme Bay and Torbay Site of Community Importance. The case was investigated and prosecuted by D&SIFCA.

The conservation importance and reason for prohibiting towed fishing gear including scalloping in The Lyme Bay and Torbay Site of Community Importance was set out by Natural England. *'The area includes a significant proportion of the internationally important subtidal reef – many of the reefs are low lying and are friable and have been damaged in the past by removal of epifaunal communities by bottom towed fishing gear. In some areas, the reef has been broken up by repeated passes of bottom towed fishing gear so that it is no longer able to support the species and communities it once did'.*

D&SIFCA's Mobile Fishing Permit Byelaw ensures that all of The Lyme Bay and Torbay Site of Community Importance is protected by legislation. The Byelaw prohibits damaging by demersal towed fishing gear interaction with the protected habitats and features within the Marine Protected Area. The Marine Protected Area is designated because it contains an array of nationally and internationally rare species and habitats which include pink sea fans, sunset and southern cup corals, and fragile sponge communities on rocky reef habitats.

The scallop management measures introduced by D&SIFCA were in recognition that the scallop beds could only sustain a limited amount of fishing activity. The introduced measures, vessel size, prohibition of fishing between 1900hrs and 0700hrs and maximum of 12 dredges were all designed to provide a fair and balanced access to the scallop fishery.

Matthew Mander (Deputy Chief Officer for D&SIFCA) said *'the Authority was very pleased with the outcome of the case. The case demonstrates that the Authority has the ability to investigate and successfully prosecute serious and complex cases of offending and can help protect important habitats and the interests of the towed gear sector.*

Most fishermen object to the actions of a small minority that seem to have no regard for conservation and by their actions jeopardise the future for the important local fleet. Illegal scallop fishing has the potential to rapidly reduce the opportunity of other fishers to access the stock and the increased illegal landings also reduce the price paid for the legally caught scallops taken by the rest of the fleet.



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The Magistrates relied on the environmental offences guidelines for sentencing. It was also noted that the Magistrates wanted the imposed fine to reflect the financial benefit gained from the illegal fishing but also to act as a deterrent to those that might choose to follow the actions of the defendants.

With respect to the following charges the Magistrates imposed the following fines;

Charge 1 Between the 11th and 13th December 2015, being the master/ owner of the British Registered Fishing Vessel J SEA (E333) dredged for shellfish in a prohibited area; Contrary to Article 2 of the Lyme Bay Designated Area (Fishing Restrictions) Order 2008 and Section 11 of the Sea Fish (Conservation) Act 1967.

Charge 2 Between the 11th and 13th December 2015, being the master/ owner of the British Registered Fishing Vessel J SEA (PLN E333) dredged in the waters of the Devon and Severn IFCA otherwise in accordance with paragraph 2.5 and 2.6 of permit number A137;

Master - Mr Dominic Welsh
Charge 1 £3,000
Charge 2 £2,000
Costs £3,800
Victim surcharge £50
Total £8,850

Owner – D W Fisheries Ltd
Charge 1 £15,000
Charge 2 £10,000
Costs £3,800
Victim surcharge £120
Total £28,920

Notes;

Devon and Severn Inshore Fisheries and Conservation Authority’s vision is to:

“lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry”.

The D&SIFCA is funded through its constituent local authorities by an annual levy. That levy is supported by central Government to enable the Authority deliver on national management objectives.

Further information

For further information please contact Devon & Severn IFCA on 01803 854648 or office@devonandsevernifca.gov.uk or visit www.devonandsevernifca.gov.uk