

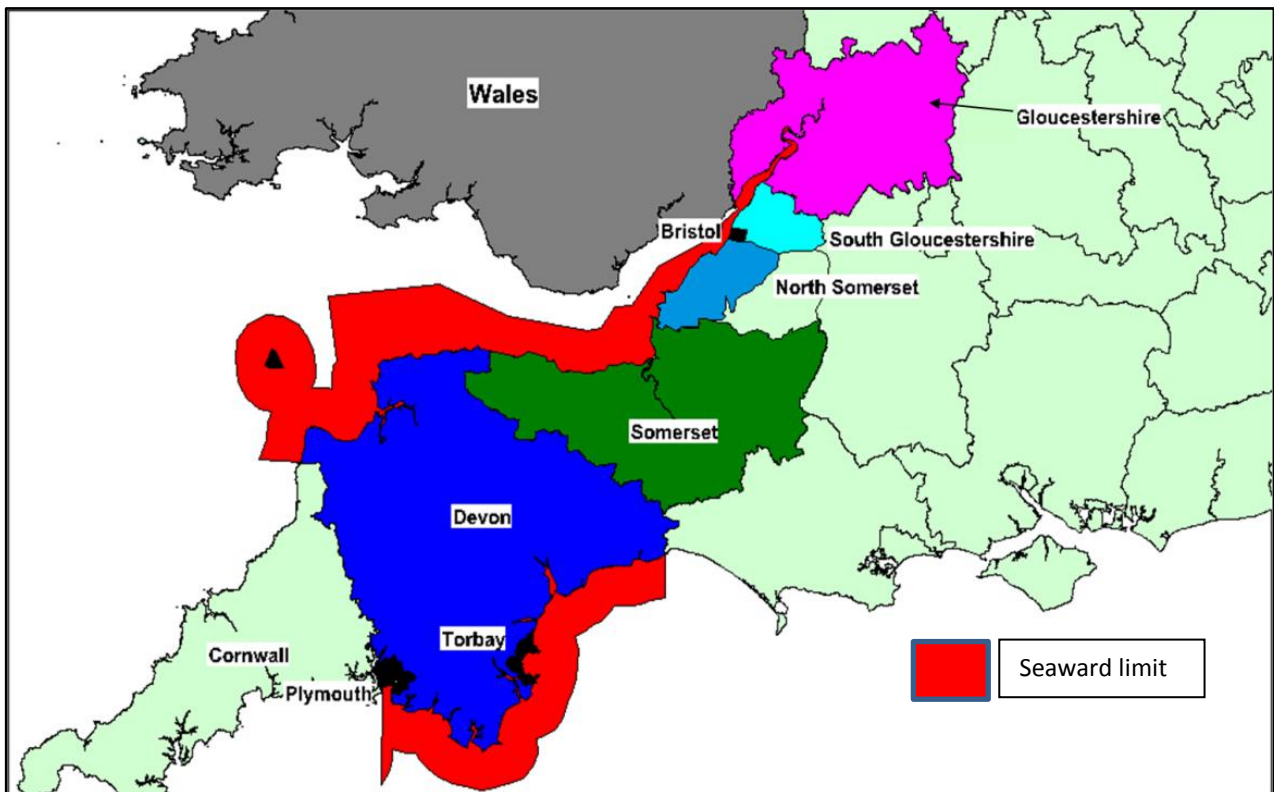
Devon and Severn IFCA Technical Permit Requirements

The following technical permit requirements apply to the whole of the D&SIFCA District

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Failure to comply with any of the Technical Permit Requirements constitutes contravention of the associated byelaw.

The Devon and Severn IFCA District



Mobile Fishing Technical Permit Requirements (sea)

1. Catch restrictions

Scallops

- 1.1 No permit holder operating mobile fishing gear within the district shall remove from a fishery any scallop (*Pecten maximus*) during the period of July, August, September.

2. Gear restrictions

Scallop dredging

- 2.1 The permit holder shall not use in fishing for scallop any dredge except one fitted with a spring loaded tooth bar and with a mouth which does not exceed 85cm width overall.
- 2.2 Where rings are used in the construction of a retaining bag for a dredge, these shall not be less than 75mm measured across the inside diameter.
- 2.3 Where net is used in the construction of a retaining bag for a dredge it shall have a minimum mesh size of 100mm. No person shall obstruct or otherwise reduce the size of the ring or net mesh of the retaining bag by any method.
- 2.4 No vessel shall use more than two tow bars at any one time.
- 2.5 The total number of scallop dredges used by any vessel shall not exceed 12 at any one time.
- 2.6 Where multiple dredges are used, the length of the tow bar, including attachments shall not exceed 5.18 metres.

Spatial restrictions

- 3.1 *No demersal mobile gear can be used within the area of Start Bay as set out in Annex 1.*
- 3.2 *No demersal mobile gear can be used within the Lundy Special Area of Conservation (SAC) as set out in Annex 2.*
- 3.3 *No demersal mobile gear can be used within the Lyme Bay and Torbay Candidate Special Area of Conservation (cSAC) as set out in Annex 3.*
- 3.4 *No demersal mobile gear can be used within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) as set out in Annex 4.*

3.5 *No demersal mobile gear can be used within the Start Point to Plymouth Sound and Eddystone Candidate Special Area of Conservation (cSAC) (Areas B and C) as set out in Annex 5.*

3.6 *No demersal mobile gear can be used within the Severn Estuary Special Area of Conservation (SAC) as set out in Annex 6.*

4. Time restrictions

Scallop dredging

4.1 Scallop dredging is not permitted between 1900hrs (local time) and 0700hrs (local time)

Mobile Fishing Technical Permit Requirements (estuary)

1. Gear, Spatial and Time restrictions

1. River Axe

1.1. No mobile gear can be used in the River Axe¹

2. River Otter

2.1 No mobile gear can be used in the River Otter¹

3. River Exe

3.1 No mobile gear can be used in the Exe Estuary¹ except that;

Vessels using pushed mobile gear are permitted subject to the following;

a) Vessels less than 10 metres in overall length may not fish in the areas set out in Annex 1 and are subject to any conditions in the completed Habitats Regulations Assessment for the proposed activity;

b) Vessels greater than 10 metres in overall length may not fish anywhere in the public fishery and are subject to the conditions in the completed Habitats Regulations Assessment for the proposed activity.

4. River Teign

4.1 No mobile gear can be used in the Teign Estuary¹ except that;

a) the area defined by The River Teign Mussel Fishery Order 1966 as varied by The River Teign Mussel Fishery (Variation) (Oysters) Order 1996 set out in Annex 2 is not covered by the Mobile Fishing Permit Byelaw.

5. River Dart

5.1 No mobile gear can be used in the Dart Estuary¹ except that

Dredging for mussels (*Mytilus sp.*) is permitted subject to the following:

a) The area of the Dart estuary which lies to the landward side of a line drawn from the castle known as Kingswear Castle to the castle known as Dartmouth Castle;

b) The vessel used must not exceed seven metres overall length;

c) Dredging is permitted between 1st October to 31st March. The permit holder must inform the Authority prior to fishing for the first time during the fishing season;

d) The permit holder must submit to the Authority at the end of the period the amount of mussel by weight removed;

e) The maximum dredge width to be used shall be one metre;

f) Only one dredge shall be permitted;

g) Fishing shall only take place between 0800hrs (local time) and 1800hrs (local time) on weekdays, but not during public holidays.

6. Salcombe Harbour

6.1 No mobile gear can be used in the Salcombe Harbour¹, except that

Dredging for scallops (*Pecten maximus*) is permitted subject to the following:

- a) The area of the Salcombe estuary that can be fished is defined in Annex 3;
- b) The vessel used must not exceed seven metres in overall length;
- c) Dredging is permitted between 15th December to 15th March. The permit holder must inform the Authority prior to fishing for the first time during the fishing season;
- d) The permit holder must submit to the Authority at the end of the period the number of scallops landed;
- e) The maximum dredge width to be used shall be one metre;
- f) The maximum number of dredges to be used at any one time shall be two;
- g) No toothed dredges shall be used;
- h) Dredges shall be hauled by hand only and no mechanical assistance is permitted;
- i) Fishing shall only take place between 0900hrs (local time) and 1600hrs (local time) on weekdays, but not during public holidays.

7. River Avon

7.1 No mobile gear can be used in the River Axe¹

8. River Erme

8.1 No mobile gear can be used in the River Erme¹

9. River Yealm

9.1 No mobile gear can be used in the River Yealm¹

10. River Taw/Torridge

10.1 No mobile gear can be used in the River Taw/Torridge¹

¹ Estuary limits defined in the Mobile Fishing Permit Byelaw

Potting Technical Permit Requirements

Permit Interpretations

These interpretations shall be used in the following permit conditions:

“V notched lobster” means a lobster or European 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;

“mutilated lobster” means a lobster or European 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;

“berried lobster” means any lobster or European 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;

“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;

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

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

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

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

“spider crab” means a crab of the species *Maia squinado*;

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

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

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

1 Catch Restrictions

- 1.1 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:
 - i. any ‘V’-notched or mutilated lobster;
 - ii. any berried lobster or edible crab;
 - iii. any part of an edible crab or lobster which is detached from the carapace of the crab or lobster;

- iv. any edible crab or lobster that has recently cast its shell;
- v. any European spiny lobsters from within the Skerries Bank and surrounds MCZ and Lundy MCZ.

All such crab and lobster shall be returned immediately to the sea without further injury.

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1.2 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:

- i. female edible crab less than 150mm measured across the broadest part of the carapace
- ii. male edible crab less than 160mm measured across the broadest part of the carapace
- iii. scallop less than 100mm measured across the broadest part of the flat shell
- iv. whelk less than 45mm measured along the length of the shell.
- v. 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.
- vi. male 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
- vii. female 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
- viii. velvet swimming crab less than 65mm measured across the broadest part of the carapace)
- ix. 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

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

1.3 Additional Category One Catch Restrictions

1.3.1 A Category One permit holder using a named vessel without a shellfish fishing entitlement set out in Section 3 of the vessel's general fishing licence is not authorised to remove from a fishery within the District in any calendar day more than;

a total of five lobsters, however comprised, from the species of lobster or spiny lobster, and

a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

1.4 Additional Category Two Catch Restrictions

1.4.1 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:

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

1.4.2 Subject to the restrictions imposed under paragraph 1.4.1, a Category Two permit holder or named representative is, authorised under the permit to remove crab, lobster and scallop providing that the shellfish is used for his own consumption.

2 Gear Restrictions

2.1 During the period specified below in section 4, a permit holder or named representative is not authorised under this permit, for the purpose of fishing for crab or lobster, to use any pot where the entrance or entrances to the pot or internal chamber of the pot are constructed from netting and are designed to prevent shellfish exiting unless;

the pot is fitted with an escape gap,

or where a chamber is present, the chamber is fitted with an escape gap.

Any escape gap must:

- i. be located in the exterior wall of the pot or in the case of a multiple chambered pot each individual chamber must have an unobstructed escape gap located in its exterior wall;
- ii. be of sufficient size that there may be passed through the gap a rigid box shaped gauge 84 millimetres wide by 46 millimetres high and 100 millimetres long; and
- iii. be fitted in such a way that the longest side of the gap is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible, other than in the bottom.

2.2 A permit holder or named representative is not authorised under this permit to use any pots unless all individual pots or each string or shank of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these buoys or dahns shall be clearly marked with either the relevant fishing vessels registration (port, letters and numbers) of the vessel named on the permit or the permit number.

2.3 Bait

- 2.3.1 A permit holder or named representative is not authorised under this permit to use any edible crab for bait whilst fishing for crab and lobster. Section 17(2) of the Sea Fisheries Act 1967, which affords a defence to a person charged with an offence under section 17(1) of that Act shall not apply to the District.
- 2.3.2 A permit holder or named representative is not authorised under this permit to use any shellfish as bait unless it meets the minimum sizes for shellfish set out in section 1.2 of the flexible permit conditions above.
- 2.3.3 A permit holder or named representative is not authorised under this permit to use any finfish as bait unless it meets minimum sizes set out in Annex XII, Article 17 of Council Regulation (EC) 850/98.

2.4 Additional Category One Gear Restrictions

- 2.4.1 A Category One permit holder currently has no additional gear restrictions imposed by this permit.

2.5 Additional Category Two Gear Restrictions

- 2.5.1 A Category Two permit holder is authorised to use a named vessel to haul a maximum of 5 pots per calendar day within the District.
- 2.5.2 A Category Two permit holder is not authorised under this permit to use more than five pots at any one time within the District.
- 2.5.3 A Category Two permit holder is not authorised to use within the District a pot unless the pot is fitted with a tag issued by the Authority.
- 2.5.4 When a Category Two permit holder's tags are lost, the permit holder must submit a written request for replacement tags. If the original tag is subsequently recovered or taken possession of it must be returned to the Authority and must not be used on any pot again within the District.
- 2.5.5 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 or scallop in the sea or in an estuary within the District.
- 2.5.6 A Category Two permit holder or named representative is not authorised under this permit to land any sea fisheries resources removed from a fishery within the District other than on the day of their capture.

3. Spatial Restrictions

- 3.1 A permit holder or named representative is not authorised under this permit to remove any sea fish resources from or use pots for the purpose of storing sea fish resources within 100m of low water mark around the Knoll Pins as defined by mean low water spring tides.

4. Time Restrictions

- 4.1 A permit holder or named representative is not authorised under this permit to use a pot between 1st April and 31st December unless it is used in accordance with section 2.1 above.

Diving Technical Permit Requirements

Permit Interpretations

These interpretations shall be used in the following permit conditions:

“V notched lobster” means a lobster or European 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

“mutilated lobster” means a lobster or European 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;

“berried lobster” means any lobster or European 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;

“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;

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

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

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

“spider crab” means a crab of the species *Maia squinado*;

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

2 Catch Restrictions

1.3 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:

- i any ‘V’-notched or mutilated lobster;
- vi. any berried lobster or edible crab;
- vii. any part of an edible crab or lobster which is detached from the carapace of the crab or lobster;
- viii. any edible crab or lobster that has recently cast its shell;
- ix. any European spiny lobsters from within the Skerries Bank and surrounds MCZ and Lundy MCZ.

All such crab and lobster shall be returned immediately to the sea without further injury.

- 1.4 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:
- x. female edible crab less than 150mm measured across the broadest part of the carapace;
 - xi. male edible crab less than 160mm measured across the broadest part of the carapace;
 - xii. scallop less than 100mm measured across the broadest part of the flat shell
 - xiii. 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;
 - xiv. male 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;
 - xv. female 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;
 - xvi. 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.

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

1.3 Additional Category One Catch Restrictions

- 1.3.1 A Category One permit holder currently has no restrictions imposed by this permit on the quantities of crab, lobster or scallop that can be taken.

1.4 Additional Category Two Catch Restrictions

- 1.4.1 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:

- iii. a total of two lobsters, however comprised, from the species of lobster and spiny lobster, and
- iv. a total of three crabs, however comprised, from the species of edible crab and spider crab and
- v. a total of fifteen scallops

- 1.4.2 A Category Two permit holder or named representative is, subject to the restrictions imposed under paragraph 1.4.1, authorised under the permit to remove crab, lobster and scallop providing that the shellfish is used for his own consumption.

2. Gear Restrictions

2.1 Additional Category One Gear Restrictions

2.1.1 A Category One permit holder currently has no additional gear restrictions.

2.2 Additional Category Two Gear Restrictions

2.2.1 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 or scallop in the sea or in an estuary within the District.

2.2.2 A Category Two permit holder or named representative is not authorised under this permit to land any crab, lobster or scallop removed from a fishery within the District other than on the day of their capture.

3. Spatial Restrictions

3.1 A permit holder or named representative is not authorised under this permit to remove any sea fish resources from or use pots for the purpose of storing sea fish resources within 100m of low water mark around the Knoll Pins as defined by mean low water spring tides.

4. Time Restrictions

4.1 Category One

4.1.1 A Category One permit holder or named representative is not authorised under this permit to remove scallop from any fishery during the months of July, August and September each year.

4.1.2 A Category One permit holder or named representative is not authorised under this permit to remove scallop from any fishery during the period 1900hrs to 0700hrs (local time).

4.2 Category Two

4.2.1 A Category Two permit holder or named representative currently has no seasonal or time restrictions imposed by this permit.