

CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Crab and Lobster Pot Fishing (Restricted Vessels) Emergency Byelaw 2022

The Cornwall Inshore Fisheries and Conservation Authority in exercise of the powers conferred by sections 155(1) and 157 of the Marine and Coastal Access Act 2009 **(1)** makes the following emergency byelaw for its district.

Interpretation

1. In this byelaw-
 - (a) "Authority" means the Cornwall Inshore Fisheries and Conservation Authority as defined by Articles 2 and 4 of The Cornwall Inshore Fisheries and Conservation Order 2010 **(2)**;
 - (b) "bow" includes the stem, forward bulwark and any permanent fixtures thereto but excludes bowsprits and safety rails;
 - (c) "District" means the Cornwall Inshore Fisheries and Conservation Authority District as defined by Article 3 of The Cornwall Inshore Fisheries and Conservation Order 2010;
 - (d) "fishing vessel" means a fishing vessel whose owner is the holder of a valid shellfish permit issued by the Authority in respect of that vessel;
 - (e) "overall length" means the distance in a straight line between the foremost part of the bow and the aftermost part of the stern;
 - (f) "owner" means the owner(s) recorded in the UK Ship Register;
 - (g) "pot" means any kind of trap, creel or similar fishing gear set on or above the seabed;
 - (h) "stern" includes the transom and any trawl ramp, bulwark and other permanent fixtures thereto but excludes the rudder and rudder post.

Prohibition

2. From 02 January 2023, a person must not fish for any crab or lobster species using pots in connection with a fishing vessel where:
 - (a) the overall length of the vessel exceeds 12m; and
 - (b) the vessel has a vivier tank or similar storage compartment below the uppermost continuous deck which is used or capable of being used to contain crabs and lobsters immersed in or misted by water.
3. Paragraph 2 shall apply irrespective of any historic rights granted by the Authority under the Cornwall Sea Fisheries District Shellfish Boats Byelaw.

(1) 2009 c.23.

(2) S.I. 2010/2188.

Exemption

4. From 02 January 2023 to 11 January 2023, the owner of a fishing vessel which is subject to the provisions of paragraph 2 may remove any pot set by the said vessel from the District using that vessel or an alternative fishing vessel. Where it is intended to use a fishing vessel subject to paragraph 2, the owner of the vessel must first inform the Authority in writing of the following details:
- (a) The number and location of any pot shot by their vessel which is required to be removed from the District;
 - (b) The name, port letters and number and the 2022 shellfish permit number of any fishing vessel required to be used to haul and remove any such pot from the District;
 - (c) The name and address of the master of any fishing vessel proposed to be used to haul and remove any such pot from the District; and
 - (d) A date by which it is planned for the pot hauling and removal operation to be completed.

Where a fishing vessel subject to the provisions of paragraph 2 is proposed to be used for the purpose of hauling and removing any pot from the District, its owner and master must receive authorisation from the Authority in writing before the pot hauling operation commences.

Any crabs and lobsters caught in the pots at the time when they are hauled and removed from the district under the provision of this paragraph may be retained and landed where they comply with any other relevant legislation.

5. The Authority may use reasonable discretion to grant permission for an extended time period in which a vessel subject to paragraph 2 may haul and remove pots from the district, beyond 11 January 2023. For this to be considered by the Authority, the vessel owner must first inform the Authority in writing of the circumstances which prevented the pots being hauled and removed by 11 January 2023. Written permission from the Authority must be received by the vessel owner before any extended time period is used by their vessel to haul and remove pots from the district. Any extended time period granted by the Authority shall not extend beyond 21 January 2023.

Any crabs and lobsters caught in the pots at the time when they are hauled and removed from the district under the provision of this paragraph may be retained and landed where they comply with any other relevant legislation.

6. Paragraphs 2 and 3 do not apply to any person performing an act which would otherwise constitute an offence against this emergency byelaw, if that act was carried out in accordance with a written permission issued by the Authority, permitting that act for scientific, stocking or breeding purposes.

I hereby certify that the Crab and Lobster Pot Fishing (Restricted Vessels) Byelaw is made on behalf of the Cornwall Inshore Fisheries and Conservation Authority.

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Date.....

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Explanatory Note

(This note does not form part of the Byelaw)

From 02 January 2023, this emergency byelaw prohibits fishing vessels over 12m overall length with a below deck vivier tank or similar arrangement from using pots to fish for crab and lobster species within the Cornwall IFCA district.

The Authority may authorise a fishing vessel subject to the provisions of the byelaw to haul and remove any pots from the district between 02 January 2023 and 11 January 2023.

The Authority may use reasonable discretion to extend the period for a fishing vessel to haul and remove pots from the district, up to 21 January 2023.

The Authority may give written authorisation allowing a person to use pots from a fishing vessel which would otherwise be prohibited by this byelaw, for scientific, stocking or breeding purposes.