

CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Crustacean and Molluscan Fisheries (Vessel Specification) Byelaw 2024

The Cornwall Inshore Fisheries and Conservation Authority in exercise of the powers conferred by section 155(1) of the Marine and Coastal Access Act 2009¹ makes the following 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 2010²;
- (b) "bow" includes the stem, forward bulwark and any permanent fixtures thereto but excludes bowsprits and safety rails;
- (c) "crawfish" means a crustacean of the species *Palinurus* spp;
- (d) "crustacean species" means lobster, crawfish, edible crab, spider crab, velvet crab and green crab;
- (e) "District" means the Cornwall Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of The Cornwall Inshore Fisheries and Conservation Order 2010;
- (f) "edible crab" means the crustacean species *Cancer pagurus*;
- (g) "green crab" means the crustacean species *Carcinus maenas*;
- (h) "lobster" means the crustacean species *Homarus gammarus*;
- (i) "net" means any kind of net placed or used on or above the seabed but does not include:
 - (i) net used in the construction of an otter trawl or beam trawl; or
 - (ii) net used in the construction of a dredge.
- (j) "overall length" means the distance in a straight line between the foremost part of the bow and the aftermost part of the stern;
- (k) "pot" means any kind of trap, creel or similar fishing gear placed or used on or above the seabed;
- (l) "spider crab" means the crustacean species *Maja* spp.;

¹(c.23)

²S.I. 2010 No.2188

(m) "stern" includes the transom and any trawl ramp, bulwark and other permanent fixtures thereto but excludes the rudder and rudder post;

(n) "velvet crab means the crustacean species *Necora puber*;

(o) "vivier tank" means a tank or storage compartment having a volume of more than two cubic metres, used or capable of being used to contain crustacean species immersed in or misted by water.

Prohibition

2. A person must not use a vessel for fishing for crustacean species using a pot or net, where:
 - (a) the overall length of a mono-hull vessel exceeds 12 metres;
 - (b) the overall length of a multi-hull vessel exceeds 10 metres; or
 - (c) the vessel is fitted with a vivier tank below the uppermost continuous deck. It is not permitted to fit more than one vivier tank of less than two cubic metres below the uppermost continuous deck.
3. A person must not use a vessel for fishing for molluscan species where the overall length of the vessel exceeds 16.46m.

Exemption

4. This byelaw does not apply to any person performing an act which would otherwise constitute an offence against this 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.

Revocation

5. The following byelaws are either revoked or partially revoked:
 - (a) The byelaw with the title "Cornwall Sea Fisheries District Shellfish Boats Byelaw 2011" made by the Cornwall Sea Fisheries Committee on 26th June 2009 and confirmed by the Secretary of State for Environment, Food and Rural Affairs on 23rd March 2011, is revoked;
 - (b) The byelaw with the title "Byelaw No 18 – Size of Vessels", made by the Devon Sea Fisheries Committee on 19th January 1996 and confirmed by the Minister of Agriculture, Fisheries and Food on 5th June 1996, is revoked insofar as it applies to any vessel fishing for crustaceans or molluscs.

I hereby certify that the above byelaw was made by the Authority at its meeting on the 20th day of December 2024.

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Date.....

Samantha Davis
Chief Officer to Cornwall Inshore Fisheries and Conservation Authority
Office 2, Chi Gallos
Hayle Renewable Energy Business Park
North Quay
Hayle
Cornwall TR27 4DD

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Crustacean Fisheries (Limited Fishing Effort) Byelaw 2024 made by the Cornwall Inshore Fisheries and Conservation Authority on 20 December 2024.

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Date.....

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

Explanatory Note

(This note does not form part of the byelaw)

This byelaw prohibits inshore potting and netting for six crustacean species for mono-hull and multi-hull fishing vessels exceeding overall lengths of 12m and 10m, respectively, or where a vivier tank of more than two cubic metres is fitted below the main deck of the vessel. These measures are required to reduce crustacean potting and netting effort in the district and thereby contribute to the Authority's duty to appropriately manage the exploitation of inshore crustacean fisheries.

A byelaw which specified the maximum overall length of any vessel fishing for shellfish in the district is revoked by this byelaw. However, the maximum 16.46m overall length of a vessel used for fishing for molluscan species is reinstated by this byelaw.