



## **CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY**

### MARINE AND COASTAL ACCESS ACT 2009 (c.23)

#### Lobster, Crawfish and Crab Fishing Permit Byelaw 2016

The Authority for the Cornwall Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that district.

#### Interpretation

1. In this byelaw

- (a) "Authority" means the Cornwall Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of The Cornwall Inshore Fisheries and Conservation Order 2010 (SI2010 No 2188);
- (b) "crawfish" means a crustacean of the species *Palinurus elephas*;
- (c) "crustacean species" means lobster, crawfish, edible crab, spider crab, velvet crab and green crab;
- (d) "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;
- (e) "edible crab" means a crustacean of the species *Cancer pagurus*;
- (f) "green crab" means a crustacean of the species *Carcinus maenas*;
- (g) "lobster" means a crustacean of the species *Homarus gammarus*;
- (h) "permit" means an annual authorisation to use a vessel for fishing for lobster, crawfish, edible crab and spider crab, issued by the Authority under paragraph 7;
- (i) "spider crab" means a crustacean of the species *Maja spp.*;
- (j) "velvet crab" means a crustacean of the species *Necora puber*.

2. For the purposes of this byelaw, an edible crab is counted as having been retained on board for each multiple of two detached edible crab claws retained on board, and a spider crab is counted as having been retained on board for each multiple of two detached spider crab claws retained on board.

### **Prohibition**

3. A person must not use a vessel for fishing for lobster, crawfish, edible crab or spider crab, unless the owner of the vessel holds a permit.
4. A person using a vessel for fishing must not retain on board any lobster, crawfish, edible crab or spider crab, unless the owner of the vessel holds a permit.

### **Exemptions**

5. Paragraphs 3 and 4 do not apply to a person using a vessel for fishing for lobster, crawfish, edible crab or spider crab provided:
  - (a) the combined total number of lobster, crawfish, edible crab and spider crab retained on board does not exceed five per calendar day; and
  - (b) the combined total number of lobster and crawfish retained on board does not exceed a total of two; and
  - (c) any lobster, crawfish, edible crab or spider crab retained on board is landed on the same calendar day of its capture.
6. 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.

### **Permit – general provisions**

7. The Authority may issue a permit to the owner of a vessel who applies for a permit using a form which is available from the Authority, where it is completed and signed by the owner of the vessel.
8. A vessel used in accordance with a permit must be registered in accordance with Part II of the Merchant Shipping Act 1995 (c. 21) and the regulations made under that Act, or registered in the Channel Islands or Isle of Man.
9. A vessel used in accordance with a permit must be licensed in accordance with section 4 of the Sea Fish (Conservation) Act 1967 (c. 84) or, where the licence is suspended, under section 4(9) of that Act.
10. A permit issued by the Authority is valid from the date of issue until 23:59 hours on the 31<sup>st</sup> December of the same year
11. A permit is not transferable between persons or vessels and must be immediately surrendered to the Authority if it is no longer required by the owner of the vessel to whom it was issued.

12. A permit will not be issued by the Authority in respect of a vessel which does not fulfil the conditions set out in paragraphs 8 and 9.
13. A permit will not be valid if a vessel ceases to fulfil the conditions set out in paragraphs 8 and 9.

### **Permit conditions**

14. The holder of a permit must, before the fifteenth day of every calendar month, deliver or send to the Authority a statement of the weight in kilograms of each crustacean species, taken from the District during the preceding calendar month, together with information on the type and quantity of fishing gear employed and area fished, as specified on a form provided by the Authority.

### **Flexible permit conditions**

15. The Authority may introduce flexible permit conditions which fall into one or more of the following categories:
  - (a) catch quantity restriction and reporting;
  - (b) gear quantity and construction;
  - (c) spatial fishing restriction;
  - (d) temporal fishing restriction.
16. The Authority may introduce, remove or vary any flexible permit condition following a review conducted in accordance with the review procedure set out in paragraphs 19, 20 and 21.
17. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 19, 20 and 21 are those set by the Authority, taking into account the impact assessment that accompanies this byelaw and all other material considerations.
18. Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

### **Flexible permit review procedure**

19. The Authority will review any flexible permit conditions not less than once every three years.
20. A review of the flexible permit conditions will be undertaken as follows:
  - (a) the Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes to flexible permit conditions;
  - (b) the Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon information received from the consultation process set out in paragraph 20(a) and from information gained in accordance with paragraph 21.

21. The information upon which the Authority may make a decision for the purposes of paragraph 20(b) includes any one or more of the following:
- (a) data collected from permit holders;
  - (b) scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority thinks fit;
  - (c) scientific advice provided by the Centre for Environment, Fisheries and Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks fit;
  - (d) an impact assessment of any proposed change;
  - (e) advice provided by Natural England or such other bodies, organisations, or persons as the Authority thinks fit;
  - (f) the financial cost of administering a permit;
  - (g) material information from any other relevant source.

### **Revocation**

22. The byelaw with the title "Lobster, Crawfish and Crab Fishing for Profit Permit Byelaw" made by the Committee of the Cornwall Sea Fisheries District on 26 June 2009 in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966, as confirmed by the Secretary of State for Environment, Food and Rural Affairs on 23 March 2011, in force immediately before the making of this byelaw is revoked.