



Ex-Devon SFC Byelaws relevant to Cornwall IFCA District east of Rame Head
(includes part of Tamar River and all of the Lynher River)

2. Application

The following Byelaws shall apply to the whole area of the Devon Sea Fisheries District except in cases to which the provisions of Section 6 of the Sea Fisheries Regulation Act 1966 apply. Provided that nothing in these Byelaws shall apply to any person bona fide fishing for sea fish or removing shellfish for scientific purposes or for stocking or breeding under written authority in that behalf of the Local Fisheries Committee signed by their Clerk and in accordance with the conditions contained in that authority.

4. Scallops – Methods of Fishing

1. No person shall 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. Where rings are used in the construction for the retaining bag for a dredge, these shall not be less than 75mm measured across the inside diameter. Where net is used in the construction of a retaining bag for this 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.
3. The total number of dredges used by any vessel shall not exceed 12 at any one time.
4. Where multiple dredges are used, the length of the tow bar, including attachments, shall not exceed 5.18 metres.
5. No vessel shall use more than two tow bars at any one time.

For the purpose of this byelaw a "tow bar" shall mean any pole, bar or beam to which the dredges are attached.

7. Shellfish – Escallop

No person shall remove from a fishery any escallop measuring less than 100mm across the broadest part of the flatshell.

8. Shellfish – Re-deposit of

Any person who takes any shellfish, the removal of which from a fishery is prohibited by any of the Byelaws, or the possession or sale of which is prohibited by or in pursuance of any Act of Parliament, shall forthwith re-deposit the same without injury in the water as near as possible to the

place from which they were taken.

9. Temporary Closure of Shellfish Beds

Where in the opinion of the Committee, in any fishery, any bed or part of a bed of shellfish is so severely depleted as to require temporary closure in order to ensure recovery, or any bed or part of that bed contains mainly immature or undersize shellfish which in the interests of the protection and development of the fishery ought not to be fished for the time being or any bed of transplanted shellfish ought not to be fished until it has become established, and where the bed or part thereof has been clearly defined in notices displayed in the vicinity prohibiting the removal of the shellfish, or where the display of notices is not practicable a notice in a weekly newspaper circulating in the district in which the shellfish bed or part of the bed is situated, no person shall, while the bed or part thereof so defined, take away any shellfish without the consent of the Committee. For the purpose of this Byelaw the term "shellfish" means, mussels, oysters, clams and periwinkles.

10. Winkles

No person shall remove from a fishery any winkle which will pass easily through a gauge within a square opening of 16mm measured over each side of the square.

11. Crabs

No person shall remove from a fishery any edible female crab which measures less than 140mm across the broadest part of the back. No person shall remove from a fishery any edible cock crab which measures less than 160mm across the broadest part of the back provided that this byelaw shall not apply to any person removing any such crab for scientific purposes, or for stocking or breeding purposes, under the written authority of the Clerk of the Committee.

16. Definition of Trawling

In these Byelaws the term "trawling" includes dredging which shall be interpreted as the towing along the sea bed of any device for catching fish.

18. Size of Vessels

1. No vessel which exceeds 15.240 metres overall length shall be used in fishing for or taking sea fish within the district except:-
 - (i) in that part of the district within 3 miles from baselines vessels exceeding 15.240 metres overall length but not exceeding 18.288 metres registered length may be used as long as the vessel fished in the district prior to the Byelaw coming into force and remains in the same ownership as on 9th March 1989.
 - (ii) in that part of the district between 3 and 6 miles from baselines vessels exceeding 15.240 metres overall length may be used as long as the vessel fished in the district within the previous 24 months prior to

the Byelaw coming into force and remains in the same ownership as on the date of the Byelaw coming into force.

2. No vessel which exceeds 15.240 metres overall length shall be used for fishing or taking sea fish within the district unless the vessel satisfies the criteria in (i) or (ii) above and the vessel is registered with the Committee and has obtained a certificate to that effect signed by the Chief Fishery Officer of the Committee. The certificate shall be issued without payment upon application on the prescribed form and on production of the Certificate of Registry of the said vessel as recorded in Part II of the register of British Ships established under Section 8 of the Merchant Shipping Act 1995. Applications must be made within 6 months of the byelaw coming into force.

Definitions

"Overall length" means the distance in a straight line between the foremost part of the bow and the aftermost part of the stern.

"Bow" includes the stem, forward bulkheads and any permanent fixtures thereto.

"Stern" includes the transom and any trawl ramp bulwark and other permanent fixtures thereto but excludes the rudder and rudder post.

"Sea fish" means fish of any description found in the sea including shellfish.

"The baselines" means the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIp. 6452A) as amended by the Territorial Waters (Amendment) Order in Council 1979 (1979 IIp 2866).

"Ownership" means as recorded in Fishing Boat Register held by the Registrar of Shipping and Seamen at Cardiff.

21. Parts of Edible Crab (*Cancer pagurus*)

No person shall remove from a fishery any part of an edible crab (*cancer pagurus*) which is detached from the carapace of the crab.

22. Pots Used For Fishing For Crustacea

No person shall use or cause to be used for the purpose of fishing for Brown / Edible Crab (*Cancer pagurus*), Lobster (*Homarus gammarus*) or Spider Crab (*Maja squinado*) any pot of whatever material having an entrance fitted with a soft eye unless the pot or parlour within a pot is fitted with an escape gap.

Any escape gap must:

- a) be located in the exterior wall of the pot;
- b) be so designed and constructed and of sufficient size that there may be easily passed through it a rigid box shaped gauge which measures 84 millimetres wide by 46 millimetres high by 100 millimetres long, and

- c) be fitted in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour as is practically possible, other than in the bottom.

For the purpose of this byelaw:-

A 'pot' shall mean a cage or trap capable of capturing a crustacean.

'Parlour' shall mean a separate compartment within a pot.

'Soft eye' shall mean the entrance or entrances to the pot or parlour which are constructed of netting.

To facilitate the necessary modifications to existing pots this byelaw shall come into force 24 months following the date of confirmation. (20.11.07)

26. Protection of V-Notched Lobsters

No person shall remove from a fishery any V-Notched or mutilated lobster of the species *Homarus gammarus*.

Any lobster so marked shall be returned immediately to the sea.

Definitions-

"V-Notched" means an indentation in the shape of the letter "V" made in either of the two uropods on either side of the central telson of the lobster.

"Mutilated lobster" means any lobster where either of the two uropods adjoining the central telson of the tail fan are missing or mutilated in such a manner that could hide or obliterate a V-notch.

27. Protection of Undersize and Berried Lobsters

1. No person shall remove from a fishery any berried lobster, i.e. any lobster 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 when it was taken, it was carrying spawn so attached.
2. No person shall remove from a fishery any lobster of the species (*Homarus gammarus*) which has a carapace length less than that specified in paragraph 3 below.
3. The minimum size for lobster (*Homarus gammarus*) as measured in accordance with paragraph 4 below shall be 87 millimetres in the twenty-four months following confirmation of this byelaw and 90 millimetres thereafter.
4. Lobsters are to be measured using the carapace length and shall be measured parallel to the mid line from the rear of either eye socket to the distal edge of the carapace.