

REGULATIONS UNDER THE FAL FISHERY ORDER 2016

The Authority for the Cornwall Inshore Fisheries and Conservation District in exercise of the powers conferred by Article 4 of The Fal Fishery Order 2016¹ has made the following regulations:-

Interpretation

1. In these regulations:-

“the Authority” means Cornwall Inshore Fisheries and Conservation Authority;

“closed season” means the period prescribed by article 1(2) of the Order;

“exclusion zone 1” means the area within the fishery area enclosed by lines drawn from 50° 10.330'N 005° 02.740'W at highest astronomical tide to Pillar 50° 10.403'N 005° 02.713'W, thence a loxodromic line to 50° 10.390'N 005° 02.440'W, thence a loxodromic line to 50° 10.340'N 005° 02.410'W, thence a loxodromic line back to 50° 10.330'N 005° 02.740'W

where fishing is restricted to ensure compliance with the Conservation of Habitats and Species Regulations 2010. It is shown, for illustrative purposes, on the annexed map;

“fishery area” means the whole area to which the Order applies;

“licence holder” means a person with a valid licence issued under the Order by the Authority;

“shellfish” means any bivalve or gastropod mollusc;

“the Order” means the Fal Fishery Order 2016;

“oyster lay area” means any of the following areas within the fishery area:-

Area 1 – Mylor south

- a) 50°10.700'N 005°03.830'W, thence a loxodromic line to
- b) 50°10.723'N 005°03.830'W, thence a loxodromic line to
- c) 50°10.692'N 005°03.721'W then following chart datum to
- d) 50°10.707'N 005°03.226'W, thence a loxodromic line to
- e) 50°10.695'N 005°03.233'W then following highest astronomical tide to point a.

Area 2 – Mylor north

- a) 50°10.750'N 005°03.830'W, thence a loxodromic line to
- b) 50°10.739'N 005°03.830'W, thence a loxodromic line to
- c) 50°10.698'N 005°03.715'W then following chart datum to
- d) 50°10.764'N 005°03.327'W, thence a loxodromic line to
- e) 50°10.772'N 005°03.336'W then following highest astronomical tide to point a.

Area 3 – Restronguet

- a) 50°11.770'N 005°03.810'W, thence a loxodromic line to
- b) 50°11.754'N 005°03.761'W, thence a loxodromic line to
- c) 50°11.624'N 005°03.758'W then following chart datum to

¹ The Fal Fishery Order 2016 was made under s1 of the Sea Fisheries (Shellfish) Act 1967. Section 15(3) of the Sea Fisheries Act 1968 provides that orders under section 1 can confer a power, with the consent of the Minister, to make regulations respecting, the dredging, fishing for and taking of shellfish within the limits of the regulated fishery.

- d) $50^{\circ}11.264'N$ $005^{\circ}03.234'W$, thence a loxodromic line to
- e) $50^{\circ}11.244'N$ $005^{\circ}03.295'W$ then following highest astronomical tide to point a.

Area 4 – Restronguet Point

- a) $50^{\circ}11.631'N$ $005^{\circ}03.600'W$, thence a loxodromic line to
- b) $50^{\circ}11.601'N$ $005^{\circ}03.644'W$, thence a loxodromic line to
- c) $50^{\circ}11.589'N$ $005^{\circ}03.606'W$, thence a loxodromic line to
- d) $50^{\circ}11.609'N$ $005^{\circ}03.580'W$ then following highest astronomical tide to point a.

Area 5 – Pill Creek

The landward area enclosed by a loxodromic line drawn from $50^{\circ}12.205'N$ $005^{\circ}02.627'W$ to $50^{\circ}12.258'N$ $005^{\circ}02.576'W$, up to highest astronomical tide.

Area 6 – Channals Creek west

- a) $50^{\circ}12.685'N$ $005^{\circ}02.190'W$, thence a loxodromic line to
- b) $50^{\circ}12.695'N$ $005^{\circ}02.155'W$, thence a loxodromic line to
- c) $50^{\circ}12.584'N$ $005^{\circ}02.106'W$ then following chart datum to
- d) $50^{\circ}12.467'N$ $005^{\circ}02.224'W$, thence a loxodromic line to
- e) $50^{\circ}12.477'N$ $005^{\circ}02.242'W$ then following highest astronomical tide to point a.

Area 7 – Channals Creek east

- a) $50^{\circ}12.658'N$ $005^{\circ}01.967'W$, thence a loxodromic line to
- b) $50^{\circ}12.658'N$ $005^{\circ}02.006'W$, thence a loxodromic line to
- c) $50^{\circ}12.582'N$ $005^{\circ}02.006'W$ then following chart datum to
- d) $50^{\circ}12.554'N$ $005^{\circ}01.961'W$, thence a loxodromic line to
- e) $50^{\circ}12.572'N$ $005^{\circ}01.932'W$ then following highest astronomical tide to point a.

Area 8 – Penperth Creek

The landward area enclosed by a loxodromic line drawn from $50^{\circ}12.676'N$ $005^{\circ}01.465'W$ to $50^{\circ}12.728'N$ $005^{\circ}01.458'W$, up to highest astronomical tide.

Area 9 – King Harry ferry

- a) $50^{\circ}13.159'N$ $005^{\circ}01.690'W$, thence a loxodromic line to
- b) $50^{\circ}13.159'N$ $005^{\circ}01.668'W$, thence a loxodromic line to
- c) $50^{\circ}13.122'N$ $005^{\circ}01.657'W$, thence a loxodromic line to
- d) $50^{\circ}13.120'N$ $005^{\circ}01.674'W$ then following highest astronomical tide to point a.

Area 10 – Tolverne

- a) $50^{\circ}13.278'N$ $005^{\circ}01.448'W$, thence a loxodromic line to
- b) $50^{\circ}13.280'N$ $005^{\circ}01.494'W$ then following chart datum to
- c) $50^{\circ}13.181'N$ $005^{\circ}01.502'W$, thence a loxodromic line to
- d) $50^{\circ}13.168'N$ $005^{\circ}01.473'W$ then following highest astronomical tide to point a.

Area 11 – Lamouth Creek south

- a) $50^{\circ}13.285'N$ $005^{\circ}01.733'W$, thence a loxodromic line to
- b) $50^{\circ}13.295'N$ $005^{\circ}01.710'W$, thence a loxodromic line to
- c) $50^{\circ}13.284'N$ $005^{\circ}01.694'W$, thence a loxodromic line to
- d) $50^{\circ}13.273'N$ $005^{\circ}01.705'W$ then following highest astronomical tide to point a.

Area 12 – Lamouth Creek north

- a) $50^{\circ}13.414'N$ $005^{\circ}01.746'W$, thence a loxodromic line to

- b) 50°13.397'N 005°01.758'W, thence a loxodromic line to
- c) 50°13.410'N 005°01.808'W, thence a loxodromic line to
- d) 50°13.424'N 005°01.799'W, thence a loxodromic line to
- e) 50°13.415'N 005°01.766'W then following highest astronomical tide to point a.

Area 13 – Halwyn

- a) 50°13.508'N 005°01.380'W, thence a loxodromic line to
- b) 50°13.477'N 005°01.380'W then following chart datum to
- c) 50°13.471'N 005°01.467'W, thence a loxodromic line to
- d) 50°13.490'N 005°01.467'W then following highest astronomical tide to point a.

Area 14 – Ruan Creek

- a) 50°13.720'N 005°00.732'W, thence a loxodromic line to
- b) 50°13.706'N 005°00.721'W, thence a loxodromic line to
- c) 50°13.682'N 005°00.757'W, thence a loxodromic line to
- d) 50°13.691'N 005°00.769'W then following highest astronomical tide to point a.

Area 15 – Boathouse

- a) 50°13.735'N 005°00.883'W, thence a loxodromic line to
- b) 50°13.844'N 005°00.952'W, thence a loxodromic line to
- c) 50°13.856'N 005°00.914'W then following highest astronomical tide to point a.

Area 16 – Maggoty Bank

- a) 50°14.350'N 005°01.039'W, thence a loxodromic line to
- b) 50°14.327'N 005°00.989'W then following chart datum to
- c) 50°14.217'N 005°01.135'W, thence a loxodromic line to
- d) 50°14.232'N 005°01.168'W then following highest astronomical tide to point a.

2. A person must not remove from the fishery area any oyster (*Ostrea edulis*) which will pass through a circular aperture of 67mm diameter when the shell is laid flat across the aperture, but shall immediately return the oyster to the sea.
3. A person must not remove from the fishery area any mussel (*Mytilus* spp.) less than 50mm in length, but shall immediately return the mussel to the sea.
4. A person must not fish for or take oysters or mussels (*Mytilus* spp.) or use an oyster and mussel dredge for any shellfish in the fishery area except:-
 - (a) between the hours of 09:00 and 15:00 from Monday to Friday, inclusive; and
 - (b) between the hours of 09:00 and 13:00 on a Saturday.
5. (1) A person must not dredge for, fish for or take oysters (*Ostrea edulis*) in the fishery area during the closed season, other than:-
 - (a) over an oyster lay area,
 - (b) outside the excluded period; and
 - (c) in respect of using a dredge, with the consent of the Authority.
 - (2) The excluded period is 14 May to 04 August, both dates inclusive.
 - (3) The Authority will not consent to the use of a dredge under paragraph 1(c) unless the person intending to use it has notified to the Authority, by telephone or email on the day the person intends to use the dredge and at least one hour before the person intends to start dredging:-
 - (a) the person's name;
 - (b) the number of the licence under which dredging is to take place;

- (c) the oyster lay area to be dredged; and
- (d) the proposed time for dredging to start.

6. A person who retains Pacific oysters (*Magallana gigas*) on board a vessel or in any container must not return them alive to the fishery area.

7. Except as set out in regulation 5, a person must not use a dredge to fish for shellfish in the fishery area during the closed season.

8. A person must not use a dredge to fish for or take shellfish in the fishery area which:-

- (a) incorporates any teeth, tines or other digging projections; or
- (b) exceeds a weight of 20 kilogrammes; or
- (c) exceeds an overall width of 1.20 metres.

9. A person must not use a dredge to fish for or take shellfish in exclusion zone 1.

10. A person must not deposit any shellfish within the fishery area, where such shellfish originated from outside of the fishery area, without authorisation from the Authority.

11. (1) A licence holder must provide monthly catch statistics to the Authority, which must include the following information in relation to each day of fishing:-

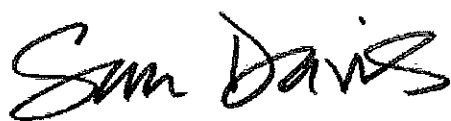
- (a) the number of the licence;
- (b) the weights in kilograms of the following shellfish landed or removed from the fishery area—
 - (i) oysters (*Ostrea edulis*);
 - (ii) mussels (*Mytilus* spp.);
 - (iii) other bivalve or gastropod shellfish;
- (c) the weights in kilograms of any discarded shellfish;
- (d) the area(s) fished;
- (e) the fishing method(s) employed;
- (f) the gear type and quantity used;
- (g) the type of vessel(s) used; and
- (h) the number of persons fishing under the licence.

(2) This information must be sent to the Authority before the fifteenth day of the month following the date on which the shellfish were caught.

12. Regulations under the Fal Fishery Order 2016 do not apply to any person performing fisheries and management development activities in the fishery area, which would otherwise constitute an offence against a regulation, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for fisheries management and development activities.

Signed

Date: 31.07.2017

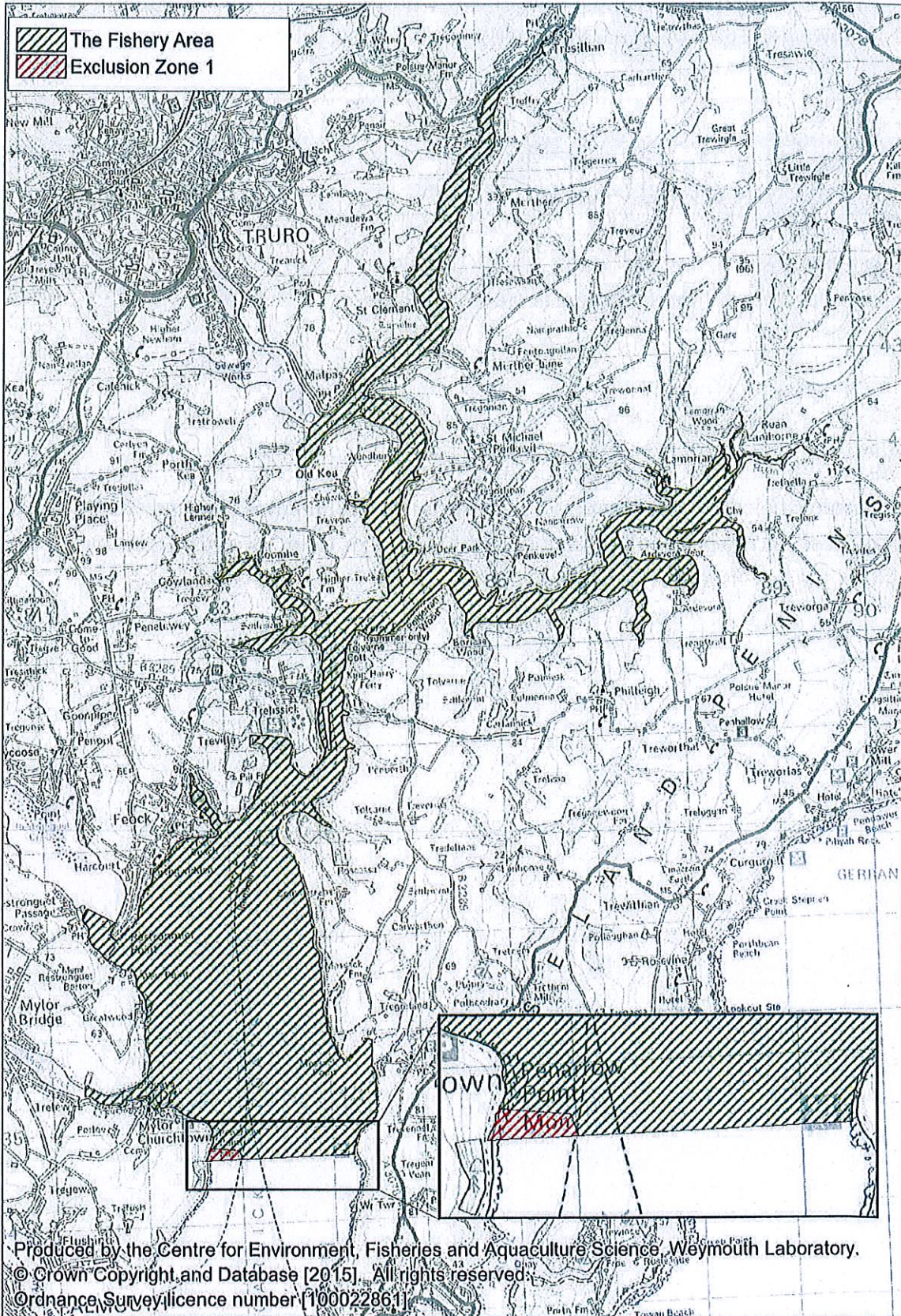


Samantha Davis
Cornwall Inshore Fisheries and Conservation Authority

Signed Anne Kane

Date: 5/9/2017

For and on behalf of the Secretary of State for Environment, Food and Rural Affairs, in exercise of his powers under section 1 of the Sea Fisheries (Shellfish) Act 1967, section 15(3) of the Sea Fisheries Act 1968 and article 4 of the Fal Fishery Order 2016.



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