

Notice to Cornwall IFCA Shellfish Permit Holders

Whilst serious breaches of the conditions of a shellfish permit issued by Cornwall IFCA leading to criminal proceedings are rare, your attention is drawn to the ability of a court to suspend a permit or exclude a person from having a permit. Failure to return shellfish statistics on time is the permit condition which is most frequently not complied with. This is costly for the Authority to chase up with many individual fishermen and prevents the full collection of shellfish statistics needed to inform the proper management of shellfisheries.

Please be aware that persistent non-compliance with permit conditions may be prosecuted and a court has the following powers under section 164 of the Marine and Coastal Access Act:

Powers of a court following conviction

Where a person is convicted of an offence involving the breach of a condition of a permit issued by an Inshore Fisheries and Conservation Authority (IFCA), there is the power for a court to:

- suspend the permit, or*
- disqualify the person from holding or obtaining any IFCA permit relating to any activity to which that permit related,*

for such period as the court thinks fit.

Please note, where a person is prosecuted in a court for serious non-compliance of a permit condition, the Authority is likely to ask the court to consider a penalty which includes permit suspension or disqualification. This may be in addition to a fine of up to £50 000 and an award to the costs of the Authority.