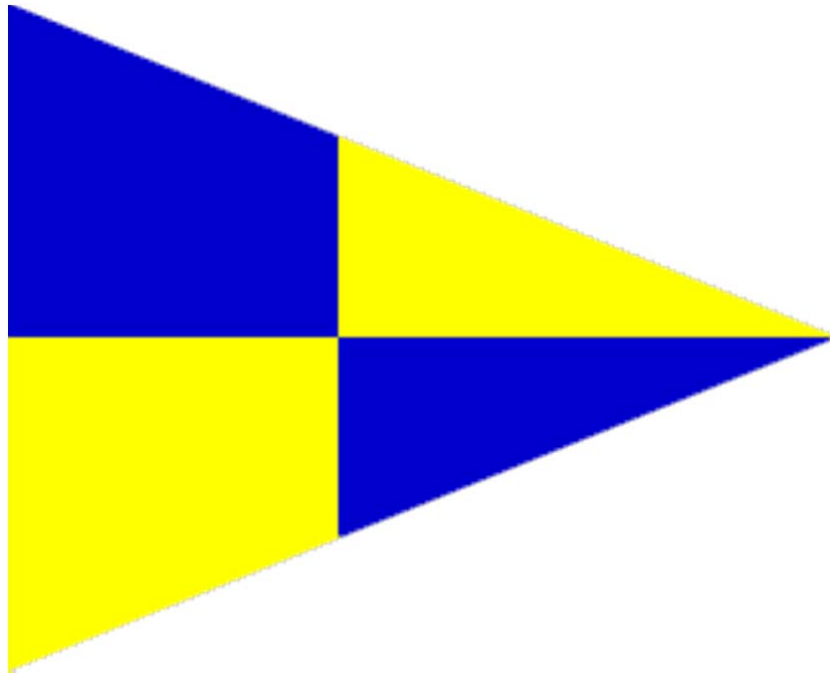




Inshore Fisheries and  
Conservation Authority



**Enforcement Plan 2015 to 2016**



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## CORNWALL IFCA ENFORCEMENT PLAN 2015 / 2016

### **1. Overview of fisheries enforcement 2014 / 2015**

- 1.1 The enforcement team remained at full strength and unchanged during the last year. All the newer officers had gained sufficient knowledge and experience to carry out the broad range of anticipated enforcement tasks. With them all having the necessary qualifications to coxswain the rigid inflatable boats used for patrolling and inspections work at sea, the different aspects of this part of their work was fairly shared out. Having such great flexibility in the team allowed everyone to practice and improve their skills. Scientific officers also assisted with some enforcement work when legal matters were identified in the course of their research work, both at sea from the survey vessel and ashore when gathering landings data. The master of the Saint Piran was directly involved in several investigations, in particular for fishing vessel data recorded by our own on board electronic equipment.
- 1.2 Regular contact was maintained with other authorities with a marine related enforcement remit, in particular the Environment Agency (EA) and Marine Management Organisation (MMO). Contributions were regularly made to the MMO's intelligence system which shares certain reports with relevant IFCA's. Occasional joint operations were carried out with the EA, often using RIBs in the rivers. Some of this work resulted in the detection and investigation of offences which were successfully followed up, leading to legal sanctions against masters and owners of fishing vessels. Communications and work with Devon and Cornwall Police and some of the local port authorities produced good information and evidence which was used in our investigations work. The Maritime and Coastguard Agency were informed about certain fishing vessels not using navigation lights at night, so that they could undertake their own investigations into such matters.
- 1.3 Enforcement officers held EA warrants for potential fisheries offences under the Salmon and Freshwater Fisheries Act 1975 (SAFFA), though no extra investigations work was generated as a result.
- 1.4 Fishing patterns and effort were generally similar to previous years. The fishing activities which gave rise to most enforcement issues were also broadly the same, with scallop dredging curfew hours and river netting being the cause of most investigations into infringements of legislation. However, some heavy sentences handed down by courts in Cornwall for offences we prosecuted may have led to a decline in illegal activity which was notable in the latter months. Some serious offences were dealt with by way of financial administrative penalties, which were accepted in all but one case, which consequently was successfully prosecuted in court.
- 1.5 The Authority took over the management of oyster and mussel fisheries within the Fal in October 2014 and officers spent a great deal of time boarding the dredging boats mandatorily operating under either sail or oar power, inspecting catches and getting to understand how fishermen went about their unique business. Checking merchants, landings, hand gatherers and oyster lay areas was also a part of the necessary work. For a comparatively small fishery in the district, it became clear that its management under a new Regulating Order was going to take up a high proportion of officer time.

## 2. Compliance and enforcement strategy

- 2.1 On 1 April 2011, the Cornwall Inshore Fisheries and Conservation Authority (the Authority) was fully vested under the Marine and Coastal Access Act 2009 (MaCAA). The Authority took over the fisheries and conservation management responsibilities of the former Cornwall Sea Fisheries Committee (CSFC), as well as some of those of the former Devon Sea Fisheries Committee (DSFC) and Environment Agency (EA) within the boundaries of the new Cornwall IFCA District. The Authority's District<sup>1</sup> covers the whole of the Cornwall county land mass and the adjacent area of sea out to six nautical miles from the 1983 baselines<sup>2</sup>. IFCA byelaws for the conservation of sea fisheries resources may be applied in the sea and in rivers and estuaries up to their tidal limits. A controversial decision was reached by the Authority in 2014, that it could make new byelaws solely for the protection of salmonids. In effect this means that byelaws may be made to restrict or prohibit fishing for seafish, where no requirement for seafish conservation has been identified. Because the Environment Agency does not believe it can adequately legislate to protect salmonids from sea fishing activity, whilst at the same time having a national responsibility to protect them, it will need to provide relevant data to this Authority for the purpose of making suitable byelaws in the district, which could affect otherwise legitimate fishing for seafish.
- 2.2 Fisheries management only succeeds with an integrated approach encompassing communication, research and enforcement. Full compliance with EU, UK and, in particular, local fisheries and environmental legislation is a major aim of the Authority as a part of meeting its vision statement. This is best achieved through the adoption of an adaptive co-management approach to fisheries management. The key to achieving high compliance is ensuring that those users who are potentially affected have a real opportunity to engage with the Authority over the management approach to be taken. By engaging in the management process, the Authority and all users will have a far better understanding of the requirements of the other interested parties. Conflicts of interest will not always be resolved, but having gained an understanding of why actions are taken, affected users are far more likely to accept the management approach. Where consensus with the management approach is not achieved and where the potential financial gain is significant, the risk of illegal activity increases. The risk is even greater where an effective deterrent is not in place. The deterrent only tends to be effective where the risk of detection is high and where a legal sanction may result in a potentially serious consequence. In recognition of the need to have an effective deterrent, the maximum fine which may be imposed by a court for a byelaw offence is now unlimited.
- 2.3 The Authority's enforcement and compliance strategy is pertinent to any person or business involved in the exploitation of sea fisheries resources within the Cornwall IFCA district. It uses various compliance measures to ensure, where possible, that no person or business engaged in illegal fishing related activity:
- Removes legal fishing opportunities for others;
  - Gains an unfair market advantage by breaking the rules; or
  - Disadvantages law abiding persons.

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<sup>1</sup> The Cornwall Inshore Fisheries and Conservation Authority Order 2010

<sup>2</sup> Means the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 III p.6452A, as amended by the Territorial Waters (Amendment) Order in Council (1979 II p.2866)

It will also seek to use appropriate compliance and enforcement measures, where it considers it to be necessary, to ensure that the marine environment is not adversely affected by fishing activities.

- 2.4 Where the Authority undertakes compliance activity, it will work in accordance with the Regulators' Code<sup>3</sup> and the Legislative and Regulatory Reform Act 2006 (as amended<sup>4</sup>).

In carrying out its functions, the Authority will ensure that:

- i. Any action taken, including compliance related or investigative, is proportionate to specific, identified, risk or need for intervention;
  - ii. It is accountable for its regulatory activity – to its stakeholders, its partner organisations, Ministers, local taxpayers, the general public and the Courts;
  - iii. Its actions are consistent, in that it should make similar (but not necessarily the same) decisions about activity in similar circumstances, in accordance with its delegated responsibilities, statutory objectives and guidance;
  - iv. Its regulatory actions are transparent, by publishing information to its regulated stakeholders indicating what enforcement action it can take and may take in appropriate circumstances;
  - v. All its activities and, in particular, those that would place a burden on a regulated person (such as monitoring, inspection, investigation and compliance actions), are targeted using a risk based approach<sup>5</sup>, ensuring such action is for a specific identifiable need; for example, limiting random inspections to specific identified compliance requirements;
  - vi. Inshore Fisheries and Conservation Officers (IFCOs) appointed by the Authority are highly trained, competent and adhere to the Cornwall IFCA code of conduct for inspections<sup>6</sup>; and
  - vii. It works closely with partner organisations to make best use of available resources and share information.
- 2.5 The Authority will endeavour to promote compliance through engagement, understanding and advice. Where compliance is not achieved by this approach, the Authority has a range of enforcement actions available to it as described below.

#### 2.6 Verbal warning

A verbal warning is issued when a minor infringement of fisheries legislation is detected. This approach is used to remind a person of relevant legislation and is recorded. In many instances, it will be followed up by an advisory letter to emphasise what was said and to provide relevant information relating to the breached law(s). If a person commits another similar offence, the individual involved may face a higher level of enforcement action.

#### 2.7 Advisory letter

Where it is believed that breaches of the law may have been committed and it is appropriate to do so, an advisory letter may be sent reminding a person of the

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<sup>3</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

<sup>4</sup><http://www.legislation.gov.uk/ukpga/2006/51/contents>

<sup>5</sup> Fisheries risk based enforcement strategy as described below

<sup>6</sup>[http://www.cornwall-ifca.gov.uk/sitedata/Misc/CODE\\_OF\\_GOOD\\_CONDUCT.pdf](http://www.cornwall-ifca.gov.uk/sitedata/Misc/CODE_OF_GOOD_CONDUCT.pdf)

need to obey the law. This may be sent without prejudice to other purely civil remedies<sup>7</sup>.

#### 2.8 Official written warning

Where there is evidence that an offence has been committed but it is not appropriate to implement formal legal proceedings, an official written warning letter may be sent to a regulated person, outlining the alleged offence, when it occurred and what regulation(s) were breached. It will also set out that it is a matter which could be subject to prosecution should the same behaviour occur in the future. This may be sent without prejudice to other purely civil remedies.

#### 2.9 Caution

A formal caution may be offered by the Authority as the most appropriate means to deal with an offence, particularly where there is no identified financial gain. A caution is only offered when the Authority is prepared to instigate legal proceedings and prosecute should the offer not be accepted.

#### 2.10 Financial administrative penalty

The Authority may issue a financial administrative penalty<sup>8</sup> (FAP), the level of which may be up to £10,000, as an alternative to criminal prosecution in certain circumstances. Further information on FAPs is available on the Cornwall IFCA website. A FAP is only offered when the Authority is prepared to instigate legal proceedings and prosecute should the offer not be accepted.

#### 2.11 Prosecution

The ability to undertake criminal prosecutions is essential for discouraging serious non-compliance. The purpose is to secure conviction and ensure that an offender can be punished by a court at an appropriate level, thus acting as a deterrent to any future wrong doing to both the convicted offender and others who may engage in similar criminal behaviour. A prosecution may be commenced where it is felt that the matter is so serious that it is not suitable for another form of disposal such as a financial administrative penalty, caution or warning. In order to prosecute, the Authority has to be satisfied that there is both sufficient evidence of the alleged offence and a clear public interest in taking criminal proceedings. The Authority will only commence a prosecution if it is satisfied that there is a realistic prospect of conviction against each suspect on each charge, given the available evidence. If a case does not pass this test it will not go ahead, regardless of how important or serious it may be. If a case passes the sufficiency of evidence test, the Authority<sup>9</sup> will decide whether it is appropriate to prosecute, or to issue one of the other options set out above. In determining the correct response in any individual case, the Authority will always take into account the public interest in prosecuting.

The following list of public interest factors for and against prosecution is not exhaustive and each case must be considered on the facts and on its own merits:

- The degree of enforcement risk as determined by the Cornwall IFCA enforcement risk matrix (see 5.4 below);
- Whether the offence was committed with intent;

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<sup>7</sup> Civil remedies are procedures and sanctions used to prevent or reduce criminal activity as an alternative to using formal court proceedings

<sup>8</sup> The Sea Fishing (Penalty Notices) (England) Order 2011

<sup>9</sup> Consideration to prosecute is undertaken by the Chief Officer of the Authority and Legal Advisor under the Cornwall IFCA Constitution



- Whether the implications of the offending for the enforcement of the regulatory regime undermines the management approach taken;
- Whether officials were obstructed during the course of an investigation;
- The impact of the offending on the environment, including wildlife, and where applicable, having regard to the conservation objectives of Marine Protected Areas;
- With regard to offences affecting fish and fish stocks, whether protected or recovery species are involved and if there are any issues for quota status;
- The financial benefit of the offending or other financial aspects of the offence, including the impact on other legitimate operators;
- The previous enforcement record of the suspect;
- The attitude of the suspect, including any action that has been taken to rectify or prevent recurrence of the matter(s); and
- Where offences are prevalent or difficult to detect, the deterrent effect on others by making an example of the suspect.

A prosecution is less likely to be required if:

- The court is likely to impose a nominal penalty;
- The seriousness and the consequences of the offending can be appropriately dealt with by an out-of-court disposal which the suspect accepts;
- The offence was committed as a result of a genuine mistake or misunderstanding;
- The financial gain or disturbance to sensitive marine habitat can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- There has been a long delay between the offence taking place and the date of the trial, unless there are key mitigating circumstances that caused the delay;
- The suspect played a minor role in the commission of the offence; and
- The suspect is, or was at the time of the offence, suffering from significant mental or physical ill health.

2.12 Courts will have regard to the Sentencing Council Environmental Offences Definitive Guideline<sup>10</sup> because fisheries offences are environmental offences. The guidelines are used to determine the level of fines by assessing a person's degree of culpability and the risk of harm to the marine environment. Cornwall IFCA's determination of the enforcement risk for fisheries offences may be cited in a court as a pre-considered document which reflects the seriousness of a breach committed within the district.

### **3. Marine Protected Areas (MPA) in the Cornwall IFCA district**

3.1 Seven European Marine Sites (EMS) are wholly or partly (\* as indicated below) situated within the District, in the form of five Special Areas of Conservation (SAC) for habitats and species, and two Special Protection Areas (SPA) for seabirds.

3.2 The five SACs in the district are:

- Plymouth Sound and Estuaries SAC\*;
- Start Point to Plymouth Sound and Eddystone SAC\*;
- Fal and Helford SAC;

<sup>10</sup>[http://sentencingcouncil.judiciary.gov.uk/docs/Final\\_Environmental\\_Offences\\_Definitive\\_Guideline\\_\(web\).pdf](http://sentencingcouncil.judiciary.gov.uk/docs/Final_Environmental_Offences_Definitive_Guideline_(web).pdf)

- Lizard Point SAC; and
  - Land's End and Cape Banks SAC\*.
- 3.3 The Closed Areas (European Marine Sites) No.2 Byelaw which prohibits or restricts fishing using bottom towed gear in the SACs provides greater protection to the designated site features, over and above the natural protection afforded by the rough nature of most sites which largely prevents the use of bottom towed gears. It is hoped that the use of Inshore Vessel Monitoring Systems for vessels using bottom towed gear will become mandatory in the District during 2016. The Cornwall IFCA Vessel Monitoring byelaw was made in 2013, but the application to have it confirmed by Defra is expected to remain held up whilst grant funding for the expensive hardware which needs to be fitted on fishing vessels is not widely available.
- 3.4 The necessity for any further management measures for other fishing activities in SACs is to be determined by the end of 2016. No new statutory legislation for SACs is expected to be made and confirmed this year.
- 3.5 The two SPAs in the district are:
- Tamar Estuaries Complex SPA\*; and
  - Falmouth Bay to St Austell Bay potential SPA (treated as though EU designated).
- 3.6 No site specific regulations are in place for the SPAs. Research work is underway by Natural England and this Authority to determine whether net fishing activities significantly impact upon the designated over-wintering seabird species of the SPAs. No new statutory legislation for fisheries management in the SPAs is expected to be made and confirmed this year.
- 3.7 Five Marine Conservation Zones (MCZ) are situated wholly or partly\* within the District, namely:
- Padstow Bay and Surrounds;
  - The Manacles;
  - Upper Fowey and Pont Pill;
  - Whitsand and Looe Bay; and
  - Tamar Estuary\*.
- 3.8 No site specific regulations are currently in place for the designated MCZs. Research work is underway to determine whether fishing activities need to be managed, in relation to the featured flora and fauna, as well as through consideration of guidelines provided by Defra. A Defra consultation which ended on 24 April 2015 was intended to find out what stakeholders thought about another four proposed MCZs in the Cornwall IFCA district which had been included in a further 23 proposed for England. It also asked for views on adding extra features to two current MCZs in the Cornwall IFCA district which are among similar proposals for 10 existing MCZs in English waters. No new statutory legislation to manage fisheries in MCZs is expected to be made and confirmed this year.

#### **4. New bass conservation measures**

- 4.1 In recognition of scientific advice that fishing effort used to target bass needs to be urgently and significantly reduced, the EU imposed emergency measures to curtail certain mid-water trawling activity until the end of April 2015. Whilst this

had no bearing on enforcement work within the Cornwall IFCA district, the next step taken, and others destined to follow, will mean some new elements to inspections work. Recreational fisheries across most of northern European waters are now restricted, such that a person must not retain more than three bass per day. Cross-warranting powers provided by the MMO allow most experienced warranted IFCA officers to enforce the new EU legislation.

- 4.2 The EU has recommended that Member States take complimentary steps to protect bass stocks and have suggested they introduce a minimum size for bass of 42cm (+ 4½cm over the Cornwall IFCA byelaw size and + 6cm over the current EU minimum size). This is expected to result in new technical measures for fishing gear, such as increases in net mesh sizes.
- 4.3 With the EU legislation being so new, compliance within recreational fisheries is impossible to assess with confidence. It is made particularly difficult to do so, when shore fishermen or boat fishermen using unlicensed, unpowered under 10m boats, are exempted from the need to comply with the EU recreational fisheries bass bag limit if the fish are purportedly for commercial gain, where it is legitimately possible.

## **5. EU landing obligation (discards ban)**

- 5.1 In pelagic and industrial fisheries, all the fish caught which are subject to EU quota must be landed, although there are some exemptions to this. Undersized fish cannot be marketed for the purpose of human consumption. The pelagic fish species most likely to be affected in Cornish waters under the landing obligation are mackerel and herring caught by ring nets, but non pelagic quota species caught at the same time must also be landed. Undersized fish not under quota must continue to be returned to the sea.
- 5.2 The landing obligation for demersal fisheries is set to be phased in over four years beginning in January 2016. It has been identified that certain provisions within the current EU technical measures and control regulations run contrary to the landing obligation and oblige fishermen to discard fish. In order to make the landing obligation operational, these provisions need to be removed or amended.
- 5.3 It is the intention of the Commission that a new technical measures framework regulation will be developed which, over time, will facilitate the full implementation of the landing obligation. It will incorporate a new regionalised approach, which will include the development of multiannual and discard plans. However, this new framework is not in place for the first group of fisheries covered by the landing obligation, so whilst it is being developed, transitional legislation (commonly referred to as the “omnibus regulation”) is required to remove any legal and practical impediments to the landing obligation implementation. Provision of this is expected during the summer of 2015.

## **6. Description of fishing methods and the main regulatory concerns**

### **6.1 Beam trawling**

A trawl net (usually one on each side of the fishing vessel) is attached to a heavy steel beam which spreads the top of the trawl mouth open, no more than 1m above the sea bed. The beam ends have very robust steel shoes or skids and/or rollers to hold the beam off the sea bed as the whole trawl arrangement is

dragged along using a steel warp run from a deck winch. A heavy chain mat may be rigged in front of the lower trawl panel to prevent boulders entering the trawl net. Tickler chains may also be used to scare fish up from the sea bed and into the following net.

A beam trawl is used to target benthic species and in the Cornwall IFCA District the main species are Dover sole, plaice, angler fish and rays. Further offshore the target species will often include megrim and cuttlefish. A very wide range of other species, including round fish, crustaceans and scallops, are caught and retained in south west fisheries.

A byelaw which restricts the maximum vessel length and engine power for trawlers fishing within the District has led to there being relatively few beam trawlers remaining. Whilst nine vessels still retain historic trawling rights to work inside the 3 to 6 mile zone (including otter trawling covered below), only about half of them have taken the opportunity to beam trawl there in recent years. Incursions by large vessels inside District limits are rare and very sporadic, making it extremely difficult to prove any illegal fishing activity. A Vessel Monitoring System (VMS) is compulsory on all fishing vessels of 12m or more in length and is a big deterrent to working in prohibited areas.

Trawling is prohibited in certain rivers and estuaries, and this measure is believed to be fully respected.

Beam trawling within the District's MPAs may occur in:

- Parts of one SAC (prohibited in four SACs);
- One SPA (prohibited in one SPA); and
- Two MCZs (prohibited or not relevant in three MCZs).

It is hoped that the Cornwall IFCA Vessel Monitoring byelaw which prescribes (*inter alia*) that a VMS unit is fitted to beam trawlers working in a SAC or SPA, could be confirmed in 2016.

Main enforcement concerns for beam trawling in the District are:

- Fishing inside the 6 mile limit by vessels which are too large or powerful and without historic rights, and inside 3 miles by those with historic rights in respect of the Trawling byelaw;
- Undersized fish in respect of the Specified Fish Sizes byelaw; and
- Trawl net mesh sizes in respect of Commission Regulation EC 850/98.

## 6.2 Otter trawling

A trawl net is towed in conjunction with a pair of otter boards or doors which act like a kite to spread the trawl mouth apart laterally. Within the Cornwall IFCA District, single otter trawls are most commonly towed along the sea bed (demersal trawling), but may be mid-water (pelagic trawling) and in either case could be towed by two boats (pair-trawling). Bottom trawls may be doubled up (twin-rig) to improve efficiency or even trebled (triple-rig or multi-rig). More than this number is possible, but not known to be used in the District.

Whilst nine fishing vessels still retain historic rights to trawl inside the 3 to 6 mile zone, none of these particular vessels have done so with an otter trawl in recent years.

Trawling is prohibited in certain rivers and estuaries and this measure is believed to be fully respected.

Otter trawling within the District's MPAs using bottom towed gear may occur in:

- Parts of one SAC (prohibited in four SACs);
- One SPA (prohibited in one SPA); and
- Two MCZs (prohibited or not relevant in three MCZs).

Mid-water otter trawling may occur in any SAC, SPA or MCZ, though most of these areas would rarely provide fish or fishing opportunities to make it economically viable.

It is hoped that the Cornwall IFCA Vessel Monitoring byelaw which prescribes (*inter alia*) that a VMS unit is fitted to otter trawlers working a bottom towed trawl in a SAC or SPA, could be confirmed in 2016.

Main enforcement concerns for otter trawling in the District are:

- Undersized fish in respect of the Specified Fish Sizes byelaw; and
- Trawl mesh sizes in respect of Commission Regulation EC 850/98.

### 6.3 Scallop dredging

Multiples of steel dredges are slung off a steel beam fitted with solid rubber rollers on each end, which raises the beam up from the sea bed as it is towed along by a steel warp run off a deck winch. Each dredge trailing from the beam along the sea bed has a spring loaded toothed bar at its leading edge which scrapes a few centimetres into softer, looser substrates to lift or scare scallops up and into a chain or net bag arrangement directly behind. Dredges used in the District are specifically regulated by design for taking king scallops. Most boats working in the District tow between four and six dredges from each side, but sometimes just two or three may be deployed from the transom on small boats. Scallop dredging is carried out very widely within the District, but is mainly concentrated from east of the Lizard to Eddystone rock.

The overall length of boats allowed to fish for shellfish (including scallops) in the District is restricted. Whilst historic rights are granted for eight vessels within the 3 to 6 mile limit, in recent years only two of these particular vessels are known to have used the advantage for scallop dredging. National legislation limits vessels to eight dredges per side inside the twelve mile limit and means it is unlikely that the larger class of vessel would find it economic to work anywhere in the 6 to 12 mile limit. Therefore, the likelihood of illegal incursions inside the District is greatly reduced.

Scallop minimum size requires regular checking on all dredging boats. Many successful prosecutions have been taken for undersized scallops, which includes several for very experienced skippers. Inaccurate measuring gauges and high crew turn-around on boats may be contributing factors for poor measuring standards. Almost all undersized scallops can easily be returned alive to the sea to mature further.

It is illegal to retain on board or land scallops which are not whole. Separated meats are known as 'cut-outs' and without their shell it is impossible to say whether or not the scallop was of legal size. Most cut-outs will be from the undersized proportion of a haul, which may well be around 50% on some

grounds. A regular check of dredging boats is required to ensure that cut-out scallops are not on board.

The 7pm to 7am curfew time for using dredges to take scallops needs regular monitoring and was often the subject of received intelligence from other fishermen working in close proximity to scallop dredgers. The investigations and legal proceedings carried out this last year show that continued vigilance will be required.

Scallop dredging within the District's MPAs may occur in:

- Parts of one SAC (prohibited in four SACs);
- One SPA (prohibited in one SPA); and
- Two MCZs (prohibited or not relevant in three MCZs).

It is hoped that the Cornwall IFCA Vessel Monitoring byelaw which prescribes (*inter alia*) that a VMS unit is fitted to scallop dredgers working in a SAC or SPA, could be confirmed in 2016.

Main enforcement concerns for scallop dredging in the District are:

- Using dredges to take scallops at a prohibited time of day in respect of the Scallop Dredge (Limited Fishing Time) byelaw;
- Undersized scallops in respect of Commission Regulation (EC) 850/98;
- Cut-out scallops in respect of Commission Regulation (EC) 850/98;
- Fishing in prohibited zones of a European Marine Site in respect of the Closed Areas (European Marine Sites) No.2 byelaw;
- Total number of dredges in use in respect of the Dredges byelaw; and
- Dredge construction in respect of the Dredges byelaw and the Scallop Fishing Order 2012.

#### 6.4 Oyster and mussel dredging

Light-weight dredges are used from traditional Falmouth working boats under sail and rowed haul/tow punts operating within the Fal, none of which may use an engine for fishing. Sail boats generally operate two to four dredges, whilst only one dredge is normally worked from a punt. The dredges do not have digging teeth or tines. They gently pick up the shellfish (oysters have delicate shells), where they then fall into a light net bag arrangement at the rear. The dredges have been of a similar pattern and construction for many decades, but the use of stainless steel metalwork for longevity purposes has become common.

The fishery for oysters and mussels is currently managed under the Fal Shellfisheries emergency byelaw, which is expected to be superseded before October 2015 by a proposed Regulating Order, with Cornwall IFCA as its grantee. All dredge fishing is within the Fal Fishery Area, as defined by the byelaw, under a licence for which a toll is payable to Cornwall IFCA. Because the area is within the Fal and Helford SAC, advice was sought from Natural England as to whether dredge fishing activity would significantly impact upon the site features. Having been advised of a large bed of eelgrass, part of which is in the Fal Fishery Area, a dredge fishing exclusion zone was declared. In reality, this is only relevant to oyster dredging activity which had previously been carried out over the area where eelgrass is now known to exist.

Fishing times of day and oyster and mussel minimum sizes are among the provisions of the byelaw (and under the proposed Order) which need to be regularly checked. Whilst the dredge fishing season for oysters is from October to

March incl. there is a low amount of ongoing oyster dredging on oyster defined lay areas during some months outside that period. The mussel dredging season is only carried out October to March incl.

Inspections work begun by Cornwall IFCA since October 2014 indicates good compliance with the fishing restrictions.

Oyster and mussel dredging within the District's MPAs occurs in:

- One SAC; and
- One SPA.

Main enforcement concerns for oyster and mussel dredging in the District are:

- Fishing for oysters or mussels at a prohibited time of day in respect of the Fal Shellfisheries byelaw/Fal Fishery Order;
- Fishing for oysters in an exclusion zone in respect of the Fal Shellfisheries byelaw/Fal Fishery Order; and
- Undersized oysters or mussels in respect of the Fal Shellfisheries byelaw/Fal Fishery Order.

#### 6.5 Potting

Pots having a wide range of design characteristics are set on the sea bed for several crustacean species and prawns. Small boats may work them singly, but more commonly the pots are roped together in strings of six to eighty. Capacity is generally limited according to available deck space for pots and shellfish storage, and vessel stability requirements. A boat which concentrates on potting for the bulk of annual grossings will usually require that several hundred pots are in use for most of the year, whereas for some larger operations 1000 to 2000 pots per boat is normal. Some boats are fitted with sea-water tanks (known as vivier tanks) for best live storage of shellfish. On larger boats these tend to be below deck as the weight of water and shellfish can be many tonnes.

A Cornwall IFCA permit is required for any individual wishing to remove more than two shellfish per day using a boat within the Cornwall IFCA District. It is relevant to four crustacean species at this time, but a new byelaw under development may see the list increase to six species, as well as a slightly greater number of animals allowed for persons not having a permit. Where fishing vessels are used to target the main crustacean shellfish species within English waters, owners generally need a shellfish entitlement attached to their national fishing license and this is managed by the MMO. Both management regimes require monthly returns to show fishing effort, areas fished and shellfish quantities landed, with the aim of gathering evidence to inform fisheries management.

The overall length of boats allowed to fish for shellfish in the District is restricted. However, historic rights are granted for eight vessels within the 3 to 6 mile limit, though only two of these particular vessels are known to take advantage for crustacean species.

Investment in larger, locally based, vivier style boats continues to occur. Some may work inside the District, perhaps close to the coast at times where fishermen with small cove boats wishing to work on or adjacent to the same grounds fear the increased fishing effort is disproportionate to the stocks of crabs and lobsters. On some grounds, the winter no longer represents a respite from intensive potting activity and poorer quality shellfish are sometimes taken in bulk to maintain sizeable landings to shellfish merchants, especially where full lorry loads are required for exports to Europe.

With the majority of inshore commercial fishing activities in the District involving the taking and landing of one or more crustacean species, there are many minimum sizes and capture conditions applied to them.

Potting within the District's MPAs may occur in:

- Five SACs;
- Two SPAs; and
- Three MCZs (not relevant in two MCZs).

Main enforcement concerns for potting in the District are:

- Undersized edible crabs in respect of the Crabs byelaw, The Undersized Crabs Order and Commission Regulation EC850/98;
- Undersized spider crabs in respect of the Spider Crabs byelaw, The Undersized Spider Crabs Order and Commission Regulation EC850/98;
- Undersized lobsters in respect of the Lobster byelaw, The Undersized Lobsters Order and Commission Regulation EC850/98;
- Grant of a permit where a fishing vessel is used to take more than two shellfish per day in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Non-return of shellfish monthly statistics in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Berried lobsters in respect of the Berried Lobsters and Crawfish byelaw;
- V-notched lobsters in respect of the Protection of V-notched Lobsters byelaw, and The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order; and
- Detached crab claws in respect of Commission Regulation EC850/98 and the Parts of Crab byelaw.

## 6.6 Netting

A variety of terms are used to refer to different types of nets, but the main categories are tangle nets, gill nets and drift nets. However, within the scope of these net types, they are often referred to by the fish species which they are intended to capture (e.g. sole nets, cod nets, ray nets, spider crab nets, etc). Virtually all nets are of mono-filament synthetic material and vary widely in terms of mesh size and twine thickness, depending upon the target fish or shellfish species. Usually set along the seabed with an anchor at each end, some nets may only be one or two hundred metres in length, whereas others, when joined together, may form a length of several thousands of metres. Some nets of smaller mesh sizes may be used for pelagic species or other mid-water shoaling fish, by drifting them at or near to the sea surface without the use of any anchors or sea bed contact. Occasionally, nets may be set on beaches and in the surf area with or without the use of a boat.

Nets are most often set for a variety of fin fish species depending on their seasonal abundance. Crustacean species may also be taken in nets, with spider crabs and crawfish being targeted in this way, as well as being taken as a bycatch in other netted fisheries. Lobsters may also be a bycatch, particularly in tangle nets offshore. Up to 30kg of accidentally detached edible crab claws and spider crab claws may be retained from animals which are being cleared from nets in the District (75kg from fisheries outside 6 miles).

Net mesh size must correspond to the target fish species (or EU defined range of fish) retained on board or landed. A certain net mesh size range is prohibited to help protect juvenile bass.



Fishing grounds which have become known as bass nursery areas exist in seven of the District's river and estuary systems. Within them it is prohibited to fish for bass from a boat for a certain period of the year. This is through an Order and is primarily the responsibility of the MMO. However, Cornwall IFCA officers will assist with compliance and enforcement.

Under a byelaw, it is prohibited to set fixed nets within three metres of the sea surface in nine coastal areas. It was originally made for the protection of salmonids as they migrate around the near shore, to and from the river systems. This can be problematic for some fishermen wishing to target sea fish known to be present in these areas.

A wide variety of netting restrictions to protect sea fish and salmonids apply in all the rivers. Where bass and grey mullet are well known to concentrate, there is regular and deliberate illegal netting to take such a high value or high volume species. A lot of this activity is conducted at night using small boats which may be quickly transported to and from slipways and beaches using road trailers and 4x4 vehicles. Many night patrols will continue to be needed to chance coming across river netting activity. Joint working with the EA and Police officers in order to make best use of officer and physical resources, as well as the individual work of these other authorities in river areas, provides for excellent gathering and sharing of intelligence.

Netting within the District's MPAs may occur in:

- Five SACs;
- One SPA (prohibited in one SPA); and
- Three MCZs (prohibited or not relevant in two MCZs).

Main enforcement concerns for netting in the District are:

- Weight of edible crab and spider crab claws removed whilst clearing nets in respect of the Parts of Crab byelaw;
- Undersized spider crabs in respect of the Spider Crabs byelaw, The Undersized Spider Crabs Order and Commission Regulation (EC) 850/98;
- Undersized fish in respect of the Specified Fish Sizes byelaw;
- Grant of a permit where a fishing vessel is used to take more than two shellfish per day in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Non-return of shellfish monthly statistics in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Fishing for bass from a boat during a period of the year, in a bass nursery area in respect of the Bass (Specified Areas)(Prohibition of Fishing) Order;
- Fixed nets set within three metres of the sea surface in specified areas in respect of the Fixed Engines byelaw;
- Netting in rivers for sea fish under numerous byelaws inherited from the Environment Agency;
- Net mesh size corresponding to target species in respect of Commission Regulation (EC) 850/98; and
- Prohibited net mesh size range in respect of Commission Regulation (EC) 850/98.

#### 6.7 Ring-netting or purse-seining

A small number of boats use a single net, with its headline floating on the sea surface, to encircle pelagic fish species such as sardines (pilchards), herring and anchovies. By drawing in the footrope, fish are prevented from escaping, and as

the net is hauled alongside, fish are brailled or pumped into tanks or containers. Any net contact with the sea bed is necessarily very light and brief as the net is particularly vulnerable to being damaged, such that it will no longer retain fish. The EU landing obligation (see part 5) is relevant to the species of mackerel, horse mackerel, herring and sprat, which can be expected to be caught in the Cornwall IFCA district by these vessels. Sardines (pilchards) and anchovies are not covered. A huge area known as the 'Mackerel Box' which encompasses the whole of the District was designed to restrict mackerel catches for certain fishing methods, including ring-netting and purse seining vessels, but it is now clear that mackerel catches can now be landed due to imposition of the new legislation.

Ring netting or purse seining within the District's MPAs occurs in:

- Three SACs;
- One SPA (prohibited in one SPA); and
- One MCZ.

There are no major enforcement concerns for ring netting or purse seining in the District.

#### 6.8 Hand-lining

A variety of lures or baits are used to attract fish onto hooks which are shot and hauled directly by hand or with the use of a gurdy (a simple hand operated winch). A few boats may use a number of electrically or hydraulically powered line reels, usually in conjunction with a computer device, which speeds up and accurately controls the fishing operation.

By dropping multi-hooked lines down from the side(s) of a boat, species such as mackerel, pollack and squid may be taken in the water column. Trolling is another method which involves the towing of a hooked lure or bait above the sea-bed, most often used to take species such as bass and pollack.

Hand-lining is wide spread around the District for many commercial fishermen and also quite popular on a recreational basis.

Any undersized or unwanted fish species can normally be released back to the sea alive. However, with bass taken in the Cornwall IFCA District having a larger minimum size requirement than most other regions of the UK, a few undersized fish are sometimes discovered; usually where there is a lack of local regulation knowledge. Other species such as cod and pollack are also occasionally found to be undersized.

Handlining within the District's MPAs occurs in:

- Five SACs;
- One SPA; and
- Three MCZs.

Main enforcement concerns for hand-lining in the District are:

- Undersized bass in respect of the Bass Fishery byelaw; and
- Undersized fish in respect of the Specified Fish Sizes byelaw.

#### 6.9 Long-lining

Lines of hooks are used to target a variety of benthic species. Nowadays, they are rarely used because this type of fishing is probably not commercially viable on a full time basis within the District.

Hook size, bait type and fishing ground normally dictate that fish caught are of the desired species and meet any minimum size requirements.

Long-lining (all very small scale) within the District's MPAs occurs in:

- Three SACs;
- One SPA; and
- One MCZ.

There are no major fisheries enforcement concerns for long-lining in the District.

#### 6.10 Angling

Rod and line fishing using lures or baits is very widespread at sea and from the coastline of the District, being most common amongst recreational fishermen. It also works very well for a few commercial fishermen targeting species such as bass or pollack from a boat. Multiple rods may be used per person.

Recreational anglers who are members of angling clubs or organisations usually abide by their own members' rules in respect of retaining fish by a minimum length or weight. This generally effects compliance with fish minimum size regulations applied within the District. The EU proposal to raise bass minimum size to 42cm is generally well received by anglers. Some recreational fishermen self-impose catch and release for a part or all of their catch. For bass this will be compulsory under new EU legislation (see section 4).

Undersized or unwanted fish species can normally be released back to the sea alive. However, with highly prized bass taken in the Cornwall IFCA District having a larger minimum size requirement than most other regions of the UK, some undersized are sometimes discovered; usually where there is a lack of local regulation knowledge. Other species such as cod and pollack are also occasionally found to be undersized.

Fishing grounds which have become known as bass nursery areas exist in seven of the District's river and estuary systems. Within them it is prohibited to fish for bass from a boat, or any sea fish from a boat when using sand eels as bait, for a certain period of the year. This is through an Order and is primarily the responsibility of the MMO. However, it is expected that Cornwall IFCA officers will use its resources to assist with compliance and enforcement.

Angling within the District's MPAs occurs in:

- Five SACs;
- Two SPAs; and
- Five MCZs.

Main enforcement concerns for angling in the District are:

- Undersized bass in respect of the Bass Fishery byelaw (or proposed EU minimum size);
- Undersized fish in respect of the Specified Fish Sizes byelaw and Commission Regulation (EC) 850/98; and
- Fishing for bass from a boat or any sea fish from a boat using sand eels as bait during a period of the year, in a bass nursery area in respect of the Bass (Specified Areas)(Prohibition of Fishing) Order.

#### 6.11 Diving

Divers using standard SCUBA equipment usually deploy from a small boat to hand-gather sedentary species such as scallops or razor shells from a suitable

patch of sea bed. Commercial divers may sort out legal sized individuals as they work, before placing them into large sacks. Full sacks are then deposited into the boat for carriage ashore.

Few persons are engaged in either scallop or razor shell diving in Cornwall, but as commercially viable sites are limited by factors such as water depth and sufficient animal density for a given maximum bottom time, it is possible to make a significant impact on mature populations in discreet areas.

Diving for shellfish within the District's MPAs occurs in:

- One SAC;
- One SPA; and
- Up to three MCZs.

There are no major fisheries enforcement concerns for diving on shellfish stocks in the District.

#### 6.12 Beach seining

A net is worked by a team of people, sometimes using a small rowing boat, to trap fish in the shallows off a beach by circling the net from the beach, around the fish and back to the beach where it is pulled ashore by hand.

Beach seine nets are most commonly used to take sand eels for live or frozen angling bait, or bass and grey mullet for commercial sale.

Larger seines used for bass and mullet are generally owned by a collective of commercial fishermen who more essentially work with other fishing gear from licensed fishing boats within the District. Use of such a net is very sporadic and unpredictable, relying very much on the sighting of a shoal from the shore or vessels at sea, in calm sea conditions.

Beach seining within the District's MPAs occurs in:

- Three SACs; and
- One SPA.

There are no major fisheries enforcement concerns for beach seining in the District.

#### 6.13 Hand gathering

Shellfish such as oysters, mussels, cockles and winkles are gathered from the shore for both personal use and commercial gain.

Under the Fal Fishery Order, oysters and mussels may only be gathered by licence holders. Restricted times of day and minimum sizes are among the regulations applied to the Fal Fishery Area.

Worms and green crab are taken from the shore to be used as angling bait and some of this collection is on a commercial basis.

Hand gathering activities occur on the sea coast, in some harbours and within the tidal limits of rivers and estuaries.

Hand gathering of bait worms and shellfish within the District's MPAs occurs in:

- Four SACs;
- Two SPAs; and

- Four MCZs.
- Main enforcement concerns for hand gathering in the District are:
- Licensing of persons gathering oysters or mussels in the Fal Fishery Area in respect of the Fal Shellfisheries byelaw/Fal Fishery Order; and
  - Undersized oysters or mussels in respect of the Fal Shellfisheries byelaw/Fal Fishery Order.

#### 6.14 Note

The Cornwall IFCA byelaw review is completed. Many of the legacy byelaws referred to in this paper may be revoked during the year and new byelaws introduced. This may lead to changes to the risk-based enforcement plan described below.

### 7. **Risk based enforcement**

7.1 Four tables (see appendices 1, 2, 3 & 4) have been developed to assess fishing issues and prioritise the enforcement effort requirement for officers. The tables have been formulated for each quarter of the year (beginning 1 April) to reflect the various fishing activities which occur in the different periods, making it easier to see the priorities for enforcement as they change throughout the year.

7.2 It is important to recognise that the tables' "regulatory considerations" are not inclusive of every single fishing matter covered by fisheries legislation. Instead, the listing is limited to those which are either historically known to be an issue for regulatory violations or where there is a perception that issues could likely arise, during the life of this one year plan.

7.3 Each fishing activity which is listed for regulatory consideration is scored out of five, for both its regulatory infringement risk and conservation impact upon fisheries and the marine environment. The scoring was decided upon by experienced IFCA officers after careful consideration of their knowledge and relevant facts.

#### 7.4 Determining the enforcement risk

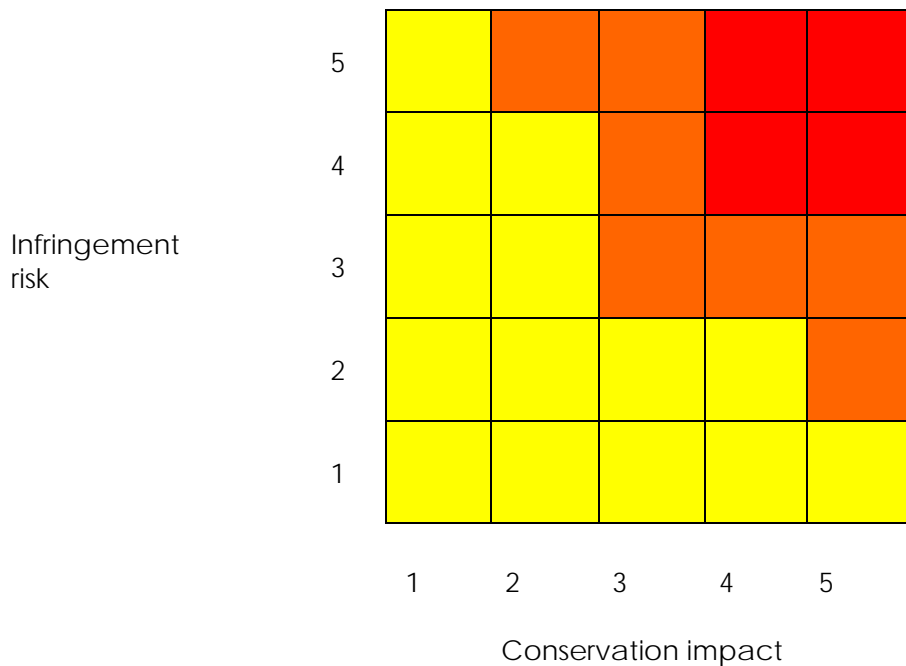
Applying the scores to a 5 x 5 matrix system shows how different levels of enforcement risk are evaluated with colour coding used to denote low, medium and high risks. Barring undetermined exceptional events, the higher risk activities will be prioritised for enforcement and compliance work.

Where a fisheries offence is prosecuted, the enforcement risk will be highlighted to the court, to indicate how the Authority views the seriousness of an infringement.

 High risk

 Medium risk

 Low risk



7.5 2015 - 16 priorities for regulatory enforcement

The following fishing activity is highest risk for enforcement action (score 16+):

- Scallop dredging limited fishing time (ex CSFC byelaw)
  - All year;
- Cut-out scallops (EC Regulation)
  - All year;

At the top end of medium risk for enforcement action (scores 12 to 15 incl.):

- Undersized scallops (EC Regulation)
  - All year;
- Bottom towed gear in prohibited areas of SAC around Eddystone reefs (Cornwall IFCA byelaw)
  - All year;
- Berried lobsters (ex CSFC byelaw)
  - January to March and October to December;
- Fishing for bass from a boat in Helford, Fal, Percuil and Fowey rivers (Order)
  - May to December;
- Fishing for bass from a boat in Camel river (Order)
  - May to November;

**CORNWALL IFCA DISTRICT**  
**RISK BASED ENFORCEMENT**

**APRIL TO JUNE 2015 inc. (1<sup>st</sup> QUARTER)**

**Appendix 1**

<b><u>FISHING METHOD</u></b>	<b><u>AREA AFFECTED</u></b> 0 to 6nm sea area or river/estuary/beach	<b><u>REGULATORY CONSIDERATION</u></b> Under IFCA byelaw (incl. legacy) or Gov't order or EU regulation	<b><u>INFRINGEMENT RISK</u></b> L - 1,2,3,4,5 - H	<b><u>CONSERVATION IMPACT</u></b> L - 1,2,3,4,5 - H	<b><u>ENFORCEMENT RISK</u></b> Low - Yellow Med - Orange High - Red
Beam trawl	North Cornwall sea area	Vessel length and power incl. historic rights (April and early May)	2	4	8
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Belgian vessel incursion	1	4	4
		Cape Banks (SAC) prohibited	2	4	8
	South Cornwall sea area	Vessel length and power incl. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Otter trawl	North and south Cornwall sea areas Mount's Bay	Trawl construction	2	2	4
		Minimum fish sizes	2	3	6
		French vessel incursion	1	4	4
		Falmouth Bay (SAC) prohibited	1	4	4
		Plymouth Sound (SAC) prohibited	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Scallop dredge	South Cornwall sea area	Vessel length incl. historic rights	2	5	10
		Excess number of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	4	16
		Dredge construction & tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bivalve molluscs bycatch	1	1	1
		Falmouth Bay (SAC) prohibited	2	4	8
		Eddystone reefs (SAC) partly prohibited	3	4	12

Net	North Cornwall sea area  * + River Camel	Birds in nets - St Ives Bay	1	3	3
		Fixed engines (3 defined coastal areas)	2	3	6
		Parts of crab	2	2	4
		Prohibited mesh size range	1	3	3
		Catch composition re mesh size	2	3	6
		Minimum fish* and shellfish sizes	2	2	4
		Shellfish permit and conditions	3	1	3
		Cetacean bycatch	1	4	4
	South Cornwall sea area  * + Fal, Helford, Fowey rivers	Mesh size – Manacles	1	4	4
		Fixed engines (5 defined coastal areas)	2	3	6
		Parts of crab	2	2	4
		Prohibited mesh size range	2	3	6
		Catch composition re mesh size	3	3	9
		Minimum fish* and shellfish sizes	2	2	4
		Shellfish permit and conditions	3	1	3
		Cetacean bycatch	1	4	4
	Mount's Bay	Mesh size – Runnelstone	1	4	4
		Fixed engines (1 defined coastal area)	3	3	9
		Parts of crab	2	2	4
		Prohibited mesh size range	1	3	3
		Catch composition re mesh size	2	3	6
		Minimum fish and shellfish sizes	2	2	4
		Shellfish permit and conditions	3	1	3
		Cetacean bycatch	1	4	4
	River Camel	Bass nursery area (May and June)	3	4	12
		All nets prohibited in part of river on 1 <sup>st</sup> April	3	3	9
		All nets prohibited May and June	3	3	9
		Fixed engines prohibited	3	3	9
	Tamar & Lynher rivers	Bass nursery area	2	4	8
		All nets prohibited	3	3	9
	Helford, Fal, Percuil, Fowey rivers	Bass nursery area (May and June)	3	4	12
	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Draft and seine nets night prohibition for certain mesh size range	1	3	3
Fixed engines prohibited		3	3	9	



Net (cont'd)	River Fowey	All nets of certain mesh size range prohibited in part of river	1	3	3
		All nets prohibited May and June	3	3	9
Pot	North and south Cornwall sea areas Mount's Bay	Vessel length incl. historic rights	1	4	4
		Minimum shellfish sizes	3	3	9
		Berried lobsters (April)	3	3	9
		V – notched lobsters	2	2	4
		Parts of crabs	2	3	6
		Shellfish permit and conditions	3	1	3
Ring net or purse seine	Mount's Bay North and south Cornwall sea areas	Minimum fish sizes	1	2	2
Seine	Camel and Fowey rivers	EA permit for sand eel seine (not required in April)	1	1	1
	Beaches	Minimum fish sizes	1	3	3
Rod & line	All sea area & rivers	Minimum fish sizes	2	2	4
		Bass bag limit (recreational fishing)	1	2	2
Handline	All sea & lower river areas	Minimum fish sizes	1	2	2
Hand gathering of shellfish	North and south Cornwall sea areas	Minimum molluscs sizes	1	2	2
	Carrick Roads & Fal, Helford, Camel, Tamar & Lynher rivers	Minimum molluscs and other shellfish sizes	1	2	2
	Fal Fishery Area (as per Fal Fishery Order)	Oyster fishing limited to lay areas	3	3	9
		Minimum oyster and mussel sizes	2	3	6
		Licencing for oysters and mussels	2	2	4

**CORNWALL IFCA DISTRICT**  
**RISK BASED ENFORCEMENT**

**JULY to SEPTEMBER 2015 inc. (2<sup>nd</sup> QUARTER)**

**Appendix 2**

<b><u>FISHING METHOD</u></b>	<b><u>AREA AFFECTED</u></b> 0 to 6nm sea area or river/estuary/beach	<b><u>REGULATORY CONSIDERATION</u></b> Under IFCA byelaw (incl. legacy) or Gov't order or EU regulation	<b><u>INFRINGEMENT RISK</u></b> L - 1,2,3,4,5 - H	<b><u>CONSERVATION IMPACT</u></b> L - 1,2,3,4,5 - H	<b><u>ENFORCEMENT RISK</u></b> Low - Yellow Med - Orange High - Red
Beam trawl	South Cornwall sea area	Vessel length and power incl. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Otter trawl	North and south Cornwall sea areas Mount's Bay	Trawl construction	2	2	4
		Minimum fish sizes	2	3	6
		French vessel incursion	2	4	8
		Benthic disturbance from demersal trawls	2	4	8
		Falmouth Bay (SAC) prohibited	1	4	4
		Plymouth Sound (SAC) prohibited	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Scallop dredge	South Cornwall sea area	Vessel length inc. historic rights	2	5	10
		Excess number of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	4	16
		Dredge construction and tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bi-valve molluscs bycatch	1	1	1
		Falmouth Bay (SAC) prohibited	2	4	8
Eddystone reefs (SAC) partly prohibited	3	4	12		
Pot	North and south Cornwall sea areas Mount's Bay	Vessel length incl. historic rights	1	4	4
		Minimum shellfish sizes	3	3	9
		Berried lobsters (September)	3	3	9
		V - notched lobsters	2	2	4
		Parts of crabs	2	3	6
		Shellfish permit and conditions	3	1	3

Net	North Cornwall sea area	Birds in St Ives Bay	1	3	3	
		Fixed engines (3 defined coastal areas)	2	3	6	
		Parts of crab	2	2	4	
		Prohibited mesh size range	2	3	6	
		Catch composition re mesh size	2	3	6	
		Minimum fish* and shellfish sizes	2	2	4	
		Shellfish permit and conditions	3	1	3	
		Cetacean bycatch	1	4	4	
	* + River Camel	South Cornwall sea area	Mesh size – Manacles	2	4	8
			Fixed engines (5 defined coastal areas)	3	3	9
			Parts of crab	2	2	4
			Prohibited mesh size range	2	3	6
			Catch composition re mesh size	3	3	9
			Minimum fish* and shellfish sizes	2	2	4
			Shellfish permit and conditions	3	1	3
			Cetacean bycatch	1	4	4
	* + Fal, Helford, Fowey rivers	Mount's Bay	Mesh size – Runnelstone	1	4	4
			Fixed engines (1 defined coastal area)	3	3	9
			Parts of crab	2	2	4
			Prohibited mesh size range	2	3	6
			Catch composition re mesh size	2	3	6
			Minimum fish and shellfish sizes	2	2	4
			Shellfish permit and conditions	3	1	3
			Cetacean bycatch	1	4	4
	River Camel	River Camel	Bass nursery area	3	4	12
			All nets prohibited	3	3	9
			Fixed engines prohibited	3	3	9
	Tamar & Lynher rivers	Tamar & Lynher rivers	Bass nursery area	2	4	8
			All nets prohibited	3	3	9
	Helford, Fal, Percuil, Fowey rivers	Helford, Fal, Percuil, Fowey rivers	Bass nursery area	3	4	12
	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Draft and seine net night prohibition for certain mesh size range	1	3	3
Fixed engines prohibited			3	3	9	
River Fowey	River Fowey	All nets of certain mesh size range prohibited in part of river	1	3	3	
		All nets prohibited	3	3	9	

Ring net or purse seine	Mount's Bay, North & south Cornwall sea areas	Minimum fish sizes	1	2	2
Seine	Camel & Fowey rivers	EA permit for sand eel seine	1	1	1
	Beaches	Minimum fish sizes	1	3	3
Rod & line	All sea areas & rivers	Minimum fish sizes	2	2	4
		Bass bag limit (recreational fishing)	2	2	4
Handline	All sea & lower river areas	Minimum fish sizes	1	2	2
Hand gathering of shellfish	North and south Cornwall sea areas	Minimum molluscs sizes	1	2	2
	Carrick Roads & Fal, Helford, Camel, Tamar & Lynher rivers	Minimum molluscs and shellfish sizes	1	2	2
	Fal Fishery Area (as per Fal Fishery Order)	Oyster fishing limited to lay areas	3	3	9
		Minimum oyster and mussel sizes	2	3	6
	Licensing for oysters and mussels	3	2	6	

**CORNWALL IFCA DISTRICT  
RISK BASED ENFORCEMENT**

**OCTOBER TO DECEMBER 2015 inc. (3<sup>RD</sup> QUARTER)**

**Appendix 3**

<b><u>FISHING METHOD</u></b>	<b><u>AREA AFFECTED</u> 0 to 6nm sea area or river/estuary/beach</b>	<b><u>REGULATORY CONSIDERATION</u> Under IFCA byelaw (incl. legacy) or Gov't order or EU regulation</b>	<b><u>INFRINGEMENT RISK</u> L - 1,2,3,4,5 - H</b>	<b><u>CONSERVATION IMPACT</u> L - 1,2,3,4,5 - H</b>	<b><u>ENFORCEMENT RISK</u> Low - Yellow Med - Orange High - Red</b>
Beam trawl	South Cornwall sea area	Vessel length and power incl. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Otter trawl	North and south Cornwall sea areas Mount's Bay	Trawl construction	2	2	4
		Minimum fish sizes	2	3	6
		French vessel incursion	1	4	4
		Benthic disturbance from demersal trawls	2	4	8
		Falmouth Bay (SAC) prohibited	1	4	4
		Plymouth Sound (SAC) prohibited	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Scallop dredge	South Cornwall sea area	Vessel length incl. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	4	16
		Dredge construction and tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bi-valve molluscs bycatch	1	1	1
		Falmouth Bay (SAC) prohibited	2	4	8
Eddystone reefs (SAC) partly prohibited	3	4	12		
Oyster and mussel dredge	Fal (Fal Fishery Order)	Prohibited fishing times	2	2	4
		Minimum oyster and mussel sizes	2	3	6
		Dredge permit and conditions	4	1	4
		Fal (SAC) prohibited areas	2	5	10

Net	North Cornwall sea area	Birds in St Ives Bay	3	3	9	
		Fixed engines (3 defined coastal areas)	3	3	9	
		Parts of crab	2	2	4	
		Prohibited mesh size range	2	3	6	
		Catch composition re mesh size	2	3	6	
		Minimum fish* and shellfish sizes	2	2	4	
		Shellfish permit and conditions	2	1	2	
		Cetacean bycatch	1	4	4	
	* + River Camel	South Cornwall sea area	Mesh size – Manacles	2	4	8
			Fixed engines (5 defined coastal areas)	3	3	9
			Parts of crab	2	2	4
			Prohibited mesh size range	2	3	6
			Catch composition re mesh size	3	3	9
			Minimum fish* and shellfish sizes	2	2	4
			Shellfish permit and conditions	2	1	2
			Cetacean bycatch	1	4	4
	* + Fal, Helford, Fowey rivers	Mount's Bay	Mesh size – Runnelstone	2	4	8
			Fixed engines (1 defined coastal area)	3	3	9
			Parts of crab	2	2	4
			Prohibited mesh size range	2	3	6
			Catch composition re mesh size	2	3	6
			Minimum fish and shellfish sizes	2	2	4
			Shellfish permit and conditions	2	1	2
			Cetacean bycatch	1	4	4
	River Camel	River Camel	Bass nursery area (October & November)	3	4	12
			All nets prohibited	3	3	9
			Fixed engines prohibited	3	3	9
	Tamar & Lynher rivers	Tamar & Lynher rivers	Bass nursery area	2	4	8
			All nets prohibited	3	3	9
	Helford, Fal, Percuil, Fowey rivers	Helford, Fal, Percuil, Fowey rivers	Bass nursery area	3	4	12
	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Draft and seine net night prohibition for certain mesh size range	1	3	3
			Fixed engines prohibited	3	3	9
River Fowey	River Fowey	All nets of certain mesh size range prohibited in part of river	1	3	3	
		All nets prohibited	3	3	9	

Pot	North and south Cornwall sea areas Mount's Bay	Vessel length incl. historic rights	1	4	4
		Minimum shellfish sizes	3	3	9
		Berried lobsters	4	3	12
		V – notched lobsters	2	2	4
		Parts of crabs	2	3	6
		Shellfish permit and conditions	3	1	3
Ring net or purse seine	Mount's Bay North and south Cornwall sea areas	Minimum fish sizes	1	2	2
Seine	Camel and Fowey rivers	EA permit for sand eel seine	1	1	1
	Beaches	Minimum fish sizes	1	3	3
Rod & line	All sea areas & rivers	Minimum fish sizes	2	2	4
		Bass bag limit (recreational fishing)	2	2	4
Handline	All sea and lower river areas	Minimum fish sizes	1	2	2
Hand gathering of shellfish	North and south Cornwall sea areas	Minimum molluscs sizes	1	2	2
	Carrick Roads & Fal, Helford, Camel, Tamar & Lynher rivers	Minimum molluscs and shellfish sizes	1	2	2
	Fal Fishery Area (as per Fal Fishery Order)	Minimum oyster and mussel sizes	2	3	6
		Licensing for oysters and mussels	2	2	4

**CORNWALL IFCA DISTRICT**  
**RISK BASED ENFORCEMENT**

**JANUARY TO MARCH 2016 inc. (4<sup>TH</sup> QUARTER)**

**Appendix 4**

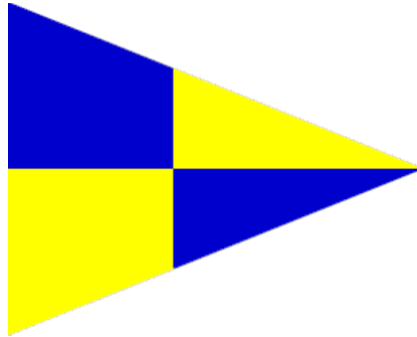
<b><u>FISHING METHOD</u></b>	<b><u>AREA AFFECTED</u></b> 0 to 6nm sea area or river/estuary/beach	<b><u>REGULATORY CONSIDERATION</u></b> Under IFCA byelaw (incl. legacy) or Gov't order or EU regulation	<b><u>INFRINGEMENT RISK</u></b> L - 1,2,3,4,5 - H	<b><u>CONSERVATION IMPACT</u></b> L - 1,2,3,4,5 - H	<b><u>ENFORCEMENT RISK</u></b> Low - Yellow Med - Orange High - Red
Beam trawl	North Cornwall sea area	Vessel length and power incl. historic rights	2	4	8
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Belgian vessel incursion	1	4	4
		Cape Banks (SAC) prohibited	2	4	8
	South Cornwall sea area	Vessel length and power incl. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Otter trawl	North and south Cornwall sea areas Mount's Bay	Trawl construction	2	2	4
		Minimum fish sizes	2	3	6
		French vessel incursion	1	4	4
		Benthic disturbance from demersal trawls	2	4	8
		Falmouth Bay (SAC) prohibited	1	4	4
		Plymouth Sound (SAC) prohibited	1	4	4
		Eddystone reefs (SAC) partly prohibited	2	4	8
Scallop dredge	South Cornwall sea area	Vessel length incl. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	4	16
		Dredge construction and tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bi-valve molluscs bycatch	1	1	1
		Falmouth Bay (SAC) prohibited	2	4	8
		Eddystone reefs (SAC) partly prohibited	3	4	12



Oyster and mussel dredge	Fal (Fal Fishery Order)	Prohibited fishing times	2	2	4
		Minimum oyster and mussel sizes	2	3	6
		Dredge permit and conditions	4	1	4
		Fal (SAC) prohibited areas	2	5	10
Net	North Cornwall sea area  * + River Camel	Birds in St Ives Bay	3	3	9
		Fixed engines (3 defined coastal areas)	3	3	9
		Parts of crab	2	2	4
		Prohibited mesh size range	2	3	6
		Catch composition re mesh size	2	3	6
		Minimum fish* and shellfish sizes	2	2	4
		Shellfish permit and conditions	2	1	2
		Cetacean bycatch	1	4	4
	South Cornwall sea area  * + Fal, Helford, Fowey rivers	Mesh size – Manacles	2	4	8
		Fixed engines (5 defined coastal areas)	3	3	9
		Parts of crab	2	2	4
		Prohibited mesh size range	2	3	6
		Catch composition re mesh size	3	3	9
		Minimum fish* and shellfish sizes	2	2	4
		Shellfish permit and conditions	2	1	2
		Cetacean bycatch	1	4	4
	Mount's Bay	Mesh size – Runnelstone	2	4	8
		Fixed engines (1 defined coastal area)	3	3	9
		Parts of crab	2	2	4
		Prohibited mesh size range	2	3	6
		Catch composition re mesh size	2	3	6
		Minimum fish and shellfish sizes	2	2	4
		Shellfish permit and conditions	2	1	2
	River Camel	All nets prohibited in part of river	3	3	9
		Fixed engines prohibited	3	3	9
	Tamar & Lynher rivers	Bass nursery area	2	4	8
		All nets prohibited	3	3	9
	Carrick Roads and Fal, Helford, Fowey, Looe rivers	Draft and seine net night prohibition for certain mesh size range	1	3	3
		Fixed engines prohibited	3	3	9
	River Fowey	All nets of certain mesh size range prohibited in part of river	1	3	3
		All nets prohibited	3	3	9

Pot	North and south Cornwall sea areas Mount's Bay	Vessel length incl. historic rights	1	4	4
		Minimum shellfish sizes	3	3	9
		Berried lobsters	4	3	12
		V – notched lobsters	2	2	4
		Parts of crabs	2	3	6
		Shellfish permit and conditions	3	1	3
Ring net or purse seine	Mount's Bay North and south Cornwall sea areas	Minimum fish sizes	1	2	2
Seine	Camel and Fowey rivers	EA permit for sand eel seine	1	1	1
	Beaches	Minimum fish sizes	1	3	3
Rod & line	All sea areas & rivers	Minimum fish sizes	2	2	4
		Bass bag limit (recreational fishing)	1	2	2
Handline	All sea and lower river areas	Minimum fish sizes	1	2	2
Hand gathering of shellfish	North and south Cornwall sea areas	Minimum molluscs sizes	1	2	2
	Carrick Roads & Fal, Helford, Camel, Tamar & Lynher rivers	Minimum molluscs and shellfish sizes	1	2	2
	Fal Fishery Area (as per Fal Fishery Order)	Minimum oyster and mussel sizes	2	3	6
		Licensing for oysters and mussels	2	2	4





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