



Isles of Scilly Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

### **Non-Commercial Fixed Gear Byelaw 2019**

The Authority for the Isles of Scilly Inshore Fisheries and Conservation District in exercise of its powers under Section 155 and 156 of the Marine and Coastal Access Act 2009 make the following byelaw for that District.

#### **Interpretations**

- 1 In this byelaw:
  - a) “the Authority” means the Isles of Scilly Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Isles of Scilly Inshore Fisheries and Conservation Order 2010 (SI 2010/2213);
  - b) “the District” means the Isles of Scilly Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Isles of Scilly Inshore Fisheries and Conservation Order 2010;
  - c) “marker buoy” includes any type of surface marker float which will identify the location of fishing gear;
  - d) “non-commercial” means fishing for fish that will not be sold;
  - e) “permit” means an authorisation issued under paragraph 4 of this byelaw to fish for non-commercial purposes using a pot;
  - f) “a pot” means a pot, creel or trap used for catching edible crab (*Cancer pagurus*), European lobster (*Homarus gammarus*) and crawfish (*Palinurus elephas*);
  - g) “a tag” is a marker with a unique serial number issued by the Authority;
  - h) “unique permit number” means the permit reference number issued by the authority under paragraph 4 of this byelaw;

#### **Prohibitions**

- 2 A person must not fish with a pot for non-commercial purposes without a valid permit.

#### **Permits**

- 3 The Authority may issue a unique permit and up to six tags upon receiving an application from a person.

- 4 A unique permit number and tags will only remain valid during the year of issue of the permit.
- 5 A fee of £3.00 will be charged for each tag that will be payable prior to issue.
- 6 An application for a permit may be made using the printed forms available from the Authority or the online forms available on the Authority's website.

#### **Permit Conditions**

- 7 A recreational permit and tags:
  - a. are issued to a named person ('the recreational permit holder')
  - b. are not transferable from the recreational permit holder to another person
  - c. must be surrendered to the Authority immediately if no longer required by the recreational permit holder
- 8 Each permit holder will be issued with up to six tags, these are to be attached to the marker buoy. The number of tags will indicate the number of pots on that string.
- 9 The position of all pots used under the authority of a permit must be clearly visible with a marker buoy which must show the relevant permit holder's unique permit number.
- 10 No more than six pots per recreational permit holder may be used.
- 11 The use of store pots is prohibited.

#### **Seizure of Gear**

- 12 Any fishing gear used or deployed in contravention of this Byelaw may be seized in accordance with provisions contained in section 166(3) of the Marine and Coastal Access Act 2009.

#### **Exemption**

- 13 Paragraph 2 does not apply to any person performing an act that 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.

**I hereby certify that the above byelaw was made by the Authority at their meeting held on the XX day of XXXX 201X**

**Tom Hooper**

**Chief Fisheries and Conservation Officer**

**Isles of Scilly IFCA**

**Town Hall**

**St. Mary's**

**Isles of Scilly**

**TR21 0LW**

**The Secretary of State for the Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms this byelaw by the Isles of Scilly Inshore Fisheries and Conservation Authority on**

**Date:**

**A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs**

**Explanatory Note**

**(This note is not part of the byelaw)**

The purpose of this byelaw is to ensure that recreational potting activity is managed and there is an oversight of the combined level of fishing. This is managed by issuing permits and tags to non-commercial fishers.