



Isles of Scilly Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009

Fishing Gear Permit Byelaw

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

Interpretation

1 In this byelaw:

- a) “the 1983 baselines” means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964;
- b) “additional IVMS requirement has the meaning given to it by paragraph 23;
- c) “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 2012/2213);
- d) “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 (SI 2010/2213);
- e) “gross tonnage” means the gross tonnage of the vessel as recorded in the Register of Ships and in its Certificate of Registry;
- f) “inboard lashed and stowed” means the gear is stowed in such a way that use cannot be readily made of it for any purpose;
- g) “Inshore Vessel Monitoring System” means a remotely accessed electronic reporting device which:

- i has been approved by the Marine Management Organisation;
 - ii operates in accordance with any specifications set by the Authority under paragraph 24;
- h) “named representative” means the person nominated by the permit holder and named on the permit;
- i) “overall length” means the overall length of the vessel as recorded in the Register of Ships and in its Certificate of Registry;
- j) “permit holder” means the person qualified to be issued a permit by the Authority in accordance with paragraph 8;
- k) “prohibited area” means the area contained within a line drawn sequentially between the following points:

Point A (50° 00.37' N, 006° 22.32' W) to
 Point B (50° 00.086' N, 006° 13.976' W) to
 Point C (49° 55.94' N, 006° 13.61' W) to
 Point D (49° 52.72' N, 006° 18.14' W) to
 Point E (49° 50.74' N, 006° 18.90' W) to
 Point F (49° 51.007' N, 006° 28.098' W) and then to
 Point G (49° 57.31' N, 006° 28.30' W) back to point A
- l) “relevant fishing vessel” means any fishing boat registered in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act and holding a fishing licence issued by an appropriate national authority at the time of application for a permit issued under this byelaw;
- m) “restricted area” means the area of the District excluding the prohibited area;
- n) “specified area” means “IVMS Area 1” and “IVMS Area 2” as defined in the schedule;
- o) “towed fishing gear” means any dredge, trawl or similar device that is designed to be towed or pushed to take any sea fisheries resources;

Restriction of Vessel Size

- 2 Subject to paragraph 3, no person may fish with a vessel that exceeds:
 - a) 10 tonnes gross tonnage; or
 - b) 11 metres in overall length.

- 3 Paragraph 2 does not apply to any vessel remaining in the Historic Users list made under the Methods of Fishing byelaw;

Restrictions on the Use of Towed Fishing Gear

- 4 No person may operate any vessel using towed fishing gear within the prohibited area;
- 5 No person may operate any vessel carrying towed fishing gear within the prohibited area unless the towed fishing gear is inboard, lashed and stowed;
- 6 No person may operate any vessel using towed fishing gear within the restricted area except in accordance with a permit issued by the Authority under paragraphs 8 to 14 and the permit conditions;
- 7 No person may operate any vessel carrying towed fishing gear within the restricted area unless
 - a) The towed fishing gear is inboard, lashed and stowed; or
 - b) The towed fishing gear is being used in accordance with a permit issued by the Authority under paragraphs 8 to 14 and any permit conditions.

Permits

- 8 A permit will only be issued by the Authority to the vessel owner of a relevant fishing vessel in relation to that vessel;
- 9 No more than one permit will be issued per relevant fishing vessel;
- 10 Applications for a permit under this byelaw shall be made using the printed forms available from the Authority's office and web site;
- 11 A permit holder may nominate a named representative to be named on the permit;
- 12 A permit is valid from the dates specified in the permit and expires on the 31st March following that date;
- 13 The permit shall not be transferable and must be surrendered to the Authority immediately if no longer required by the permit holder;
- 14 A fee of £25 will be charged for each permit that will payable prior to use.

Permit Conditions

- 15 The permit holder, or named representative must be present on board the vessel to use the permit and shall be responsible for the catch and gear on board and the vessel's position;
- 16 The certificate disc must be located on the vessel in such a way that it is clearly displayed at all times;
- 17 The permit holder shall provide any fisheries information requested by the Authority;
- 18 The permit holder shall not operate a vessel using a dredge unless the dredge meets the requirements in paragraph 19;
- 19 The requirements are:
 - a) The dredge must be fitted with a spring-loaded tooth-bar;
 - b) The dredge must have a mouth that does not exceed 85cms in width;
 - c) Where rings are used in the construction of the retaining bag of the dredge, the rings shall not be less than 75mm measured across the inside diameter and must not be obstructed or reduced by any method;
 - d) Where netting is used in the construction of the retaining bag of the dredge, the net must have a minimum mesh size of 100mm and must not be obstructed or reduced by any method;
 - e) There must be no attachments to the rear, top or inside the dredge;
 - f) The dredge must not contain a diving plate or other similar device; and
 - g) The dredge (including the belly, back and all fittings) must not weigh more than 150kg.
- 20 The permit holder may not operate a vessel using more than 4 dredges within any part of the District to the landward side of a line drawn 4 nautical miles from the 1983 baselines;
- 21 The permit holder may not use any trawl or other type of towed net other than;
 - a) A seine net; or
 - b) A single trawl fitted with a single cod-end and one pair of otter boards.
- 22 The permit holder may not operate a vessel using any trawl or other type of towed net while another vessel is using the same trawl or net.

23 A permit will only be issued following a full Habitats Regulations Assessment for the IVMS Area 1 and the IVMS Area 2 as stated in the Schedule of this byelaw.

Additional Inshore Vessel Monitoring System Requirement

24 In accordance with the procedure outlined in paragraph 26, the Authority may attach an additional requirement to a permit that prohibits the permit holder from using towed fishing gear within the specified area without an operational and functioning Inshore Vessel Monitoring System;

25 The additional IVMS requirement will include the specifications for the operation and functioning of the Inshore Vessel Monitoring System.

26 The procedure for attaching or reviewing an additional requirement is as follows:

- a) The Authority shall consult in writing with all permit holders and other stakeholders and organisations that may be representative of any interests likely to be affected by the proposed future management options;
- b) The Authority shall take into account scientific and survey data gathered by the Authority or provided by permit holders or other bodies such as CEFAS, the Marine Management Organisation, Natural England or such other bodies or organisations as the Authority shall think fit.

27 The Authority will review any additional IVMS requirement no less frequently than every three years and any review will be in accordance with the procedure in paragraph 26.

Exemption

28 This byelaw shall 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.

Revocations

29 The byelaws with the titles 'Methods of Fishing' and 'Methods of Fishing (Dredges) Byelaw made by the Committee of the Isles of Scilly Sea Fisheries Regulation Act 1966 in force immediately before the making of this byelaw are revoked.

Schedule

Definitions of "IVMS Area 1" and "IVMS Area 2"

Co-ordinates used in this Schedule are based on WGS 84 datum, where 'WGS 84' means the World Geodetic System, revised in 1984 and further revised in 2004.

"IVMS Area 1" means the area contained within a line drawn sequentially between the following points:

Point A (50° 00.104' N, 006° 28.331' W) to

Point B (50° 00.37' N, 006° 22.42' W) and then to

Point C (49° 57.31' N, 006° 28.30' W) to point A

"IVMS Area 2" means the area contained within a line drawn sequentially between the following points:

Point D (49° 55.94' N, 006° 13.61' W) to

Point E (49° 50.946' N, 006° 13.873' W) to

Point F (49° 50.74' N, 006° 18.90' W) and then from

Point G (49° 52.72' N, 006° 18.14' W) to Point D

I hereby certify that the above byelaw was made by the Authority at their meeting held on the 10th day of December 2013



Chief Fisheries Officer to the Authority
Isles of Scilly IFCA
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Isles of Scilly
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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 the Fishing Gear Permit byelaw by the Authority on {date}

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

Explanatory Note

(Not part of the Byelaw)

The purpose of this byelaw is to manage the fishing activities carried out within the District and provide the Authority with the ability to manage conservation within the District. The byelaw will provide the ability to manage the use of towed fishing gear and support the protection of the marine environment including the all the Marine Protected Areas of the District. The byelaw will control access of vessels using towed gears within the Isles of Scilly Complex Special Area of Conservation.