



## **Isles of Scilly Inshore Fisheries and Conservation Authority**

### **MARINE AND COASTAL ACCESS ACT 2009**

#### **Fishing Gear Permit Byelaw 2021**

The Isles of Scilly Inshore Fisheries and Conservation Authority in exercise of its powers under sections 155(1) of the Marine and Coastal Access Act 2009<sup>1</sup> (“the Act”) make the following Byelaw for that District.

#### **Interpretation**

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<sup>2</sup>;
- b. “the District” has the meaning given by Article 3 of the Isles of Scilly Inshore Fisheries and Conservation Order 2010;
- c. “fishing” includes searching for sea fisheries resources, shooting, setting, towing, hauling of a mobile fishing gear, and taking sea fisheries resources on board (and “fish” shall be interpreted accordingly);
- d. “gross tonnage” means the gross tonnage of the vessel as recorded in the Register of Ships<sup>3</sup> and in its Certificate of Registry<sup>4</sup>;
- e. “impact assessment” means a documented account of the review process, including the rationale for potential changes, the findings of consultations and the decision making of the Authority;

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<sup>1</sup>2009 c. 23

<sup>2</sup> S.I. 2010 No. 2213

<sup>3</sup> As operated by the Maritime and Coastguard Agency for the registration of vessels in the UK

<sup>4</sup> As provided by the UK Ship Register

- f. “master” means the person onboard with responsibility for the vessel and its activities;
- g. “mobile fishing gear” means any dredge, trawl or similar device that is designed to be towed or pushed in order to take any sea fisheries resources;
- h. “a named representative” means the person nominated by the permit holder and named on the permit as the master;
- i. “overall length” means the overall length of a relevant fishing vessel recorded in the Register of Ships and in its Certificate of Registry;
- j. “owner” means a shareholder in a relevant fishing vessel recorded in the vessel’s Certificate of Registry kept by the Maritime and Coastguard Agency;
- k. “permit” means a permit issued by the Authority to the owner for the purposes of using mobile fishing gear within the District;
- l. “permit conditions” means the conditions set out in each permit issued under the Fishing Gear Permit Byelaw 2021;
- m. “permit holder” means the person qualified to be issued a permit by the Authority in accordance with the provisions of paragraphs 5 to 9;
- n. “relevant fisheries information” means any information required by the Authority for the effective management of the exploitation of sea fisheries resources in the District;
- o. “relevant fishing vessel” means a vessel:
  - i. registered in accordance with Part II of the Merchant Shipping Act 1995<sup>5</sup> and the Merchant Shipping (Registration of Ships) Regulations 1993<sup>6</sup>; and
  - ii. in respect of which there is a valid fishing licence issued under the Fisheries Act 2020<sup>7</sup>;
- p. “specified equipment” means equipment that the Authority considers is required for monitoring the exploitation of sea fisheries resources;

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<sup>5</sup> 1995 c. 21

<sup>6</sup> S.I. 1993 No. 3138

<sup>7</sup> 2022 c. 22

q. "vessel" means:

- i. any vessel, ship, boat, raft or watercraft of any description including non-displacement craft, personal watercraft, seaplanes or any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and
- ii. a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

r. "in writing" means communication to the Authority by written document sent by:

- i. recorded delivery to the IFCA Offices at the address published on the website or hand delivered to an officer of the Authority; or
- ii. email to [ifca@scilly.gov.uk](mailto:ifca@scilly.gov.uk).

## **Commencement**

- 2. This Byelaw comes into force 14 days after the day on which it is confirmed by the Secretary of State.

## **Prohibitions**

- 3. A person must not fish with mobile fishing gear within the District except in accordance with a valid permit.
- 4. A person must not fish in the District with a vessel that exceeds:
  - a. 10 tonnes gross tonnage; or
  - b. 11 metres in overall length.

## **Permits**

- 5. The Authority may authorise fishing with mobile fishing gear from a relevant fishing vessel by issuing a permit with conditions to an owner.
- 6. An owner of a relevant fishing vessel may apply to the Authority for a permit using:
  - a. printed forms available from the Authority's office; or

- b. the online application facility on the Authority's website.
7. An owner who makes an application under paragraph 6 must pay the application fee set by the Authority in accordance with paragraph 13 at the time the owner makes the application.
8. The Authority can issue a maximum of one permit to a relevant fishing vessel that is valid for a maximum duration of two years.
9. The Authority must issue a copy of the permit to all owners of the relevant fishing vessel.
10. A relevant fishing vessel can only be operated under the authority of a permit by:
  - a. an owner; or
  - b. a named representative identified in the application and named on the permit.
11. A permit holder:
  - a. may surrender the permit to the Authority at any time; and
  - b. must not transfer the permit to another vessel or person.
12. A permit holder must:
  - a. notify the Authority in writing of any changes to the information originally submitted in their application for their permit within 14 days beginning with the date on which the change took effect, and failure to do so renders the permit invalid;
  - b. notify the Authority in writing of any additional named representative prior to the operation of the relevant fishing vessel by that named representative; and
  - c. upon request by the Authority, provide any relevant fisheries information or document required by the Authority for the purpose of exercising its functions.
13. The Authority must determine the application fee payable by applicants for a permit at a general meeting.
14. A permit holder or a named representative operating a relevant fishing vessel within the District in accordance with a valid permit may be required to have specified equipment fitted to the vessel or the mobile fishing gear for the purposes of monitoring the exploitation of sea fisheries resources. Any

prohibition, restriction or requirement relating to the specified equipment will be set out in the permit conditions.

### **Permit Conditions**

15. When issuing a permit the Authority may impose permit conditions including prohibitions, restrictions, or requirements in accordance with the provisions set out in sections 156 and 158 of the Act.
16. The Authority may introduce, remove, or vary any permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 17 to 19.

### **Review Procedure for the Permit Conditions**

17. The Authority must review the permit conditions at least once every three years from the date they come into force.
18. When reviewing the permit conditions, the Authority must:
  - a. consult in writing with permit holders and other relevant stakeholders, organisations and persons that appear to the Authority to be representative of the interests likely to be affected by the proposed amendments to the permit conditions;
  - b. decide whether to introduce, remove or vary any permit conditions taking into account any responses to the consultation set out in paragraph 18 (a) and the information listed in paragraph 19;
  - c. notify permit holder of any decision made in accordance with paragraph 18 (b) and amend permits as necessary at no cost to the permit holder.
19. The information referred to in paragraph 18(b) includes any one or more of the following:
  - a. data collected from permit holders;
  - b. scientific and survey data gathered by the Authority or provided to the Authority by other relevant bodies, organisations or persons the Authority deems fit;
  - c. an impact assessment of any proposed changes;
  - d. advice and guidance provided by relevant statutory bodies or other bodies, organisations, or persons the Authority deems fit; and

- e. any other material information which the Authority considers relevant.

### **Exemptions**

20. This Byelaw 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 maintenance, scientific, stocking or breeding purposes.

### **Offences**

21. A person who contravenes this Byelaw is guilty of an offence under Section 163 of the Act.

### **Revocation**

22. The "Fishing Gear Permit Byelaw", made by the Authority on 10<sup>th</sup> December 2013 and confirmed by the Secretary of State on 31<sup>st</sup> March 2014, is revoked.

I hereby certify that the above Byelaw was made by the Authority at their meeting held on the 13 April 2021.

Signature



Chief Fisheries Officer  
Isles of Scilly Inshore Fisheries and Conservation Authority  
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(3) of the Marine and Coastal Access Act 2009 confirms the Fishing Gear Permit Byelaw by the Authority on 13<sup>th</sup> April 2021.



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

Date: 11 December 2024

## **Explanatory Note**

(Not part of the Fishing Gear Permit Byelaw 2021)

This Byelaw prohibits the use of mobile fishing gears within the entire Isles of Scilly District without a valid permit issued by the Authority and prohibits the use of mobile fishing gears within specified parts of the District, in order to protect areas of high sensitivity.

This Byelaw introduces a permit scheme that allows the Authority to issue permits to owners of fishing vessels authorising mobile fishing with a valid permit in specified areas of the District. Owners of fishing vessels can apply for a permit using printed forms obtained from the Authority's office, or via the online application process through the Authority's website. A permit holder must comply with the permit conditions attached to the permit and the provisions of this Byelaw.

The Byelaw includes a review process for permit conditions that requires review of the conditions at least once every three years. When reviewing changes to the permit conditions, the Authority must consult with permit holders and other relevant stakeholders and consider each response. The Authority must also consider scientific data, advice and guidance from appropriate statutory bodies, data from permit holders, and any other data deemed relevant by the Authority.

Any changes to permit conditions will be communicated with permit holders, and amended copies will be issued at no cost to the permit holder.

Any person who fails to comply with the requirements of this Byelaw or the permit conditions will be guilty of an offence.

The Isles of Scilly Inshore Fisheries and Conservation Authorities existing 'Fishing Gear Permit' Byelaw is revoked by this Byelaw.

The Byelaw comes into force 14 days after the day on which it is confirmed by the Secretary of State.