



Isles of Scilly Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

Recreational Fixed Gear Permit Byelaw 2020

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 (SI 2010/2213);
 - c) “marker buoy” includes any type of surface marker float which will identify the location of fishing gear;
 - d) “recreational” means fishing for sea fisheries resources for pleasure or personal consumption;
 - e) “recreational permit” means an authorisation issued under paragraph 3 of this byelaw to fish using a pot for sea fisheries resources for pleasure or personal consumption;
 - f) “a pot” means a parlour pot, inkwell pot, creel or trap used for catching edible crab (*Cancer pagurus*), European lobster (*Homarus gammarus*) and crawfish (*Palinurus elephas*);
 - g) “store pot” means a pot known colloquially as a ‘carb’ which is a device for storing live shellfish;
 - h) “a tag” is a marker with a unique serial number issued by the Authority;
 - i) “unique permit number” means the permit reference number issued by the Authority under paragraph 3 of this byelaw;

Prohibitions

- 2 A person must not fish with a pot for recreational purposes otherwise than in accordance with a valid recreational permit.

Permits

- 3 The Authority may issue a recreational permit and tags upon receiving an application from a person fishing by any boat used solely for pleasure.
- 4 A unique permit number and tags will expire at 23:59 on December 31st of the year of issue of the recreational permit.
- 5 A fee of £3.00 will be charged for each tag that will be payable once an application has been accepted, and prior to issue.
- 6 An application for a recreational permit may be made using the forms available from the Authority office or the Authority's website.
- 7 There is a limit of one recreational permit per person.

Permit Conditions

- 8 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; and
 - c. must be surrendered to the Authority immediately if no longer required by the recreational permit holder.
- 9 Each recreational permit holder will be issued with up to six tags, these are to be attached to the marker buoy. The number of tags indicate the number of pots on that string.
- 10 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.
- 11 No more than six pots per recreational permit holder may be used.
- 12 The use of store pots is prohibited.

Seizure of Gear

- 13 Any fishing gear used or deployed in contravention of this byelaw may be seized.

Exemption

- 14 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 2nd day of June 2016



**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



**Colin Faulkner
Deputy Director, External Fisheries Negotiations & Trade Policy
Department for Environment, Food & Rural Affairs**

Date: 26 May 2020

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 reduce unmonitored fishing and ensure that recreational potting activity is managed and monitored through issuing permits and up to six tags. It also requires permit holders to clearly mark their gear and enables the Authority to seize gear that is in contravention of the byelaw.