

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

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MARINE AND COASTAL ACCESS ACT 2009 (2009 c23)

VESSELS USED IN FISHING BYELAW 2012

The Authority for the Southern Inshore Fisheries and Conservation District, in exercise of the powers conferred upon it under sections 155 and 156 of the Marine and Coastal Access Act 2009 (c. 23) makes the following byelaw for District.

1 DEFINITIONS

(1) In this byelaw:

"The Authority" means the Southern Inshore Fisheries and Conservation Authority as defined in articles 2 and 3 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010/2198);

"the 1983 baselines" means the 1983 baselines as defined in the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010/2198);

"the District" means the Southern Inshore Fisheries and Conservation District as defined in articles 2 and 4 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010/2198);

"the extended area" means so much of the sea as lies within the following boundaries:

- (i) A line drawn along the western side of the road-bridge leading from Langstone to Hayling Island in the County of Hampshire and continued to the southern extremity of the said bridge straight to the Hayling Island Coastguard station (50° 46.90'N 0° 58.18'W) and thence seawards in a true southerly direction; and
- (ii) The eastern boundary of the District as defined in regulation 3(5)(b) and Part 2 of the Table in the Schedule to the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010/2198);

"overall length" has the same meaning as in the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993/3138);

"pleasure vessel" has the same meaning as in the definition in regulation 2(1) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 (SI 1998/2771), but excluding the vessels referred to in subparagraph (b) of that definition.

"the Southern Committee" means the Committee of the Southern Sea Fisheries District as established from time to time by Order under the Sea Fisheries Regulation Act 1966;

(2) Ownership of a vessel is to be determined by reference to the Register of British Ships established under the Merchant Shipping (Register of Ships etc) Act 1993 and, for the

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purposes of this Byelaw, the ownership of a vessel changes when a new owner is added to the vessel's details in the Register, whether in substitution for or in addition to the existing owner or owners.

2 RESTRICTION ON THE USE OF VESSELS OF SPECIFIED DESCRIPTIONS

- (1) No person shall use any vessel which exceeds 12 metres in overall length for fishing for or taking sea fish.
- (2) This restriction is subject to the exceptions in paragraph 3.

3 EXCEPTIONS

- (1) This Byelaw shall not apply in so much of the sea as lies inside a line drawn three nautical miles to seaward from the 1983 baselines to any vessel over 12 metres in overall length registered with the Southern Committee on 1st January 1995 to fish for the purpose of sale.
- (2) This Byelaw shall not apply in so much of the sea as lies between a line drawn three nautical miles to seaward from the 1983 baselines and a line drawn six nautical miles to seaward from the 1983 baselines to any vessel over 12 metres in overall length which was registered with the Southern Committee on 27th July 1995 to fish for the purpose of sale, unless:
 - (a) In the case of a vessel based at a port within the District boundaries, it has ceased to be so based since 27th July 1995;
 - (b) In the case of a vessel not based at a port within the District boundaries, its ownership has changed since 27th July 1995.
- (3) This Byelaw shall not apply in the extended area to any vessel which is over 12 metres in overall length and not more than 14 metres in overall length, provided that:
 - (a) The owner of the vessel has satisfied the Authority within 60 days of this byelaw coming into force, that the vessel was used for fishing in the extended area between 1st October 2010 and 20th December 2012;
 - (b) The Authority has confirmed in writing to the owner of the vessel that it is so satisfied; and
 - (c) The vessel's ownership has not changed since 1st October 2010.
- (4) This Byelaw shall not apply in that part of the extended area which lies between a line drawn three nautical mile to seaward from the 1983 baselines and a line drawn six nautical miles to seaward from the 1983 baselines to any vessel which is over 14 metres in overall length, provided that:
 - (a) The owner of the vessel has satisfied the Authority within 60 days of this byelaw coming into force, that the vessel was used for fishing in the extended area between 1st October 2010 and 20th December 2012;

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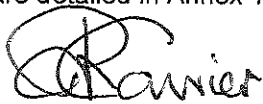
- (b) The Authority has confirmed in writing to the owner of the vessel that it is so satisfied; and
 - (c) The vessel's ownership has not changed since 1st October 2010
- (5) This Byelaw shall not apply to any vessel being used wholly for the purpose of conveying persons engaged in fishing for pleasure using rod and line or in diving for pleasure, unless:
- (a) the vessel is registered in Part II of the Register of British ships and is licensed to fish; or
 - (b) there are more than 12 passengers on board the vessel.
- (6) This Byelaw shall not apply to any pleasure vessel.

4 REVOCATION

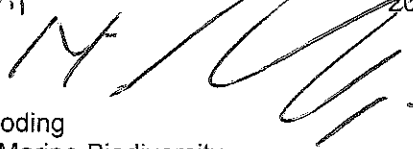
- (1) The Southern Sea Fisheries District Committee Vessels Used in Fishing byelaw, made on 13th March 1996 is revoked.
- (2) The Byelaw with the title "Vessel Length byelaw" made by the Sussex Sea Fisheries Committee on 17th September 1997, and having effect in relation to the extended area from the 1st April 2011 as a bylaw made by the Southern IFCA, in accordance with Article 6 of the Marine and Coastal Access Act 2009 (Transitional and Saving Provisions) Order 2011 (SI 2011/603), is hereby revoked insofar as it applies to the extended area.
- (3) The Southern Sea Fisheries District Committee Carriage of Oysters byelaw, made on 1st November 1995 is revoked.

I hereby certify that the above Byelaw was made by the Southern Inshore Fisheries and Conservation Authority at their meeting on 20th December 2012. Subsequent to this meeting DEFRA has made a number of modifications to improve clarity and robustness of the Byelaw which I support. These modifications are detailed in Annex 1.

Ian Carrier
Chief Officer
Southern Inshore Fisheries and Conservation Authority
64 Ashley Road, Parkstone, Poole, Dorset, BH14 9BN



The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (3) of the Marine and Coastal Access Act 2009, confirms the Vessels Used In Fishing Byelaw made by the Southern IFCA on 20th December 2012. The said Byelaw comes into force on 9th of April 2013.



Nigel Gooding
Head of Marine Biodiversity
A Senior Civil Servant, for and on behalf of the Secretary of State
for Environment, Food and Rural Affairs

DATE 9 April 2013

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Explanatory Note

(This note is not part of the byelaw)

Penalty

By virtue of s.163 of the Marine and Coastal Access Act 2009, it is an offence for a person to contravene any byelaw made under section 155 of the Act. In addition, where any vessel is used in contravention of any byelaw made under section 155, the master, the owner and the charterer (if any) are also each guilty of an offence under s.163. The penalty for an offence under s.163 is a fine not exceeding £50,000.

Entry into Force and Duration

This byelaw will come into force on *9th of April* 2013 and will remain in force until revoked by the Secretary of State.

The extended area

The extended area is that part of the area of the former Sussex Sea Fisheries District which became part of the Southern Inshore Fisheries and Conservation District on 1st October 2010. In recognition of the fact that different (Sussex) byelaws applied to that part until it ceased to be part of the Sussex District, this byelaw gives "grandfather rights" to those vessels which were accustomed to fishing there and which might otherwise be affected by this Byelaw.

Overall length

A vessel's overall length is recorded in the Register of Ships and in its Certificate of Registry.

Pleasure vessel

Reference should always be made to the current version of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998. The following is a summary of the current version:

A pleasure vessel is any vessel which at the time it is being used:

- (i) In the case of a vessel wholly owned by an individual or individuals, is used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
- (ii) In the case of a vessel owned by a body corporate, is used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends
- (iii) And in either case
 - The vessel is on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; and
 - No other payments are made by or on behalf of users of the vessel, other than by the owner.

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Annex1 to Southern IFCA
Byelaw
Vessels Used in Fishing

Modifications to this Byelaw made by the Secretary of State prior to confirmation:

- The definition of "the Sussex Committee" in section 1(1) is deleted.
- In section 4(2) the text:

"The Southern Inshore Fisheries and Conservation Authority Vessel Length Byelaw is revoked".

is replaced with the following text:

The Byelaw with the title "Vessel Length byelaw" made by the Sussex Sea Fisheries Committee on 17th September 1997, and having effect in relation to the extended area from the 1st April 2011 as a bylaw made by the Southern IFCA, in accordance with Article 6 of the Marine and Coastal Access Act 2009 (Transitional and Saving Provisions) Order 2011 (SI 2011/603), is hereby revoked insofar as it applies to the extended area.

- The duplicated "4" in the title of section 4 "REVOCATION" is deleted, and the word "REVOCATION" moved to the left, in line with the titles of the other sections.

Map.....

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VESSELS USED IN FISHING BYELAW

