

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

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MARINE AND COASTAL ACCESS ACT 2009 (2009 c23)

POOLE HARBOUR DREDGE PERMIT BYELAW

The Authority for the Southern Inshore Fisheries and Conservation District, in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 hereby make the following byelaw for that District.

DEFINITIONS

(1) In this byelaw:

- a) "the Authority" means the Southern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2198);
- b) "certificate of registry" means a certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993;
- c) "the District" means the area defined in Articles 2 and 3 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2198);
- d) "dredge" means a dredge, scoop or similar device and any auxiliary hydraulic equipment that is designed for, or capable of taking any shellfish;
- e) "Poole Harbour" means that part of the District in Poole Harbour as lies below Mean High Water Springs and to the west of and within an imaginary line between Point 1 (50° 40.809'N 001° 57.000'W) and Point 2 (50° 40.980'N 001° 56.926'W);
- f) "relevant fishing vessel" means any fishing vessel which:
 - i) is registered in Part II of the Register of British Ships in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act; and
 - ii) is licensed to fish by virtue of a licence issued by an appropriate minister under the Sea Fish (Conservation) Act 1967;
- g) "using" in relation to a fishing dredge shall mean pulling or pushing it along, through or above the seabed and "use" shall be construed accordingly;

PROHIBITION

- (2) Subject to paragraphs (3) and (4) no person on board or by means of a vessel shall use, retain on board, store or transport a dredge within Poole Harbour.
- (3) Paragraph (2) shall not apply to the use, retention on board, storage or transportation of a dredge on any occasion when all of the following conditions are met:
 - a) The use, retention on board, storage or transportation of the dredge by the vessel is authorised by a permit issued under paragraph (5) of this byelaw;

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- b) The holder of the permit is a shareholder of the vessel;
 - c) The holder of the permit is on board the vessel when the dredge is in use or is being transported;
 - d) The permit is carried on the vessel;
 - e) The permit is produced for inspection when requested by an Inshore Fisheries Conservation Officer of the Authority or any other person authorised by the Authority to make such a request; and
 - f) All the conditions attached to the permit are being complied with.
- (4) Paragraph (2) shall not apply to the use, retention on board, storage or transportation of a dredge on any occasion when all of the following conditions are met:
- a) That use, retention on board, storage or transportation, as the case may be, of the dredge by the vessel is authorised by written dispensation issued under paragraph (13);
 - b) The dispensation is produced for inspection when requested by an Inshore Fisheries and Conservation Officer of the Authority or any other person authorised by the Authority to make such a request; and
 - c) The use, retention on board, storage or transportation of the dredge is for the purpose for which the dispensation was issued.

PERMITS

- (5) The Authority may issue a permit in respect of any relevant fishing vessel authorising the use of a dredge to fish for or take shellfish within Poole Harbour in accordance with paragraphs (6) to (12) provided that all the following conditions are satisfied in relation to the application for the permit:
- a) It is made in respect of a named relevant fishing vessel;
 - b) It is made:
 - i. by a person who holds the majority of shares in the named relevant fishing vessel for which the application is made, as recorded on the vessel's certificate of registry; or
 - ii. by no more than two shareholders as have been nominated in writing for that purpose by shareholders who hold a majority of shares in the named relevant fishing vessel as recorded on the vessel's certificate of registry
 - c) It is made using the printed forms available from the Authority.
- (6) A permit issued under paragraph (5):

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- a) Shall be issued to the applicant (“the permit holder”) in respect of a named vessel;
 - b) is not transferable from the permit holder to another person or from the named vessel to another vessel;
 - c) remains the property of the Authority; and
 - d) is valid for the period stated in the permit up to a maximum of one year and is not renewable.
- (7) The Authority may charge a fee of no greater than £1,000 for each permit.
- (8) The Authority may limit the number of permits that it may grant.

PERMIT CONDITIONS

- (9) The Authority may attach to the permit such conditions as it considers appropriate and in particular conditions relating to the following matters:
- a) Catch restrictions and reporting;
 - b) Gear types;
 - c) Gear construction and restrictions;
 - d) Spatial and temporal restrictions;
 - e) The fitting of specified equipment to vessels.
- (10) At any time after a permit has been issued, the Authority may
- a) Attach conditions to it;
 - b) Vary or revoke conditions attached to it.
- (11) The Authority shall review the suitability of permit conditions, permit fees and limitations on the number of permits every three years or sooner in accordance with the following procedure:
- a) a consultation meeting will be held with permit holders to present available data and discuss options;
 - b) the Authority will decide what changes, if any, are required to the permit conditions or permit fees, having regard to:
 - i. the Authority's duties and obligations under sections 153 and 154 of the Marine and Coastal Access Act 2009;
 - ii. any available scientific and survey data;
 - iii. any statutory advice given by Natural England;
 - iv. any Habitats Regulations Assessment;

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- v. an Impact Assessment relating to any proposed changes to additional permit conditions or permit fees;
 - vi. any feedback received from consultation with permit holders under sub-paragraph (a);
- c) the outcome of the review will be notified by the Authority to permit holders.
- (12) The Authority shall, when attaching any conditions under paragraph (10) to any permits issued prior to the first review under paragraph (11) following the coming into force of this byelaw, have regard to the Impact Assessment that accompanies this byelaw.

DISPENSATIONS

- (13) The Authority may issue a written dispensation to any vessel authorising the use, retention on board, storage or transportation of a dredge within Poole Harbour for any of the following purposes:
- a) Scientific, stocking or breeding purposes; or
 - b) Accessing fishing grounds outside Poole Harbour; or
 - c) Accessing or fishing within any several fishery within Poole Harbour.

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 18th September 2014.

Robert Clark

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 Poole Harbour Dredge Permit Byelaw made by the Southern IFCA on 18th September 2014. The byelaw comes into force on 1st July 2015

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

Date: 2014.

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Explanatory Note (not part of byelaw)

The purpose of this byelaw is to manage the gathering of shellfish through the use of dredges within Poole Harbour. The byelaw will support the development of sustainable shellfish fisheries in Poole Harbour.

The byelaw prohibits the use, retention on board, storage or transportation of dredges within Poole Harbour by or on any vessel, except in accordance with a permit issued by the Authority, or in accordance with a written dispensation for certain lawful activities.