

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (2009 c23)

MARINE PROTECTED AREA REGULATORY NOTICE 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 and associated regulatory notices:
 - 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) “the District” means the area defined in Articles 2 and 3 of the Southern Inshore Fisheries and Conservation Order 2010;
 - c) “appropriate assessment” means an assessment made under Section 61 of the Conservation of Species and Habitats Regulations 2010;
 - d) “management area” means an area, defined within a regulatory notice and for which a management measure has been introduced by that regulatory notice;
 - e) “marine protected area” means any marine conservation zone, designated under Section 116(1) of the Marine and Coastal Access Act 2009; or any European marine site, as defined in Section 8(4) of the Conservation of Species and Habitats Regulations 2010;
 - f) “regulatory notice” means a notice issued by the Authority in accordance with this byelaw.

REGULATORY NOTICES

- (2) The Authority may issue or amend a regulatory notice in relation to fishing within or adjacent to a marine protected area, in accordance with the procedure set out in paragraph (6), for the purposes of furthering the conservation objectives of a marine protected area and for the coherent management of the site(s).
- (3) A regulatory notice may contain management measures in particular relating to the following:
 - a) catch restrictions and reporting;
 - b) gear types;
 - c) carriage and stowage of fishing gear;
 - d) gear construction and restrictions;
 - e) spatial and temporal restrictions;

- f) use of specified equipment.
- (4) A regulatory notice must specify:
- a) the marine protected area for which the regulatory notice applies;
 - b) the feature for protection by the regulatory notice;
 - c) the date from which the regulatory notice takes effect;
 - d) the management measures, as described in paragraph (3), which apply within the management area;
 - e) the co-ordinates of the management area; and
 - f) the date on which the regulatory notice expires if there is to be an expiry date.
- (5) The Authority must review a regulatory notice at least once every three years from the date from which it came into effect.

PROCEDURE

- (6) The Authority may issue or amend a regulatory notice in accordance with the following procedure:
- a) the Authority will consult with people affected by the regulatory notice to present available data and discuss options;
 - b) in making a decision whether to issue amend or revoke a regulatory notice, the Authority will have regard to:
 - i. any available scientific and survey data;
 - ii. any statutory advice given by Natural England;
 - iii. any appropriate assessment;
 - iv. an impact assessment;
 - v. any feedback received from the consultation under sub-paragraph a); and,
 - vi. any socio-economic considerations.
 - c) the Authority must notify people affected by the regulatory notice of the outcome of the review before any changes come into effect.

APPLICATION

- (7) Failure to comply with a regulatory notice constitutes a contravention of this byelaw.

EXEMPTIONS

- (8) This byelaw does not apply to any person committing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written dispensation issued by the Authority under paragraphs (9) and (10).

(9) A written dispensation may authorise:

- a. an act undertaken for scientific, stocking or breeding purposes; or
- b. the dredging of shellfish for the purpose of re-laying.

(10) A written dispensation:

- a. may be issued subject to conditions; and
- b. unless revoked by the Authority, will expire on the date stated in the written dispensation.

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 3rd March 2016.

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 Marine Protected Area Regulatory Notice Byelaw made by the Southern IFCA on 3rd March 2016. The byelaw comes into force on 2016.

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

Date: 2016.

Explanatory Note

(not part of byelaw)

This byelaw enables Southern Inshore Fisheries and Conservation Authority to issue regulatory notices to manage the exploitation of sea fisheries resources within or adjacent to marine protected areas for the purpose of furthering conservation objectives and for the coherent management of the site(s).