



## **Eastern Inshore Fisheries and Conservation Authority**

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

#### **Eastern IFCA Permitting Byelaw 2015**

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156 and 158 of the Marine and Coastal Access Act 2009 hereby makes the following byelaw for the District.

#### **Interpretation**

1. In this byelaw
  - a) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
  - b) 'District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2189);
  - c) 'fishing' for the purpose of this byelaw includes: digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; catching, taking or removing sea fisheries resources and fish shall be construed accordingly.
  - d) 'fishing gear' for the purpose of this byelaw includes: any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used or deployed during fishing.
  - e) 'species' means a sea fisheries resource which is identified by science as belonging to a specific group;
  - f) 'fishery' refers to a fishing activity for one or more species typified by those species or the fishing gears associated with that activity;

- g) 'permit' means the authorisation granted by the Authority under this byelaw which can also include an endorsement to fish for species or within a fishery as granted under an associated Eastern IFCA Byelaw.
- h) 'flexible permit conditions' means the conditions under which a permit must be used in fishing for species or within fisheries, which can be issued, varied or revoked through the process set out in this byelaw.
- i) 'endorsement' means the authorisation to fish for a species or within a fishery which is required under an associated byelaw;
- j) 'relevant fishing vessel' means a fishing vessel;
  - i. Registered on Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993/3138)
  - ii. In respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967.
- k) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hover craft or any other amphibious vehicle, used or capable or being used as a means of transportation on water.
- l) 'commercial' means to fish for sea fisheries resources for financial gain.
- m) 'recreational' means to fish for sea fisheries resources for personal consumption.
- n) 'Category One Permit' means a permit granted for fishing for commercial purposes and as set out in paragraph 2 of this byelaw.
- o) 'Category Two Permit' means a permit granted for fishing for recreational purposes and as set out in paragraph 3 of this byelaw.
- p) 'nominated representative' means a person suitably qualified to skipper a vessel who has been granted permission to fish from a vessel from the owner of that vessel.
- q) 'owner' means the person named as the owner of a vessel in an associated Certificate of British Registry granted under The Merchant

Shipping Act 1995, The Merchant Shipping (Registration of Ships) Regulations 1993, as amended. .

## **Permits**

2. The Authority may issue a permit to a person fishing from a named relevant fishing vessel or a person who is fishing for commercial purposes by issuing a Category One Permit to the owner of that vessel;
3. The Authority may issue a permit to the owner of a vessel which is not a relevant fishing vessel or a named person without a vessel who is fishing for recreational purposes by issuing a Category Two Permit.
4. Only one permit may be issued to a named person without a vessel.
5. Only one permit may be issued to a vessel or in respect of a named vessel.
6. Application for a permit should be made using printed forms available from Eastern IFCA. This form will require applicant and vessel details. The applicant may nominate up to 2 persons as their representatives whose details must also be entered on the application form.
7. No person, other than the permit holder or a nominated representative, shall fish for a species or within a fishery under the authority of a permit from a vessel other than the vessel named on the associated permit without firstly obtaining the agreement of the Authority. Such agreement will usually only be given in circumstances where the permit holder, named representative and/or the named vessel are unable to put to sea.

## **Endorsement**

8. The Authority may authorise the fishing for a species or within a fishery for which a permit is required by endorsing a permit for that species or fishery.

## **General provisions**

9. A permit holder or their named representatives must be present when fishing under the authorisation of permit.
10. The holder of a permit shall submit to Eastern IFCA, no later than the 10<sup>th</sup> day of the month following such relevant information as is required by the Authority in the discharge of its functions.

## **Flexible permit conditions**

11. The Authority may issue flexible permit conditions which fall within one or more of the categories listed in paragraph 12.
12. The categories referred to in paragraph 11 are;
  - a) Catch restrictions;
  - b) Fishing Gear restrictions;
  - c) Fishing Effort restrictions;
  - d) Spatial restrictions;
  - e) Time restrictions;
  - f) A combination of the above.
13. Permit conditions for each fishery will be issued in a Permit Conditions Notice.
14. The Authority may issue, vary or revoke any Permit Conditions Notice following a review conducted in accordance with the procedure as set out in paragraphs 15 to 18.

## **Procedure**

15. The procedure for issuing, varying or revoking a Permit Conditions Notice or restricting the number of endorsements issued in any year for fisheries management purposes shall include the following steps;
  - a) Acquisition of relevant available evidence including;
    - i. Scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
    - ii. Advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
    - iii. Information from any other relevant source including that which is relevant to effective enforcement;
  - b) Consultation by such methods as the Authority considers appropriate, with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any flexible permit condition or restriction in the number of endorsements;
  - c) Undertaking an impact assessment on the issuing, varying or revoking flexible permit conditions or any restriction in the number of endorsements.

- d) Consideration by the Authority of all information arising from subparagraphs (a) to (c) above;
16. The Authority shall review each Permit Conditions Notice no less frequently than every four years after the date that a Notice has taken effect.
  17. The review of a Permit Conditions Notice will be in accordance with a formal operational procedure agreed by the Authority and shall include;
    - a) The steps set out in subparagraphs 15(a) and 15(b) above and, where a variation of flexible permit conditions is being considered the steps set out in subparagraph 15(c);
    - b) Consideration by the Authority of all information arising from subparagraph 15(a).
  18. Where a Permit Conditions Notice is maintained, varied or revoked existing permit holders will be notified in writing.

### **Endorsements**

19. Endorsements will be valid until the 31<sup>st</sup> of April of each year and for no longer than a 12 month period.
20. Application for an endorsement should be made using printed forms available from Eastern IFCA.
21. An endorsement will be issued on a valid permit if;
  - a) A completed application form is submitted;
  - b) The associated charge is paid in full; and
  - c) The person so applying for the endorsement meets any flexible endorsement criteria.
22. The associated charge for an endorsement shall be set out in the associated Eastern IFCA species or fishery byelaw.

### **Flexible endorsement criteria**

23. The Authority may restrict the number of endorsements issued in any year for fisheries management purposes by following a review conducted in accordance with the procedure set out in paragraph 15 above.

### **Application**

24. Contravention of a provision of a Permit Conditions Notice constitutes a contravention of this byelaw.

