

## Eastern IFCA Policy – Whelk Permit Byelaw 2016: definition of a ‘person’



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### **Background**

The Whelk Permit Byelaw 2016 is the byelaw used to manage inshore whelk fisheries. It enables Eastern IFCA to issue permits, limit access and set flexible permit conditions.

The Byelaw sets out at paragraph 9(a) that *the Authority may issue a Category One Permit to the of a registered fishing vessel, or to a person fishing for commercial purposes other than from a vessel*".

In addition, the ‘owner’ of a registered fishing vessel is defined at paragraph 1(j) as *the person named as the owner of a vessel on the certificate of registry*.

### **Policy**

With respect to issuing Whelk Permits under the Whelk Permit Byelaw 2016, the following policy is now in effect:

Eastern IFCA will issue Whelk Permits only in relation to a ‘natural person’ (human persons).

Reference to a ‘person’ with respect to paragraph 1(j) of the Whelk Permit Byelaw 2016 should be taken as meaning a natural person and not to include any ‘judicial person’, including companies.

Where the majority of shares in a vessel intended to be named on a Whelk Permit are held by a company, rather than a natural person, the shareholder(s) with majority control of that company must nominate one such person to be named as the ‘holder’ of the Whelk Permit.

### **Review**

This policy will be reviewed after no more than four years of coming into effect or before than where there is a need to do so.