

**WASH COCKLE AND MUSSEL BYELAW 2021**

Change of vessel / vessel ownership

This declaration is intended for:

* Changing the vessel named on a permit; or
* Declaring that ownership of the vessel named on the permit has changed

**If you are uncertain about your eligibility or the policy on changing vessels named on permits**, please contact the office: by Phone (01553 775321), by Email (mail@eastern-ifca.gov.uk) or by post (Eastern IFCA, Unit 6, North Lynn Business Village, Bergen Way, King’s Lynn, Norfolk, PE30 2JG)

Please visit the Authority’s [website](https://www.eastern-ifca.gov.uk/wash-fishery-order-replacement/eligibility-policy/) or contact us for more information on the Eligibility Policy.

**Personal / Vessel details**

Name: Permit Number:

Address:

Current Vessel name & PLN:

New Vessel name and PLN:

**Declaration**

I, the above-named person, endorse the following statements (please tick)

I would like to apply to change the vessel named on the above permit.

I have read and understood ‘Change of vessel Ownership’ policy (below) accompanying this declaration and I agree that I meet the requirements of the policy.

I am the genuine owner of the ‘New Vessel’ named above which because:

I am the beneficial owner of the vessel; ***or***

I am the manager of the vessel, as nominated by the beneficial owner.

***And***

I am the legal owner of the vessel and hold at least 1 registered share of that vessel

I have supplied supporting evidence for beneficial and registered ownership for the vessel (see below)

All of the information contained in this form is correct to the best of my knowledge, and all of the supporting information and evidence is genuine. I understand that providing information or evidence which is false or fraudulent are grounds for the permit not to be issued or, if issued, grounds for the associated permit(s) to be cancelled.

*Please enclose supporting evidence with this form and submit it to Eastern IFCA.*

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_

**Supporting Evidence**

Beneficial Ownership

Under the Eligibility Policy, there are two forms of ‘beneficial owner’. Supporting evidence must be provided in respect to at least one of these types of beneficial ownership. More information and examples of appropriate evidence is provided below.

1. The person financially responsible for the vessel (e.g. pays for vessel maintenance, is named on the insurance documents etc.) and the primary beneficiary (e.g. money from the vessel’s catch goes into a bank account in that person’s name, or a company owned by that person). This can include where a company is the beneficial owner, and you own the associated company.

Suggested evidence: the **declaration of eligibility** for the vessel (form MSF 2748), **bills** for maintenance, **insurance details**.

1. The person practically responsible for the vessel (the vessel’s manager) on behalf of the ‘beneficial owner’. This can include where you are part of a business which is the beneficial owner of the vessel, and that business appoints you are the manager of the vessel.

Suggested evidence: the **declaration of eligibility** for the vessel (form MSF 2748), a **letter signed by the beneficial owner** which sets out that you are the manager of the vessel.

Registered Ownership

Under the Eligibility Policy, a person is the registered owner of the vessel if:

* + - 1. they hold the majority of shares in the vessel; or
			2. they have been nominated in writing for that purpose by the shareholder(s) who hold a majority of shares in the vessel and that they themselves are a shareholder (holding at least 1 share).

In both cases the certificate of registry should be included in the supporting evidence. If you are not the majority shareholder, you must also provide written documentation from the majority shareholder nominating you as such for the purpose of this policy.

**Eligiitliy Policy: Change of vessel and vessel ownership (section 8)**

Section 8: Guidance

This section is intended to provide business continuity by enabling changes to vessels named on permits where the genuine owner of the vessel (and therefore permit holder) does not change.

To prevent this mechanism from being used by permit holders to effectively provide access to someone else, all applications will be examined to determine if the application relates to such.

Changing a vessel named on a permit

* 1. A permit holder may apply to change the vessel named on a permit.
	2. A vessel is eligible to be named on a permit under this section if:
		1. The applicant submits a completed application form; and
		2. The applicant remains eligible to hold a permit under section 2 (“Issuing Permits”) as the vessel owner of this vessel and provides evidence to the satisfaction of the Authority to this effect; and
		3. The applicant sets out in writing how the change is required for reasons of business continuity; and
		4. The vessel meets all of the requirements set out in the Byelaw or associated permit conditions.
	3. A vessel is not eligible to be named on a permit under this section if:

* + 1. granting the application results in any one person or business having ownership (registered or beneficial) in more than 10 vessels named on permits issued or eligible to be issued under this policy.  Ownership includes any financial interest in companies or businesses which have any ownership (registered or beneficial) of such a vessel; or
		2. The vessel was or is named on a permit which is, at the time of application, the subject of a permit penalty (Section 11).

Changing the ownership of a vessel named on a permit

* 1. Where vessel ownership changes to the extent that the permit holder is no longer the ‘vessel owner’ (in accordance with 2.4) the permit will be cancelled.

* 1. Where vessel ownership changes to the extent that the permit holder is the vessel owner (in accordance with 2.4) but under different qualifying provisions under 2.4, then they must notify the Authority of such a change and the Authority may investigate the change in ownership to ensure that the requirements of 2.4 are fulfilled. Where this is not the case, the permit may be cancelled.
	2. Changes in vessels named on permits or changes to the ownership of vessels named on permits shall not be used as a means of circumventing the Authority’s discretion to manage access to the fisheries.  Accordingly, applications will be examined to determine if this is the case, and the Authority will not grant any such application unless the applicant can satisfy the Authority that such is in accordance with the policy and in particular section 2.2.