

Devon and Severn IFCA Netting Permit Byelaw

The Permit Conditions

Interpretations

In the following permit conditions:

“berried edible crab” means any edible crab carrying any spawn attached to the body or some other exterior part of the crab, or which is in such a condition as to show that at the time when it was taken it was carrying spawn so attached;

“berried lobster” means any lobster or spiny lobster which is carrying any spawn attached to the tail or some other exterior part of the lobster, or spiny lobster, or which is in such a condition as to show that at the time it was taken it was carrying spawn so attached;

“co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum (WGS84 as revised in 1984 and 2004);

“the District” means the Devon and Severn Inshore Fisheries and Conservation district as defined in Article 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010;

“drift net” means a net which remains throughout the entirety of its use free of any contact with any part of the foreshore or seabed or any object or structure thereon or therein;

“fishing” includes searching for sea fisheries resources, deploying, setting, attending to, hauling of a net, and taking sea fisheries resources (and “fish” and “fished” shall be interpreted accordingly);

“fixed net” means a net that comes into contact with any part of the foreshore or sea bed or any object or structure thereon or therein;

“mutilated lobster” means a lobster or spiny lobster where any of the five flaps of the tail fan is missing or mutilated in such a manner that could hide or obliterate a V-notch;

“seine net” means a single wall of fishing net with the headline floating on the sea surface, which is used or intended to be used to fully encircle fish before being gathered at the lower meshes to trap fish within it;

“v’ notched lobster” means a lobster or spiny lobster with an indentation in the shape of the letter “v” or resembling the shape of a “v” made in either of the outer pairs of uropods on the tail fan (and ‘v’ Notch and ‘v’ notching shall be interpreted accordingly).

Species:

“bass” means a fish of the species *Dicentrarchus labrax*;

“edible crab” means a crab of the species *Cancer pagurus*;

“green crab” means a crab of the species *Carcinus maenas*;

“lobster” means a lobster of the species *Homarus gammarus*;

“plaice” means a fish of the species *Pleuronectes platessa*;

“rays” means a ray of the family *Rajidae spp.*;

“sand eel” means an eel of the family *Ammodytidae spp.*;

“scallop” means a scallop of the species *Pecten maximus*;

“sole” means a sole of the family *Soleidae spp.*;

“spider crab” means a crab of the family *Maja spp.*;

“spiny lobster” means a lobster of the species *Palinurus elephas*;

“velvet swimming crab” means a crab of the species *Necora puber*;

1 Catch Restrictions

As provided by paragraph 22(a) of the Devon and Severn IFCA Netting Permit Byelaw, the following permit conditions apply:

- 1.1 A permit holder or named representative is not authorised to fish under this permit if the permit holder or named representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.6.5 inclusive.
- 1.2 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:
 - a) any ‘V’-notched or mutilated lobster;
 - b) any berried lobster or berried edible crab;
 - c) any part of an edible crab, lobster, or spiny lobster which is detached from the carapace of the crab or lobster except where paragraph 1.3 applies;
 - d) any edible crab or lobster or spiny lobster that has recently cast its shell;
- 1.3 Paragraph 1.2(c) does not apply where:
 - a) the total of such parts of crab does not exceed more than 30kg per calendar day; and
 - b) only netting activities authorised by this permit are undertaken during the entire fishing trip where crab claws are retained on board or landed.

1.4 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:

- a) a female edible crab less than 150mm measured across the broadest part of the carapace;
- b) a male edible crab less than 160mm measured across the broadest part of the carapace;
- c) a scallop less than 100mm measured across the broadest part of the flat shell;
- d) a lobster less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
- e) a spider crab less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;
- f) a spiny lobster less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;
- g) a velvet swimming crab less than 65mm measured across the broadest part of the carapace;
- h) a bass less than 42cm measured from the tip of the snout to the end of the tail fin.

1.4.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.4 must be returned immediately to the sea without further injury.

1.4.2 The measurement of the size of a marine organism will take place in accordance with the provisions set out in the Schedule that accompanies the Category One and Category Two Permit Conditions.

1.5 Additional Category One Catch Restrictions

1.5.1 A Category One permit holder without a shellfish fishing entitlement as set out in the vessel's fishing licence is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of five lobsters, however comprised, from the species of lobster or spiny lobster; and
- b) a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

1.6 Additional Category Two Catch Restrictions

1.6.1 A Category Two permit holder or named representative is not authorised under this permit to remove from a fishery within the District any bass.

1.6.2 Subject to the restrictions imposed under paragraph 1.6.4 (a - e), a Category Two permit holder or a named representative, is only authorised under this permit to remove sea fisheries resources for personal consumption.

- 1.6.3 Subject to the restrictions imposed under paragraph 1.6.4 (f), a Category Two permit holder or a named representative, is only authorised under the Permit to remove sand eel for personal use.
- 1.6.4 Subject to the time restrictions imposed under paragraph 4.1, a Category Two permit holder or named representative is not authorised under this permit to remove from a fishery within the District in any calendar day any bass and no more than:
- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster; and
 - b) a total of three crabs, however comprised, from the species of edible crab and spider crab; and
 - c) a total of ten plaice; and
 - d) a total of three rays; and
 - e) a total of five sole; and
 - f) a total of 15 kilogrammes of sand eel.
- 1.6.5 Where a Category Two permit holder fishes under multiple permits issued by the Authority the total number, or weight, of crabs, lobster, plaice, ray, sand eel, and sole that can be removed from a fishery within the District in any calendar day must not exceed the limits set out in 1.6.4 (a - f).

2 Gear Restrictions

As provided by paragraph 22(b) of the Devon and Severn IFCA Netting Permit Byelaw, the following permit conditions apply:

- 2.1 A permit holder or named representative is only authorised under this permit to use a net within the District, other than in any intertidal area, if:
- a) each net is clearly marked by at least one floating marker at either end of the net; and
 - b) each of the markers must display clearly the port, letters and numbers of the vessel named on the permit or the permit number; and
 - c) in each case where a fixed net is used the fixed net consists of a flag on at least one end of the net.
- 2.2 A permit holder or named representative is not authorised to use a net within the mesh size range 71 to 89mm.
- 2.3. Where a permit holder or named representative is authorised to use a seine net within the District, the permit holder or named representative must:
- a) remain in attendance with the net for the entire duration that the net is deployed in the water; and
 - b) deploy and haul the net in one continuous action without pause or delay.

2.4 Where a permit holder or named representative is authorised to use a drift net within the District, the permit holder or named representative must for the entire duration remain within 100 metres of the net.

2.5 Additional Category Two Gear Restrictions

2.5.1 A Category Two Permit holder or named representative is not authorised to combine a net with any other net used by another permit holder within the District.

2.5.2 A Category Two permit holder or named representative is only authorised to fish with a net identified by a tag issued to the permit holder by the Authority.

2.5.3 A tag issued to the permit holder by the Authority must be fitted to one end of the headline of the net.

2.5.4 A Category Two permit holder or named representative must report as soon as reasonably practicable the loss of a tag.

2.5.5 If a lost tag is subsequently recovered it must be returned to the Authority and must not be used on any net.

2.5.6 Replacement tags will be issued to the permit holder following a request by the permit holder in writing to the Authority.

2.5.7 A Category Two permit holder or named representative is not authorised under this permit to use any device to store any crab, lobster, scallop, plaice, ray, or sole in the sea or in an estuary within the District.

2.5.8 A Category Two Permit holder or named representative is not authorised to use any device to store sand eel in the water unless it is attached to the vessel that is being used to fish at that time.

3 Spatial Restrictions

As provided by paragraph 22(c) of the Devon and Severn IFCA Netting Permit Byelaw, the following permit conditions apply:

3.1 In the areas as defined by the coordinates set out in the attached Annex 1 of this permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.

3.2 In the estuaries to the landward of the coordinates set out in the attached Annex 2 of this permit, a permit holder or named representative is not authorised to use any net other than a seine net and providing that;

- a) the net, excluding any attachments, measures no longer than 20 metres in length;
- b) all species caught other than sand eel are returned immediately to the water;
- c) the size of mesh does not exceed 20mm.

- 3.3 In the areas to the seaward of the coordinates set out in the attached Annex 2 of this permit, a Category Two permit holder or a named representative is only authorised under this permit to use a single net, excluding any attachments, not exceeding 25 metres in length.
- 3.4 In the coastal areas as defined by the coordinates set out in the attached Annex 3 of this permit, a permit holder or named representative is not authorised to use a net unless;
- a) the headline of any fixed net is at least three metres below the surface of the water at any state of the tide; or
 - b) the net used is a seine net; or
 - c) the net used is a drift net.
- 3.5 In the areas as defined by the coordinates set out in the attached Annex 4 of this permit (Lundy Island), a permit holder or named representative is not authorised to use any net.
- 3.6 In the areas as defined by the coordinates set out in the attached Annex 5 of this permit (Berrow Flats), a permit holder or named representative is not authorised to use a fixed net except where 4.1 applies.
- 3.7 In the area as defined by the co-ordinates set out in attached Annex 6 of this permit (Emsstrom Angling Zone), a permit holder or named representative is not authorised to use any net.

4 Time Restrictions

As provided by paragraph 22(d) of the Devon and Severn IFCA Netting Permit Byelaw, the following permit conditions apply:

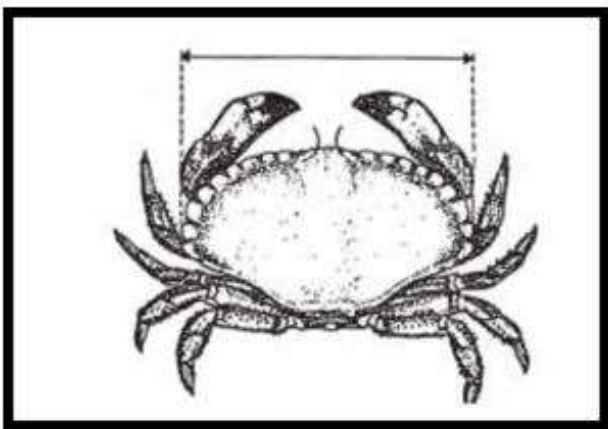
- 4.1. A permit holder or named representative is authorised to use fixed nets in the area 'Berrow Flats' as defined by the co-ordinates set out in attached Annex 5 to this permit between 30th September and 1st April.

Schedule 1: Guidance on the Measurement of a Marine Organism

The following explains how shellfish and fish are measured and the size they must be in order to be removed from a fishery within the District. The schedule should be read in conjunction with the catch restrictions set out in the Netting Permit Conditions.

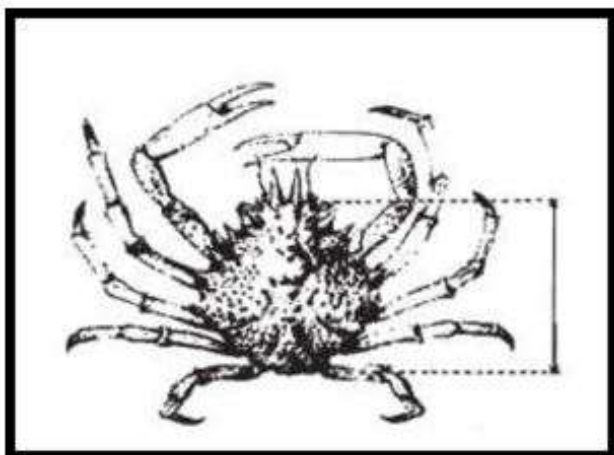
Edible Crab and Velvet Swimming Crab

1. A female edible crab is measured across the broadest part of the carapace and must be 150mm or more.
2. A male edible crab is measured across the broadest part of the carapace and must be 160mm or more.
3. A velvet swimming crab is measured across the broadest part of the carapace and must be 65mm or more.



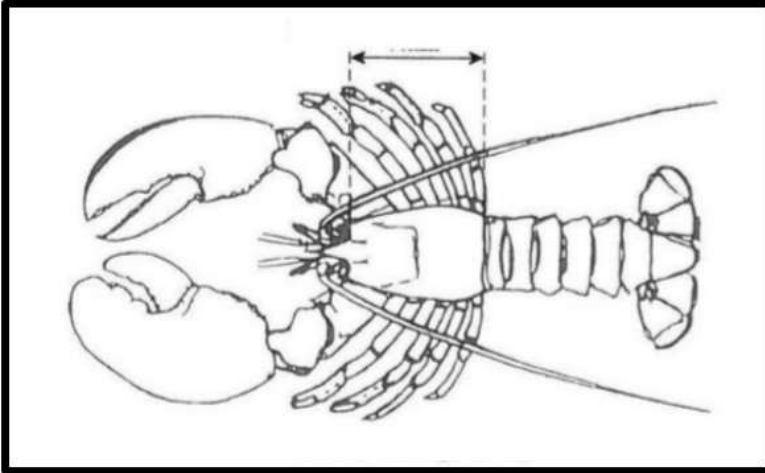
Spider Crab

4. Male and female spider crabs are measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and must be 130mm or more.



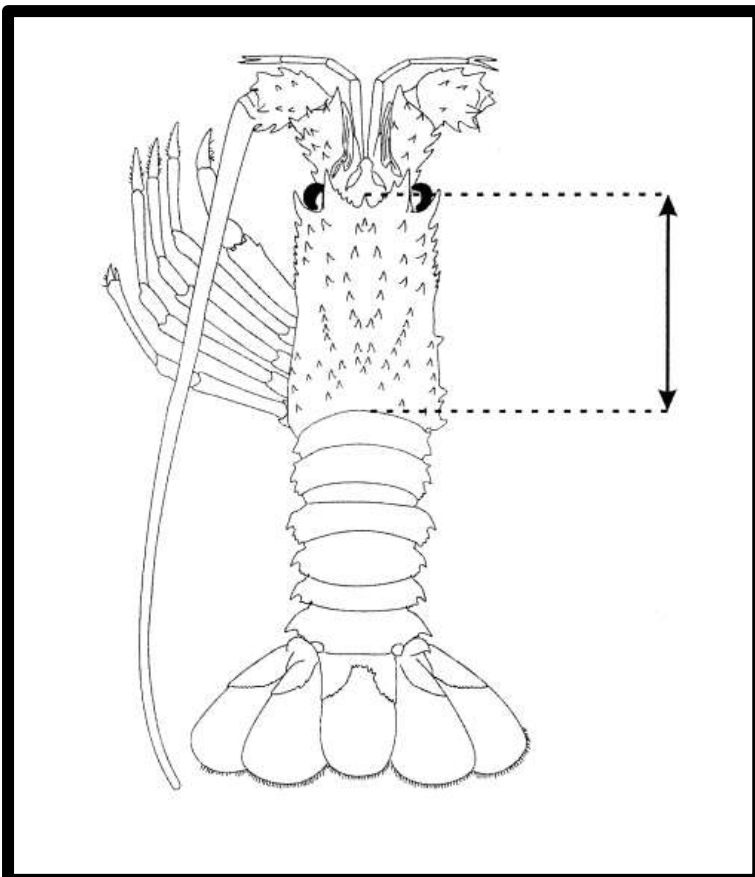
Lobster

5. A lobster is measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace and must be 90mm or more.



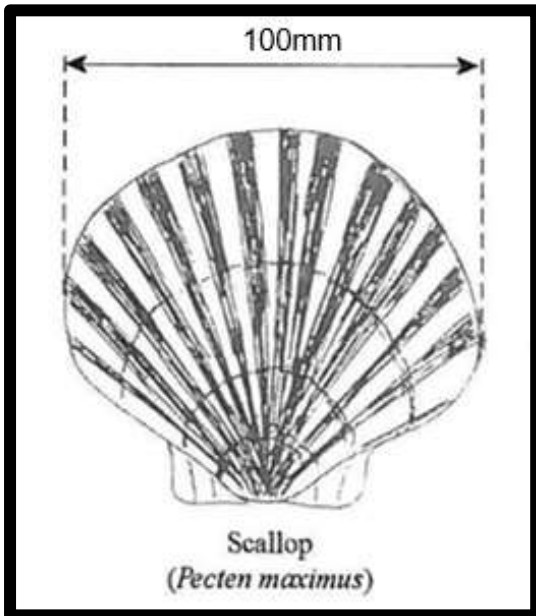
Spiny Lobster

6. A spiny lobster is measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace and must be 110mm or more.



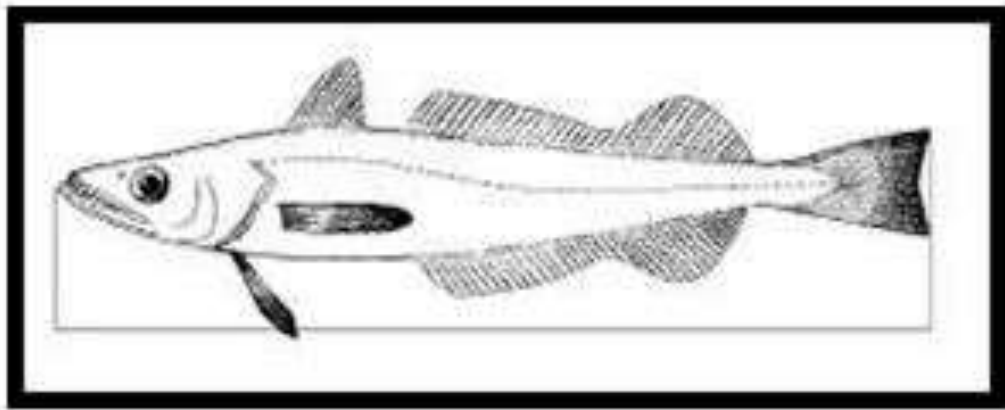
Scallop

7. A scallop is measured across the broadest part of the flat shell and must be 100mm or more.



Finfish

8. Finfish are measured from the tip of the snout to the end of the tail fin.



- Bass must be 42cm or more in length.