

Statutory Document No. 0160/2013

*Sea Fisheries Act 1971*

SEA-FISHERIES (QUEEN SCALLOP FISHING) BYELAWS 2013

Approved by Tynwald: 18 June 2013
Coming into Operation: 1 June 2013

The Department of Environment, Food and Agriculture makes the following Byelaws under section 2 of the Sea Fisheries Act 1971, having –

- (a) consulted in accordance with section 2(2A) of that Act; and
- (b) satisfied itself as required under section 2(2A)(b) of that Act.

1 Title

These Byelaws are the Sea-Fisheries (Queen Scallop Fishing) Byelaws 2013.

2 Commencement

- (1) Subject to paragraph (2) below, these Byelaws come into operation at 0001 hours on 1 June 2013.
- (2) Despite paragraph (1), fishing may only take place from 0001 hours on 17 June in the 2013 queen scallop season.
- (3) Byelaw 5(1)(a)(iii) shall come into operation at 0001 hours on 1 July 2013.

3 Interpretation

In these Byelaws –

“**codend**” means the rearmost part of a trawl, having either a cylindrical shape i.e. the same circumference throughout or a tapering shape, as defined in Commission Regulation (EC) No 517/2008;

“**Fisheries Monitoring Centre**” means a Fisheries Monitoring Centre established under Article 3(7) of Council Regulation 2847/93;

“**gate gear**” includes any appliance with a rigid frame mouth, but which does not have teeth, which is towed through the waters and is manufactured, adapted, used or intended for the purpose of fishing for queen scallops;

“**mile**” means an international nautical mile of 1,852 metres;

“qualifying vessel” means-

- (a) a vessel in respect of which the engine power exceeds 221 KW as stipulated on the certificate of Registry relevant to that vessel which is adjudged by the Department to have fished for queen scallops, other than as a by-catch whilst undertaking king scallop fishing, in the territorial sea for more than 50 days in total between 1 November 2008 and 31 May 2010; or
- (b) a vessel in respect of which the engine power is less than or equal to 221 KW.

“queenie conservation zone” means the whole of the three mile area, in addition to those areas within the 3 to 12 mile area of the territorial sea indicated on the map in the Schedule;

“queen scallop” means fish of the species *Aequipecten opercularis*;

“queen scallop dredge” includes any appliance with a rigid frame mouth and teeth, which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for queen scallops;

“satellite tracking device” means a United Kingdom approved tamper resistant terminal which sends required information by way of satellite and land earth station to a Fisheries Monitoring Centre;

“scallop dredge” has the same meaning as in the Sea-Fisheries (Scallop Fishing) Bye-Laws 2010¹;

“spawning and settlement period” means the period from 1 April to 31 May, both days inclusive;

“TAC” means total allowable catch;

“territorial sea” means those waters lying within 12 miles of the baseline from which the breadth of the territorial sea adjacent to the Isle of Man is measured, but not extending beyond a line every point of which is equidistant from the nearest point of such baselines adjacent to the United Kingdom;

“three mile area” means waters lying within 3 miles of the baseline from which the breadth of the territorial sea adjacent to the Island is measured.

4 Entitlement to fish for queen scallops in the territorial sea

- (1) No person may fish for, take or kill queen scallops in the territorial sea from any vessel other than a qualifying vessel.
- (2) Where a vessel which falls within paragraph (a) of the definition of qualifying vessel is sold or otherwise disposed of, any rights extended to that vessel under these Byelaws shall cease.

¹ SD 766/10

5 Restrictions on fishing for queen scallops

- (1) No person may fish for, take or kill queen scallops in the territorial sea —
 - (a) by means of —
 - (i) a queen scallop dredge,
 - (ii) gate gear at any time within the queenie conservation zone,
 - (iii) a trawl, the codend of which has a mesh size of less than 85mm
 - (iv) gate gear at any time before 0001 hours on 1 October 2013;
 - (b) any time during the period between 0001 hours on Saturday until 2359 hours on Sunday;
 - (c) after 1800 hours and before 0600 hours local time;
 - (d) during the spawning and settlement period;
 - (e) other than as a by-catch, not exceeding 20% liveweight when fishing with a king scallop dredge.
- (2) Schedules 5 and 6 of the Sea Fisheries (Technical Measures) Byelaws 2000² apply in respect of queen scallops.

6 Department may set queen scallop TAC

The Department may, if advised that the stock is deemed to be at risk, and having regard to representations and recommendations received from interested parties, specify a queen scallop TAC in respect of the territorial sea or part of it.

7 Installation of satellite-tracking device

- (1) Any qualifying vessel, regardless of size or port of origin, fishing for queen scallops in the territorial sea must have an operational satellite-tracking device installed which is capable of relaying information to a Fisheries Monitoring Centre.
- (2) Any such satellite-tracking device is subject to the requirements specified in Article 6 of EC Regulation 2244/2003.

8 Penalties

A person who commits an offence under these Byelaws is liable —

- (a) on conviction on information, to a fine, and
- (b) on summary conviction, to a fine not exceeding £50,000.

² SD 0709/2000

9 Licensing

- (1) Nothing in these Byelaws is to be taken as exempting any person from the provisions of byelaw 3, 6 and 9 of the Sea-Fisheries (Consolidation) Byelaws 1984³, byelaw 3 of the Sea-Fisheries (Lobster and Crab, Etc. Licensing) Byelaws 2003⁴ or byelaw 4 of the Sea-Fisheries (Whelk Licensing, Etc.) Byelaws 2007⁵.
- (2) The grant of a permit or licence under the provisions of byelaw 3, 6 and 9 of the Sea-Fisheries (Consolidation) Byelaws 1984, byelaw 3 of the Sea-Fisheries (Lobster and Crab, Etc. Licensing) Byelaws 2003 or byelaw 4 of the Sea-Fisheries (Whelk Licensing, Etc.) Byelaws 2007 does not exempt a person from any of the provisions of these Byelaws.

10 Consequential amendments and revocation

- (1) In the Sea-Fisheries (Technical Measures) Byelaws 2000⁶ –
 - (a) in Schedule 1 (towed gears) –
 - (i) in column 1 for the reference to Queen scallop substitute – “Queen scallop (*Aquipecten opercularis*)”
 - (ii) For note (3) at the end substitute –

(3) The provisions of the Sea-Fisheries (Queen Scallop Fishing) Byelaws 2013⁷ apply to fishing for queen scallops. The mesh size applicable in the column adjacent to queen scallop shall be 85 – 99mm;
 - (b) in Schedule 5 (minimum sizes), in the column adjacent to the entry for “queen scallop”, for 50mm substitute “55mm”; and
 - (c) in Schedule 7 (measurement of the size of a sea-fish), in Figure 8 for the words “50 millimetres” substitute “55 millimetres”.
- (2) The Sea-Fisheries (Queen Scallop Fishing) Bye-Laws 2010⁸ are revoked.

MADE 13 MAY 2013

PHIL GAWNE

Minister for Environment, Food and Agriculture

³ GC 270/84

⁴ SD 604/03

⁵ SD 160/07

⁶ SD 709/00

⁷ SD 0160/2013

⁸ SD 0688/2010




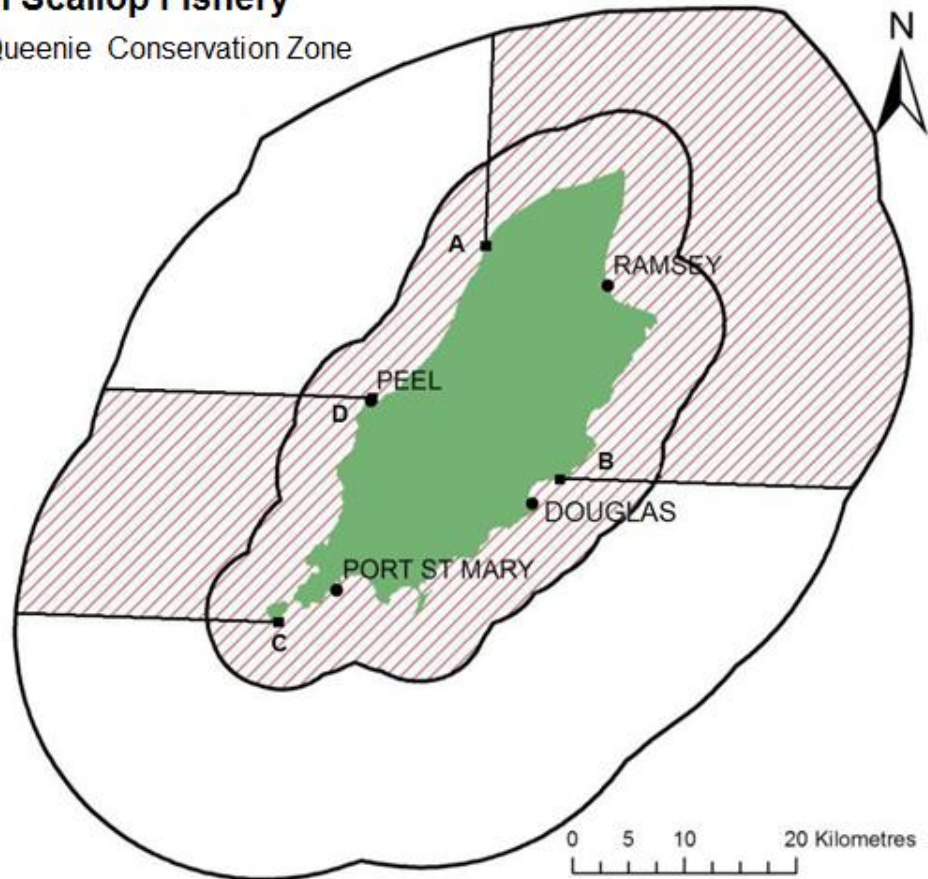
SCHEDULE

Bye-law 3

QUEENIE CONSERVATION ZONE

Queen Scallop Fishery

 Queenie Conservation Zone



A: Jurby Control Tower
54 21.100 N
004 33.000 W
B: Banks Howe
54 10.350 N
004 25.260 W
C: Chicken Rock Light House
54 02.270 N
004 50.445 W
D: Peel Breakwater Light House
54 13.675 N
004 41.690 W

*EXPLANATORY NOTE**(This note is not part of the Byelaws)*

These Byelaws replace the Sea-Fisheries (Queen Scallop Fishing) Bye-Laws 2010 (“the 2010 Byelaws”) to introduce additional rules in relation to the fishing for queen scallops within the territorial sea.

The Byelaws come into force on 1 June, however, for 2013 only the queen scallop fishing season will commence on 17 June 2013.

Byelaw 4 stipulates that persons may only fish for queen scallops in the territorial sea from a qualifying vessel and specifies the loss of rights associated with those qualifying vessels over 221 KW should such vessel be sold or otherwise disposed of.

Byelaw 5 –

- continues the prohibition of the use of queen scallop dredges within the territorial sea;
- continues the ban on the use of gate gear within the “queenie conservation zone” as indicated by the map in the Schedule;
- introduces a minimum mesh size of 85mm for a codend attached to a queenie trawl;
- introduces a season for the use of gate gear for queen scallop fishing, commencing on 1 October 2013;
- introduces a weekend ban for queen scallop fishing between 0001 hours on Saturday until midnight on Sunday;
- introduces a curfew on queen scallop fishing for all vessels between 6pm each evening until 6am the following day in the whole of the territorial sea;
- prohibits fishing during the spawning and settlement period (1 April to 31 May);
- permits a queen scallop by-catch of 20% live weight when fishing with a king scallop dredge;
- confirms that the Sea-Fisheries (Technical Measures) Byelaws 2000 extend to queen scallop fishing.

Provision is made for a Total Allowable Catch (TAC), as recommended by scientists from Bangor University, having regard to the monitoring of stocks. The TAC is to be set by the Department once agreed by the industry to ensure sustainability of the fishery (byelaw 6). The Department may also, having regard to representations and

recommendations received from interested parties, change the spawning and settlement period to reflect any unusual environmental conditions that may arise.

The mandatory carriage of satellite-tracking devices by all vessels, introduced under the 2010 Byelaws, continues (byelaw 7).

Penalties are cited for an offence committed under the Byelaws (byelaw 8).

Byelaw 9 stipulates other legislation which applies in respect of vessels undertaking queen scallop fishing activity (byelaw 9).

A consequential amendment is made in respect of an increase in the minimum mesh size for the codend attached to queenie trawls and a further increase in minimum landing size for queen scallops from 50 to 55 millimetres (byelaw 10(1)).

The 2010 Byelaws are revoked (byelaw 10(2)).