

From: Will Wright, Chief Officer Kent and Essex IFCA

To: Kent and Essex Inshore Fisheries and Conservation Authority –  
30 January 2018

Subject: Scoping paper - reviewing Vessel Length (and engine power)  
Byelaws

Classification: Unrestricted

**Summary:** This scoping paper outlines the four current byelaws that KEIFCA inherited when becoming an IFCA, and reviews the current vessel length profile of the fleet in the district. The paper outlines possible options for a new unifying byelaw as well as a possible consultation/ byelaw making process to achieve this.

**Recommendations:**

Members are asked to **DISCUSS** the three options presented in the paper and **AGREE** which option the Authority would like to progress.

**OPTION 1 - *Postpone a review of the vessel length byelaws until after the fisheries regulatory landscape becomes clearer post Brexit (revisit this paper at the January 2019 Authority meeting next year).***

**OPTION 2 – *Develop a 'no change' byelaw that combines the current byelaws into one vessel length byelaw for the whole KEIFCA district.***

**OPTION 3 – *Develop a new byelaw that has one constant overall vessel length for the whole KEIFCA district.***

**Why make a new vessel length and engine power byelaw?**

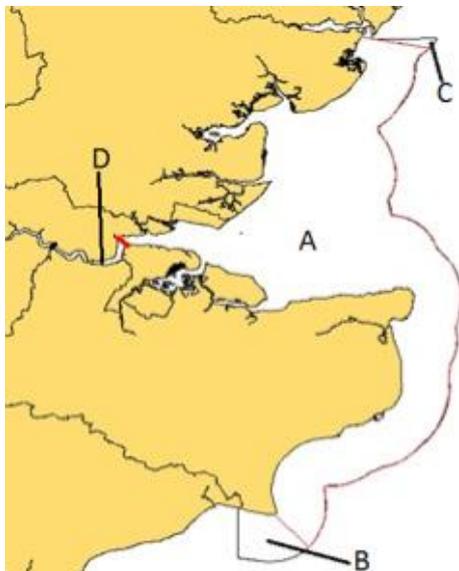
Within the KEIFCA district there are currently four byelaws that set maximum vessel lengths (two include maximum engine power and two don't). The different byelaws were inherited on the creation of KEIFCA from the previous Sea Fisheries Committees and Environment Agency district that previously regulated areas which are now part of the KEIFCA district. Developing one new

KEIFCA specific byelaw would simplify and rationalise the current system as well as better reflect the modern profile of the inshore fleet.

### **Why do it now? What about Brexit?**

IFCA byelaws are developed within the regulatory framework that comes initially from international fisheries management agreements (currently the Common Fisheries Policy) and then from national management (generally Statutory Instruments). In looking to update, and consolidate our current set of byelaws (especially those inherited by other Sea Fisheries Committees in 2011) the current EU exit negotiations pose a somewhat unique challenge as the underpinning international fisheries agreements might change. The logical starting point for this process is to review management and byelaws that are not managed at an international level and are regionally focused; and a new vessel length and engine power byelaw meets these requirements. In the future, there is the potential that IFCAs might expand their district from the current 6nm seaward limit to the 12nm limit, however if this happened it is very likely that the proposed new byelaw would be kept and a different vessel length, if any, would be set for the 6-12nm area. As part of the initial byelaw consultation process we will work closely with DEFRA to get guidance as to how this byelaw would fit into a new post Brexit fisheries landscape.

### **What is the current legislation?**



As part of the Marine and Coastal Access Act 2009 the district of Kent and Essex was changed and increased to more closely match the county boundaries of Kent and Essex. Section 6 of the act (Transitional and Saving Provisions) Order 2011, transfers the byelaws made by Kent and Essex Sea Fisheries Committee (A), Sussex Sea Fisheries Committee (B), Eastern Sea Fisheries Joint Committee (C) and the Environment Agency (D) sea fisheries byelaws to KEIFCA for those parts of its district that were previously regulated by these bodies. This amalgamation practically changes little on the ground but does mean that there is a large amount of

legislation that varies depending on your location in the district. (byelaws which have been made or reviewed since April 2011 are applicable throughout the district (Areas A,B,C, and D)).

<b>Byelaw</b>	<b>The byelaw applies to</b>	<b>Vessel length Restriction</b>	<b>Engine Power Restriction</b>	<b>Area regulation applied to</b>
(A) Kent and Essex Sea Fisheries Committee	trawl nets, dredges or other towed fishing instruments	overall length of which does not exceed 17m	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 243 kilowatts before derating	All of area A
(B) Sussex Sea Fisheries Committee	fishing for seafish (this covers all methods of fishing)	No vessel which exceeds 14m overall length	Not in byelaw	All of area B
(C) Eastern Sea Fisheries Joint Committee	any kind of trawl net	vessel whose overall length does not exceed 15.24m	Not in byelaw	0-3nm in area C
(D) Environment Agency	any net or any other instrument	overall length of which does not exceed 17m	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 243 kilowatts before derating	All of area D

### **What does a vessel length and engine power byelaw do?**

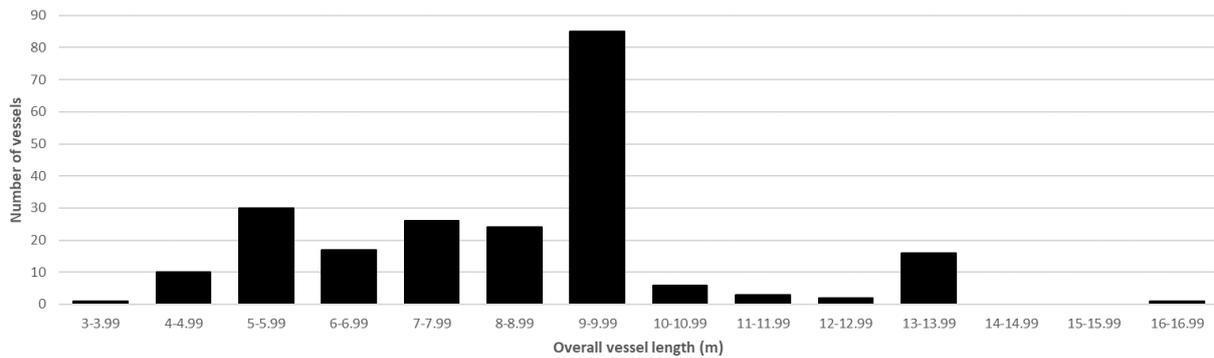
Although simple metrics, a vessel length and engine power byelaws are used by all IFCAs to create areas that are specific to the smaller boats used by the inshore fleet. Longer, larger vessels have a far greater ability to access fishing grounds much further afield and fish over a series of two to seven days rather than the smaller vessels that are usually 'day' boats. Limiting the engine power and vessel length also helps create an inshore fleet that has less capability to tow large and heavy gear. The KESFC vessel length and engine power byelaw that covers 90% of our district has been used as a component of the Marine Protected Area work the Authority has been carrying out over the past five years.

### **Why use overall vessel length and engine size as the key metrics?**

Although other descriptors could be used instead of this combination (vessel tonnage, vessel capacity units etc), the combination of vessel length and engine power is used by a number of IFCAs (Devon & Severn and North Eastern IFCAs). Continuing the use of the vessel length and engine size metrics would also provide continuity to the vessels and business working in the district. Maximum overall vessel length is the metric used by the rest of the IFCAs and (depending on the option chosen by the Authority) could help standardise maximum overall vessel lengths between ourselves and Sussex IFCA.

### **The current fleet profile of licenced vessels based in the KEIFCA district**

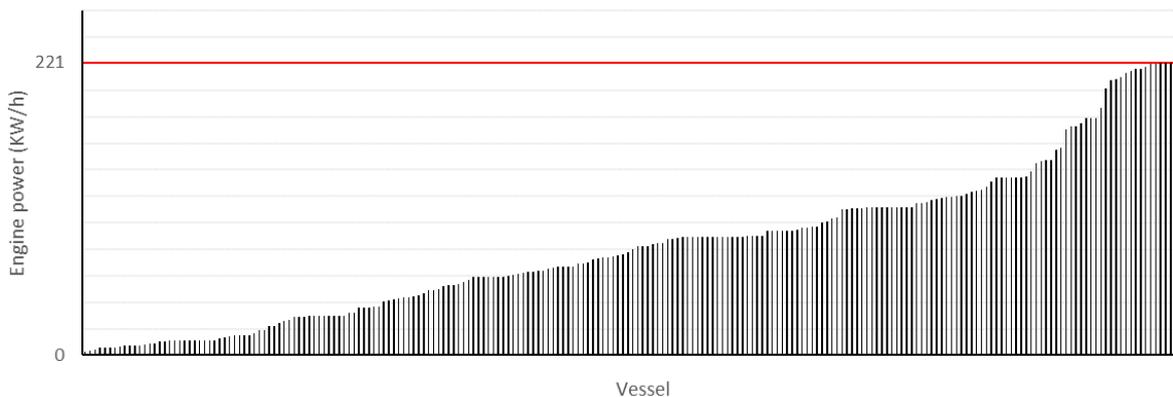
When looking at the vessels that currently work in our district the vast majority are under 10m in length (Fig.1), and 99.5% of the vessels based in our district are under 14m overall length. Fig.1 does not include vessels that are based outside our district but work, on occasion, in our district or the three vessels that still, under the byelaw, have grandfather rights to fish in in the old KESFC district (A).



**Fig.1 The overall vessel length distribution of licenced fishing vessels in the KEIFCA district. The data has been taken from the published 2018 MMO vessel list and includes vessels based in Rye.**

### Engine size

The power of a vessel’s engine(s) is very closely correlated to the size and weight of fishing gear which it can operate (the more powerful the total engine power, the heavier and larger gear it can operate), this is especially true for vessels using towed gear such as trawls and dredges. A limitation on engine power has been part of the byelaws for the KEIFCA district for all towed gear vessels since 1997 with the limits being based on historic EU proposals. Fig.2 shows the current fleet profile of engine size for vessels based in our district and shows that there are only a couple of netting vessels that are over the limit (the KESFC byelaw applied to towed gear).



**Fig.2 The engine power of all licenced fishing vessels based in ports in the district. The data has been taken from the published 2018 MMO vessel list and includes vessels based in Rye.**

Limiting engine power has been a well understood technical measure in EU legislation since the early 1980s and is currently specified under article 34 of EU 850/98 (conservation of fishery resources through technical measures for the protection of juveniles of marine organisms) for beam trawling vessels. As can be seen in Figure 2 above, the vast majority of fishing vessels based at ports within the KEIFCA district are below the required 221 kW (243 kW before derating), however there are notable numbers of vessels in the districts either side which do exceed these limits.

KEIFCA have in the past few years prosecuted a successful case against a vessel which was operating towed gear from a vessel whose total engine power exceeded the limits prescribed in the byelaw, which was originally built as a netting vessel but later switched to trawling.

### **Byelaw review options**

There are three main options the Authority could chose to take in reviewing the vessel length byelaws

***OPTION 1 - Postpone a review of the vessel length byelaws until after the fisheries regulatory landscape becomes clearer post Brexit (revisit this paper at the January 2019 Authority meeting next year).*** Making a new byelaw is not a simple undertaking, using officer and Authority member time and resources as well as costing in the region of £6,000 in advertising costs.

***OPTION 2 – Develop a 'no change' byelaw that combines the current byelaws into one vessel length byelaw for the whole KEIFCA district.*** The byelaw would effectively look to make 17m vessel length and keep the KESFC engine size criteria as the district standard apart from area B where the 14m vessel length would be retained, with no engine size requirements. Although little would effectively change there would still need to be the same consultation and byelaw making process with the equivalent costs.

***OPTION 3 – Develop a new byelaw that has one constant overall vessel length for the whole KEIFCA district.***

The most logical approach, given the current fleet profile, would be to standardise the vessel length in the KEIFCA district to the overall vessel length used by Sussex IFCA, e.g.14m, whilst also looking to standardise the engine size requirements.

In making a new byelaw, consultation with those impacted in the industry is vital, and it is proposed that a byelaw consultation document would be developed and sent out to the industry. The replies to the consultation would then form the basis of a technical panel meeting that would look to agree the structure and detail of the byelaw, and if possible make detailed recommendations on the wording of the byelaw to the Authority.

The Authority would seek feedback from the industry and stakeholders through the consultation process as to whether the byelaw would apply to trawl nets, dredges or other towed fishing instruments, as in the previous KESFC byelaw, or whether as in the Sussex SFC byelaw, it should apply to fishing for sea fish (covering all methods of fishing).

The consultation process would also provide an opportunity to get feedback on the application of the engine size limit, and whether it should apply to all vessels working in the district, just vessels that are towing fishing gear, or whether EU regulation, Article 34 of EU 850/98, adequately addresses the concerns that the previous engine power limits looked to address.

As with the previous byelaw it is proposed that there would be the provision given for vessels current working in the district that would not meet the new requirements to be given grandfather rights to be able to continue to work in the district. The consultation process could ask for feedback as to the criteria used for owners of vessels to apply for grandfather rights and for thoughts on the how ownership of the vessel can be defined and applied.

*Proposed time line for developing the byelaw*

<b>Mar - May</b>	Develop consultation document
<b>June - Sept</b>	10-week consultation
<b>Oct</b>	Technical panel meeting
<b>Nov</b>	Byelaw wording and IA reviewed at the full Authority meeting

**Recommendations:**

1. Members are asked to **DISCUSS** the 3 options presented in the paper and **AGREE** which option the Authority would like to progress.

**OPTION 1 - *Postpone a review of the vessel length byelaws until after the fisheries regulatory landscape becomes clearer post Brexit (revisit this paper at the January 2019 Authority meeting next year).***

**OPTION 2 – *Develop a 'no change' byelaw that combines the current byelaws into one vessel length byelaw for the whole KEIFCA district.***

**OPTION 3 – *Develop a new byelaw that has one constant overall vessel length for the whole KEIFCA district.***