



## KEIFCA

### VESSEL LENGTH AND ENGINE POWER BYELAW CONSULTATION

*This consultation provides stakeholders with the potential options to standardise and update the maximum vessel length and engine size byelaw within the district of Kent and Essex IFCA.*



## Purpose of this consultation

The purpose of this consultation is to seek views on the creation of a new byelaw that standardises the maximum vessel length and engine size across the Kent and Essex Inshore Fisheries and Conservation Authority district.

## Consultation Process

**Geographical scope:** This consultation applies primarily to the whole of the Kent and Essex IFCA district as created under the Marine and Coastal Access Act 2009.

**Duration of the consultation:** 10 weeks

**Body responsible:** Kent and Essex Inshore Fisheries and Conservation Authority

## How to contribute

The closing date for this consultation is **17th August 2018**. Responses should be sent to the following email address: [info@kentandessex-ifca.gov.uk](mailto:info@kentandessex-ifca.gov.uk)

Or by post to:

KEIFCA

Paragon House

Albert Street

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Further information is available on our website [www.kentandessex-ifca.gov.uk](http://www.kentandessex-ifca.gov.uk)

## Confidentiality

In line with KEIFCA's policy of openness, at the end of the consultation period copies of the responses we receive may be published in a summary of the responses to this consultation. **If you do not consent to this, you must clearly request that your response be treated as confidential.** Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which KEIFCA will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.

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

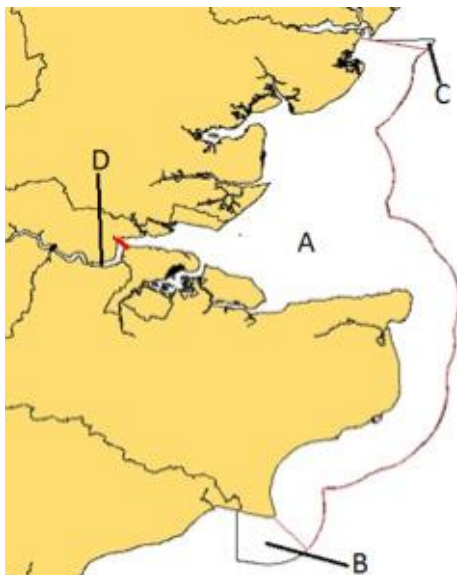
Within the KEIFCA district there are currently four byelaws that set maximum vessel lengths (two include maximum engine power and two don't). The different byelaws were inherited on the creation of KEIFCA from the previous Sea Fisheries Committees and Environment Agency district that previously regulated 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 from 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 IFCA 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 obtain 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 (Area's A,B,C, and D)).

Byelaw	The byelaw applies to	Vessel length Restriction	Engine Power Restriction	Area regulation applied to
(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 IFCA's 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 2-7 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 5 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 and Severn and North Eastern IFCA). 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 10 metres in length (Fig.1), and 99.5% of the vessels based in our district are under 14 metre 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).

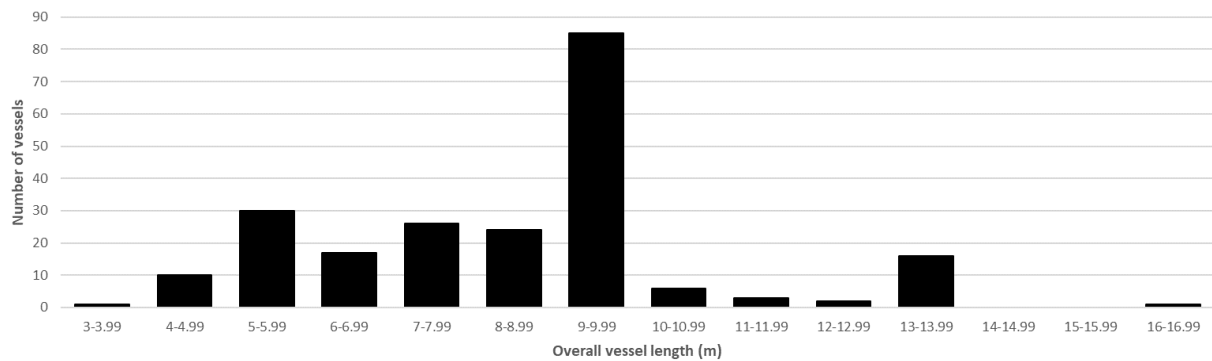


Fig.1 The overall vessel length distribution of licenced fishing vessels in the KEIFCA district. The data has been taken from the published 2018 MMO vessel list and includes vessels based in Rye.

## 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).

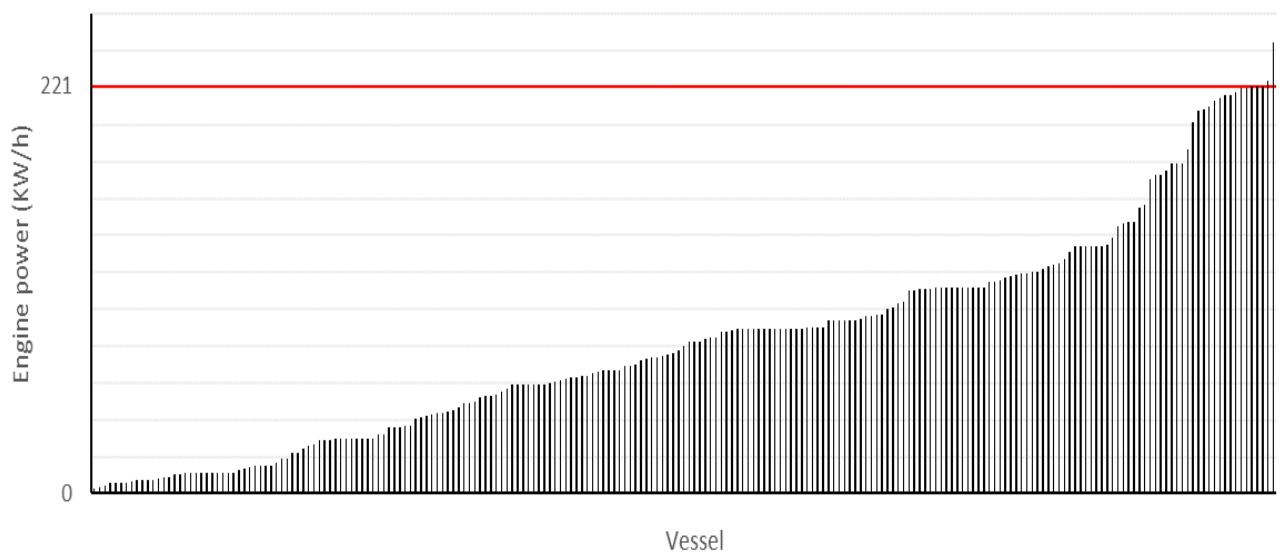


Fig.2 The engine power of all licenced fishing vessels based in ports in the district. The data has been taken from the published 2018 MMO vessel list and includes vessels based in Rye.

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 an individual who 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 (to which the engine power section of the current KESFC byelaw does not apply) but later switched to trawling (where it does).

## Consultation questions

The most logical approach, given the current fleet profile (Fig. 1), 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. KEIFCA agreed to develop and consult on this 14m vessel length option at the January 2018 Authority meeting but also wanted to get feedback as to 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/ include a sunset clause to be able to continue to work in the district.

The replies to this consultation will form the basis of a technical panel meeting (planned to be held in October 2018) 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 (November 2018 KEIFCA meeting).

## Your background

*Understanding your specific circumstances and background will help KEIFCA best understand and inform our byelaw development.*

- 1) Your name, position (owner, skipper, crew), background**
- 2) Your vessels name, PLN, length, engine size, gear you use**
- 3) Port you work out of and key stocks you target**
- 4) Any other background information that would be useful to understand your business**

## The scope of the byelaw

- 5) Do you have any general views about the scope and remit of the proposed byelaw?**
  - a) *Any advantages or disadvantages of a vessel length and engine size byelaw?*
  - b) *Do you think other fishing vessel descriptors (length and width, or vessel capacity units) would be better for the Authority to use in a byelaw?*

## Potential options for a new byelaw

Vessel length		Engine Power		
<b>1</b> Overall length of which does not exceed <b>14m</b>	Applies to <b>all</b> methods of fishing	<b>A</b> Engine power restrictions <b>just</b> apply to trawl nets, dredges or other towed fishing instruments	i)	total engine does not exceed 221 kilowatts.
			ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>243</b> kilowatts before derating
			iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>300</b> kilowatts before derating
		<b>B</b> Engine power restrictions apply to <b>all</b> vessels	i)	total engine does not exceed 221 kilowatts.
ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>243</b> kilowatts before derating			
iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>300</b> kilowatts before derating			
<b>2</b> Overall length does not exceed <b>14m</b>	Applies <b>just</b> to trawl nets, dredges or other towed fishing instruments	<b>A</b> Engine power restrictions <b>just</b> apply to trawl nets, dredges or other towed fishing instruments	i)	total engine does not exceed 221 kilowatts.
			ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>243</b> kilowatts before derating
			iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed <b>300</b> kilowatts before derating

### 6) From the options presented above do you have any comments on:

- A preferred option and rationale for your option preferred option*
- Any advantages or disadvantages of the options presented*
- Any costs that could be incurred from any of the options?*

## Grandfather rights/ sunset clause

### 7) Do you have any views on any grandfather rights/ sunset clause?

- How should any grandfather rights/ sunset clause be applied?*



- b) *Do you have a view on what kind of information KEIFCA should consider when reviewing applications for grandfather rights/ sunset clause?*

## How to contribute

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