



Kent and Essex Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

VESSEL LENGTH AND ENGINE POWER BYELAW 2018

The Authority for the Kent and Essex Inshore Fisheries and Conservation District, in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

INTERPRETATION

- (1) In this byelaw:
- a) "the Authority" means the Kent and Essex Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Kent and Essex Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2190);
 - b) "engine power" means the engine power specified on the Transcript of Registry issued by the Marine and Coastguard Agency
 - c) "fishing gear" means any instrument designed to take sea fisheries resources from the sea bed or the water column;
 - d) "overall length" means the same as specified on the Transcript of Registry issued by the Maritime and Coastguard Agency
 - e) "ownership" means
 - f) "relevant fishing vessel" means a fishing boat registered in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act and in respect of which a fishing licence issued by an appropriate national authority is held.
 - g) "the specified date" means the 10th October 2018
 - h) "towed fishing gear" means any beam trawl, otter trawl, multi-rig trawl, pair trawl, demersal trawl, pelagic trawl, anchor seine, Scottish seine, dredge or other similar fishing

instrument designed to take, or disturb, sea fisheries resources on the sea bed or in the water column;

- i) "use", in relation to fishing gear, means shooting, setting, moving, towing or dragging it on the seabed or above the seabed or on the surface of the sea or anchoring or leaving it on the seabed with or without the intention to take sea fisheries resources;

PROHIBITION

- (2) A person must not use any fishing gear from a relevant fishing vessel with an overall length of more than 14 metres
- (3) A person must not use any towed fishing gear from a relevant fishing vessel with a total engine power of more than 221kW, and, in the case of derated engines, did not have a total engine power of more than 243kW before being derated.

EXEMPTIONS

- (4) This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.
- (5) This byelaw does not apply to a relevant fishing vessel which exceeds the requirements of paragraph (2) provided that;
 - (a) An application is received on a biennial basis for exemption;
 - (b) the relevant fishing vessel was in use within the District during the two years prior to the specified date or;
 - (c) a financially binding commitment had been made for the building of a vessel prior to the specified date;
 - (d) The relevant vessel remains in the same beneficial and legal ownership as on the date this byelaw is made
 - (e) the overall length of the relevant fishing vessel does not increase after the specified date
 - (f) The overall length of the relevant fishing vessel prior to the specified date did not exceed 17 metres.
- (6) This byelaw does not apply to a relevant fishing vessel which exceeds the requirements of paragraph (3) provided that;
 - (a) An application is received on a biennial basis for exemption.
 - (b) the relevant fishing vessel was in use within the District during the two years prior to the specified date
 - (c) The relevant vessel remains in the same beneficial and legal ownership as on the date this byelaw is made
 - (d) any replacement engine which is fitted to the relevant fishing vessel after the date which this byelaw comes into force is compliant with paragraph (3)
- (7) When applying for a biennial exemption as specified in paragraphs (5) or (6), a person must provide the following for the relevant fishing vessel:
 - (a) VMS records which prove a minimum of 100 hours fishing in the preceding two years;
 - (b) Vessel logs relating to the above VMS records;

- (c) Sales notes for the fish caught during the above 100 hours
 - (d) Details of the legal and beneficial ownership of the vessel
 - (e) Any other information requested by the Authority for the purposes of clarifying the requirements of paragraph (5)
- (8) The exemptions provided for in paragraphs (5) to (8) will be reviewed at a date no later than fifteen years after the date upon which this byelaw is made and then no later than every five years after that.

I hereby certify that the above byelaw was made by the Authority at their meeting on the XX day of XXXXXX 2018

Joel Cook
Clerk to the Kent and Essex Inshore Fisheries and Conservation Authority

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The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Vessel Length and Engine Power Byelaw 2018 made by Kent and Essex Inshore Fisheries and Conservation Authority on XXX day of XXXXXX 2018.

Date:

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs