

ANNEX A

DRAFT for approval June 2011

North Western Inshore Fisheries and Conservation Authority

Code of Conduct for Inspections

1. The NWIFCA employs Inshore Fisheries and Conservation Officers (IFCOs) to carry out inspections of marine organisms, fishing vessels, fishing equipment and vehicles to monitor compliance with EU, UK and local fisheries and environmental legislation. IFCOs hold Warrants giving them the powers to act ashore and to operate out to 6nm from the coastline. Some IFCOs also hold Warrants with associated powers enabling them to enforce fisheries and environmental legislation on behalf of other government bodies such as the Environment Agency and the Marine Management Organisation. The NWIFCA pledges to conduct all inspections in a courteous, fair and professional manner. IFCOs do not always wear a uniform; however, they will display their warrant card to identify themselves. IFCOs will not use business cards as a form of identification.

Boarding vessels

2. IFCOs will identify themselves prior to boarding and will operate from vessels clearly marked as fishery protection vessels. It is expected that Masters of vessels maintain a proper VHF watch on channel 16 and respond appropriately when hailed. Masters of a vessel will be asked to facilitate a safe boarding by IFCOs, this may include requests to slow down, offer a lee or haul gear in addition to providing a suitable boarding ladder in compliance with the relevant legislation. Only then when it is deemed safe to do so will IFCOs board a vessel. IFCOs will work with the Master of a vessel to ensure that no action is taken that may compromise the health and safety of either the vessels crew or the boarding party. The Master of a vessel must alert the boarding party to any hazards they may encounter.

Inspections on the shore and at sea

3. Inspections will include but are not limited to:
 - Documentation checks
 - Catch assessments/weighing
 - Gear checks
 - Marine organism minimum size checks

Powers

4. IFCOs have wide reaching powers to enable them to carry out their duties. These powers include but are not limited to:
 - inspection, search and examination of equipment, vessels, marine installations,
 - authority to request production of documents
 - seizure of items
 - authority to require attendance of certain persons
 - authority to direct a vessel or marine installation to port
 - and the use of reasonable force

On commencement of an inspection

5. The IFCO will clearly state their intentions and may ask for assistance in carrying out their duties. It is at this point that any health and safety concerns should be addressed with the IFCO.

On completion of an inspection

6. The IFCO will inform you of the work they have carried out and any findings. They may highlight areas of legislation and provide advice where appropriate. In some cases the IFCO may provide a written record of the inspection.

In cases of suspected infringements

7. Where an IFCO encounters a suspected infringement of regulations they will issue and clearly explain a caution and your rights. The IFCO may conduct an interview, take statements, collect evidence, seize equipment or catch, where this is done a receipt will be issued. In instances where a infringement of regulations are suspected the IFCA will endeavour to investigate the matter in a timely manner and individuals will always be provided the opportunity to attend an interview with investigating officers which will be recorded in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice. Any decision to take legal action against an individual is not taken by the IFCO on the scene but by the Chief Officer in consultation with Chair and Vice Chair of the relevant IFCA although, in the case of minor infringements, the IFCO may decide to issue a recorded verbal warning at the scene.

Meeting your expectations

8. IFCOs will be provided with the training and the suitable equipment to enable them to act safely in the discharge of their duties and to provide accurate advice and/or direction. Risk assessments covering the inspection of vessels, premises, catches, vehicles and individuals are created and regularly reviewed. It is the intention of the relevant Authority that IFCOs assist those subject to inspection in complying with relevant legislation and that the inspection is conducted with minimum interference. At all times IFCOs will remain courteous and considerate and refrain from using inappropriate, unprofessional, aggressive, or profane language.

IFCO expectations

9. The NWIFCA expects that their IFCOs are treated in a courteous manner and free from harassment or abuse and will act in cases where this is not the case or in instances where an IFCO is obstructed from carrying out their duties.

Complaints

10. Complainants regarding the conduct of an inspection should write to the Chief Officer of the NWIFCA detailing their concerns. This will ensure that IFCA's discharge their functions to a high standard in a professional and courteous manner. All complaints will be investigated in fair and timely manner.

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