

## Annex D

### **Potting Permit Byelaw Comments and Recommendation from Mr Steve Brown**

1. Para 1(i) makes no provision for the overall length of a non-registered vessel.
2. Para 6 requires amendment with words to explain its purpose, which is I believe to prevent non-permitted pots being readily available for use from a vessel purporting to be in passage through the District. It is in effect a very necessary “carriage order” but that is not what is stated in the Byelaw.
3. Para 24, while I maintain my objection (because the fishermen that I represent have made their views clear to me) to any fees in this Byelaw, it must be made clear that the Category One permit fee applies for each specie as stated in Para’s 13 and 14.
4. Para’s 30 and 31. The Authority has been asked some time ago to update its static gear marking provisions. This is a very broad subject where many local variations and conditions need to be taken into account. I have no objection to the requirements to identify the owners of the gear but technical specifications have absolutely no place in this Byelaw at all and will only serve to complicate matters when a full gear marking Byelaw is made.
5. Para’s 35 and 36. I maintain my objection to these paragraphs on the grounds that I do not think we should be empowered to add further penalties/restrictions on top of those imposed by the Courts.
6. Para 45. While I fully understand our Officers’ reasoning for this paragraph as a result of not inconsiderable difficulties with illegal fishing activities in certain areas, it is however a basic principle that all Byelaws have to be reasonable. I ask is it reasonable that if more than one permit holder goes out on one boat and clears their pots that each should be able to retain their own entitlement? Of course it is, we cannot presume criminal intent or inflict unreasonable conditions upon the law abiding majority because of the criminal activity of others. This paragraph must be removed or we risk having a Byelaw that could be found to be void.
7. Para 47(f). Vessel length restrictions have no place in this Byelaw and in some ways presume the outcome of the yet to be drafted vessel length byelaw, this is particularly relevant when we come to the issue of track record.
8. **Track Record.** The full consultations on Track Record have yet to be carried out. This is a very serious matter that could and probably will lead to serious amendments needing to be made to this Byelaw. At present all the factions in the Potting fishery want us to make a Potting Byelaw. This draft Byelaw does not however provide when the Track Record provisions are fully explained what some influential sections of the industry are expecting of us.
9. To provide the protection that I believe is necessary for this fishery this Byelaw must not pre-empt the very necessary improvements required in our at present disjointed vessel length provisions. It is probable that the Track Record consultations will bring about a new series of obstacles to be overcome.
10. Given that we are restricted by section 9:33 of our constitution regarding further discussion on this Byelaw, that consultations with the industry on the matter of track record are not as yet completed and that further amendments may well be needed I wish to put forward the following motion: -

**Amendment: That the Potting Byelaw shall not be “made” until the full results of the Track Record Consultation are known and that any changes to the Draft Byelaw that may be required as a result of the Consultation have been incorporated into the Draft Byelaw.**

**Steven Brown. Professional Fisherman (retired)  
Member NWIFCA  
11<sup>th</sup> June 2019**