

# Department of Environment, Food and Agriculture

## Rheynn Chymmiltaght, Bee as Eirinyis



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

### Isle of Man King Scallop Long Term Management Plan Termination of Grandfather Rights (Policy)

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Policy History		
Version	Date Approved	Description
1.0	01 Jun 2022	Original policy document

#### Purpose:

The purpose of this policy is to phase-out pre-existing Grandfather Rights (**GFRs**) in the Isle of Man King Scallop fishery, in line with the Short Term Objectives of the King Scallop Long-term Management Plan.

#### Definitions:

"Territorial sea" means those waters lying within 12 nautical miles of the baseline from which the breadth of the territorial sea adjacent to the Isle of Man is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines adjacent to the United Kingdom.

"Isle of Man Sea Fishing Licence" means a licence issued by the Department under Sections 37 of the Fisheries Act 2012, which automatically prohibits fishing for King Scallop (*P. maximus*) by condition of licence, except where the same Isle of Man Sea Fishing Licence contains a Specific Fishery Authorisation for King Scallop, specified under section C of the Isle of Man Sea Fishing Licence.

"Grandfather Rights" refer to the exception to the requirement that vessels in the Isle of Man King Scallop fishery must have an engine not exceeding 221 kW in power, first introduced in 2010.

#### Background:

The Department manages the fisheries within the territorial sea through a combination of regulations, byelaws and also through the conditions associated with the Isle of Man Sea Fishing Licence.

Isle of Man Sea Fishing Licences are issued by the Department under Sections 37 of the Fisheries Act 2012 (the Act). Section 38, Subsection (8), Paragraph (a) of the Act enables the Department to vary a licence if it appears to the Department to be necessary or expedient for the regulation of sea fishing.

## **Fisheries Act 2012 (of Tynwald)**

### **37 Licensing of fishing boats**

(1) The Department may by regulations provide in any specified area of the sea within the territorial waters of the Island fishing by fishing boats is prohibited unless authorised by a licence granted by the Department (a “sea fishing licence”).

### **38 Sea fishing licences**

(8) A sea fishing licence -

(a) may be varied from time to time;

...

if it appears to the Department to be necessary or expedient for the regulation of sea fishing.

At present, the Isle of Man sea fishing licence requires that:

### **Licence Condition 14 - Specific Fishery Authorisations**

No person shall fish within the Isle of Man territorial sea for any of the species listed in the Schedule (Section H) Part II unless -

(a) Authorised to do so at section C of their Licence; and,

(b) From a “qualifying vessel” for that species, as defined in the Annexe (Section I) Part I.

#### **Annexe (Section I) Part I**

A “qualifying vessel” in respect of King Scallops means —

(a) a vessel in respect of which the engine power exceeds 221 KW as stated on the Certificate of Registry relevant to that vessel which is adjudged by the Department to have fished for scallops or Queen Scallops, in the territorial sea for more than 50 days in total between 1 November 2008 and 31 May 2010; or

(b) a vessel in respect of which the engine power is less than or equal to 221 KW as stated on the Certificate of Registry.

Where a vessel which falls within paragraph (a) of the definition is sold or otherwise disposed of, any rights extended to that vessel shall cease.

Since their introduction in 2010, the Department has been gradually phasing-out Grandfather Rights whereby if a “qualifying vessel” is sold or otherwise disposed of, its replacement must be compliant with the 221 kW limit. Any “new” vessels entering the fishery must have an engine not exceeding 221 kW. Many vessels that were granted Grandfather Rights in 2010 have either been replaced, “re-engined”, or had their engine permanently de-rated, in order to comply with the 221 kW requirement.

This policy aims to deliver the Long Term Management Plan for the King Scallop fishery, which provides the strategic framework for the management of the fishery. Specifically, this policy aims to deliver the Short Term Objective to Terminate Grandfather Rights (‘STO 3’).

Having engaged with the industry through the Isle of Man Scallop Management Board ([SMB](#)), the Department held a public [consultation](#) on a Long Term Management Plan for the King Scallop fishery. The consultation sought views on proposals and options relating to the termination of GFR exception for “qualifying vessels”. The [results](#) of consultation are available online.

#### **Scope:**

The following policy shall apply to those individuals that may be authorised to fish for King Scallop within the territorial sea from a "qualifying vessel", i.e. where the registered and licensed vessel has an engine in excess of 221 kW power.

To be clear, this policy, which implements the Termination of Grandfather Rights objective of the LTMP, is non-discriminatory, and applies equally to all King Scallop authorisations irrespective of the home port to which the authorised vessel was, or is, registered.

### **Termination of Grandfather Rights for vessels over-221 kW:**

The Department shall continue to operate its existing policy that no vessels entering the fishery (without GFRs) may have an engine in excess of 221 kW power.

In addition, the Department shall introduce a statutory requirement that **all** vessels fishing for King Scallops using dredges in the Isle of Man territorial sea must have an engine that is 221 kW or less, effective from **23:59 on Wednesday 30<sup>th</sup> October 2024**. In effect, this shall terminate any GFRs that remain at that time.

Therefore, in order to continue fishing for King Scallops using dredges in the Isle of Man territorial sea from 01<sup>st</sup> November 2024, a "qualifying vessel" must either;

- Be permanently de-rated or re-engined to comply with the 221 kW limit; or
- Be replaced by a vessel that complies with the 221 kW limits.

Eligibility will be determined based on the engine power as stated on the Certificate of Registry relating to that vessel.

King Scallop Specific Fishery Authorisations may be placed 'on hold' for a period of time to allow for the replacement of a vessel in-line with policy [SF/03/2022](#).

If, by Thursday 31<sup>st</sup> October 2024, a King Scallop authorisation remains on a vessel that does not comply with the 221 kW engine-power limit, the Department shall remove the authorisation for King Scallops, and the vessel will be unable to prosecute the Isle of Man King Scallop fishery from 01<sup>st</sup> November 2024 onwards. Authorisations will revert to the Department and become latent, as defined in the Specific Fishery Authorisation (SF/03/2022). Under such circumstances, affected licence-holders may request a licence cancellation, and a pro-rata refund of the licence fee. A request to cancel the Isle of Man sea fishing licence would remove the opportunity to fish commercially for any sea fish in the Isle of Man territorial sea.

### **Related information:**

The Fisheries Act 2012 can be found at: [https://www.gov.im/media/1347777/fisheriesact2012\\_2.pdf](https://www.gov.im/media/1347777/fisheriesact2012_2.pdf)

Information regarding the Future Fisheries Strategy can be found at: <https://www.gov.im/media/1349731/sea-fisheries-strategy.pdf>

Information on the Department's policies can be found at: <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/legislation-policy-and-enforcement/>

Information on commercial licensing requirements can be found at: [https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2012/2012-0005/FisheriesAct2012\\_4.pdf](https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2012/2012-0005/FisheriesAct2012_4.pdf)

Information on the Specific Fishery Authorisation Policy can be found at: <https://www.gov.im/media/1358247/specific-fishery-authorisation-policy-sf022022.pdf>

The Long-term Management Plan for the Isle of Man King Scallop Fishery can be found here: <https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/isle-of-man-king-scallop-fishery/>

### **Frequently asked questions:**

- *Who does this policy affect?*

This policy is applicable to vessels fishing for King Scallops under Grandfather Right exemptions from the 221 kW engine-power limit.

- *What activities does the policy cover?*

The policy covers the Isle of Man King Scallop fishery.

- *When does this policy take effect?*

The policy came into effect on the 01<sup>st</sup> June 2022. This is the 1<sup>st</sup> version of this policy.

- *How often will the policy be reviewed?*

This policy will be reviewed prior to the start of the start of the 2024/25 King Scallop fishery.

- *Why has the department introduced this policy?*

The Department has introduced this policy with the aim of delivery one of several Short Term Objectives outlined in the Long-term Management Plan for the Isle of Man King Scallop fishery.

- *How was this policy decided upon?*

This policy has been determined following the development of a Long-term Management Plan for the Isle of Man King Scallop Fishery with the Isle of Man Scallop Management Board, which included a public consultation on proposals (including termination of Grandfather Rights) during 2021.

- *What authority has the Department got to introduce this policy?*

Section 38, Subsection (8), Paragraph (a) of the Fisheries Act 2012 enables the Department to vary a licence issued by the Department (under Section 37), if it appears to the Department to be necessary or expedient for the regulation of sea fishing.

END