

Isle of Man Scallop Management Board Constitution

1. Constitution and Name

The Board shall be called the "Isle of Man Scallop Management Board" (the "**SMB**").

2. Registered Office

The Registered Office of the SMB shall be at:-

Department of Environment Food and Agriculture
Thie Slieau Whallian
Foxdale Road
St Johns
Isle of Man
IM4 3AS

3. Terms of reference

The SMB shall:-

- (a) to promote the protection and management of the Isle of Man king and queen scallop fisheries to ensure that they:-
- are sustainable and profitable in the long term whilst safeguarding the marine environment;
 - are fished in accordance with fisheries conservation best guidance and practice;
 - meet the priority objectives and aims as set out in the Isle of Man's Future Fisheries Strategy which came into effect in 2016.
- (b) to provide advice to the Department of Environment Food and Agriculture (the "**Department**") on appropriate conservation measures for each fishery in the Isle of Man, including where appropriate quantitative advice on Total Allowable Catches and quotas for queen and king scallops. Advice will take into account the synergies between each species of shellfish in terms of lifecycle and habitat.
- (c) to participate in any consultation affecting the Isle of Man king and queen scallop fishery, noting the Department's obligations set out in section 83 of the Fisheries Act 2012.

In seeking to fulfil the terms of reference set out in 3(a) – (b) above, the SMB as an advisory body will operate within the parameters of recognised fisheries science as modulated by current practical experience on Isle of Man king and queen scallop grounds.

Specifically, the remit of the SMB will include:-

- consideration of scientific advice presented by Bangor University and any other relevant, qualified scientific establishment;
- consideration of best practice fisheries management practices;
- support for the priority aims and objectives of the Isle of Man's Future Fisheries Strategy
- consideration of socio-economic impacts which may affect each of the fisheries;
- advising the Department on the introduction of management measures to ensure the protection of scallop fisheries, including spatial and temporal management and technical measures as appropriate;
- making recommendations to the Department on further scientific research required in order to better understand and manage scallop fisheries;
- act as an independent fisheries advisory board to respond on such matters that may impact or have influence on Isle of Man scallop fisheries.

The SMB must take account of the political imperatives within which the Minister and the Department need to operate within both the Isle of Man and in relation to the United Kingdom and its Devolved Administrations as well as the European Union.

4. Membership and representation

Membership of the SMB shall consist of individuals with relevant scientific, commercial fishing, fish processing or public administration experience associated with the Isle of Man king and queen scallop industry.

All appointments to the SMB will be made by the Department with the approval of the Minister for the Department.

Additional membership

The SMB may, with the approval of the Department, invite additional membership as appropriate. The maximum number of members on the Board will be 10 (excluding the Department and Bangor University).

Membership period

Membership to the Board will be for an initial period of three years with an option for a further three years. Industry-related members must remain active in the fishery for their period of tenure.

5. Cessation of membership

Membership of the SMB shall cease in the event of:-

- a. Automatic cessation at end of term of membership;
- b. Withdrawal of membership;
- c. Expulsion / termination (at the decision of the Chair or Minister for the Department)

6. Chairperson

A Chairperson shall be appointed to the board by the Minister for the Department and their term of office will run for two years, which may be extended for a further three years.

The Chairperson shall be familiar with the broad principles of fisheries management in the Isle of Man and hold a qualification in fisheries management or another appropriate discipline

The Chairperson will be appointed by the Minister for the Department, and shall account to the Minister for the Board's actions or inactions.

6A. Industry Spokesperson

An Industry Spokesperson will be appointed by the members of the Board and shall come from within the existing membership. The Industry Spokesperson shall be familiar with ongoing developments relating to the management of scallop fisheries in the Isle of Man and the UK, and have sufficient capacity to act as a point-of-contact for the Chair and assist the Chair in progressing actions resulting from meetings of the Scallop Management Board.

7. Meetings

The SMB will aim to meet a minimum four times each year depending on fishery performance, stock assessment results and the need for management measures.

The SMB may meet additionally:-

- At the request of the Chairperson, whether prompted by members or not;
- When the Chairperson receives a request from the simple majority of the catching and processor members for such a meeting.

The SMB may participate in meetings by telephone or electronic means, provided any formal recommendations are made to the Minister for the Department in writing.

The Board shall keep minutes of all proceedings at meetings.

8. Quorum

The quorum for any meeting shall be 70% (rounded to the nearest whole number) of the current membership entitled to participate in the decision-making process.

9. Decision-making

The SMB will work to reach decisions by consensus. Board members will set aside all personal interests whether financial or otherwise and work to reach decisions and agreements that are in the long term sustainable interests of the king and queen scallop fisheries as a whole, including socio-economic factors.

Neither Bangor University representatives nor members of the Department shall be eligible to participate in the decision-making process.

All decisions made by the QMB will be referred by the Chairperson in writing to the Minister of the Department for final endorsement.

10. Secretariat

The secretariat for the SMB will be supplied by the Department. Every effort will be made to issue papers to members 5 days before a meeting is due to commence.

Notwithstanding this rule any member of the Board, or the Department or the scientific advisor may table additional papers at the start of the meeting. In this case the Chairperson, having consulted with the Industry Spokesperson, has the final say as to whether decisions on them are taken at the meeting at which they were tabled or whether a decision needs to be adjourned to a later meeting.

11. Alterations to the Constitution

The Constitution may only be amended by the Chairperson of the SMB, having consulted with the Industry Spokesperson, or the Department of Environment Food and Agriculture, in each case with the prior endorsement of the Minister for the Department.

12. Dissolution

If the Department decides at any time that it is advisable to dissolve the SMB, this decision must be endorsed by the Minister for the Department

Signed:



(Minister)

Date: 07/07/2021