

Department of Environment, Food and Agriculture

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Management of the crab and lobster fisheries within the Isle of Man territorial sea

Policy No.: SF/02/2021
Policy approved: 28.07.2021
Effective Date: 29.07.2021
Last revised: 28.07.2021
Review date: 28.07.2026
Version: 2
Policy Owner: Department of Environment, Food and Agriculture
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Purpose:

The purpose of this policy is to introduce measures to better manage the commercial crab and lobster fishery within the territorial sea by varying Isle of Man Sea Fishing Licence to remove inactive or unutilised ('latent') authorisations to fish for crab and lobster, called Species Specific Licences, by application of a track-record methodology that assesses historic fishing activity.

Definitions:

"Crab" means the species *Cancer pagurus*.

"Lobster" means the species *Homarus gammarus*

"Specified vessel" means the vessel to which an Isle of Man Sea Fishing Licence relates.

"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 crab and lobster by condition of licence, except where the same Isle of Man Sea Fishing Licence contains a Crab and Lobster authorisation, or "Species Specific Licence", specified under section C of the Isle of Man Sea Fishing Licence.

"Crab and Lobster Species Specific Licence" is an authorisation, specified in Section C of the Isle of Man Sea Fishing Licence, which permits fishing for Crab and Lobster by the vessel specified in the Isle of Man Sea Fishing Licence. Crab and Lobster Licences are administered under the Species Specific Licensing policy.

"pot" means any baited pot, receptacle or container with one or more openings or entrances and which is specifically designed for, or capable of, being left at sea to catch crab and/or lobster.

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. This includes variations that remove authorisations ('Species Specific Licences') to fish for certain species in Section C of the licence, including Crab and Lobster, which is otherwise prohibited by a condition of the Isle of Man Sea Fishing Licence.

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; and
- (b) may be cancelled or suspended;

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

This policy aims to align management of the commercial crab and lobster fishery in the Isle of Man territorial waters with the Future Fisheries Strategy, which provides overall priorities and objectives relating to the sustainable development of the Isle of Man's sea fisheries and marine environment.

The strategy identifies ways of securing sustainable, thriving and well-managed fisheries providing high quality products whilst continuing to protect and respect the marine environment and highlights a number of priority action areas including:

- An appropriate level of fishing effort
- Regionally-relevant management
- Improved stakeholder involvement
- Increase economic value of fisheries
- Marine development and exploitation in harmony with the environment

Having engaged with the industry through a dedicated Crab and Lobster Working Group (established in 2018), in October 2020 the Department [consulted](#) on proposals for the future management of the Isle of Man crab and lobster fisheries, which included options to address 'latent' effort within the fishery. The [results](#) of consultation are available online.

Scope:

The following policy shall apply to those individuals that may be authorised to fish for crab and lobster within the territorial sea from a registered and licenced vessel under an Isle of Man Sea Fishing Licence.

Policy:

- Effort in the crab and lobster fishery within the territorial sea shall be managed by issuing a restricted number of Species Specific Licences for crab and lobster to Isle of Man Sea Fishing Licences. Please refer to the [Species Specific Licence Policy](#) for further information regarding restrictive licencing for specific fisheries in the Isle of Man territorial sea.
- Total fishing capacity of the fishery shall be managed primarily by regulating and restricting the number of Species Specific Licences for Crab and Lobster allocated to Isle of Man Sea Fishing Licences,

and the number of pots that each licenced vessel may deploy in the territorial sea, with specific limitation for the inshore zone (0-3 NM).

- Fishing for crab and/or lobster is prohibited by condition of the Isle of Man Sea Fishing Licence, except where the specified vessel is authorised under Section C of the Isle of Man Sea Fishing Licence by virtue of being allocated a [Species Specific Licence](#).
- Fishing for crab or lobster by any means, other than pots, is be prohibited.
- Management of the fishery shall be achieved through a number of legal instruments under the Fisheries Act (2012), including:
 - [Conditions and Variations](#) of the Isle of Man Sea Fishing Licence;
 - Isle of Man Sea Fisheries bye-laws and regulations (i.e. [legislation](#)); and
 - Any amendments and addendums to this policy ('Crab and Lobster Policy').
- It is the responsibility of all licence-holders to be aware of the legislation relating to commercial fishing in the Isle of Man territorial sea, and to ensure that the licenced vessel operates in compliance with licence conditions and variations, legislation, and this policy.

Policy: Removal of Latency in the Crab and Lobster Fishery:

In order to reduce latency within the fishery, the Department will only issue Isle of Man Sea Fishing Licences that include authorisations to fish for Crab and Lobster ('Species Specific Licences') to those licence-holders that meet the following criteria:

Licence-holders must be able to demonstrate, to the satisfaction of the Department, that their current species specific licence(s) for crab and lobster has (have) a historic track record of having fished commercially for either or both of these species, using pots, within the Isle of Man territorial sea for at least one day during the reference period 1st Jan 2016 – 30th Jun 2019 (inclusive).

Procedure:

Where a track-record of fishing activity cannot be demonstrated to the satisfaction of the Department, existing Crab and Lobster Species Specific Licences may revert to the Department by varying individual Isle of Man Sea Fishing Licences so as not to include authorisation to fish for crab and lobster as a result of this policy. This also applies to authorisations (Species Specific Licences) reserved by the Department for nominated licence-holders that do not currently hold an active Isle of Man Sea Fishing Licence. The following procedure will apply:

Initial consideration

- Before varying an Isle of Man Sea Fishing Licence to remove an authorisation to fish for Crab and Lobster (Species Specific Licence), the Department shall consider the historic activity of individual Crab and Lobster Species Specific Licences against a minimum evidence threshold (as below) relating to the required track-record and reference period.

Primary Evidence thresholds

- The Department will apply minimum evidence thresholds that reflect the statutory reporting requirements of the specified vessel to which the Isle of Man Sea Fishing Licence (with the Species Specific Licence) relates, or did relate to, during the reference period.
- The primary minimum evidence thresholds may vary depending upon the characteristics of the specified vessel to which the Isle of Man Sea Fishing Licence and Species Specific Licence relates, or did relate to, during the reference period, including, but not limited to, the overall length of the specified vessel.
- The primary minimum evidence thresholds must be evidenced by timely submission of records, and have been validated, by the relevant Fisheries Administration.

Initial notification

- Where a registered and licenced fishing vessel is eligible for a Crab and Lobster Species Specific Licence but is affected by Policy A, the Department will write to the nominated licence holder of the specified vessel, informing them of the recommendation to vary the Isle of Man Sea Fishing Licence to remove the Crab and Lobster Species Specific Licence, based upon initial consideration of the primary evidence threshold in line with this policy.
- The Department will inform affected licence-holders that the recommended decision to vary the Isle of Man Sea Fishing Licence will take effect from 31st August, and remove the authorisation to fish for crab and lobster. Variations will result in those licence holders being issued a replacement Isle of Man Sea Fishing Licence without a Crab and Lobster authorisation (Species Specific Licence).
- If affected individuals do not currently hold an active Isle of Man Sea Fishing Licence, the variation will be made to the next Isle of Man Sea Fishing Licence issued to them.
- The affected individuals may request a review of this recommendation in line with the review process below.
- If no request is received by the Department by 31st August, the Isle of Man Sea Fishing Licence shall be varied, and a new Isle of Man Sea Fishing Licence re-issued to the nominated licence holder, with effect from 01st September.
- The Department will set out the criteria by which a review will be assessed, based upon secondary evidence thresholds (see below).

Review procedure

- Requests for reviews can be made via email, or via post, to the Department.
- The deadline for the receipt of requests for a review is 17:00 31st August. If no request for review is received, the recommendation will be approved the Isle of Man Sea Fishing Licence will be varied to remove the authorisation to fish for Crab and Lobster
- If a request for a review is received by the Department, variations to the authorisation for Crab and Lobster under the Isle of Man Sea Fishing Licence shall be deferred until the review has been concluded.
- In order to consider a review, appellants must clearly state the grounds for the review, and it must be accompanied with any supporting data or evidence in line with the secondary evidence criteria (below), in addition to any other representations or information relevant to the decision.
- Review files shall be prepared by the DEFA Sea Fisheries Policy Manager, and include all relevant data and information available.
- Review files shall be considered by Head of Fisheries, who will aim to notify the appellant of the review outcome within 3 weeks of the request for a review.
- If the appellant is successful, and the review rejects the recommendation to vary the Isle of Man Sea Fishing Licence, the licence-holder will be notified and the Isle of Man Sea Fishing Licence shall remain unchanged as a result.
- If the appellant is unsuccessful, and the review supports the decision to vary the Isle of Man Sea Fishing Licence, the licence-holder will be notified, who must either then i) remove all crab and lobster pots from the territorial sea, or ii) request a Stage 2 review, within 14 days.
- If a Stage 2 review is not requested, the licence-holder will be issued a replacement Isle of Man Sea Fishing Licence reflecting the recommended variation with immediate effect.
- If a Stage 2 review is requested, variations relating to the Crab and Lobster Species Specific Licence shall be deferred until the Stage 2 review has been concluded.

Secondary Evidence criteria

- Secondary evidence criteria recommended by the industry stakeholder working group includes
 1. mitigating circumstances during the reference period;
 2. changes in ownership during the reference period;
 3. activity since the end of the reference period;
 4. economic-link to the Isle of Man;
 5. opportunities in other Isle of Man fisheries, and
 6. economic-dependence on Isle of Man Crab and Lobster.

- The secondary evidence criteria shall be scored individually.
- The individual and total scores of the secondary evidence criteria shall be presented as part of the review file prepared by the Sea Fisheries Policy Manager.

Stage 2 Review

- A Stage 2 review will be undertaken by committee, which shall include Head of Fisheries, the Chief Executive of the Department, and a political member of the Department, who may appoint additional impartial persons / officers as appropriate to provide scrutiny during the committee's decision making process ('scrutineer').
- The outcome of the Committee's decision shall be concluded within 90 days of the request for the Stage 2 Review.
- If an appellant is successful, and the Stage 2 Review rejects the recommendation to vary the Isle of Man Sea Fishing Licence to remove the authorisation to fish for Crab and Lobster, the Department would notify the licence-holders of that outcome, and the Isle of Man Sea Fishing Licence shall remain unchanged.
- If an appellant is unsuccessful, and the Stage 2 Review supports the original recommendation to vary the Isle of Man Sea Fishing Licence to remove the Crab and Lobster authorisation, the appellant will be informed of the decision and be allowed a grace-period of 14 days to remove all Crab and Lobster pots from the territorial sea before a replacement Isle of Man Sea Fishing Licence reflecting the changes to Species Specific Licences is issued to the appellant.

Related information:

The Fisheries Act 2012 can be found at:

https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2012/2012-0005/FisheriesAct2012_3.pdf

Information regarding the Future Fisheries Strategy can be found at:

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/future-fisheries-strategy/>

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

Information on commercial licensing requirements can be found at:

<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>

Forms:

An application form for an Isle of Man Sea Fishing Licence can be downloaded from:

<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>

Frequently asked questions:

- **Who does this policy affect?**
This policy is applicable to anybody holding, or applying for, an Isle of Man Sea Fishing Licence, which includes a Crab and Lobster Species Specific Licence.
- **What activities does the policy cover?**
The policy covers the Isle of Man Crab and Lobster fishery.
- **When does this policy take effect?**
The policy came into effect on the 28th of July 2021. This is the 1st 2nd version of this policy.
- **How often will the policy be reviewed?**
This policy will be ordinarily be substantively reviewed every five years thereafter.
- **Why has the department introduced this policy?**
The Department has been advised by independent fisheries scientists, and industry stakeholders in the Crab and Lobster Working Group, that it is necessary and expedient to address latency within the Isle of Man crab and lobster fishery.
- **How was this policy decided upon?**
The policy developed from existing powers under the Fisheries Act 2012 upon the consideration of legal advice and examination of similar policies implemented by other Fisheries Administration throughout the UK, following a public consultation held in 2020, which was designed in collaboration with a 'working group' of industry stakeholders.
- **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. This includes variations that remove authorisations (specified in Section C of the Isle of Man Sea Fishing Licence) to fish for specific species (i.e. Species Specific Licences), including 'Crab and Lobster'.
- **What happens if the Species Specific Licence for Crab and Lobster that is allocated to my Sea Fishing Licence is affected?**
After initial consideration, if the Species Specific Licence for Crab and Lobster fails to meet the primary minimum evidence thresholds, the Department will write to the nominated licence holder and issue a new Isle of Man Sea Fishing Licence without the Species Specific Licence for Crab and Lobster with effect from 01st September 2021. Should you request a review of the

recommendation of the initial consideration, you may write or email the Department clearly stating the grounds of a review, together with any supporting evidence or data.

- **What happens if I request a review?**

The Department will let you know within 3 weeks of receipt of a request for a review on the final decision, which shall be made by Head of Fisheries. Once you are notified of an outcome from the review, you will have 14 days to either remove any unauthorised fishing gear (crab and lobster pots) from the Isle of Man territorial Sea, or request a Stage 2 review.

- **Can I ask for this final decision to be reviewed?**

The Department will consider a request for a Stage 2 review, if received within 14 days of the final decision by Head of Fisheries. The Stage 2 review will be done by Committee, and will make a final judgement on the case within 90 days of the request for further review.

- **How do I find out what rules apply within the territorial sea?**

Various legislation exists concerning fishing within the territorial sea. For further information contact the Department using the details above or visit:

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/legislation-policy-and-enforcement/>

or

<http://www.tynwald.org.im/links/tls/Pages/default.aspx>

- **How do I find out more about licensing?**

For more information on licensing contact the Department using the details above or visit:

<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>

Version History:

<i>Version No.</i>	<i>Date issued</i>	<i>Description</i>
1	08.07.2021	Original policy document
2	28.07.2021	Amended to incorporate review process detail

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