

MARINE MANAGEMENT ORGANISATION

MARINE AND COASTAL ACCESS ACT 2009 (2009 c.23)

THE START POINT TO PLYMOUTH SOUND AND EDDYSTONE EUROPEAN MARINE SITE (SPECIFIED AREAS) BOTTOM TOWED FISHING GEAR BYELAW

The Marine Management Organisation¹, in exercise of the powers conferred by regulation 38 of the Conservation of Habitats and Species Regulations 2010² and section 129 of the Marine and Coastal Access Act 2009³, and having:

- placed copies of the draft byelaw in convenient places for the purpose of inspection in accordance with section 130(3) of that Act;
- provided a copy of the draft byelaw to any person upon request in accordance with section 130(4) of that Act;
- published notice of its proposal to make the byelaw in accordance with sections 130(6) and 130(7) of that Act;
- consulted with the European Commission, the Government of the Kingdom of Belgium, the Government of the French Republic, and the North Western Waters Regional Advisory Council, and subsequently received confirmation of the draft byelaw from the Commission, in accordance with Articles 8(3), 9(1) and 9(2) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and suitable exploitation of fisheries resources under the Common Fisheries Policy⁴;

makes the following byelaw.

Interpretation

1. In this byelaw:

- (a) “the 1983 baselines” means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at

(1) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009, section 1.

(2) S.I. 2010/490 amended by S.I. 2012/1927.

(3) 2009 c.29.

(4) OJ L 358, 31.12.2002 p. 59: amended by Council Regulation (EC) No 865/2007 of 10 July 2007 (OJ L 192 24.07.2007 p. 1); Council Regulation (EC) No 1224/2009 of 20 November 2009 (OJ L 343 22.12.2009 p. 1); Regulation (EU) No 1152/2012 of the European Parliament and of the Council of 21 November 2012 (OJ L 343 14.12.2012 p. 30).

25th January 1983 in accordance with the Territorial Waters Order in Council 1964⁵;

- (aa) “bottom towed fishing gear” means any trawls, seines, dredges, or similar gear, including trawls towed on or very close to the seabed, which are actively moved in the water by one or more fishing vessels or by any other mechanised system and in which any part of the gear is designed and rigged to operate on, and be in contact with, the seabed in order to take any sea fisheries resources;
- (ab) “inboard, lashed and stowed” means stored in such a way that it cannot readily be used for fishing or any other purpose;
- (b) “the specified areas” means Hatt Rock and Brentons as defined in the Schedule.

Prohibition

- 2. No person shall use any bottom towed fishing gear in the specified areas.
- 2A. A vessel carrying bottom towed fishing gear within a specified area must have all bottom towed fishing gear inboard, lashed and stowed.

Exemption for Scientific, Stocking or Breeding Purposes

- 3. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Marine Management Organisation permitting that act for scientific, stocking or breeding purposes.

Citation

- 4. This byelaw may be cited as the Start Point to Plymouth Sound and Eddystone European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw.

Made under the Common Seal of the Marine Management Organisation
this 11th day of December 2013.

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(5) 1965 III p.6452A; amended by the Territorial Waters (Amendment) Order in Council 1979 III p.2866, the Territorial Sea (Amendment) Order 1996 (S.I. 1996/1628), the Territorial Sea (Amendment) Order 1998 (S.I. 1998/2564), and revoked by the Territorial Sea (Baselines) Order 2014 (S.I. 2014/1353).

The Common Seal of the Marine
Management Organisation was
affixed to this byelaw in the
presence of:

James Cross
Chief Executive of the Marine
Management Organisation

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 130(8) of the Marine and Coastal Access Act 2009 confirms the Start Point to Plymouth Sound and Eddystone European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw made by the Marine Management Organisation on 11th December 2013 and has determined that the byelaw comes into force as soon as is practicably possible.

[name]

[Job title]

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment,
Food and Rural Affairs

Date:

SCHEDULE

Definitions of Hatt Rock and Brentons

Co-ordinates used in this Schedule are based on WGS 84 datum, where 'WGS 84' means the World Geodetic System, revised in 1984.

"Hatt Rock" means the area enclosed by a line drawn from:

Point A (50 Degrees 10.320 Minutes North, 4 Degrees 28.388 Minutes West) to
Point B (50 Degrees 10.170 Minutes North, 4 Degrees 29.413 Minutes West) to
Point C (50 Degrees 10.568 Minutes North, 4 Degrees 29.755 Minutes West) to
Point D (50 Degrees 10.832 Minutes North, 4 Degrees 29.227 Minutes West) to
Point E (50 Degrees 10.782 Minutes North, 4 Degrees 28.543 Minutes West)
and then from Point E to Point A.

"Brentons" means the area enclosed by a line drawn from:

Point A (50 Degrees 10.714 Minutes North, 4 Degrees 25.325 Minutes West) to
Point B (50 Degrees 10.651 Minutes North, 4 Degrees 25.599 Minutes West) to
Point C (50 Degrees 10.632 Minutes North, 4 Degrees 25.870 Minutes West) to
Point D (50 Degrees 12.167 Minutes North, 4 Degrees 26.709 Minutes West) to
Point E (50 Degrees 12.330 Minutes North, 4 Degrees 26.505 Minutes West) to
Point F (50 Degrees 12.398 Minutes North, 4 Degrees 26.1972 Minutes West) to
Point G (50 Degrees 12.750 Minutes North, 4 Degrees 25.251 Minutes West) to
Point H (50 Degrees 12.956 Minutes North, 4 Degrees 24.723 Minutes West)
and then from Point H to Point A by a line drawn six nautical miles seaward of the
1983 baselines.

Explanatory Note

(This note is not part of the Byelaw)

The Marine Management Organisation has made this byelaw to ensure that fishing activities are managed in a manner that secures compliance with the requirements of Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

This Byelaw protects bedrock reefs by prohibiting the use of bottom towed fishing gear in specified areas of the Start Point to Plymouth Sound and Eddystone European Marine Site

The specified areas are defined in paragraph 1 of and the Schedule to this byelaw.

The specified areas are identified, for illustrative purposes only, on the maps below.

Start Point to Plymouth Sound & Eddystone SCI (Eddystone)

