

Department of Environment, Food and Agriculture

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Administration of Species Specific Licences associated with the Isle of Man Sea Fishing Licence

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Policy Owner:	Department of Environment, Food and Agriculture
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Purpose:

The purpose of this policy is to consolidate existing policies and procedures regarding the administration of Species Specific Licences issued as part of the Isle of Man Sea Fishing Licence, authorising registered and licenced fishing vessels to fish for specific named species within the territorial sea.

Background:

The Fisheries Act 2012 enables the Department to limit the number of fishing vessels that are able to participate in a fishery for a particular species.

The Department issues Sea Fishing Licences, under Regulations made under the Fisheries Act 2012, to registered and licenced fishing vessels authorising fishing activities within the territorial sea, subject to a range of conditions. The way in which the Sea Fishing Licence is administered is defined within the Regulations.

In accordance with the provisions of the Fisheries Act 2012, the Department issues licences to fish for certain specific species within the territorial sea, as part of the Isle of Man Sea Fishing Licence. These Species Specific Licences may be limited in number in order to regulate effort in certain fisheries. Until now, these Species Specific Licences have been administered in accordance with relevant legislation or individual bespoke policies.

The development of this policy has been informed by the need to manage these Species Specific Licences in a consistent and simple way and also by input from industry to existing licensing policy.

Definitions:

“Species Specific Licence” means a licence issued by the Department as part of the Isle of Man Sea Fishing Licence authorising a registered and licenced fishing vessel to fish for a specific named species within the territorial sea.

“registered and licenced fishing vessel” means a vessel which is registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991, or in the United Kingdom or Channel Islands under equivalent legislation and holding a valid UK fishing licence and Isle of Man Sea Fishing Licence.

“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.

Scope:

The following policy shall apply to the administration of Species Specific Licences, issued by the Department as part of the Isle of Man Sea Fishing Licence and authorising registered and licenced fishing vessels to fish for specific named species within the territorial sea.

Policy:

- Where the number of licences issued in respect of a given fishery is to be restricted, the Department shall issue Species Specific Licences for that fishery.
- Species Specific Licences shall be administered in a consistent manner.

Procedure:

Species Specific Licences (SSL) shall be issued as part of the Isle of Man Sea Fishing Licence and shall authorise a named registered and licenced fishing vessel to fish for specific named species within the territorial sea.

- SSL remain the property of the Department of Environment, Food and Agriculture
- SSL are non-transferable, not saleable, and return to the Department on the disposal or loss of the vessel
- Waiting lists will not be administered for SSL, and no guarantee will be made as to when such licences may become available.
- The Department reserves the right to issue a SSL on a temporary basis or subject to whatever conditions it may deem necessary to regulate the fishery (in accordance with the Fisheries Act 2012).

In order to maintain operational continuity, track record, fishing opportunity, and to minimise financial speculation and risk to stock, the following in-principle guidelines will apply:

- Current SSL holders will receive initial consideration with regard to that licence if they wish to replace the vessel to which it relates.
- Current SSL holders may retain the licence, for a period of time to be specified by the Department, to facilitate the replacement of the vessel to which the licence relates.
- On the purchase of a vessel, in respect of which an SSL had been issued, the new owner has no automatic right to an SSL and must make an application to the Department, assuming an SSL is available.
- If a vessel is disposed of, or lost, and the SSL holder does not wish to pursue the fishery then the licence returns to the Department.

- The Department reserves the right to retain and not re-issue an SSL.
- Where an SSL is issued in respect of a vessel which is in the ownership of a company, any change of ownership of the company, or change in its directorship, will cause the licence to revert to the Department.

Licence holders are expected to contact the Department at the earliest opportunity should they anticipate changes to their vessel or circumstances which may affect their licence or their ability to prosecute a given fishery.

Enforcement:

Isle of Man Sea Fishing Licence holders are expected to comply with the policy, all relevant legislation and the conditions of the Isle of Man Sea Fishing Licence. Failure to do so can result in enforcement action being undertaken by the Department which may result in prosecution.

Related information:

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, a Species Specific Licence to fish for certain species within the territorial sea from a registered and licenced fishing vessel.
- *What activities does the policy cover?*
The policy covers the administration of Species Specific Licences.
- *What species are covered by Species Specific Licences?*
The Department is constantly developing fisheries management measures in line with the Future Fisheries Strategy. For full details regarding which species require Species Specific Licences please contact the Department using the details above for further information.
- *When does this policy take effect?*
The policy comes into effect on the 14th August 2017.
- *How often will the policy be reviewed?*
This policy will be reviewed at least every 10 years.
- *Why has the department introduced this policy?*
As increasing numbers of species become subject to restrictive licensing, the Department requires a consistent and simple process by which to administer licences issued.
- *How was this policy decided upon?*
The policy is derived from existing individual bespoke licensing policies for certain species, which were discussed and agreed with industry, and also considers certain pieces of older species specific licensing legislation.

- *What authority has the Department got to introduce this policy?*
The Department is acting in accordance with the Future Fisheries Strategy, approved by Tynwald in 2015 and also within the powers of the Fisheries Act 2012.
- *How will the policy be enforced?*
The policy will be implemented through the conditions of the Isle of Man Sea Fishing Licence which are enforceable under the Sea Fisheries Act 2012.
- *How do I apply for a licence?*
To check on the availability of Species Specific Licences, please contact the Department using the details above. 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/>
- *Can I be put on a waiting list for a Species Specific Licence?*
The Department does not maintain waiting lists for licences.
- *I hold a Species Specific Licence, can I change my boat?*
Current licence holders will receive initial consideration with regard to that licence if they wish to replace the vessel to which it relates.
- *I hold a Species Specific Licence and wish to retire; can I sell or transfer my licence to someone else?*
No, if a vessel is disposed of, or lost, and the licence holder does not wish to pursue the fishery, then the licence returns to the Department.
- *I hold a Species Specific Licence and am having a new boat built but I want to sell my current vessel, can I retain the licence?*
Current Species Specific Licence holders may retain the licence, for a period of time to be specified by the Department, to facilitate the replacement of the vessel to which the licence relates.
- *I am buying a boat that used to have a Species Specific Licence; can I apply for this licence?*
On the purchase of a vessel, in respect of which a Species Specific Licence had been issued, the new owner has no automatic right to the licence.
- *What other rules apply?*
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	01.08.2017	Original policy document replacing "Future Issue of Isle of Man King Scallop Licences" and "Future Issue of Isle of Man Queen Scallop Licences"

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