

**Is-adran Môr a Physgodfeydd
Marine & Fisheries Division**



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: ATISN 18883

Date: 25th September 2023

Dear ,

ATISN 18883 – Bylaw 30

Thank you for your request which I received on 29th August 2023. You asked for:

information on any enforcement action that has been taken as a result of a breach or otherwise noncompliance with Byelaw 30 which regulates the recreational fishing of shellfish. In particular, please include any full enforcement action such as issuing a Fixed Penalty Notice or referring a case for prosecution. Please also include any action less than full enforcement action such as any warning letters, advisory letters or records of verbal re-briefs.

Our Response

Records held show 5 instances where a breach of Bylaw 30 of the former North Western & North Wales Sea Fishery Committee regulations have been detected and investigated by Welsh Government. The outcomes of these investigations are tabled below;

Prosecution	Fixed Admin Penalty	Official Written Warning	Advisory Letter
2	0	2	1

Information on verbal re-briefs is not recorded.

A summary of these investigations is attached at Annex A.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or Email:



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Ystafell 3 • Suite 3
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SA73 3LS

Ffôn * Tel 03000 253500
milfordhavenfisheriesoffice@gov.wales
Gwefan/Website: www.cymru.gov.uk

Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex A

1. The date of the action
2. How the Welsh Government first became aware of the intelligence that there may be a breach of Byelaw 30.
3. What, if any, land-based investigations took place.
4. A description of the making of contact with the offender. Was this at sea or on land?
5. What exactly was the offence (eg too many lobsters)
6. What evidence was considered in taking the enforcement action.
7. Whether any defence was offered
8. The rationale for the specific enforcement taken - why was a case treated as particularly serious or not.

Offence 1.

1. Date of offence – 15th April 2015
2. Routine rhib patrol within officer patch
3. Following identification of offence, identity of pot owner established
4. Owner of pots was contacted after the event and interviewed in accordance with PACE
5. Bylaw allows for 5 pots – 8 pots identified
6. As above
7. Not recorded
8. An official written warning was issued for this offence

Offence 2.

1. Date of offence – 5th August 2016
2. Routine foot patrol
3. Vessel master spoken to on return to shore where offence recorded
4. Enforcement Officer checked landing by recreational vessel
5. Retention of excessive lobsters
6. No previous history of offending
7. Master claimed to be restocking another area
8. Official written warning issued for offence and obstruction of officer in his duties

Offence 3.

1. Date of offence 15th September 2016
2. Complaints from commercial fishers in area
3. Observations from vantage point and inspection on return to port
4. Vessel met on return, inspection of catch at quayside
5. Use of excessive gear (more than 5 pots), landing in excess of lobster allowance and landing undersized crab
6. Vessel was geared for commercial activity, no licence held. Holder of bylaw permit
7. Claims unable to measure at sea
8. Owner prosecuted for fishing contrary to Bylaw 30. Vessel clearly used for more than recreational fishing

Offence 4

1. Date of offence 26 May 2017

2. Routine foot patrol
3. Routine inspection at known landing points identified the offence. Bylaw permit holder identified and dealt with.
4. At a landing location. Catch inspected and owner present
5. Landing in excess of permit (3 lobsters) including one undersize
6. Clear breach of permit conditions
7. Mitigation in that and not been to sea for several days so though it was ok. Undersized lobster released
8. Advisory letter issued – no previous history of offending

Offence 5

1. Date of offence 21st May 2018
2. Further complaints of illegal commercial activity from industry
3. Vessel monitored from shore and inspected on landing
4. Vessel master was met at the quayside on return to port
5. Fishing excessive pots and landing undersized crab
6. Clear breach of permit and history of offending
7. Owner claimed to be helping out a commercial fisher whose vessel had sunk
8. Prosecuted. Owner had previous conviction for similar offences.