

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Protected Areas Byelaw

The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw and associated Regulatory Notices: -
 - a) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
 - b) 'the District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
 - c) 'Regulatory Notice' means a notice issued by the Authority in accordance with this byelaw;
 - d) 'Fishing' for the purposes of this byelaw includes: digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; catching, taking or removing sea fisheries resources and fish shall be construed accordingly;
 - e) 'Fishing Gear' for the purpose of this byelaw includes: any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used or deployed during fishing;
 - f) 'Protected Area' means any of the areas listed in the Schedule;
 - g) 'Restricted Area' means an area, within or immediately adjacent to a Protected Area, defined within a Regulatory Notice and for which a management measure has been introduced by that Regulatory Notice.

Regulatory Notices

2. In order to further the conservation objectives of a Protected Area identified in formal advice from Natural England, including any ecological or geomorphological process upon which a conservation objective is wholly or partially dependent, the Authority may issue a Regulatory Notice in relation to fishing within a Restricted Area in accordance with the procedure outlined in paragraph 7.
3. A Regulatory Notice may contain one or more of the following management measures within a Restricted Area:
 - a) Prohibition of all fishing;
 - b) Prohibition of specified methods of fishing included in one or more of the following:
 - i. Towed fishing gear;
 - ii. Dredges;
 - iii. Pots/traps;
 - iv. All netting including fixed, drift and seine;
 - v. All fishing lines;

- vi. Commercial diving;
- vii. Bait collection;
- viii. Crab tiling;
- ix. Intertidal hand working;
- c) Prohibition of fishing during specified periods;
- d) Prohibition of fishing using fishing gear of a specified description;
- e) Limiting fishing effort in pot fisheries;
- f) Prohibition of fishing using vessels of a specified description.

In this paragraph and paragraphs 5 and 6 'specified' means specified in the Regulatory Notice.

4. A Regulatory Notice shall specify:

- a) The Protected Area in which the Regulatory Notice applies;
- b) The Characteristic for protection by the Regulatory Notice;
- c) The co-ordinates of the Restricted Area;
- d) The date from which the Regulatory Notice takes effect;
- e) The latest date for the Regulatory Notice to be reviewed;
- f) The date on which the Regulatory Notice expires if there is to be an expiry date.

5. Where a Regulatory Notice contains a provision which restricts or prohibits fishing using fishing gear of a specified description in a Restricted Area no vessel shall carry any such fishing gear in that Restricted Area unless:

- a. It is stored in such a way that use cannot readily be made of it for any purpose; or
- b. There is an exemption to the requirement for fishing gear to be stored in such a way that use cannot readily be made of it for any purpose specified within the Regulatory Notice.

6. Any exemptions to the management measures set out in a Regulatory Notice will be specified in that notice.

Procedure

7. The procedure for issuing, varying or revoking a Regulatory Notice shall include the Authority taking the following steps:

- a) Acquisition of relevant available evidence including:
 - i. Scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
 - ii. Advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - iii. Information from any other relevant source.
- b) Consultation by such methods as the Authority considers appropriate, with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any restriction or prohibition;
- c) Undertaking an impact assessment on the introduction of a Regulatory Notice;
- d) Consideration by the Authority of all information arising from subparagraphs (a) to (c) above;

- e) Where the Authority decides to issue, vary or revoke a Regulatory Notice, the detail shall be published in relevant local media.
8. The Authority shall review a Regulatory Notice as specified in the Regulatory Notice or sooner and in any case no less frequently than every four years from the date the Regulatory Notice takes effect.
 9. The review of a Regulatory Notice will be in accordance with a formal operational procedure agreed by the Authority and shall include:
 - a) The steps set out at sub-paragraphs 7 (a) and (b) above and where a variation of the Regulatory Notice is being considered the steps set out at sub-paragraph 7 (c);
 - b) Consideration by the Authority of all the information arising from sub-paragraph (a) above.
 10. The decision of the Authority to maintain, vary or revoke a Regulatory Notice will be published in relevant local media.

Application

11. Contravention of a provision of a Regulatory Notice constitutes a contravention of this byelaw.
12. 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 exercise of any right of common held by that person.

Schedule
Protected Area

Special Areas of Conservation (SAC)

Humber Estuary SAC
The Wash and North Norfolk Coast SAC
North Norfolk Coast SAC
Minsmere to Walberswick Heaths and Marshes SAC
Benacre to Easton Bavents Lagoons SAC
Alde, Ore and Butley Estuaries SAC
Orfordness - Shingle Street SAC

Special Protected Areas (SPA)

Humber Estuary SPA
Gibraltar Point SPA
The Wash SPA
North Norfolk Coast SPA
Breydon Water SPA
Great Yarmouth and North Denes SPA
Benacre to Easton Bavents SPA
Minsmere – Walberswick SPA
Alde - Ore Estuary SPA
Deben Estuary SPA
Stour and Orwell SPA

The co-ordinates for SAC and SPA are set out in charts held by Natural England and can be inspected free of charge by prior appointment at the following address:

Designation Unit, Conservation, Strategy and Innovation, Natural England, Suite D,
Unex House, Bourges Boulevard, Peterborough, PE1 1NG

Telephone 0845 600 3078 (switchboard at local rate)

I hereby certify that the Protected Areas byelaw was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 18th September 2013.

Philip Haslam

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, Kings Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) of the Marine and Coastal Access Act 2009, confirms the Protected Areas Byelaw made by the Eastern IFCA on 18th September 2013.

The said byelaw comes into force on: 16th May 2014

Chris Preston

Head of Marine Planning and Sustainable Fisheries

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

Explanatory Note

(This note does not form part of the Protected Areas byelaw)

This Byelaw enables the Authority to provide protection to sensitive marine habitats and species, in a manner that seeks to balance the needs of inshore fisheries and local socio-economic considerations with the requirement to secure a sustainable marine environment.

This Byelaw introduces flexibility in the way that the Authority manages inshore fisheries and will support the achievement of conservation objectives in marine protected areas. This Byelaw enables the Authority to issue Regulatory Notices to restrict or prohibit fishing where this is necessary (paragraphs 2 to 6). The Byelaw also sets out a procedure for using, varying and revoking a Regulatory Notice (paragraphs 7 to 10).

The introduction and review of Regulatory Notices will be undertaken in accordance with formal operational procedures set out by the Authority. All decisions relating to Regulatory Notices will be undertaken by the Authority or a properly constituted sub-committee in meetings that are open to the public and conducted in accordance with the Authority's Constitution and Standing Orders. Regulatory Notices will be reviewed in accordance with the review date set at the time that the notice is made or upon receipt of evidence that in the opinion of the Authority warrants an earlier review.

The areas listed in the Schedule are Special Areas of Conservation (SAC) and Special Protection Areas (SPA) for which the Authority is the lead fisheries regulator (the European network of these areas is collectively known as Natura 2000) as provided in Article 3 Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

Indicative charts showing SAC and SPA can be found on the marine section of the Joint Nature Conservation Committee website at <http://jncc.defra.gov.uk/>