



**Eastern  
Inshore Fisheries and Conservation Authority**

**MARINE AND COASTAL ACCESS ACT 2009**

**Whelk Permit Byelaw 2016**

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

**Interpretation**

1. In this byelaw:

- 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) 'Category One Permit' means a permit granted for fishing for whelks for commercial purposes as set out in paragraph 9(a) of this byelaw;
- c) 'Category Two Permit' means a permit granted for fishing for whelks for recreational purposes as set out in paragraph 9(b) of this byelaw;
- d) '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;
- e) 'fishing' 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' is to be construed accordingly;

- f) 'fishing for commercial purposes' means fishing for sea fisheries resources that will be sold;
- g) 'fishing for recreational purposes' means fishing for sea fisheries resources for pleasure or personal consumption;
- h) 'fishing gear' includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of fishing;
- i) 'named representative' means a person qualified to skipper a vessel who has been granted permission to fish from a vessel by the owner of that vessel, and has been nominated by the owner of a vessel for the purposes of paragraph 13;
- j) 'owner' means the person named as the owner of a vessel in the certificate of registry for that vessel granted under the Merchant Shipping Act 1995 (c.21) and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993/3138), or in the Channel Islands or Isle of Man;
- k) 'flexible permit conditions' means any of the conditions determined by the Authority as provided in paragraph 21 in accordance with the process set out in Schedule 1;
- l) 'registered fishing vessel' means a vessel:
  - i. registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and
  - ii. in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- m) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hover craft or any other amphibious

vehicle, used or capable or being used as a means of transportation on water;

- n) 'whelk' means a marine gastropod of the species *Buccinum undatum*;
- o) 'whelk permit' means a Category One Permit or a Category Two Permit;
- p) 'whelk permit tag' means a tag issued by the Authority which is to be affixed to whelk fishing gear;
- q) 'whelk pot' means a pot or trap set for the purpose of catching whelks.

### **Prohibitions**

- 2. A person must not fish for whelks or land whelks caught within the District unless that person is:
  - a) the holder of a whelk permit; or
  - b) a named representative, nominated by the holder of a whelk permit;and must undertake fishing or related activities in accordance with any flexible permit conditions issued by the Authority.
- 3. A person must not retain on board, tranship, land, transport, store, sell or display or offer for sale whelks caught from within the District which are smaller than the minimum length specified within the flexible permit conditions as measured in accordance with Schedule 2 but must return such immediately to the sea.
- 4. A person must not fish for whelks under the authority of a permit from a vessel other than the vessel named on that permit without firstly obtaining the agreement of the Authority. Such agreement may be given in circumstances where the permit holder, named representative or the named vessel are unable to put to sea.
- 5. A person must not use fishing gear other than a whelk pot in fishing for whelk.

6. A person must not set whelk pots unless the whelk pots are marked with valid whelk permit tags provided by the Authority and unless each string of whelk pots is marked as follows:
  - a) buoys which are of sufficient size and shape to be clearly visible must be present at each end of a string of pots;
  - b) buoys must be marked with the number of the whelk permit under which the string of pots are used in such a way that it is clearly visible;
  - c) where the whelk permit under which the whelk tags were issued names a registered fishing vessel, buoys must be marked with the port letters and number of that vessel;
  - d) buoys must be set so as to remain fully afloat and clearly visible at all times.

### **Catch returns**

7. The holder of a whelk permit must submit to the Authority, no later than the 10<sup>th</sup> day of each month, such information relating to the previous month as is required by the Authority on forms which will be provided by the Authority.
8. The information referred to in paragraph 7 may include:
  - a) spatial information;
  - b) information on fishing effort;
  - c) catch data;
  - d) by-catch information;
  - e) gear information;
  - f) date and time information;
  - g) vessel information.

### **Permits**

9. The Authority may:

- a) issue a Category One Permit to the owner of a registered fishing vessel, or to a person fishing for commercial purposes other than from a vessel;
  - b) issue a Category Two Permit to the owner of a vessel which is not a registered fishing vessel, or to a person fishing for recreational purposes other than from a vessel.
10. Only one whelk permit may be issued in respect of each vessel, which will be named on the whelk permit, and any change in ownership of a vessel cancels that permit.
  11. Only one whelk permit may be issued to each person without a vessel.
  12. Whelk permits are not transferable.
  13. Application for a whelk permit must be made using printed forms available from the Authority. These forms will require applicant and vessel details. The applicant may nominate up to 2 persons as their named representatives whose details must also be entered on the application form.
  14. Permits will be valid from the date of issue until the following 1<sup>st</sup> of April.
  15. The Authority may restrict the number of whelk permits issued and may set criteria to restrict eligibility for a whelk permit in accordance with the procedure set out in Schedule 1.

### **Whelk permit fees**

16. A fee will be charged for each whelk permit which must be paid prior to the issuing of a whelk permit.
17. The fee for a Category One Permit is:
  - a) £50 for a whelk permit for 100 whelk pots or fewer; or
  - b) £0.50 per pot for a whelk permit for more than 100 pots.
18. The fee for a Category Two Permit is £5 per pot.

### **Flexible permit conditions**

19. The Authority may attach to permits flexible conditions which fall within one or more of the categories listed in paragraph 20.
20. The categories referred to in paragraph 19 are:
  - a) minimum length;
  - b) catch restrictions;
  - c) fishing gear restrictions;
  - d) fishing effort restrictions;
  - e) spatial restrictions;
  - f) time restrictions.
21. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in the Schedule 1.

### **Whelk permit tags**

22. Whelk permit tags will be issued with an associated whelk permit will only be valid for the period that the whelk permit is valid and for fishing in relation to that permit.
23. Whelk permit tags are not transferrable and must be surrendered to the Authority immediately if no longer required by the person to whom they are issued.
24. Lost whelk permit tags must be reported to the Authority within 21 days of the loss.
25. Whelk permit tags which are reported as lost are no longer valid.
26. The holder of a whelk permit may apply for replacement whelk permit tags for whelk permit tags that have been lost.
27. Claims for replacement of less than 20% of whelk permit tags issued to the holder of a Category One Permit, or for any whelk permit tags issued to the holder of a Category Two Permit, will be considered by the Chief Executive Officer of the Authority or a nominated deputy.

28. Claims for replacement of more than 20% of whelk permit tags issued to the holder of a Category One Permit will be considered by either the Chairman or the Vice Chairman of the Authority and either the Chief Executive Officer or a nominated deputy.
29. An appeal may be made to the Authority if an applicant feels that their claim has not been properly dealt with.
30. The replacement of whelk permit tags will be at a cost of £0.30 per whelk permit tag.

## **Schedule 1**

### **Procedure**

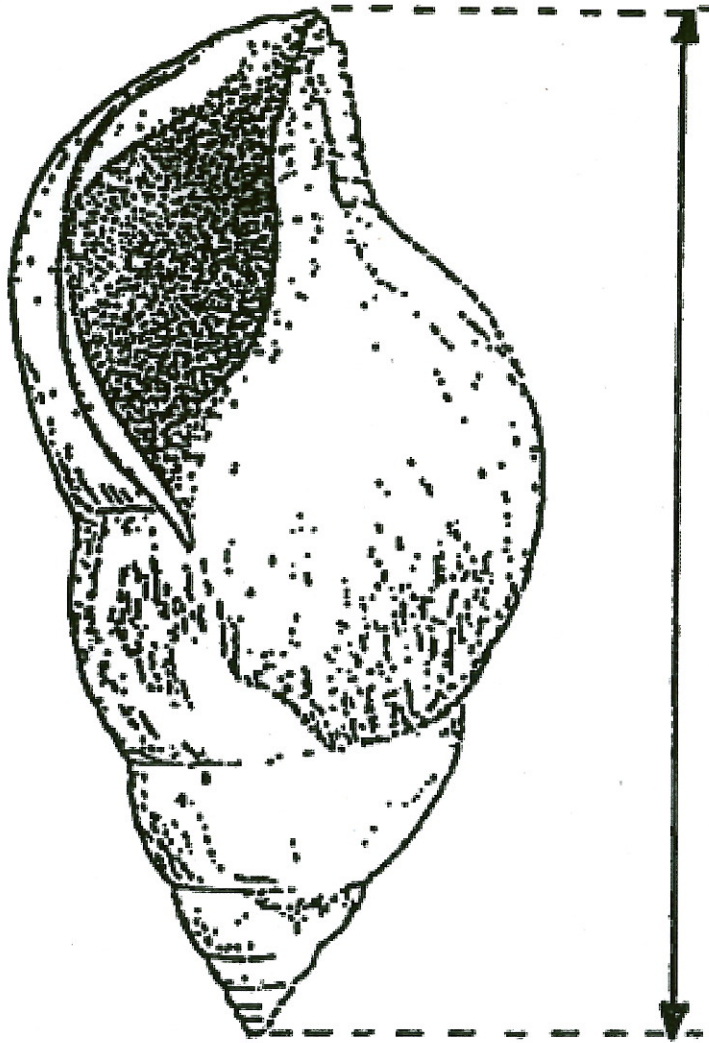
1. The procedure for restricting the number of whelk permits issued in any year and setting criteria to restrict the eligibility for a whelk permit as referred to in paragraph 15, or issuing, varying or revoking flexible permit conditions as referred to in paragraph 21 (in this Schedule, 'the proposed changes') must include 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 including that which is relevant to effective enforcement;
  - 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 the proposed changes;
  - c) undertaking an impact assessment relating to any restriction of the issuing of whelk permits or the issuing, varying or revoking flexible permit conditions;
  - d) consideration by the Authority of all information arising from subparagraphs (a) to (c) above.
2. The Authority must review flexible permit conditions and restrictions of the issuing of whelk permits no less frequently than every four years after the date that a flexible permit condition or restriction on the issuing of whelk permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of whelk permits will be in accordance with a formal operational procedure agreed by the Authority and will include the steps set out in paragraph 1.



4. Where restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked whelk permit holders will be notified in writing.

**Schedule 2**  
**Measurement of the length of a whelk**

1. The length of a whelk will be measured as shown below.



2. The length of a whelk is determined as above regardless of any damage which would reduce its length.

I hereby certify that the Whelk Permit Byelaw 2016 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 17<sup>th</sup> November 2015.



Julian Gregory

Acting Chief Executive Officer  
Eastern Inshore Fisheries and Conservation Authority  
6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG



27<sup>th</sup> October 2016

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 Whelk Permit Byelaw 2016 made by the Eastern IFCA on 17<sup>th</sup> November 2016:

2015  01/11/16

The said byelaw comes into force on: 28<sup>th</sup> October 2016

