



**Regulation & Compliance
Sub-Committee Meeting**

To be held at:

**Thoresby College, South Quay
King's Lynn, PE30 1HX**

**18th September 2013
1030 hours**

Addendum to papers previously circulated

Contents

The content of this paper is an addendum to the papers first circulated to members on Tuesday 20th August 2013.

Protected Areas Byelaw

A revised draft of the Protected Areas Byelaw has been produced as a consequence of further consultation with the Marine Management Organisation and Defra. The revised byelaw replaces that contained within the section entitled 'Proposed Byelaw' and at Appendix A in the main paper, 'Fisheries Management in European Marine Sites – Byelaw making'.

The changes to the Byelaw are:

- Adding a schedule to clearly restrict Regulatory Notices to European Marine Sites i.e. Special Protected Areas (SPA) and Special Area of Conservation (SAC)
- Amending paragraph 2 to make it clear on the face of the byelaw the purpose for which regulatory notices can be issued
- Adding a paragraph to the explanatory note to clarify how the process set out in paragraph 5 of the byelaw will be administered by the Authority

Regulatory Notices

Four Regulatory Notices have been drafted to introduce the proposed restrictions on fishing upon the byelaw being enacted.

Regulatory Notice 1 – Biogenic reef of the *Sabellaria spinulosa* feature, The Wash and North Norfolk Coast SAC

Regulatory Notice 2 – Sub-tidal Boulder and Cobble Communities sub-feature, The Wash and North Norfolk Coast SAC

Regulatory Notice 3 – *Zostera (eelgrass)* beds The Wash and North Norfolk Coast SAC

Regulatory Notice 4 – *Zostera (eelgrass)* beds, Humber Estuary SAC

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: -

- 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 paragraphs 2 to 5;
- d) 'Fishing' for the purposes of this byelaw includes: digging for bait; 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 on board 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 defined in the Schedule;

Regulatory Notices

2. In order to further the conservation objectives of a Protected Area, including any ecological or geomorphological process on which a conservation objective is wholly or partly dependant, the Authority may issue a Regulatory Notice in relation to fishing within a Protected Area in accordance with the procedure outlined in paragraph 5.
3. A Regulatory Notice may contain provision restricting or prohibiting any one or more of the following:
 - a) fishing for specified sea fisheries resources;
 - b) specified methods of fishing;
 - c) fishing during specified periods;

- d) fishing using fishing gear of a specified description
- e) the quantity of specified gear used for fishing;
- f) fishing using vessels of a specified description.

In this paragraph 'specified' means specified in the Regulatory Notice.

4. A Regulatory Notice issued by virtue of paragraph 2:
 - a. takes effect from the date specified in the Regulatory Notice; and
 - b. remains in force (unless revoked) for such period specified in the Regulatory Notice or, if no period is specified, until revoked.
5. The procedure for issuing a Regulatory Notice shall 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;
 - 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 restrictions or prohibition;
 - c. The undertaking of a regulatory impact assessment;
 - d. Consideration by the Authority of all information arising from subparagraphs (a) to (c) above;
 - e. Where the Authority decides to issue a Regulatory Notice, the Regulatory Notice shall be published in relevant local media.
6. The Authority shall review a Regulatory Notice as specified in the Regulatory Notice and no less frequently than every four years from the date the Regulatory Notice takes effect.
7. The procedure for reviewing a Regulatory Notice shall include:
 - a. The steps set out at sub-paragraphs 5 (a) and (b) above.
 - b. Consideration by the Authority of all the information arising from subparagraph (a) above.

- c. The decision of the Authority to revoke, maintain or vary a Regulatory Notice will be published in relevant local media.

Application and Exemption

8. Contravention of a provision of a Regulatory Notice constitutes a contravention of this byelaw.
9. Where a Regulatory Notice contains provision which restricts or prohibits fishing using fishing gear of a specified description in a Protected Area, no vessel shall carry any such fishing gear in that Protected Area unless it is stored in such a way that use cannot readily be made of it for any purpose.
10. 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.

Explanatory Note

(This note does not form part of the 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.

The receipt or acquisition of evidence that in the view of the Authority warrants consideration of introducing, varying or removing a Regulatory Notice will instigate the process set out in paragraph 5 of this Byelaw. 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.

Paragraph 10 of this Bylaw specifically reserves personal "rights of common". These are particular specialised and defined rights held by "commoners" in respect of registered "common land" falling within the areas designated under this byelaw. Such rights cannot be prohibited by byelaws. However this Bylaw retains full force and effect against all other persons including those exercising their common law right of fishery as well as any person exercising a private or several right of fishery. If you have any doubts about the applicability of this Bylaw to you, you should seek guidance from Eastern IFCA before fishing for or taking any sea fisheries resources.

Schedule

The areas listed in this schedule are those within which a Regulatory Notice may be issued by the Authority. They are restricted to Special Areas of Conservation and Special Protection Areas (collectively known as Natura 2000) as defined in Article 3, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

Special Areas of Conservation

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

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

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Protected Areas Byelaw

Regulatory Notice 1

The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.

Interpretation

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.

Issue date: To be inserted (upon Ministerial assent for the byelaw)

Review by date: 31st March 2017

Expiry date: Not applicable

Characteristic for protection: Biogenic reef of the *Sabellaria spinulosa* feature

Location: The Wash and North Norfolk Coast SAC

Restriction or prohibition: Prohibition of fishing with bottom towed gear

Restricted/prohibited areas: Areas A, B, C, D, E, F, G, H and I as per the attached chart and associated coordinates.

PROTECTED AREA BYELAW

Regulatory Notice 1: Ross worm reef (*Sabellaria spinulosa*) - Bottom towed gear prohibited areas

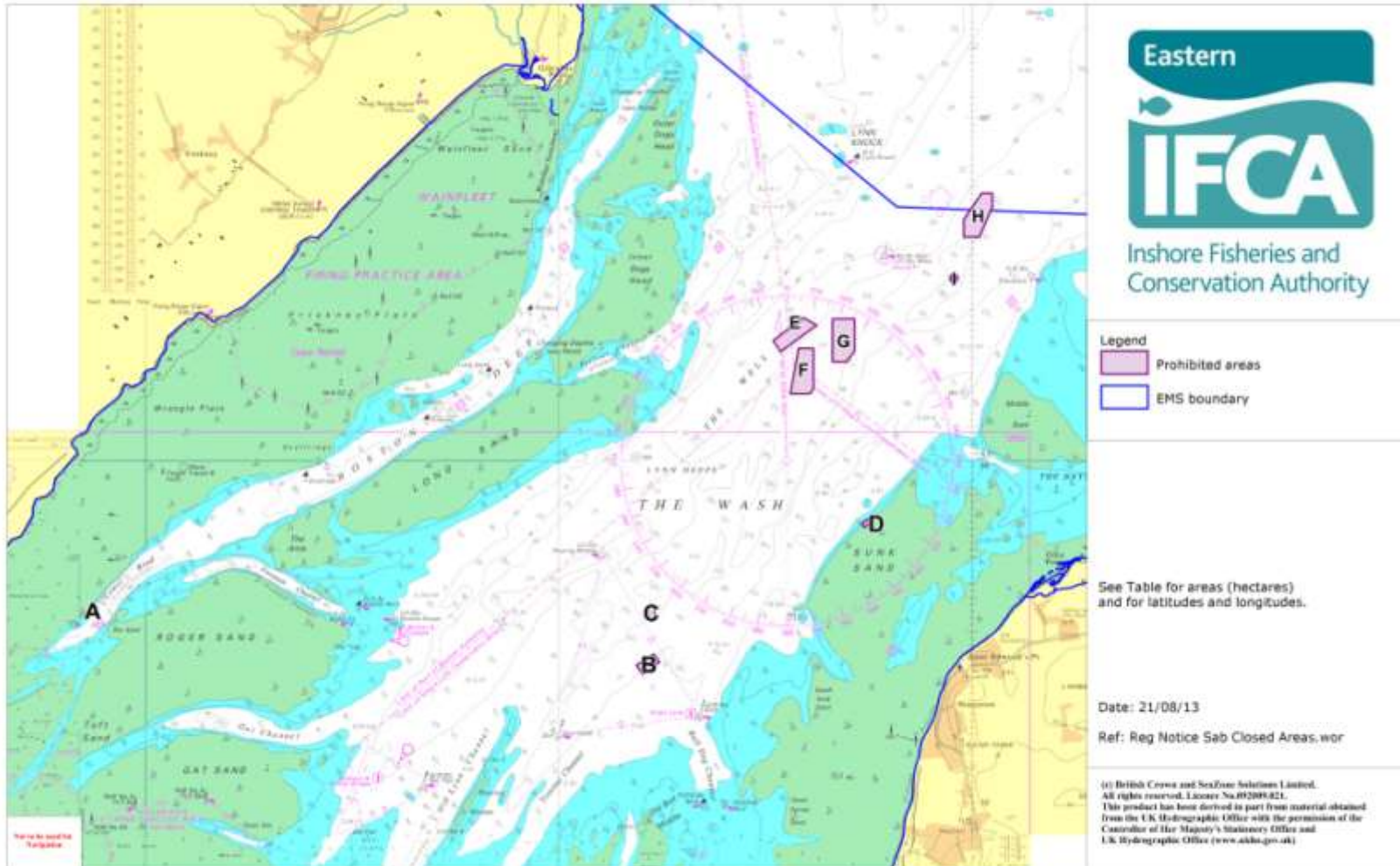


Table. Latitudes and longitudes of prohibited areas 'A' to 'I'

		Decimal Degrees		Degrees and Decimal Minutes			Area (hectares)
Area	Point	Latitude	Longitude	Latitude		Longitude	
A	A	52.9644	0.1452	52°	57.87 'N	00° 08.71 'E	3.794
A	B	52.9642	0.1468	52°	57.85 'N	00° 08.81 'E	
A	C	52.9637	0.1472	52°	57.82 'N	00° 08.83 'E	
A	D	52.9618	0.1442	52°	57.71 'N	00° 08.65 'E	
A	E	52.9622	0.1430	52°	57.73 'N	00° 08.58 'E	
B	A	52.9525	0.3713	52°	57.15 'N	00° 22.28 'E	16.02
B	B	52.9507	0.3738	52°	57.04 'N	00° 22.43 'E	
B	C	52.9476	0.3670	52°	56.86 'N	00° 22.02 'E	
B	D	52.9499	0.3644	52°	56.99 'N	00° 21.86 'E	
C	A	52.9644	0.3689	52°	57.86 'N	00° 22.14 'E	7.048
C	B	52.9644	0.3718	52°	57.86 'N	00° 22.31 'E	
C	C	52.9611	0.3718	52°	57.67 'N	00° 22.31 'E	
C	D	52.9611	0.3689	52°	57.67 'N	00° 22.14 'E	
D	A	52.9852	0.4577	52°	59.11 'N	00° 27.46 'E	2.397
D	B	52.9844	0.4587	52°	59.06 'N	00° 27.52 'E	
D	C	52.9833	0.4564	52°	59.00 'N	00° 27.38 'E	
D	D	52.9844	0.4553	52°	59.06 'N	00° 27.32 'E	
E	A	53.0342	0.4318	53°	02.05 'N	00° 25.91 'E	40.87
E	B	53.0324	0.4371	53°	01.94 'N	00° 26.23 'E	
E	C	53.0260	0.4226	53°	01.56 'N	00° 25.36 'E	
E	D	53.0286	0.4195	53°	01.72 'N	00° 25.17 'E	
F	A	53.0268	0.4299	53°	01.61 'N	00° 25.79 'E	62.53
F	B	53.0268	0.4357	53°	01.61 'N	00° 26.14 'E	
F	C	53.0170	0.4359	53°	01.02 'N	00° 26.15 'E	
F	D	53.0156	0.4342	53°	00.94 'N	00° 26.05 'E	
F	E	53.0157	0.4265	53°	00.94 'N	00° 25.59 'E	

G	A	53.0339	0.4435	53° 02.03 'N	00° 26.61 'E	66.62
G	B	53.0339	0.4525	53° 02.03 'N	00° 27.15 'E	
G	C	53.0262	0.4525	53° 01.57 'N	00° 27.15 'E	
G	D	53.0234	0.4491	53° 01.41 'N	00° 26.95 'E	
G	E	53.0234	0.4435	53° 01.41 'N	00° 26.61 'E	
H	A	53.0644	0.5036	53° 03.86 'N	00° 30.22 'E	59.33
H	B	53.0644	0.5079	53° 03.86 'N	00° 30.48 'E	
H	C	53.0612	0.5079	53° 03.67 'N	00° 30.48 'E	
H	D	53.0537	0.5026	53° 03.22 'N	00° 30.15 'E	
H	E	53.0537	0.4964	53° 03.22 'N	00° 29.78 'E	
H	F	53.0580	0.4964	53° 03.48 'N	00° 29.78 'E	
I	A	53.0444	0.4910	53° 02.66 'N	00° 29.46 'E	2.726
I	B	53.0444	0.4939	53° 02.66 'N	00° 29.63 'E	
I	C	53.0432	0.4939	53° 02.59 'N	00° 29.63 'E	
I	D	53.0432	0.4910	53° 02.59 'N	00° 29.46 'E	

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

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Protected Areas Byelaw

Regulatory Notice 2

The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.

Interpretation

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.

Issue date: To be inserted (upon Ministerial assent for the byelaw)

Review by date: 31st March 2017

Expiry date: Not applicable

Characteristic for protection: Sub-tidal Boulder and Cobble Communities sub-feature

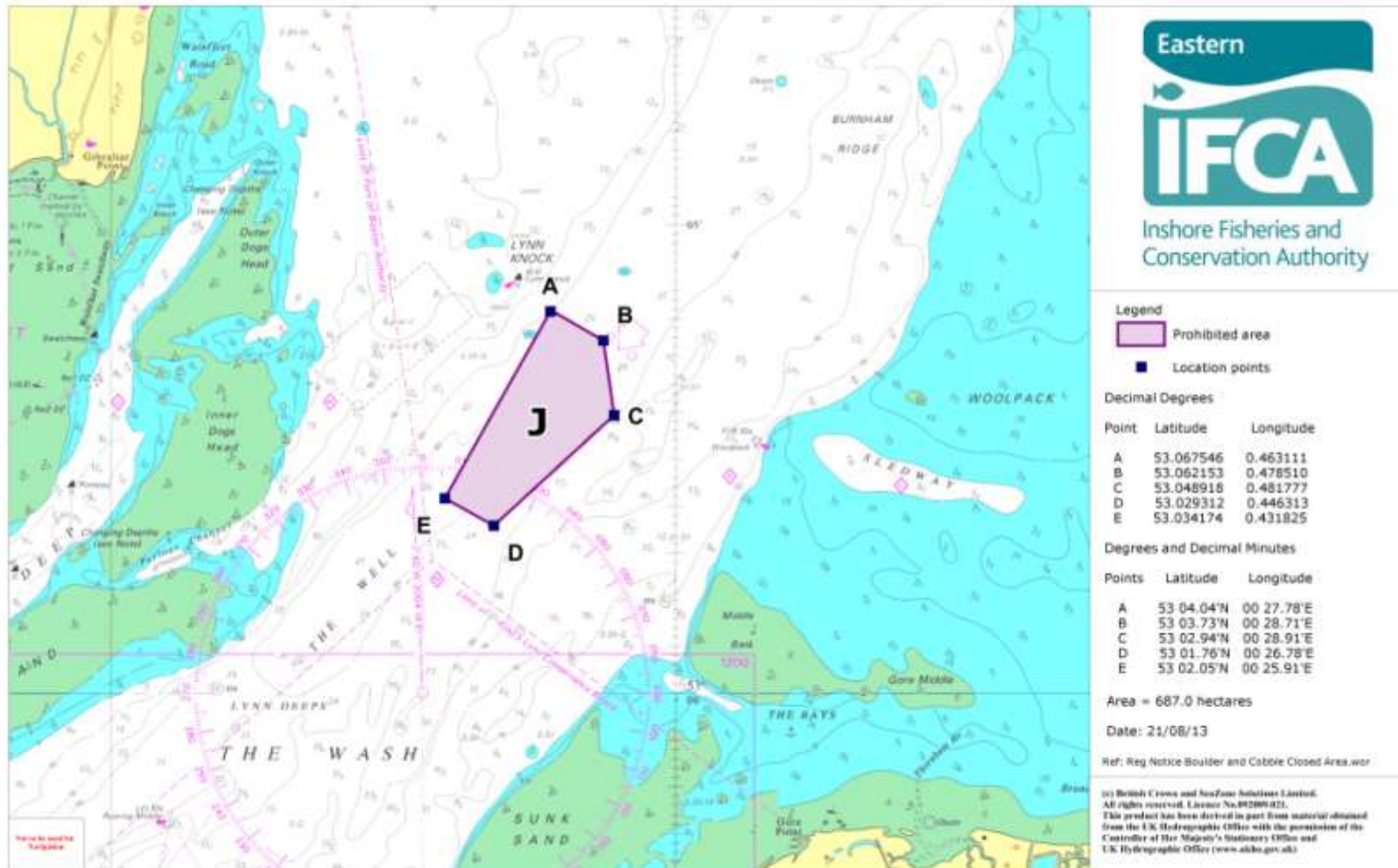
Location: The Wash and North Norfolk Coast SAC

Restriction or prohibition: Prohibition of fishing with bottom towed gear

Restricted/prohibited areas: Area J as per the attached chart and associated coordinates.

PROTECTED AREA BYELAW

Regulatory Notice 2: Boulder and Cobble Communities - Bottom towed gear prohibited area



EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

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Protected Areas Byelaw

Regulatory Notice 3

The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.

Interpretation

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.

Issue date: To be inserted (upon Ministerial assent for the byelaw)

Review by date: 31st March 2017

Expiry date: Not applicable

Characteristic for protection: *Zostera (Eelgrass)* beds

Location: The Wash and North Norfolk Coast SAC

Restriction or prohibition: Prohibition of fishing with bottom towed gear

Restricted/prohibited areas: Areas SH, EH, SF, BP and BC as per the attached chart and associated coordinates.

PROTECTED AREA BYELAW

Regulatory Notice 3: Eelgrass (*Zostera*) - Bottom towed gear prohibited areas

Area	Point	Decimal Degrees		Degrees and Decimal Minutes		Area (hectares)	Comments
		Latitude	Longitude	Latitude	Longitude		
SH	A	52.983409	0.667169	52° 59.00' N	00° 40.03' E	51.69	The land boundary is to be taken as the Mean High Water Springs mark The south western boundary is a straight line between points A and B
SH	B	52.977240	0.660874	52° 58.63' N	00° 40.85' E		
EH	C	52.978593	0.846025	52° 58.72' N	00° 50.76' E	80.34	The land boundary is to be taken as the Mean High Water Springs mark
EH	D	52.978593	0.866672	52° 58.72' N	00° 52.00' E		The northern boundary is a straight line between points C and D
EH	E	52.969567	0.856735	52° 58.17' N	00° 51.40' E		The western boundary is a straight line between points C and E
SF	F	52.963065	0.939933	52° 57.78' N	00° 56.40' E	64.55	The land boundary is to be taken as the Mean High Water Springs mark
SF	G	52.966218	0.940334	52° 57.97' N	00° 56.42' E		The north western boundary is a straight line between points F, G and H
SF	H	52.968101	0.953662	52° 58.09' N	00° 57.22' E		The north eastern boundary is straight line between points H, I and J
SF	I	52.963585	0.964350	52° 57.82' N	00° 57.86' E		
SF	J	52.960523	0.963145	52° 57.63' N	00° 57.79' E		
BP	K	52.971159	0.965113	52° 58.27' N	00° 57.91' E	19.06	The land boundary is to be taken as the Mean High Water Springs mark
BP	L	52.971159	0.969722	52° 58.27' N	00° 58.18' E		The western boundary is a straight line between points K and L
BC	M	52.970719	1.012510	52° 58.24' N	01° 0.75' E	67.89	The land boundary is to be taken as the Mean High Water Springs mark
BC	N	52.963239	1.012818	52° 57.79' N	01° 0.77' E		The western boundary is a straight line between points M and N
BC	O	52.964434	1.020003	52° 57.86' N	01° 1.20' E		The southern boundary is partially a straight line between points N and O
BC	P	52.967166	1.036962	52° 58.03' N	01° 2.22' E		The eastern boundary terminates at point P



Legend
 Prohibited areas
 Location points

Date: 27/08/13

Ref: Reg Notice NNC Eelgrass

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EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Protected Areas Byelaw

Regulatory Notice 4

The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.

Interpretation

In this regulatory notice: -

- a) 'Fishing' for the purposes of this notice is defined in paragraph 1 (d) of the byelaw and includes: digging for bait; 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 on board and fish shall be construed accordingly.

Issue date: To be inserted (upon Ministerial assent for the byelaw)

Review by date: 31st March 2017

Expiry date: Not applicable

Characteristic for protection: *Zostera (eelgrass)* beds

Location: Humber Estuary SAC

Restriction or prohibition: Prohibition of all fishing

Restricted/prohibited areas: Area K per the attached chart and associated coordinates.

PROTECTED AREA BYELAW

Regulatory Notice 4: Eelgrass (*Zostera*) - Prohibition on all fishing activity

