

Title: Eastern IFCA Application and Exemptions Byelaw IA No: EIFCA002 Lead department or agency: Eastern Inshore Fisheries and Conservation Authority Other departments or agencies:	Impact Assessment (IA)		
	Date:		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Secondary Legislation		
Contact for enquiries: Julian Gregory – Acting CEO (01553 775321)			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option					
Total Present Value	Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as In, Two-Out?
£m		£	NA	No	NA

What is the problem under consideration?

In 2011 Eastern Sea Fisheries Joint Committee became Eastern IFCA and inherited part of North Eastern Sea Fisheries Committee's district and all of their byelaws. Eastern IFCA conducted a review of these inherited byelaws and 15 were identified as being either a duplicate of Eastern IFCA byelaws or redundant within the inherited area. Byelaw 2 of Eastern IFCA's byelaws sets the spatial application of Eastern IFCA's byelaws which currently doesn't include the inherited area.

Why is government intervention necessary?

A new byelaw is required with the provision that Eastern IFCA's byelaws shall apply within the whole of Eastern IFCA's district – this can only be achieved through new regulation. In addition, the new byelaw will revoke those byelaws which were found to be redundant or duplications including Byelaw 2 – Application and saving for scientific purposes.

What are the policy objectives and the intended effects? To revoke those byelaws inherited from North Eastern Sea Fisheries Committee which were identified as redundant or duplications, to redefine the spatial application of Eastern IFCA's byelaws to include the inherited area and to retain the provisions which allow for exemptions for reasons of scientific research or breeding or stocking and add a provision to allow dispensation from Eastern IFCA byelaws for reasons relating to fisheries management. This will have the effect of a common set of byelaws across the whole district, reducing complexity to the benefit of fishers.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) The preferred option is the implementation of a new byelaw which will revoke 15 inherited byelaws and one Eastern IFCA byelaw and redefine the spatial application of byelaws in line with the Eastern IFCA district. The other option considered is the do nothing option.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: n/a					
Does implementation go beyond minimum EU requirements?				Yes	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro Yes	< 20 Yes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded: N/A	
				Non-traded: N/A	

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: _____ Date: _____

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years	Net Benefit (Present Value (PV)) (£m)			
			Low: Unknown	High: Unknown	Best Estimate: Unknown	Estimate:

COSTS (£m)	Total (Constant Price)	Transition Years	Average (excluding transition) (Constant Price)	Annual (transition)	Total (Present Value)	Cost
Low	£0		£0		£0	
High	£0		£0		£0	
Best Estimate	£0		£0		£0	

Description and scale of key monetised costs by 'main affected groups'

The only area affected by the new byelaw is the area inherited by Eastern IFCA from North Eastern Sea Fisheries Committee (circa 12700ha of sea along the south bank of the Humber estuary). Some of the byelaws which will have application in the inherited area are more restrictive than the byelaws inherited from North Eastern Sea Fisheries Committee. Fishers have been engaged informally and have indicated that the more restrictive byelaws will not have an impact on their fishing activity. As such, no costs were identified with regards to private businesses.

Other key non-monetised costs by 'main affected groups'

None identified.

BENEFITS (£m)	Total (Constant Price)	Transition Years	Average (excl. transition) (Constant Price)	Annual (Transition)	Total (Present Value)	Benefit
Low	Unknown		Unknown		Unknown	Unknown
High	Unknown		Unknown		Unknown	Unknown
Best Estimate						

Description and scale of key monetised benefits by 'main affected groups'

Monetised benefits cannot be estimated.

Other key non-monetised benefits by 'main affected groups'

The main benefit of the regulation will be better clarity for fishers utilising sea fisheries resources in the inherited area and commonality of regulation throughout Eastern IFCA's district.

Key assumptions/sensitivities/risks

Discount rate (%) **n/a**

Assumptions: all fishers were identified through informal engagement. Key risks: fishers active in the inherited area not identified during information gathering.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of Measure qualifies OITO?	as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

Evidence base

1. Introduction

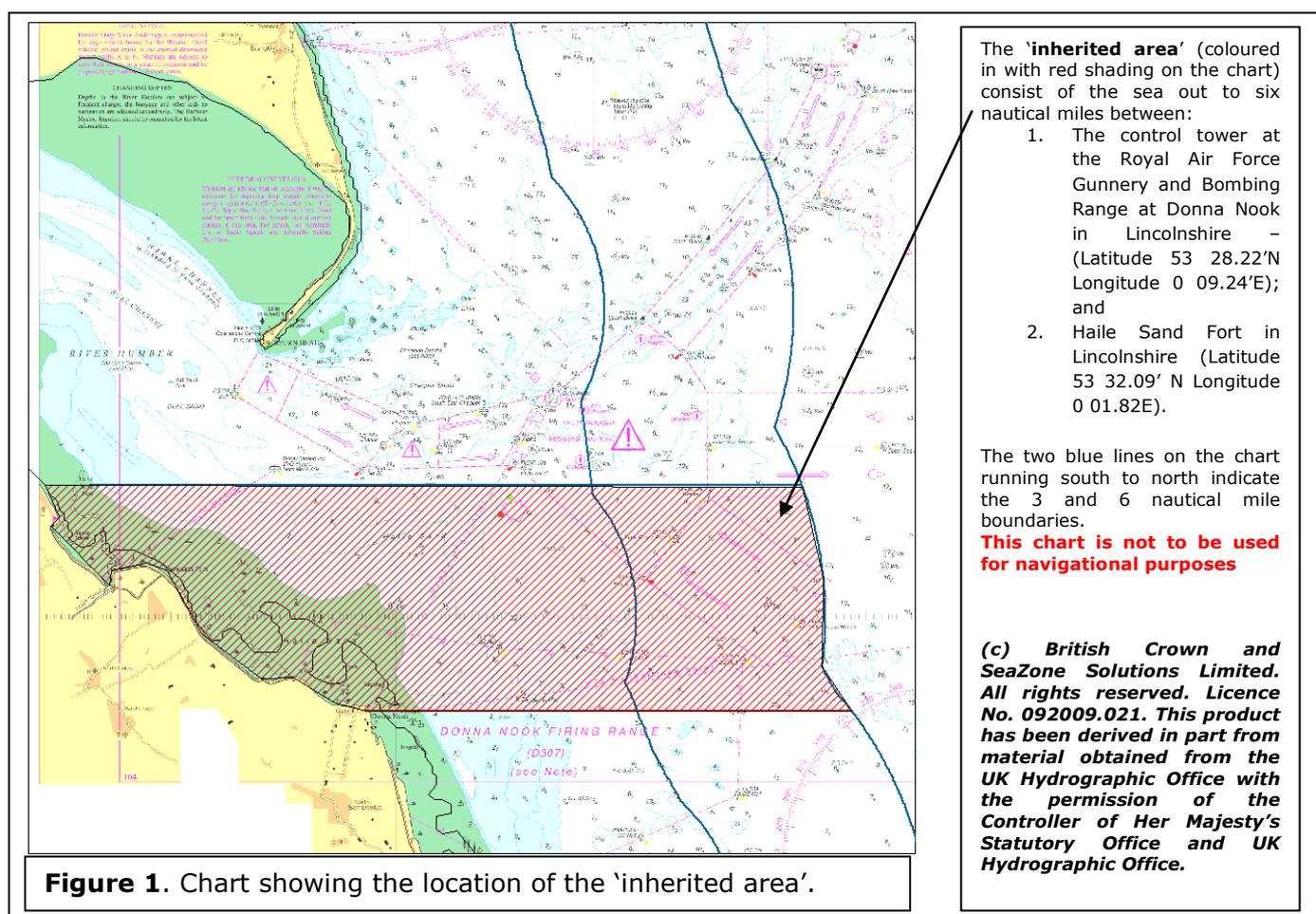
Eastern Sea Fisheries Joint Committee became Eastern IFCA in 2011 and, under the Marine and Coastal Access Act 2009 (Transactional and Saving Provisions) Order 2011, Eastern IFCA inherited part of North Eastern Sea Fisheries Committee's District and all of their byelaws.

Eastern IFCA high level objective performance indicator 2.2a sets out that Eastern IFCA would review all of its own byelaws in addition to those inherited from North Eastern Sea Fisheries Committee. This is to ensure that our regulatory measures are consistent in format and approach and reflect contemporary regulatory frameworks and fisheries.

2. Rationale for intervention

The issue under consideration is the wording of the current Eastern IFCA Byelaw, Byelaw 2 – Application and saving for scientific purposes. The first provision of this byelaw sets out that Eastern IFCA's byelaws shall apply within the 'Eastern Sea Fisheries District' which excludes the inherited area. Revoking this byelaw and replacing the provision which excludes the inherited area with one which reflects Eastern IFCA's district is required to remedy the issue.

As a first step in the byelaw review process, it is proposed that those inherited byelaws which represent a duplication (or close duplication) of Eastern IFCA byelaws or are redundant (i.e. do not reflect a regulatory need consistent with the rest of Eastern IFCA's district) are revoked and that the application of Eastern IFCA's byelaws be extended into the 'inherited area' (figure 1). This will result in commonality of regulations across Eastern IFCA's District. It is intended that the remaining byelaws will be more thoroughly reviewed in line with the priorities highlighted in the Strategic Assessment.



The inherited byelaws were reviewed as in table 1.

North Eastern IFCA BYELAW	Summary of Offence / Byelaw	EIFCA Equivalent (Y/N)	Recommended Action	Explanation	Economic Impacts (Including the impact of replacing with Eastern Byelaw)	Environmental Impacts (Including the impact of replacing with Eastern Byelaw)
II. Application & Saving for scientific purposes		Y - Byelaw 2 : EIFCA refers to sec 6 Sea Fisheries Regulation Act 1966, NEIFCA refers to Section 13 Sea Fisheries Regulation Act 1888	Revoke	ESFJC equivalent includes more up-to-date legislation	N/A	N/A
III. Trawling Prohibition : Exceptions	Trawling without a Permit	N - eastern IFCA only has trawling restrictions in specified areas	Retain - further review	The NESFC byelaw prohibits fishing within the inherited area. Removal of this byelaw would allow trawling in the inherited area - Options for removal include extending EIFCA byelaw 12 (which would restrict the length of vessels which can trawl) or amending our byelaw 12 to include a prohibition in this area. There are important sole nursery/spawning grounds around the Humber Estuary. There is a case to keep it until EIFCA byelaw 12 is reviewed.	N/A	N/A
IV. Seine Net, Draw Net Prohibition	Use of a Seine net, or any drawn net of the kind known as the Danish seine or 'snurrevaad'	N	Revoke	The NESFC byelaw prohibits the use of seine nets (and snurrevaad) in this area. The byelaw is generic and doesn't specify this area. Need to consider the impact of allowing seine netting in this area (i.e. sole grounds) and the current level of activity - would seine netting have an impact on the sole grounds?	N/A	Potential conflict with the sole spawning grounds - need to consider the likelihood of this activity actually taking place should the byelaw be revoked

V. Push Net	Push nets must be raised and cleared at least once in every half hour	N	Revoke	The NESFC byelaws prohibits the use of shrimp push nets in this area. This byelaw is generic and doesn't specify this area. Need to consider impact of allowing push netting in this area (i.e. sole grounds) and the current level of activity.	N/A	Potential conflict with the sole spawning grounds - need to consider the likelihood of this activity actually taking place should the byelaw be revoked
VIII. Mussels : Minimum Size	removal from a fishery of mussels less than 51mm in length	Y - Byelaw 4 : Minimum sizes differ between the two byelaws	Revoke	There are currently no known mussel beds within inherited part of Eastern IFCA district - Eastern IFCA has no reason to believe an increase in the MLS of mussel is required within its district. Removal of this byelaw will make regulation across district consistent.	N/A - Positive	Potential impact on mussels if taking smaller size
X. Re-Deposit of Shellfish	Removal of prohibited shellfish - must be redeposit as close as possible to the place from which it was taken.	Y - Byelaw 9	Revoke	This byelaw represents a duplication of the EIFCA byelaw and can be removed with no effect.	N/A	N/A
XI. Regulations of Shellfish Beds	Removal of shellfish from a closed area	Y - Byelaw 8	Revoke	EIFCA has an equivalent byelaw - Byelaw 8 includes the ability to temporarily close a bed for 'protection of the fishery' which may include more metrics than juvenile density and stock levels. EIFCA byelaw is more appropriate.	N/A	N/A
XII. Shrimp & Prawn Fishing	Failure to raise or clear nets when fishing for shrimp or prawn, at least once in every hour	N	Retain - further review	The byelaw requires fishers to lift and clear gear every hour - presumably to prevent the death of by-catch. Given that the area is a sole nursery area this is likely to be important. EIFCA are currently reviewing shrimp measures with a view to implement new measures. There is a case to keep this byelaw and look to revoke it at conclusion of our shrimp measures.	N/A	N/A

XIV. Prohibition of Removal of parts of lobsters from any fishery	Removal of lobsters below MLS, or tail, claw or any other detached part of a lobster	Y - Byelaw 7 - refers to edible crab, velvet crab and lobsters	Revoke	This byelaw duplicates the Eastern IFCA byelaw 7 but includes more species - includes edible crab and velvet crab	Potential impact if current fishing practices include landing parts of velvet crab or edible crab	N/A - positive
XV. Application of Byelaws	Byelaws in force prior to 22nd Dec 1992 apply only to inside three nautical miles from baselines	N - Reference is made to where byelaws are applied in the paragraph prior to Byelaw 1.	Revoke	Not relevant	N/A	N/A
XVIII. Fixed Engine (Authorisation) Byelaw	Use of fixed engines only in specified areas, for specified species and for a period of 5 years after the date the byelaw was made.	Y - BYELAW 13 - this prohibits the use of fixed engines in waters inland of the ESFJC District except where historical rights of several fisheries make the prohibition exempt	Retain - further review	Removal of this byelaw would allow the targeting of sole, cod and all sea fish within 'Box B'. The byelaw specifically names an area within Eastern IFCA's district which is also a known sole spawning/nursery area. Revoking this byelaw would potentially have impacts on the sustainability of sole fisheries. Recommendation is to keep this byelaw and remake at a later stage in line with up-to-date byelaw guidance.	N/A	N/A
XIX. Parts of a Crab	prevents the landing of parts of a crab which cannot be measured to ensure compliance with the MLS, with the exceptions stated as (a) and (b)	Y - Byelaw 7 - refers to edible crab, velvet crab and lobsters	Revoke	Eastern IFCA byelaw is more restrictive - i.e. NESFC byelaw has exemptions where it is permitted to remove parts of (edible crab) - if removed the increased regulation would need to be reflected in an Impact Assessment	Potential impact if parts of crab is caught as by-catch (not more than 10%) or by a trammel, gill, entangling etc. Should consider potential loss of earnings if this is prohibited	N/A - positive
XX. Prohibition on use of Crab(Canc	use of edible crab for bait with the exception of cooked crab offal	Y - Byelaw 5 - no reference is made to	Revoke	Eastern IFCA byelaw is more restrictive - i.e. has no exception for cooked crab offal. This increase in	Potential impact on cost of bait if	Potential impact if fishers start

er Pagurus) for Bait		cooked crab offal being an exception		regulation will need to be reflected in an IA	cooked offal is currently being used as bait.	capturing other bait sources
XXI. Protection of 'V' notched lobsters	fishing for or taking lobster which have a v-notch in any of their tail fan flaps, or which have any form of mutilation to any of the tail fan flaps	N - SI (2000 No.874) prohibits the landing of v-notched lobsters	Revoke	The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 (SI 874) prohibits the fishing of v notched or mutilated lobsters however the byelaw would allow for fishers not associated with a relevant vessel (i.e. recreational fishers). There is unlikely to be a significant impact on the lobster fishery from recreational fishers taking lobster in this area - should be considered in IA.	N/A	Potential for v-notched lobsters to be caught by recreational fishers
XXII. Permit to fish for lobster, crab, velvet crab and whelk	fishing for or removing lobster, crab, velvet crab or whelk without a specified permit	N	Revoke	Removal of this byelaw will allow fishing for the species prescribed in the byelaw to occur as in the rest of Eastern IFCA district - as we do not currently issue any permits for this area fishing for these species is currently banned in the inherited area. Removal would bring fisheries management in line with rest of district and will potentially be considered during Whelk byelaw/potting byelaw. It currently contradicts the whelk potting byelaw.	N/A - Positive (technical potting is prohibited in this area as we have not issued any permits)	Lobster, edible crab and velvet crab fishing could take place without any conditions on gear which could have an impact. Whelk effort is controlled under the EIFCA whelk byelaw.
XXIII. Method and area of fishing (Dredges) byelaw	Use of a dredge other than between 1st July and 30th September, dredges must be limited to max of 10 and of specified construction. Dredging is not permitted inside 3nm from baselines	Y - Byelaw 3, byelaw 15	Revoke	Byelaw relevant to scallop dredging which is prohibited under the byelaw. Fishers will not be able to use any gear to take scallops (or any shellfish prescribed in Byelaw 3) without authorisation from Eastern IFCA under byelaw 3. As such we have a byelaw which has the same protective effect at the moment.	N/A	N/A

XXIV. Humber Estuary Cockle Fishery Byelaw	Removal or disturbance of cockle without a permit	Y/N - Byelaw 3 - prevents the removal of cockles except by hand, hand-rake or gear approved by the Authority. Byelaw 8 allows us to close a shellfish bed. Byelaw 11 allows us to ask for returns.	Retain - further review	Permits will be provided to anyone on demand who accurately completes an application form - we can only refuse a permit on the grounds that the application form is not complete. i.e. there would be no real way to limit the number of permits under this byelaw. use of byelaw 8 and 11 of our byelaws could be used in its stead however we would still have same issue. Recommended that the byelaw remains in place until further review can be completed.	N/A	N/A
XXV. Prohibition on removal of tope or parts thereof	Removal of tope or the species (<i>Galeorhinus galeus</i>) of parts thereof.	Y - Byelaw 14	Revoke	Eastern IFCA equivalent	N/A	N/A
XXVIII. Crustacea Conservation Byelaw	Use of pots, creel or traps which do not meet the guidelines set out in the byelaw	N	Revoke	This byelaw does not apply in the inherited part of Eastern IFCA's district	N/A	N/A

3. Policy objectives and intended effects

The intended objectives of the proposed byelaw are as follows:

1. Change the spatial application of Eastern IFCA's byelaws to reflect the spatial extent of Eastern IFCA's district as per the Eastern Inshore Fisheries and Conservation Order 2010;
2. To add a provision for granting dispensation from Eastern IFCA's byelaws for reasons relating to fisheries management; and
3. Revoke those byelaws inherited by North Eastern Sea Fisheries Committee which have been reviewed as being either a duplication of Eastern IFCA byelaws (or close duplication) or as being redundant.

The intended effects of the proposed byelaw is as follows –

1. Clarity of regulations across the Eastern IFCA district; and
2. Consistency of regulations across the Eastern IFCA district.

4. The options

Option 0 – do nothing

The do nothing option would result in a mixture of byelaws inherited from North Eastern IFCA which only have application in the 'inherited' part of the district and Eastern IFCA byelaws which do not have application within the inherited area.

This presents a lack of clarity to fishers how would be overburdened by confusing and conflicting regulations.

Option 1 – Eastern IFCA Application and Exemption Byelaw

This option would have the effect of creating a common set of regulations across the district.

5. Analysis of costs and benefits

Option 0 – Do nothing

This option would maintain the status quo and there are no associated costs or benefits to this option.

Option 1 – Application and exemptions byelaw

The associated costs with this byelaw have been identified as zero. There are no identified costs associated with retaining the provisions to grant dispensation for reasons relating to scientific research or breeding or stocking purposes. In addition, no costs are associated with adding the provisions to grant exemptions from Eastern IFCA byelaws for reasons relating to fisheries management. Informal information gathering was conducted with fishers who are thought to fish within the 'inherited area'. The purpose of this consultation was to determine the costs associated with the revocation and replacement of North Eastern Sea Fisheries Committee byelaws with more restrictive Eastern IFCA byelaws.

The fishing activity which could be impacted by these changes is potting for crabs and lobster within the inherited area. The differences between the inherited regulation and the proposed regulation are summarised below and explored in more detail in Table 1.

Removal of parts of shellfish

Several IFCAs have byelaws which prohibit the landing of crabs and lobsters unless they are landed whole – i.e. it is prohibited to land a crab claw detached from the rest of the crab. Under the current regulation in the inherited area, it is permitted to land parts of edible crab (*Cancer pagurus*) and velvet crabs (*Necora puber*) if:

- The parts of crab do not make up more than 10% by weight, the total landed catch on one occasion; or
- The crab was caught in a trammel, gill or other enmeshing net and the claw became detached from the crab in clearing the net.

Under the proposed regulations it would be prohibited to land any parts of crabs (edible crabs or velvet crabs) regardless of how it was caught or its percentage with regards to total catch.

Using edible crab for bait

Under the current regulations it is permitted to use edible crab (*Cancer pagurus*) within the inherited area if that crab is cooked offal.

Under the proposed regulations it would be prohibited to use any edible crab as bait even if cooked offal.

Consultation with the industry

Officers have undertaken to engage the industry likely to be actively fishing the inherited area on an informal basis. At present there is thought to be no impact to fishers as those we have liaised with are already fishing in accordance with Eastern IFCA byelaws.

The key non-monetised benefits of the proposed byelaw is commonality of regulation throughout the Eastern IFCA district.

One In Two Out (OITO)

OITO is not applicable for byelaws as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

Small firms impact test and competition assessment

No firms are exempt from this byelaw as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Conclusion

Recommended option: Option 1 – Eastern IFCA Application and Exemptions Byelaw

This option is considered the only option to address the issue of current byelaw wording which currently has the effect of Eastern IFCA byelaws having no application within the inherited part of the district. Revocation of duplicate and redundant byelaws through this option will provide a commonality of regulation throughout the district.

Annex A: Policy and Planning

Which marine plan area is the MPA and management measure in?

Have you assessed whether the decision on this MPA management measure is in accordance with the Marine Policy Statement and any relevant marine plan?

- Yes/No.

If so, please give details of the assessments completed:

- Which policies support this management measure and which policies this management measure may not comply with. For the latter, the assessor will be asked to explain the case for proceeding.
- The assessment must not consider the marine plan policies in isolation but all policies where relevant.
- Where an assessment takes place in a marine plan area that does not have an adopted marine plan consideration must be given to the MPS in the assessment.