



**Eastern  
Inshore Fisheries and Conservation Authority**

**MARINE AND COASTAL ACCESS ACT 2009**

**WHELK FISHERY PERMIT EMERGENCY BYELAW**

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156 and 157 of the Marine and Coastal Access Act 2009 hereby makes the following byelaw for the District.

**Interpretation**

In this byelaw-

- a. 'EIFCA' 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 No 2189);
- b. '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 No 2189);
- c. 'whelk' means the marine gastropod *Buccinum undatum*;
- d. 'whelk permit' means a Category One Permit, a Category Two Permit or a Category Three Permit;
- e. 'Category One Permit' means the permit described in paragraphs 4 to 9 of this byelaw;

- f. 'Category Two Permit' means the permit described in paragraphs 10 to 15 of this byelaw;
- g. 'Category 3 Permit' means the permit described in paragraphs 16 to 20 of this byelaw;
- h. 'permit conditions' has the meaning given to it in paragraph 21 to 33;
- i. 'nominated representative' means a person nominated by the permit holder and whose name appears on the permit;
- j. 'fishing' for the purposes of this byelaw includes the shooting, setting and hauling of fishing gear; catching, taking or removing sea fisheries resources and fish shall be construed accordingly;
- k. 'whelk pot' means a pot or trap set for the purpose of catching whelks;
- l. 'riddle' is a fixed or moving flat or cylindrical apparatus constructed of parallel bars which can effectively separate and reject whelks that pass between the bars;
- m. 'minimum landing size' means the minimum length as described in paragraph 31 and measured as set out in Schedule One.

### **General Provisions**

1. No person shall fish for whelk within the district unless they have been granted a whelk permit by Eastern IFCA and undertake fishing activity in compliance with this byelaw.
2. Contravention of a permit condition or the conditions relating to catch, log books and marking of fishing gear constitute contravention of this byelaw.
3. Application for a permit under this byelaw should be made using printed forms available from EIFCA. This form will require applicant and vessel details. The applicant may nominate up to 2 persons as their representative whose details must also be entered on the application form.

## **Category One Permit**

4. The fishing for whelk must be conducted in accordance with the permit conditions as defined in paragraphs 21 to 33 and as set out in a Category One Permit.
5. A Category One Permit may only be used by the permit holder, or a nominated representative named on the permit, to fish for whelk in a manner complying with this byelaw from the vessel named on the permit.
6. No more than one permit will be issued per vessel.
7. A fee will be charged for each permit which will be payable prior to issue. The fee for issue of a permit and tags is £1 per pot.
8. The vessel named on the permit must be registered in accordance with Part II of the Merchant Shipping Act 1995, and the regulations made under that Act. The vessel must also hold a current fishing licence valid for catching whelks within the District issued by the appropriate UK fisheries department at the time the application is made.
9. The maximum number of tags that will be issued to a Category One Permit holder is 500.

## **Category Two Permit (by-catch)**

10. A Category Two Permit holder is not permitted to target whelk or to use whelk pots.
11. Captured whelk must be graded for size in accordance with the permit conditions as defined in paragraphs 31 to 33 and as set out in a Category Two Permit.
12. A Category Two Permit may only be used by the permit holder, or a nominated representative named on the permit, to land whelk caught as by-catch whilst targeting another fishery from the vessel named on the permit.
13. No more than one permit will be issued per vessel.
14. A fee will be charged for each permit which will be payable prior to issue. The fee for issue of a permit is £100.

15. The vessel named on the permit must be registered in accordance with Part II of the Merchant Shipping Act 1995, and the regulations made under that Act. The vessel must also hold a current fishing licence valid for catching whelks within the District issued by the appropriate UK fisheries department at the time the application is made.

### **Category Three Permit (recreational)**

16. The fishing for whelk must be conducted in accordance with the permit conditions as defined in paragraphs 21 to 33 and as set out in a Category Three Permit.

17. A Category Three Permit may only be used by the permit holder, or a nominated representative named on the permit, to set whelk pots complying with this byelaw from the vessel named on the permit.

18. No more than one permit will be issued per vessel.

19. A fee will be charged for each permit which will be payable prior to issue. The fee for issue of a permit and tags is £5 per pot.

20. The maximum number of tags that will be issued to a Category Three Permit (recreational) holder is 5.

### **Permit Conditions**

21. Save as provided for under a Category Two permit relating to by-catch, no person shall fish for whelk within the district by any method other than the use of whelk pots.

22. No person shall fish for whelks using whelk pots of a volume greater than 30 litres.

23. Each permit holder may set no more than the maximum number of whelk pots for the whelk permit held by that person within the District.

24. No person shall set a whelk pot within the District that does not have a tag issued by EIFCA to that person, or approved by EIFCA, attached to it in a clearly visible position.

25. No person shall set a whelk pot that is fitted with a tag that has previously been notified as lost.

26. Tags will be ascribed to individual vessels. No person, other than the permit holder or a nominated representative, using the vessel named in the permit shall haul whelk pots ascribed to another person

or vessel without firstly obtaining the agreement of EIFCA. Such agreement will usually only be given in circumstances where the permit holder, named representative and/or the named vessel are unable to put to sea.

27. The whelk permit and tags shall not be transferable and must be surrendered to EIFCA immediately if no longer required by the person to whom they were issued.

28. All tags will be reissued every year in changing colours.

29. If a permit holder loses some of their pots and tags they may submit a written claim for replacement within 21 days of the loss. This claim should include the time, date and position of the loss together with the numbers of the lost tags. The cost of replacement tags will be paid by the applicant. Claims for replacement of less than 10% of tags or those issued to the holder of a Category Three Permit (recreational) will be considered by the Chief Executive Officer or Deputy Chief Executive Officer. Claims for more than 10% of tags for Category One Permit holders will be considered by an Authority Panel made up of Chairman, Vice Chairman and Chief Executive Officer or Deputy Chief Executive Officer. Appeal may be made to the full Authority if an applicant feels that their claim has not been properly dealt with. The re-issue or replacement of tags will be at a cost of 30 pence per tag.

30. All whelk pots must include a minimum of two escape holes that are positioned at least 150mm from the base of the pot or no more than 50mm from the top of the pot. These escape holes must be of a size that a bar, the diameter of which is 24mm, will pass freely through the hole. Escape holes must not be obstructed by any means.

31. The minimum landing size for whelk caught within the district is 55mm in length, measured as set out in Schedule One.

32. All whelks must be graded for size immediately after removal from the sea by passing them over or through a riddle constructed of parallel bars with a minimum spacing between bars which a gauge, the size of which is 24mm, will pass through. All whelk rejected by the riddle shall be returned immediately to the sea.

33. Whelk below the minimum landing size, caught within the district, shall not be retained on board or be transhipped, landed, transported, stored, sold, displayed or offered for sale, but shall be returned immediately to the sea.

## **Catch Log Book**

34. The holder of a whelk permit shall submit to EIFCA, no later than the 7<sup>th</sup> day of the month following, such information in regard to catches and fishing effort for the previous month as EIFCA may require. This information shall be entered into a document provided by EIFCA and will include accurate information regarding the weight of whelks taken by the holder of the permit's whelk pots from the District during the preceding calendar month, together with the number of pots used, average soak time and area fished.

## **Marking of Fishing Gear**

35. Each string or shank of pots must be marked by a floating dhan at the North or Western end the fleet to indicate its general direction and a high visibility buoy at the other end.

36. The dhan shall have the following characteristics:

- a. A mast of at least 1.0 metres above the surface of the sea measured from the top of the buoy
- b. A black flag at the top of the mast
- c. Two strips of retro-reflective tape directly below the flag
- d. Generous use of fluorescent tape on the rest of the mast

37. The high visibility buoy shall have the following characteristics:

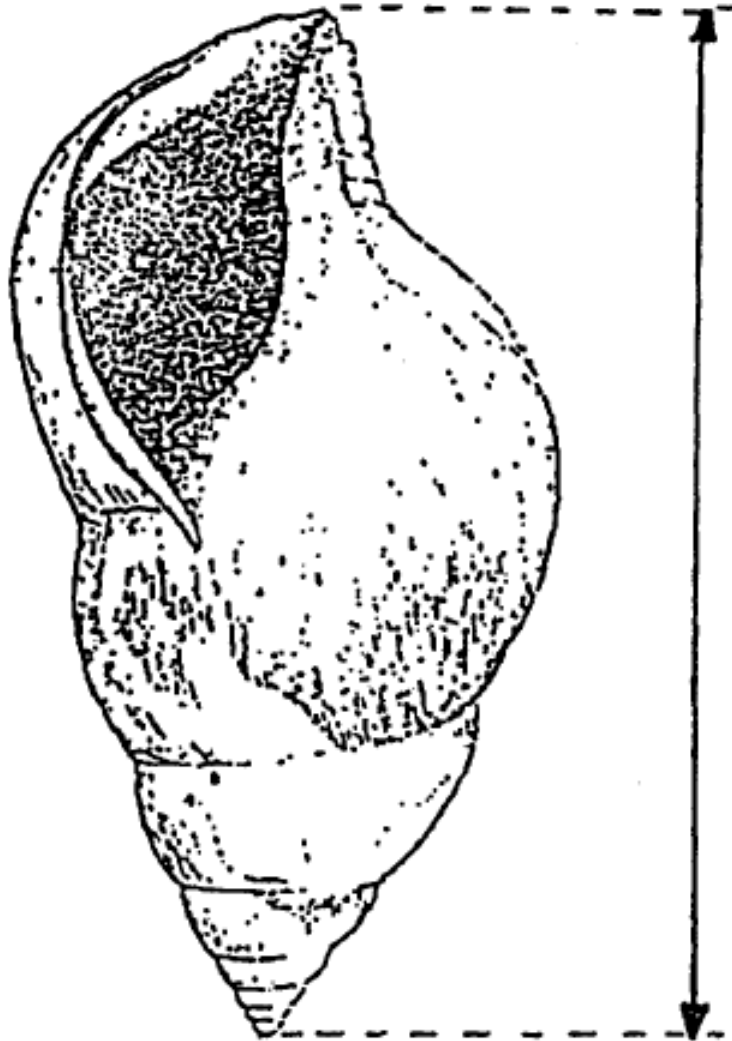
- a. Coloured to be of high visibility
- b. At least 100cm circumference
- c. Clearly marked with the whelk permit number
- d. In the case of fishing vessel, registered in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act, the PLN number of the vessel named on the permit.

## **Coming into force and duration**

38. The byelaw comes into force on the **TBC** April 2015 and remains in force, unless revoked or extended, until the **TBC** April 2016.

**Schedule 1**  
**Measurement of the length of a whelk (*Buccinum undatum*) in relation to the Minimum landing size**

The size of a whelk shall be measured as shown in figure 1 as the length of the shell.



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

We hereby certify that this byelaw was made and agreed by the Authority on **TBC** April 2015.

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Chief Executive Officer

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## Explanatory Note

(This note is not part of the byelaw)

*This emergency byelaw:*

- *prohibits the targeting, capture and removal from the fishery of whelk within the district without a permit issued by the Authority;*
- *requires fishers to apply for one of three types of permit by providing applicant and vessel information;*
- *Category One Permits are intended for fishers wishing to target and commercially exploit whelk fisheries;*
- *Category Two Permits are intended for fishers who capture whelk as a by-catch of other fishing activities and wish to sell whelk commercially but do not target whelk or use whelk pots;*
- *Category three permits are intended for non-commercial fishers who wish to fish for their own consumption*
- *permit conditions will limit the number of pots and increase the size of whelks removed from the fishery with the effect of reducing the risk of over-exploitation of the fishery.*