XVIII. FIXED ENGINE (AUTHORISATION) BYELAW

(1) The placing and use of fixed engines within those parts of the District listed in Column A of Schedule I, as defined in Schedule III, is hereby authorised as follows for a period of 5 years from the confirmation of this byelaw:

a. Within the Area described in Column A (Area) during the times specified in Column B (Period), fixed engines of the type described in Column C (Fixed Engine) are authorised provided that the conditions specified in Column D (Conditions) are met.

b. Within Area C, as defined in Schedule III, the issuing of permits is subject to the further conditions contained within Schedule II.

c. No fixed engine authorised by this byelaw shall be placed or used for the taking of Salmon or migratory trout at any time.

(2) Interpretation

'Salmon' means fish of the species (*Salmo salar*) and migratory trout means fish of the species (*Salmo trutta*) which migrate to and from the sea.

'Sea fish' means fish of any description found in the sea including shellfish but does not include salmon, eels or freshwater fish.

'The District' means the North Eastern Sea Fisheries District as defined in the 'North Eastern Sea Fisheries District Order 1986 (as amended).

'Acoustic deterrent device' means a small purpose made device, which emits a frequency of sound and is designed to prevent the accidental by-catch of cetaceans in nets. The device must conform to specifications laid down in Council Regulation 2004/812/EC .

'Registered fishing vessel' – Fishing vessel registered in accordance with the Merchant Shipping Act 1995 and the regulations made thereunder (or any statutory modification or re-enactment thereof), or in the Channel Islands or the Isle of Man, and who holds a current fishing licence issued by the appropriate UK fisheries department .

'Temporary Closure' shall mean a total prohibition on the use of gillnets, used under a permit issued in accordance with Schedule II for fishing in the area defined in Area C.

'Predetermined Level' shall mean a sum agreed annually between the Committee and the Environment Agency.

(3) Revocation

Byelaw XVIII concerning the authorisation of fixed engines and made on 3rd July 2003 is revoked.

Schedule I. A) AREA	B) PERIOD	C) FIXED ENGINE	D) CONDITIONS
The District	1st January to 31st December Inclusive	Crab, Lobster and Whelk Pots	Used only for taking crab, lobsters, whelks and other shellfish species
The District	1st January to 31st December Inclusive	A longline	Used only for taking sea fish.
The District (excluding Area A)	1st January to 31st December Inclusive	A Fyke Net	1) Must be licensed by the Environment Agency 2) Used only for the purpose of taking eels.
The District (excluding Areas A & B)	1st April to 31st August Inclusive	A net for taking Sole (*Solea solea*) being a net constructed of a single sheet of un-armoured netting not more than 500 metres in length and not more than 1 metre in height with a minimum mesh size of 100mm (measured in accordance with the rules laid down in EC 129/2003)	1) The net shall be placed seaward of the 5m depth contour line. 2) The net must only be placed or used by a registered fishing vessel 3) Used only between 0800 hours Monday and 2000 hours on Friday following and: 4) Anchored to the sea bed and set in such a way that the lead line of the net is in permanent contact with the sea bed along the whole of its length; 5) Not placed within 50 metres of any other net or trap: 6) The position of all fleets of nets must be clearly marked at each end by a surface marker. That marker must show the vessels port letters and numbers. 7) Unless otherwise authorised in writing by the Environment Agency the fixed engine is placed parallel to the shore.

A) AREA	B) PERIOD	C) FIXED ENGINE	D) CONDITIONS
The District (excluding Areas A, B, C)	1st November to 25th March Inclusive	Any net for taking sea fish	1) The net shall be placed seaward of the 5m depth contour line. 2) The Headrope shall not be nearer to the watersurface than 4 metres at any state of the tide

The District (excluding Areas B & D)	1st November to 25th March inclusive	A net for taking cod (*Gadus morhua*) 1) The net must be constructed of a single sheet of un-armoured netting. 2) Mesh size must be equal to or more than 140 mm (measured in accordance with the rules laid down in EC 129/2003).	1) The net must only be placed or used by a registered fishing vessel 2) The position of all fleets of nets must be clearly marked at each end by a surface marker. That marker must show the vessels port letters and numbers.
The District (excluding Areas A, B,C)	26th March to 31st October Inclusive	Any net for taking sea fish	1) The net shall be placed seaward of the 10m depth contour line. 2) The Headrope shall not be nearer to the water surface than 4 metres at any state of the tide.

A) AREA	**B) PERIOD**	**C) FIXED ENGINE**	**D) CONDITIONS**
Area C	15th October to 30th April Inclusive	A net for taking sea bass (*Dicentrarchus labrax*) 1) The net must be constructed of a single sheet of un-armoured netting. 2) Mesh size must be equal to or more than the current UK national size for targeting Sea Bass (measured in accordance with the rules laid down in EC 129/2003). 3) The total headline length of net permitted under each permit will not exceed 250 metres.	2) The net must only be placed or used under a permit issued by the Committee and in accordance with the technical provisions detailed below and the administrative provisions set out in Schedule II: 3) The net must be clearly marked with an identification label issued by the Committee. 4) Each net must have an acoustic deterrent device attached 5) Any net used is inspected and cleared at least once in any 24 hour period

Schedule II

1. The placing or use of a net for taking sea fish is authorised in Area C, providing that a permit has first been obtained from the Committee and signed by the clerk. A maximum of 5 Permits will be issued in any one calendar year. Permits will be allocated in accordance with Committee guidelines.

2. Such permits are not transferable and can only be relied upon by the person named in the permit and whose photograph is attached to the permit.

3. The Committee retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding accurate information required for the issue of that permit.

4. The permit holder shall send to the Committee, on a pre-printed form supplied by the Committee, a monthly return showing accurate information regarding the number, weight (in kilograms) and type of species caught during the preceding month and any other information, which the Committee regards as necessary. The Committee retains the right to withdraw a permit should any outstanding information required in paragraph 4 not be supplied.

5. It shall be the responsibility of the holder of the permit to ensure that such accurate statistical returns, as required by the Committee, are received by the Committee no later than the last day of the month following the period for which the returns are due.

6. A maximum of three labels will be issued to each permit holder. Labels are not transferable and must be used by the named permit holder.

Closure of Fishery (1st –30th April)

a. During the period 1st –30th April in any permit year, the fishery can be subject to temporary closure.

b. All permit holders are required to report to the Committee within 24 hours of capture, all salmon or migratory trout taken at anytime within the period 1st to 30th April.

c. A temporary closure will be implemented by the Clerk of the Committee when the catch rate of salmon and migratory trout as reported by the permit holders or witnessed by fishery officers exceeds a predetermined level over any 3 day consecutive period.

d. Once the closure is invoked the fishery will remain closed until the 15th October in the same calendar year.

Schedule III

AREA A

(1) Those tidal waters and parts of the sea in the District bounded as follows:-
i on the east by a straight line drawn 327° True direction from Old Nab (position 54° 33.48 North, 00° 46.30 West),

ii on the west by a straight line drawn 036° True direction from Cowbar Nab, near Staithes (position 54° 33.65 North, 00° 47.37 West).

(2) Those tidal waters and parts of the sea in the District bounded as follows:-

i on the east by a straight line drawn from Whitby Highlight (position 54° 28.68 North, 00° 34.00 West) to Whitby Bell Buoy (position 54° 30.32 North, 00° 36.50 West) and

ii on the west by a straight line drawn 240° True direction from Whitby Bell Buoy to the land (position 54° 29.70 North, 00° 38.30 West).

AREA B - The Humber

Those tidal waters and parts of the sea in the District within the River Humber upstream of a straight line drawn between Spurn Head Lighthouse (position 53° 34.47 North, 00° 06.75 East) and RAF Donna Nook Control Tower (the Control Tower at RAF Air Gunnery and Bombing Range at Donna Nook), (position 53° 28.48 North, 00° 09.32 East) and within the area bounded by the following unbroken lines:-

i a line drawn from Spurn Head Lighthouse to RAF Donna Nook Control Tower,

ii a line drawn from RAF Donna Nook Control Tower to point 53° 33.50 North, 00° 14.33 East ("Spurn Light Float"),

iii a line drawn from the Spurn Light Float to Spurn Head Lighthouse.

AREA C - The Holderness Coast

Those tidal waters within the District which lie inside the 5 metre depth contour line and between:

i a line drawn true east from Flamborough Head Lighthouse in position (54° 07. 09 North, 000° 05.10 West)

ii a line drawn true east from Withernsea Light in position (53° 43. 88 North, 000° 01.70 East)

AREA D – Tees, Wear & Tyne

Tees Area

Those tidal waters and parts of the sea in the District bounded as follows:-

i on the north-east by a straight line drawn from position 54° 40.35 North, 01° 12.10 West to the Tees Fairway Buoy (position 54° 40.95 North, 01° 06.37 West),

ii on the south-east by a straight line drawn from the Tees Fairway Buoy to the North West Chimney (position 54° 37.48 North, 01° 07.97 West) at the British Steel Corporation Plant, Redcar.

Wear Area

Those tidal waters and parts of the sea in the District bounded as follows:-

i on the north by a line one nautical mile in length drawn True east from Souter Point (position 54° 57.40 North, 01° 21.00 West),

ii on the south by a line one nautical mile in length drawn True east from a position 54° 52.90 North, 01° 20.80 West and which said position is situated within a triangular shaped shelf of rocks known as Salterfern Rocks,

iii on the east by a straight line joining the eastern extremities of the said northern and southern boundary.

Tyne Area

Those tidal waters and parts of the sea in the District bounded as follows:-

i on the north by a line drawn True east from the lighthouse at the seaward extremity of the south pier at the southern side of the entrance to the River Tyne (position 55° 00.68 North, 01° 24.00 West) to the point of intersection with a line drawn from a point one nautical mile True east from the leading lights of Cullercoates (position 55° 02.01 North, 01° 25.80 West) to a point one nautical mile True east from Souter Point,

ii on the south by a line one nautical mile in length drawn True east from Souter Point,

iii on the east by a straight line joining the eastern extremities of each of the boundaries described in (i) and (ii) above.

Explanatory Notes

(*These notes do not form part of the byelaw*)

The purpose of this Byelaw is to protect developing inshore bass (Dicentrarchus labrax) stocks from overexploitation through the management of intertidal or near-shore netting effort. It is also to protect salmon and migratory trout, by prohibiting fishing with nets at times and in places where these species are vulnerable to capture with enmeshing nets. It is also to enable legitimate fishing with nets for sea fish and eels in accordance with the above aims. The Byelaw has been set for a fixed period of five years.

All positions relevant to this Byelaw are Satellite derived from WGS84 datum.