Marine Protected Areas Byelaw 2016

Guidance

The Marine Protected Areas Byelaw restricts certain fishing activity in certain areas for the protection of habitats designated as conservation areas. These restrictions are set out in the byelaw. This byelaw replaces the ‘Protected Areas Byelaw’ which previously restricted fishing activity in the same areas.

**What are the differences between the Protected Areas Byelaw and the Marine Protected Areas Byelaw?**

The Marine Protected Areas Byelaw 2016 does not use the flexible regulatory notice system to introduce, vary or revoke restrictions on fishing activities. Any additional closures or changes to closures require the byelaw to be re-made, which ultimately requires the consent of the Secretary of State for the Environment before coming into effect.

The areas which are restricted have remained the same with the exception of one of the coordinates of one of the Restricted Areas – Point A of Restricted Area J. This is the area in the ‘Well’ area of The Wash which protects sub-tidal stony reef.

Original Position (DM.m) – 53° 04.04’N, 00° 27.78’E

Amended position (DM.m) – 53° 04.05’ N, 00° 27.79’ E

The original coordinate was converted into Degrees and decimal minutes (DM.m) from ‘Digital Degrees’ incorrectly. The amended version reflects the coordinates as they were intended to be originally.

**Where are the restricted areas?**

The Restricted Areas are divided into four groups. Click the link below to open the chart and coordinates for each:

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| **Restricted areas** | **Features protected**  | **Management measures** |
| Areas A to I in The Wash | *Sabellaria* reef within the Wash and North Norfolk Coast SAC | Fishing with bottom-towed-gear is prohibited. Bottom-towed-gear must be ‘lashed and stowed’ in such a way as is cannot be used when a vessel is within the restricted areas unless an exemption applies.  |
| Area J in The Wash | Sub-tidal stony reef within the Wash and North Norfolk Coast SAC | Fishing with bottom-towed-gear is prohibited. Bottom-towed-gear must be ‘lashed and stowed’ in such a way as is cannot be used when a vessel is within the restricted area unless an exemption applies.  |
| Areas SH, EH, SF, BP and BC on the North Norfolk Coast  | Eelgrass within the Wash and North Norfolk Coast SAC | Fishing with bottom-towed-gear is prohibited. Bottom-towed-gear must be ‘lashed and stowed’ in such a way as is cannot be used when a vessel is within the restricted areas unless an exemption applies.  |
| Area K in The Humber (Horseshoe Point) | Eelgrass within the Humber Estuary SAC | Fishing with bottom-towed-gear, by hand-working and by ‘crab tiling’. Bottom-towed-gear must be ‘lashed and stowed’ in such a way as is cannot be used when a vessel is within the restricted area.  |

**Are there any exemptions?**

Yes – the byelaw has two exemptions set out below:

1. Management measures within the Wash and North Norfolk Coast SAC (areas A to J and areas SH, EH, SF, BP and BC) include restrictions in relation to fishing with bottom towed gear and a requirement to have bottom towed gear lashed and stowed when a fishing vessel is inside the Restricted Areas. Fishers using beam trawls are exempt from the requirement to lash and stow bottom towed gear if the vessel had been fishing up to the boundary of a Restricted Area or it will be fishing immediately upon leaving the Restricted Area. However, for the exemption to apply the gear must be suspended clear of the water whilst the vessel is within the Restricted Area.
2. The byelaw does not apply to persons exercising a personal "right of common". These are particular specialised and defined rights held by “commoners” in respect of registered "common land". “Rights of Common” relate only to registered common land and this Byelaw retains full force and effect against all other persons, including those exercising their common law right of fishery and any person exercising a private or several right of fishery.

Byelaw

**Marine Protected Areas Byelaw 2016**

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155, 156 and 158 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

**Interpretation**

1. In this byelaw:
2. ‘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);
3. ‘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;
4. co-ordinates are based on WGS 84 datum, where ‘WGS 84’ means the World Geodetic System, revised in 1984;
5. ‘fishing’ includes:
	1. digging for bait;
	2. shooting, setting, towing and hauling of fishing gear;
	3. gathering sea fisheries resources by hand or by using a hand operated implement;
	4. catching, taking or removing sea fisheries resources;
6. ‘fishing gear’ includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used during fishing;
7. ‘Right of Common’ means registered rights held by “commoners” in respect of registered “common land”.

**Management measures**

1. The management measures set out in the schedules to this byelaw apply and contravention of such constitutes a contravention of this byelaw.

**Application**

1. This byelaw does 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.

**Revocations**

1. The byelaw with the title “Protected Areas Byelaw” made by the Authority on 18 September 2013 and in force immediately before the making of this byelaw is revoked.

I hereby certify that the above byelaw was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 24th February 2016.

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***Julian Gregory*** *Chief Executive Officer
Eastern Inshore Fisheries and Conservation Authority
6 North Lynn Business Village, Bergen Way, Kings Lynn, Norfolk PE30 2JG*

*The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the Protected Areas Byelaw made by the Eastern IFCA on 24th February 2016 with such modifications as have been agreed with Eastern Inshore Fisheries and Conservation Authority.*

*The said byelaw comes into force on: ............................................................*

**SCHEDULE 1**

**MANAGEMENT MEASURES FOR THE WASH AND NORTH NORFOLK COAST SPECIAL AREA OF CONSERVATION**

**Interpretation**

1. In this schedule:
	1. ‘beam trawl’ means a trawl net where the mouth or opening of the net is kept open by a beam, which is mounted at each end on guides or skids which travel along the seabed;
	2. ‘bottom towed gear’ means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
	3. ‘Restricted Area’ means any of the areas titled A, B, C, D, E, F, G, H, I, J, SH, EH, SF, BP, or BC specified using co-ordinates in the tables in paragraph 6 of this schedule;
	4. ‘secured and stowed’ means that fishing gear is stored in such a way that use cannot readily be made of it for any fishing activity.

**Protected characteristics**

1. The marine habitats and species to which this schedule applies are:
	1. biogenic reef of the *Sabellaria spinulosa*;
	2. subtidal stony reef;
	3. *Zostera* (eelgrass) beds.

**Management measures**

1. A person must not fish with bottom towed gear in any of the Restricted Areas.
2. Subject to paragraph 5, when transiting through a Restricted Area bottom towed gear on vessels must be secured and stowed.
3. A vessel fishing using a beam trawl is exempt from paragraph 4 if the following apply:
	1. it had been fishing up to the boundary of a Restricted Area or it will be fishing immediately upon leaving the Restricted Area; and
	2. any beam is hoisted so that it is clearly visible above the sea and that no part of the fishing gear is in contact with any part of the seabed whilst the vessel is within the Restricted Area.

**Restricted Areas**

1. The following tables set out the co-ordinates of the Restricted Areas referred to in sub-paragraph 1(c) of this schedule:

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| **Area A**Restricted Area A is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 52° 57.87’ N | 00° 08.71’ E | 3.794 |
|  | 52° 57.85’ N | 00° 08.81’ E |
|  | 52° 57.82’ N | 00° 08.83’ E |
|  | 52° 57.71’ N | 00° 08.65’ E |
|  | 52° 57.73’ N | 00° 08.58’ E |
|  | 52° 57.87’ N | 00° 08.71’ E |

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| **Area B**Restricted Area B is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 52° 57.15’ N | 00° 22.28’ E | 16.02 |
|  | 52° 57.04’ N | 00° 22.43’ E |
|  | 52° 56.86’ N | 00° 22.02’ E |
|  | 52° 56.99’ N | 00° 21.86’ E |
|  | 52° 57.15’ N | 00° 22.28’ E |

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| **Area C**Restricted Area C is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 52° 57.86’ N | 00° 22.14’ E | 7.048 |
|  | 52° 57.86’ N | 00° 22.31’ E |
|  | 52° 57.67’ N | 00° 22.31’ E |
|  | 52° 57.67’ N | 00° 22.14’ E |
|  | 52° 57.86’ N | 00° 22.14’ E |

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| **Area D**Restricted Area D is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 52° 59.11’ N | 00° 27.46’ E | 2.397 |
|  | 52° 59.06’ N | 00° 27.52’ E |
|  | 52° 59.00’ N | 00° 27.38’ E |
|  | 52° 59.06’ N | 00° 27.32’ E |
|  | 52° 59.11’ N | 00° 27.46’ E |

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| **Area E**Restricted Area E is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 02.05’ N | 00° 25.91’ E | 40.87 |
|  | 53° 01.94’ N | 00° 26.23’ E |
|  | 53° 01.56’ N | 00° 25.36’ E |
|  | 53° 01.72’ N | 00° 25.17’ E |
|  | 53° 02.05’ N | 00° 25.91’ E |

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| **Area F**Restricted Area F is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 01.61’ N | 00° 25.79’ E | 62.53 |
|  | 53° 01.61’ N | 00° 26.14’ E |
|  | 53° 01.02’ N | 00° 26.15’ E |
|  | 53° 00.94’ N | 00° 26.05’ E |
|  | 53° 00.94’ N | 00° 25.59’ E |
|  | 53° 01.61’ N | 00° 25.79’ E |

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| **Area G**Restricted Area G is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 02.03’ N | 00° 26.61’ E | 66.62 |
|  | 53° 02.03’ N | 00° 27.15’ E |
|  | 53° 01.57’ N | 00° 27.15’ E |
|  | 53° 01.41’ N | 00° 26.95’ E |
|  | 53° 01.41’ N | 00° 26.61’ E |
|  | 53° 02.03’ N | 00° 26.61’ E |

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| **Area H**Restricted Area H is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 03.86’ N | 00° 30.22’ E | 59.33 |
|  | 53° 03.86’ N | 00° 30.48’ E |
|  | 53° 03.67’ N | 00° 30.48’ E |
|  | 53° 03.22’ N | 00° 30.15’ E |
|  | 53° 03.22’ N | 00° 29.78’ E |
|  | 53° 03.48’ N | 00° 29.78’ E |
|  | 53° 03.86’ N | 00° 30.22’ E |

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| **Area I**Restricted Area I is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 1 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 02.66’ N | 00° 29.46’ E | 2.726 |
|  | 53° 02.66’ N | 00° 29.63’ E |
|  | 53° 02.59’ N | 00° 29.63’ E |
|  | 53° 02.59’ N | 00° 29.46’ E |
|  | 53° 02.66’ N | 00° 29.46’ E |

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| **Area J**Restricted Area J is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 2 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 04.05’ N | 00° 27.79’ E | 687.0 |
|  | 53° 03.73’ N | 00° 28.71’ E |
|  | 53° 02.94’ N | 00° 28.91’ E |
|  | 53° 01.76’ N | 00° 26.78’ E |
|  | 53° 02.05’ N | 00° 25.91’ E |
|  | 53° 04.04’ N | 00° 27.78’ E |

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| **Area SH**Restricted Area SH is defined by a straight line between points A and B in this table and the land boundary is to be taken as the mean high water springs mark, as set out in chart 3 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
| A. | 52° 59.00’ N | 00° 40.03’ E | 51.69 |
| B. | 52° 58.63’ N | 00° 40.85’ E |

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| **Area EH**Restricted Area EH is defined by a straight line between points C and D in this table, the western boundary between points C and E follows the charted channel (including changes to the channel over time) and the land boundary is to be taken as the mean high water springs mark between points D and E, as set out in chart 3 for illustrative purposes.   |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
| C. | 52° 58.72’ N | 00° 50.76’ E | 80.34 |
| D. | 52° 58.72’ N | 00° 52.00’ E |
| E. | 52° 58.17’ N | 00° 51.40’ E |

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| **Area SF**Restricted Area SF is defined by straight lines connecting points F to H in the table below, a line drawn between points H, I and J which follows the charted channel (including changes over time) and the land boundary is to be taken as the mean high water springs mark between points J and F, as set out in chart 3 for illustrative purposes.  |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
| F. | 52° 57.78’ N | 00° 56.40’ E | 64.55 |
| G. | 52° 57.97’ N | 00° 56.42’ E |
| H. | 52° 58.09’ N | 00° 57.22’ E |
| I. | 52° 57.82’ N | 00° 57.86’ E |
| J. | 52° 57.63’ N | 00° 57.79’ E |

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| **Area BP**Restricted Area BP is defined as the area north of a straight line drawn between points K and L in the table below and the land boundary is to be taken as the mean high water springs mark, as set out in chart 3 for illustrative purposes. |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
| K. | 52° 58.27’ N | 00° 57.91’ E | 19.06 |
| L. | 52° 58.27’ N | 00° 58.18’ E |

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| **Area BC**Restricted Area BC is defined by the boundary by straight lines between points M, N and O, the land boundary between points O and P which is to be taken as the mean high water springs mark and the land boundary between points P and M which is to be taken as the mean high water springs mark, as set out in chart 3 for illustrative purposes.  |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
| M. | 52° 58.24’ N | 01° 00.75’ E | 67.89 |
| N. | 52° 57.79’ N | 01° 00.77’ E |
| O. | 52° 57.86’ N | 01° 01.20’ E |
| P. | 52° 58.03’ N | 01° 02.22’ E |

**SCHEDULE 2**

**MANAGEMENT MEASURES FOR THE HUMBER ESTUARY**

 **SPECIAL AREA OF CONSERVATION**

**Interpretation**

1. In this schedule:
	1. ‘angling’ means fishing using a rod and line or a hook and line;
	2. ‘bottom towed gear’ means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
	3. ‘crab tiling’ means laying artificial items or structures in intertidal areas to gather crabs for the purpose of fishing;
	4. ‘handwork’ means the collection of sea fisheries resources, including bait, using the hands or handheld ‘fishing gear’;
	5. ‘Restricted Area’ means the area K specified using co-ordinates in the table in paragraph 5 of this schedule;
	6. ‘secured and stowed’ means that fishing gear is stored in such a way that use cannot readily be made of it for any fishing activity.

**Protected Characteristics**

1. The marine habitats and species to which this schedule applies is *Zostera* (eelgrass) beds.

**Management measures**

1. Subject to paragraph 4, within the Restricted Area a person must not:
	1. fish with bottom towed gear;
	2. fish by handwork;
	3. fish by crab tiling.
2. The prohibitions in paragraph 3 do not apply to angling.
3. When transiting through the Restricted Area bottom towed gear on vessels must be secured and stowed.

**Restricted Areas**

1. The following table sets out the co-ordinates of the Restricted Area referred to in subparagraph 1(e) of this schedule.

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| **Area K**Restricted Area K is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in chart 4 for illustrative purposes.  |
| **Point** | **Latitude** | **Longitude** | **Area (hectares)**  |
|  | 53° 29.67 ‘N | 00° 04.90 ‘E | 170.8 |
|  | 53° 30.44 ‘N | 00° 06.29 ‘E |
|  | 53° 29.10 ‘N | 00° 06.04 ‘E |
|  | 53° 29.67 ‘N | 00° 04.90 ‘E |