



Eastern Inshore Fisheries and Conservation Authority

Wash Fishery Order 1992

Wash Fishery Order 1992 Regulations

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under Article 7 of the Wash Fishery Order 1992 under the Sea Fisheries (Shellfish) Act 1967, as amended, has made the following regulations;

1. Interpretation

In these Regulations:

- 1) “the Order” means the Wash Fishery Order 1992;
- 2) “Regulated Fishery” means a fishery undertaken under the authority of a licence issued under Article 8(1) of the Order;
- 3) “Several Fishery” means fishing under the authority of a lease granted under Article 6(1) of the Order;
- 4) “prescribed species” means any of the species specified in the Wash Fishery Order 1992 as prescribed species.
- 5) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- 6) “mussel” means any of the species belonging to the genus *Mytilus*;
- 7) “harvestable mussel fishery” means a mussel fishery, the licence conditions for which, allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;

- 8) “relaying mussel fishery” means a mussel fishery, the licence conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;
- 9) “licence” means a licence granted under Article 8(1) of Order;
- 10) “bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
- 11) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;
- 12) “remotely accessed electronic reporting device” means one of the following devices that transmits the required information;
 - a) Blue Tracker I-VMS manufactured by AST Marine Services;
 - b) SC2 manufactured by Succorfish;
 - c) Watching Man Pro manufactured by Marine Instruments S.A;
 - d) VMS+ manufactured by AST Marine Services
- 13) “required information” means the following information;
 - a) a report flag to indicate that the report is the result of the Authority’s requirements and is not made under EU regulations;
 - b) the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
 - c) date and time (in UTC) of the fixing of the most recent position;
 - d) the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
 - e) the unique serial number of transmitting device;
 - f) a status code;
 - g) a Geofence reference number.

2. Application

The following Regulations apply to persons fishing under the authority of a licence.

3. Bottom-towed-gear restrictions

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species using bottom-towed-gear unless a written certificate of approval for that bottom-towed-gear has been provided by the Authority in accordance with Regulation 4.
- 2) A person must not fish for, take or remove from the fishery, cockles using;
 - a) more than one instrument of bottom-towed-gear; or
 - b) a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.
- 3) Without written authorisation from the Authority, a person must not fish for, take or remove from the fishery, mussels using a mussel dredge with an inside opening of more than one meter in width.
- 4) A person must not fish for, take or remove from the fishery any of the prescribed species other than cockles using more than two instruments of bottom-towed-gear.

4. Bottom-towed-gear - Approval

- 1) A provisional certificate of approval may be issued which will be valid for one month.
- 2) A full certificate of approval may be issued, which will be valid until 31 December following the date the certification is issued, where bottom-towed-gear meets the following conditions:
 - a) The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
 - b) The Authority has been advised by scientists who appear to them to be suitably qualified that the bottom-towed-gear does not cause unacceptable damage to habitats or species;
 - c) Bottom-towed-gear and associated catch sorting equipment is of a specification required by the Authority for reasons relating to fisheries management or are pursuant of meeting 4(1)(a) and 4(1)(b) above.
- 3) For the purpose of this regulation, an organism is considered visibly damaged when on examination it is seen that there are visible cracks, chips or there is other damage to the shell. The damage rate will be determined using representative samples of shellfish retained and rejected by the operation of the bottom-towed-gear.

5. Vessel restrictions

- 1) A person must not use a vessel exceeding 14 meters in overall length to fish for, take or remove from the fishery any of the prescribed species unless authorised by the Authority in accordance with sub-paragraph 2.
- 2) The Authority may exempt vessels from sub-paragraph 1 where evidence is provided that the owner or skipper of the vessel has used the vessel to fish for, take or remove from the fishery any of the prescribed species from within the Regulated Fishery prior to the date of the advertisement of the Order.
- 3) Exemption in accordance with sub-paragraph 2 shall cease if the vessel changes ownership.

6. Vessel Monitoring System

- 1) A person must not use a vessel to fish for, take or remove from the fishery any of the prescribed species, enter the area of the Wash Fishery Order 1992 or leave a port within the area of the Wash Fishery Order 1992 unless a fully functioning, remotely accessed electronic reporting device is on board the vessel at all times and where the required information is transmitted every ten minutes.
- 2) If the remotely accessed electronic reporting device installed pursuant to sub-paragraph 1 (above), has failed to transmit the required information, for whatever reason, a person must;
 - a) if at sea, immediately cease fishing and immediately return to port or leave the area of the Wash Fishery Order 1992;
 - b) if at port or outside the area of the Wash Fishery order 1992, remain there.
- 3) Where a remotely accessed electronic reporting device has been repaired or replaced the Licence Holder, Nominated Representative or Nominated deputy must provide a copy of the engineer's report to the Authority confirming that the equipment is fully operational before;
 - a) leaving port;
 - b) entering the area of the Wash Fishery Order 1992; or
 - c) fishing for, taking or removing from the fishery any of the prescribed species.

7. Use of tenders

- 1) A person must not use a tender to a vessel unless:
 - a) fishing for, taking or removing from the fishery mussels or cockles;
 - b) all catch placed on the tender is placed on the licenced vessel to which it is associated at the earliest opportunity;
 - c) the tender is six metres in overall length or less; and
 - d) the tender has an outboard engine with a power of ten horsepower or less.
- 2) A person must not use more than one tender or a tender which has an inboard engine.

8. Sorting of catch

Any material rejected through the sorting of catch of any of the prescribed species must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

9. Daily catch restrictions (cockles)

- 1) A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery more than the maximum weight of cockles specified in the licence conditions by hand.
- 2) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery more than 4000 kilograms of cockles by dredge.
- 3) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 4) A person must not fish for, take or remove from the fishery any cockles by hand if, during the same calendar day, that person has fished for, taken or removed any cockles by dredge.
- 5) A person must not fish for, take or remove from the fishery any cockles by dredge if, during the same calendar day, that person has fished for, taken or removed any cockles by hand.

10. Daily catch restrictions (mussels)

- 1) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery:
 - a) More than 4000 kilograms of mussels during a harvestable mussel fishery; or
 - b) More than 8000 kilograms of mussels during a relaying mussel fishery.
- 2) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 3) A person must not fish for, take or remove from the fishery any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a relaying mussel fishery.
- 4) A person must not fish for, take or remove from the fishery any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a harvestable mussel fishery.

11. Mussels (*Mytilus edulis*) minimum size

- 1) A person must not remove from the boundary of the Wash Fishery Order 1992 any mussel (*Mytilus edulis*) from within the Regulated Fishery which are less than 45mm in length but must return such immediately to the sea in accordance with sub-paragraph 2 (below) unless they are being fished for, taken or removed as part of a relaying mussel fishery.
- 2) Mussels and any material arising from the sorting of mussels must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

12. Seed movement

Without prejudice to the Article 12 of the Wash Fishery Order 1992, a person must not transport any shellfish under an authorisation granted by said article by road unless an application for such is completed which will require the following information:

- a) Destination of the shellfish; and
- b) The date of the proposed transport.

13. Weekly catch returns

An accurately completed weekly catch return form, supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA offices by no later than Friday of the calendar week following any fishing activity.

14. Transshipping prohibition

A person must not tranship or otherwise relocate any of the prescribed species, or containers of any description containing any of the prescribed species, fished from the Regulated Fishery from one vessel to another unless moving catch from a tender to its associated vessel or vice versa.

15. Requirement to land (cockles)

- 1) A person fishing for cockles must:
 - a) take any cockles fished for from the Regulated fishery straight to port;
 - b) land such cockles immediately; and
 - c) not leave cockles on the sand or deposited in the water in bags or any other container for later collection.
- 2) A person must not land cockles fished for from the Regulated fishery on more than one occasion during one calendar day.

16. Dual fishing prohibition

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species from the Regulated Fishery on the same calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of the Regulated Fishery or from a Several Fishery.
- 2) A person must not have on board any bottom-towed-gear which could be used to fish for, take or remove from the fishery any of the prescribed species when fishing for, taking or removing from the fishery any of the prescribed species from a hand-work fishery.

17. Standard bags

A person must not land mussels or cockles fished from the Regulated Fishery unless such are contained in a bag which must:

- a) be of the following dimensions:
 - i. 120 centimetres or 60 centimetres in height;
 - ii. 97 centimetres in depth;

- iii. 97 centimetres in width: and
- b) have the words 'Wash Fishery Order' written on at least two sides with lettering which is at least 10 centimetres tall.

18. Prop-washing

- 1) A person fishing for cockles must not:
 - a) use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;
 - b) conduct prop-washing in such a manner as to cause more than one ring to be formed in the seabed;
- 2) A person must spread any cockles dislodged from prop-washing thinly and evenly over the ground, as nearly as possible to the area from which they were dislodged before leaving the bed.