



**Eastern  
Inshore Fisheries and Conservation Authority**

**MARINE AND COASTAL ACCESS ACT 2009 (c. 23)**

**Shrimp Permit Byelaw 2018**

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

**Interpretation**

1. In this byelaw:
  - a) '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);
  - b) 'bottom towed gear' means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
  - c) 'Category One Permit' means a shrimp permit issued under paragraph 8 granted for fishing for shrimps for commercial purposes within the Wash and North Norfolk Coast Special Area of Conservation;
  - d) 'Category Two Permit' means a shrimp permit issued under paragraph 8 granted for fishing for shrimps for commercial purposes within the District except within the Wash and North Norfolk Coast Special Area of Conservation;
  - e) '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;

- f) 'fishing' includes digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; and catching, taking or removing sea fisheries resources and 'fish' is to be construed accordingly;
- g) 'fishing for commercial purposes' means fishing for sea fisheries resources for sale or reward;
- h) 'fishing gear' includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of fishing;
- i) 'flexible permit conditions' means any of the conditions determined by the Authority as provided in paragraph 21 in accordance with the procedure set out in Schedule 1;
- j) 'named representative' means a person who has been granted permission to fish from a vessel by the owner of that vessel, and has been nominated by the owner of that vessel for the purposes of paragraph 13;
- k) 'owner' means the majority shareholder of a vessel as recorded on the certificate of registry for that vessel granted under the Merchant Shipping Act 1995 (c.21) and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993/3138), or the certificate of registry for that vessel in the Channel Islands or Isle of Man;
- l) 'registered fishing vessel' means a vessel:
  - i. registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and
  - ii. in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- m) "remotely accessed electronic reporting device" means one of the following devices that transmits the required information;
  - i. A 'Vessel Monitoring System +' device that meets the requirements for such devices required by the Marine Management Organisation;

- ii. A device that is listed on the Marine Management Organisation and Inshore Fisheries and Conservation Authorities Inshore Vessel Monitoring System approved products register;
- n) "required information" means the following information;
- i. a report flag to indicate that the report is the result of the Authority's requirements and is not made under EU regulations;
  - ii. the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
  - iii. date and time (in UTC) of the fixing of the most recent position;
  - iv. 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;
  - v. the unique serial number of transmitting device;
  - vi. a status code;
  - vii. a Geofence reference number.
- o) 'shrimp' means a marine organism of the species *Pandalus montagui* (commonly known as pink shrimp) or belonging to the genus *Crangon* or *Palaemon* including *Crangon crangon* (commonly known as 'brown shrimp');
- p) 'shrimp permit' means a Category One Permit or a Category Two Permit;
- q) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hover craft or any other amphibious vehicle, used or capable or being used as a means of transportation on water;
- r) 'Wash and North Norfolk Coast Special Area of Conservation' means the area as set out in Schedule 2.

## Prohibitions

2. A person must not fish for or land or retain shrimps caught within the Wash and North Norfolk Coast Special Area of Conservation for commercial purposes or from a registered fishing vessel unless that person is:
  - a) the holder of a Category One Permit; or
  - b) a named representative of the holder of a Category One Permit.
3. A person must not fish for or land or retain shrimps caught within the District outside of the Wash and North Norfolk Coast Special Area of Conservation for commercial purposes or from a registered fishing vessel unless that person is:
  - a) the holder of a Category Two Permit; or
  - b) a named representative, of the holder of a Category Two Permit.
4. A person must not fish for shrimps under the authority of a shrimp permit from a vessel other than the vessel named on that shrimp permit without firstly obtaining the agreement of the Authority. Such agreement may be given in circumstances where the permit holder, named representative or the named vessel are unable to put to sea.
5. A person must not fish for shrimps, unless a fully functioning, remotely accessed electronic reporting device is on board the vessel at all times and where the required information is transmitted once in every three minutes.
6. If the remotely accessed electronic reporting device installed pursuant to subparagraph 5 (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 Eastern IFC District;
  - b) if at port or outside the Eastern IFC District, remain there.
7. Where a remotely accessed electronic reporting device has been repaired or replaced the Permit Holder or Nominated Representative 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 Eastern IFC District; or
- c) fishing for shrimps within the Eastern IFC District.

## **Permits**

8. The Authority may issue a shrimp permit to the registered owner of a registered fishing vessel, or to a person fishing for commercial purposes other than from a vessel.
9. A vessel may be named on a maximum of one Category One permit and one Category Two permit.
10. A person without a vessel may hold a maximum of one Category One permit and one Category Two permit.
11. Any change in legal or beneficial ownership of a registered fishing vessel after the issue of the permit will result in the cancellation of any shrimp permit issued to that vessel.
12. Shrimp permits are not transferable.
13. An application for a shrimp permit must be made using printed forms available from the Authority. These forms will require applicant and vessel details. The applicant may nominate up to 2 persons as their named representatives whose details must also be entered on the application form.
14. Permits will be valid from the date of issue until the following 1<sup>st</sup> of August.
15. The Authority may restrict the number of shrimp permits issued and may set criteria to restrict eligibility for a shrimp permit in accordance with the procedure set out in Schedule 1.
16. The Authority may suspend the issuing of Category One Permits for a period of time or for periods of time not exceeding until the following 1<sup>st</sup> August if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity of the Wash and North Norfolk Coast SAC.

## **Temporary closures of shrimp fishing activity**

17. The Authority may close the shrimp fishery within the Wash and North Norfolk Coast SAC for a period of time or for periods of time not exceeding until the following 1<sup>st</sup> August if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity of the Wash and North Norfolk Coast SAC.

### **Shrimp permit fees**

18. A fee will be charged for each shrimp permit which must be paid prior to the issuing of the permit unless a person is issued a Category One Permit and a Category Two Permit in relation to the same registered fishing vessel in which case a fee is only charged for a Category One Permit.
19. The fee for a Category One Permit is £100 and the fee for a Category Two Permit is £44.

### **Flexible permit conditions**

20. The Authority may attach to permits flexible conditions which fall within one or more of the categories listed in paragraph 21.
21. The categories referred to in paragraph 20 are:
  - a) vessel design restrictions;
  - b) catch restrictions;
  - c) fishing gear restrictions;
  - d) fishing effort restrictions;
  - e) spatial restrictions;
  - f) time restrictions;
  - g) vessel monitoring device requirements.
22. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 1.
23. Failure to comply with a flexible permit condition is an offence against this byelaw.

### **Catch returns**

24. The holder of a shrimp permit must have on board shrimp returns forms which will be provided by the Authority which are completed with such information as is required by the Authority up to the day they are fishing and must submit such to the Authority, no later than the 10<sup>th</sup> day of each month, returns forms relating to the previous month.
25. The information referred to in paragraph 24 may include:

- a) spatial information;
- b) information on fishing effort;
- c) catch data;
- d) by-catch information;
- e) gear information;
- f) date and time information;
- g) vessel information.

### **Revocations**

26. The Byelaw with the title 'BYELAW XII. Shrimp and prawn trawling' made by North Eastern Sea Fisheries Committee in exercise of its powers under the Sea Fisheries Regulation Act 1966 and which were in force immediately before the making of this byelaw is revoked such as it applied within the District.

## **Schedule 1**

### **Procedure**

1. The procedure for restricting the number of shrimp permits issued and setting criteria to restrict the eligibility for a shrimp permit as referred to in paragraph 15, or issuing, varying or revoking flexible permit conditions as referred to in paragraph 22, (in this Schedule, 'the proposed changes') must include the following steps:
  - a) acquisition of relevant available evidence including:
    - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
    - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
    - iii. information from any other relevant source including that which is relevant to effective enforcement;
  - b) consultation by such methods as the Authority considers appropriate with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes;
  - c) undertaking an impact assessment relating to the proposed changes;
  - d) consideration by the Authority of all information arising from subparagraphs (a) to (c) above.
2. The Authority must review flexible permit conditions and restrictions of the issuing of shrimp permits no less frequently than every four years after the date that a flexible permit condition or restriction on the issuing of shrimp permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of shrimp permits will be in accordance with a formal operational procedure agreed by the Authority and will include the steps set out in paragraph 1.



4. Where restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked shrimp permit holders will be notified in writing.

## Schedule 2

### Wash and North Norfolk Coast Special Area of Conservation

The following table sets out the co-ordinates of the Wash and North Norfolk Coast Special Area of Conservation as referred to in 1 (r) of the Byelaw above.

The Wash and North Norfolk Coast Special Area of Conservation is defined by a boundary drawn by the series of straight lines connecting points A to D and a line connecting point D to E which follows the land boundary which is to be taken as mean high water springs.

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
A	53 <sup>0</sup> 07'.69 N	0 <sup>0</sup> 20'.55 E
B	53 <sup>0</sup> 03'.66 N	0 <sup>0</sup> 28'.16 E
C	53 <sup>0</sup> 02'.73 N	01 <sup>0</sup> 07'.55 E
D	52 <sup>0</sup> 57'.16 N	01 <sup>0</sup> 07'.10 E
E	53 <sup>0</sup> 07'.69 N	0 <sup>0</sup> 20'.55 E

## **Explanatory Note**

(This note does not form part of the byelaw)

This byelaw requires people who fish for commercial purposes from a registered fishing vessel for shrimps within the District to obtain a shrimp permit. They are also required to fish in accordance with any flexible permit conditions issued by the Authority.

Shrimp permits expire on the 1<sup>st</sup> August each year and a fee is payable to the Authority for the issuing of a shrimp permit which is £100 for a Category One Permit and £44 for a Category Two Permit.

The number of shrimp permits which will be issued by the Authority can be restricted. The Authority can also set criteria to determine which applicants are eligible for a shrimp permit.

To limit the number of shrimp permits or to introduce, vary or revoke eligibility criteria the Authority will carry out a consultation with potentially affected stakeholders and produce an Impact Assessment which will be considered by the Authority.

The issuing of shrimp permits may be suspended until the following 1<sup>st</sup> August if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity of the Wash and North Norfolk Coast SAC.

The shrimp fishery within the Wash and North Norfolk Coast may be closed for a period or for periods of time not exceeding until the following 1<sup>st</sup> August if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity of the Wash and North Norfolk Coast SAC.

This byelaw also allows the Authority to impose flexible permit conditions which will reflect best available evidence. These permit conditions will be used to protect fisheries and the environment and to ensure long-term, sustainable fisheries.

The Authority must also review any restrictions on the issue of shrimp permits or flexible permit conditions once every four years as a minimum.