



**Eastern  
Inshore Fisheries and Conservation Authority**  
**MARINE AND COASTAL ACCESS ACT 2009 (c. 23)**  
**The Wash Restricted Area Byelaw 2019**

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) 'fishery' shall mean any fishing for prescribed species within the Wash Restricted Area;
  - c) 'fishing' includes prop-washing which is the practice of turning a vessel in tight circles to aid the fishing of cockles; 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;
  - d) '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 10;

- e) '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;
- f) 'prescribed species' means any of the species specified in the Wash Fishery Order 1992 (SI 1992/3038);
- g) 'registered 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);
- h) 'regulated fishery' means the fishery managed by the Authority under the provisions of the Wash Fishery Order 1992 (SI 1992/3038);
- i) 'The Wash Marine Protected Areas' means any of the following conservation designations as they apply within the Wash restricted area':
  - i. A site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981 (c.69);
  - ii. A national nature reserve declared in accordance with section 35 of that Act;
  - iii. A Ramsar site, within the meaning of section 37A of that Act;
  - iv. A European marine site, within the meaning of the Conservation (Natural Habitats, &c) Regulations 1994 (S.I.1994/2716);
- j) 'the Wash Restricted Area' means the area set out in Schedule 3 of this byelaw and any other area or areas between eastern and southern boundaries of the Wash Fishery Order 1992 (SI 1992/3038) and the western and southern boundaries of the several fishery of the le Strange Estate as defined in the judgement of Mr David Halpern

QC sitting as a deputy High Court judge and handed down by the High Court on the 27<sup>th</sup> July 2018 and bounded at the North East by a line drawn between a point with the latitude 52°58.80'N and a longitude 0°32.02'E and another point with the latitude 52°58.48'N and a longitude 0°32.50'E;

- k) 'total allowable catch' means the quantity of cockles that can be fished determined by surveys and the management policies for the regulated fishery;
- l) '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;
- m) 'Wash restricted Area fishery' means a fishery opened under paragraph 19 of this byelaw;
- n) 'Wash Restricted Area Permit' means a permit issued under paragraph 6 granted for the fishing of the prescribed species within the Wash Restricted Area.

## **Prohibitions**

2. A person must not fish for any of the prescribed species from within the Wash Restricted Area unless:
  - a) that person is the holder or a named representative of a Wash Restricted Area Permit; and
  - b) from a vessel which is named on that Wash Restricted Area Permit.
3. A person must not use a vessel under the authority of a Wash Restricted Area Permit unless all fishing equipment in use and carried on board complies with the restrictions set out in Schedule 1.
4. A person must not fish for prescribed species within the Wash Restricted Area except in accordance with the restrictions set out in Schedule 1.
5. A person must not fish for prescribed species in any area within the Wash Restricted Area which has been closed under paragraphs 20 and 22 of this

byelaw or outside of the operating periods issued under paragraph 27 and 28 of this byelaw.

6. A person must comply with any conditions attaching to a Wash Restricted Area Permit.
7. Failure to comply with paragraphs 2, 3, 4, 5, and 6 of this byelaw is an offence against this byelaw.

## **Permits**

8. The Authority may issue a Wash Restricted Area Permit to the owner of a registered fishing vessel provided its registered overall length does not exceed 14 metres.
9. The Authority may issue a Wash Restricted Area Permit to a vessel with a registered overall length exceeding 14 metres provided the same is eligible for an authorisation granted under Regulation 7 (ii) of the Regulations made under the Wash Fishery Order 1992.
10. A vessel may be named on a maximum of one Wash Restricted Area Permit.
11. Any change in legal or beneficial ownership of a registered fishing vessel after the issue of the Wash Restricted Area Permit will result in the cancellation of the permit issued on which that vessel is named.
12. Wash Restricted Area Permits will be valid for 12 months from the date of issue.
13. Wash Restricted Area Permits are not transferrable between persons or vessels.
14. An application for a Wash Restricted Area 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.
15. The Authority may restrict the number of Wash Restricted Area Permits issued and may set criteria to restrict eligibility for a Wash Restricted Area Permit in accordance with the procedure set out in Schedule 2.
16. The Authority may suspend the issuing of Wash Restricted Area Permits for a period or for periods of time not exceeding 12 months or until the following

1<sup>st</sup> June if there is an enhanced risk to stocks or if there is a risk to site integrity in relation to any of The Wash Marine Protected Areas.

17. A fee will be charged for each Wash Restricted Area Permit which must be paid prior to the issuing of the permit. The fee for a Wash Restricted Area Permit is £44.
18. Where the holder of a Wash Restricted Area Permit or a person named on it after the date of the making of this byelaw fails to comply with this byelaw, or with any provisions of the Wash Fishery Order 1992 or with section 292 of the Marine and Coastal Access Act 2009 and any enforcement action leads to a prosecution resulting in a guilty plea or finding of guilt by the court, or that person accepts and pays a financial administrative penalty, the permit shall be withdrawn for the remainder of the period for which it was issued and no application for a Wash Restricted Area Permit by the permit holder or any person named on it shall be considered for the following period for which such permits may be issued.

#### **Opening and Closing the fishery**

19. The Authority may open a fishery in conjunction with or separately to the regulated fishery in accordance with Schedule 2.
20. The Authority may upon not less than 12 hours' notice close the fishery or parts thereof within the Wash Restricted Area for a period of time or for periods of time if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity in relation to any of The Wash Marine Protected Areas.
21. Any closure under paragraph 20 above shall be reviewed in accordance with Schedule 2 within two months after the date of such closure.
22. The Authority may close a fishery or parts thereof if the total allowable catch has been expended or as a result of a review undertaken under paragraph 21 or to enable a stock survey in relation to the associated fishery.

#### **Flexible permit conditions**

23. The Authority may attach to permits flexible conditions which fall within one or more of the following categories;
  - 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.
24. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 2.
25. The Authority may upon not less than 12 hours' notice issue, vary or revoke flexible permit conditions for a period of time or for periods of time if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity in relation to any of The Wash Marine Protected Areas.
26. Any action by the Authority under paragraph 25 above shall be reviewed in accordance with schedule 2, two months after the date of such action being taken and such review may only extend the period the action has effect by no more than a further four months.

### **Operating times**

27. The Authority may issue, vary or revoke operating times following a review conducted in accordance with the procedure set out in Schedule 2;
28. The Authority may upon not less than 12 hours' notice issue, vary or revoke operating times for a period of time or for periods of time if there is an enhanced risk to stocks or if there is an enhanced risk to site integrity in relation to any of The Wash Marine Protected Areas
29. Any action by the Authority under paragraph 28 above shall be reviewed in accordance with schedule 2, two months after the date of such action being taken and such review may only extend the period the action has effect by no more than a further four months.

## **Schedule 1: Restrictions**

### **1. Bottom-towed-gear**

- a) 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 restriction 2 below.
- b) A person must not fish for, take or remove from the fishery, cockles using;
  - i. more than one instrument of bottom-towed-gear; or
  - ii. a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.
- c) 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 metre in width.
- d) 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.

### **2. Bottom-towed-gear – Approval**

- a) A provisional certificate of approval may be issued which will be valid for one month.
- b) 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:
  - i. The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
  - ii. 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;

- iii. 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 2(b)(i) and 2(b)(i) above.

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.

### **3. Use of tenders**

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 vessel to which it is associated at the earliest opportunity; and
- c) the tender is six metres in overall length or less.

### **4. 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.

### **5. Daily catch restrictions (cockles)**

- a) 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 restriction 4) or remove from the fishery more than the maximum weight of cockles specified in the permit conditions by hand.
- b) 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 restriction 4) or remove from the fishery more than 4000 kilograms of cockles by dredge.
- c) 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.
- d) 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.

- e) 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.

## **6. Daily catch restrictions (mussels)**

- a) 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 restriction 4) or remove from the fishery:
  - i. More than 4000 kilograms of mussels during a harvestable mussel fishery; or
  - ii. More than 8000 kilograms of mussels during a relaying mussel fishery.
- b) 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.
- c) 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.
- d) 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.

## **7. Seed movement**

A person must not transport any shellfish 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.

## **8. 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.

## **9. 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 Wash Restricted Area fishery from one vessel to another.

#### **10. Requirement to land**

- a) A person fishing for prescribed species must:
  - i. take any catch fished for in relation to a Wash Restricted Area fishery straight to port;
  - ii. land such catch immediately; and
  - iii. not leave catch on the sand or deposited in the water in bags or any other container for later collection.
- b) A person must not land catch fished from the Wash Restricted Area fishery on more than one occasion during one calendar day.

#### **11. Dual fishing prohibition**

- a) A person must not fish for, take or remove from the fishery any of the prescribed species from a Wash Restricted Area fishery on the same calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of a Wash Restricted Area fishery.
- b) 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 any of the prescribed species from a Wash Restricted Area fishery, the permit conditions for which enable a hand-work fishery only.

#### **12. Standard bags**

A person must not land mussels or cockles fished from the Wash Restricted Area 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

### **13. Prop-washing**

- a) A person fishing for cockles must not:
  - i. use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;
  - ii. conduct prop-washing in such a manner as to cause more than one ring to be formed in the seabed;
- b) 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.

## Schedule 2

1. The procedure referred to in paragraphs 15, 16, 19, 21, 22, 24, 26, 27 and 29 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 in such a manner and 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 proposals;
  - c) undertaking an appropriate assessment of the impacts relating to the proposals;
  - d) consideration of all information arising from subparagraphs (a) to (c) above.
2. The Authority must review flexible permit conditions no less frequently than every four years after the date that permit conditions have taken effect. The procedure for issuing, varying or revoking flexible permit conditions as referred to in paragraph 24, will be in accordance with the formal operational procedures agreed by the Authority and will include the steps set out in paragraph 1 of this Schedule.
3. The Authority must review restrictions of the issuing of Wash Restricted Area Permits no less frequently than every four years after the date that a restriction on the issuing of Wash Restricted Area Permits has taken effect.

4. The review of restrictions on the issuing of permits will be in accordance with the formal operational procedures agreed by the Authority and will include the steps set out in paragraph 1 of this Schedule.
5. Where restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked Wash Restricted Area Permit holders will be notified in writing.

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### Schedule 3

The Wash restricted Area is defined by a boundary drawn by a series of straight lines connecting each point listed in the table to the next point in sequence and finally returning to the point 1.

Point	Latitude	Longitude	Point	Latitude	Longitude
1	52° 51.56' N	00° 25.94' E	41	52° 54.47' N	00° 26.06' E
2	52° 51.52' N	00° 25.59' E	42	52° 54.46' N	00° 25.94' E
3	52° 51.50' N	00° 25.13' E	43	52° 54.47' N	00° 25.80' E
5	52° 51.52' N	00° 24.30' E	44	52° 54.50' N	00° 25.64' E
4	52° 51.57' N	00° 25.09' E	45	52° 54.55' N	00° 25.51' E
6	52° 51.51' N	00° 23.21' E	46	52° 54.59' N	00° 25.44' E
7	52° 51.66' N	00° 23.27' E	47	52° 54.65' N	00° 25.41' E
8	52° 52.15' N	00° 23.26' E	48	52° 54.87' N	00° 25.46' E
9	52° 52.30' N	00° 23.47' E	49	52° 55.04' N	00° 25.54' E
10	52° 52.39' N	00° 23.51' E	50	52° 55.13' N	00° 25.65' E
11	52° 52.60' N	00° 23.67' E	51	52° 55.28' N	00° 25.93' E
12	52° 52.76' N	00° 23.84' E	52	52° 55.38' N	00° 26.22' E
13	52° 52.99' N	00° 24.06' E	53	52° 55.48' N	00° 26.52' E
14	52° 53.08' N	00° 24.19' E	54	52° 55.60' N	00° 26.73' E
15	52° 53.24' N	00° 24.33' E	55	52° 55.76' N	00° 26.86' E
16	52° 53.30' N	00° 24.41' E	56	52° 55.83' N	00° 26.86' E
17	52° 53.35' N	00° 24.53' E	57	52° 55.95' N	00° 26.91' E
18	52° 53.41' N	00° 24.86' E	58	52° 56.04' N	00° 26.88' E
19	52° 53.42' N	00° 24.89' E	59	52° 56.09' N	00° 26.73' E
20	52° 53.47' N	00° 24.89' E	60	52° 56.09' N	00° 26.62' E
21	52° 53.62' N	00° 25.09' E	61	52° 56.03' N	00° 26.53' E
22	52° 53.68' N	00° 25.07' E	62	52° 55.89' N	00° 26.45' E
23	52° 53.78' N	00° 25.14' E	63	52° 55.82' N	00° 26.35' E
24	52° 53.82' N	00° 25.18' E	64	52° 55.78' N	00° 26.32' E
25	52° 53.83' N	00° 25.60' E	65	52° 55.73' N	00° 26.38' E
26	52° 53.85' N	00° 25.68' E	66	52° 55.71' N	00° 26.47' E
27	52° 53.88' N	00° 25.65' E	67	52° 55.66' N	00° 26.50' E
28	52° 53.92' N	00° 25.36' E	68	52° 55.61' N	00° 26.40' E
29	52° 53.96' N	00° 25.31' E	69	52° 55.58' N	00° 26.19' E
30	52° 54.27' N	00° 25.19' E	70	52° 55.58' N	00° 26.03' E
31	52° 54.35' N	00° 25.23' E	71	52° 55.53' N	00° 25.88' E
32	52° 54.36' N	00° 25.31' E	72	52° 55.53' N	00° 25.73' E
33	52° 54.30' N	00° 25.41' E	73	52° 55.56' N	00° 25.64' E
34	52° 54.31' N	00° 25.53' E	74	52° 55.90' N	00° 25.46' E
35	52° 54.38' N	00° 25.71' E	75	52° 55.93' N	00° 25.38' E
36	52° 54.42' N	00° 26.20' E	76	52° 55.94' N	00° 25.26' E
37	52° 54.45' N	00° 26.31' E	77	52° 56.01' N	00° 25.01' E
38	52° 54.48' N	00° 26.31' E	78	52° 56.11' N	00° 24.94' E
39	52° 54.53' N	00° 26.26' E	79	52° 56.35' N	00° 25.18' E
40	52° 54.52' N	00° 26.16' E	80	52° 56.53' N	00° 25.63' E

<b>ID</b>	<b>Latitude</b>	<b>Longitude</b>	<b>ID</b>	<b>Latitude</b>	<b>Longitude</b>
81	52° 56.46' N	00° 25.77' E	124	52° 55.10' N	00° 26.89' E
82	52° 56.25' N	00° 25.85' E	125	52° 54.92' N	00° 26.83' E
83	52° 55.95' N	00° 25.79' E	126	52° 54.76' N	00° 26.71' E
84	52° 55.90' N	00° 25.83' E	127	52° 54.71' N	00° 26.61' E
85	52° 55.92' N	00° 25.90' E	128	52° 54.65' N	00° 26.55' E
86	52° 56.02' N	00° 25.97' E	129	52° 54.43' N	00° 26.58' E
87	52° 56.21' N	00° 26.05' E	130	52° 54.36' N	00° 26.56' E
88	52° 56.39' N	00° 26.02' E	131	52° 54.26' N	00° 26.49' E
89	52° 56.51' N	00° 26.03' E	132	52° 54.17' N	00° 26.37' E
90	52° 56.79' N	00° 26.10' E	133	52° 54.11' N	00° 26.32' E
91	52° 57.10' N	00° 26.11' E	134	52° 54.04' N	00° 26.23' E
92	52° 57.14' N	00° 26.18' E	135	52° 53.99' N	00° 26.16' E
93	52° 57.04' N	00° 26.33' E	136	52° 53.97' N	00° 26.08' E
94	52° 56.77' N	00° 26.65' E	137	52° 53.95' N	00° 26.02' E
95	52° 56.40' N	00° 26.92' E	138	52° 53.93' N	00° 25.95' E
96	52° 56.33' N	00° 26.94' E	139	52° 53.91' N	00° 25.88' E
97	52° 56.30' N	00° 27.07' E	140	52° 53.76' N	00° 25.92' E
98	52° 56.33' N	00° 27.17' E	141	52° 53.67' N	00° 25.95' E
99	52° 56.28' N	00° 27.36' E	142	52° 53.53' N	00° 25.94' E
100	52° 56.29' N	00° 27.47' E	143	52° 53.44' N	00° 25.93' E
101	52° 56.44' N	00° 27.83' E	144	52° 53.20' N	00° 25.91' E
102	52° 56.49' N	00° 27.88' E	145	52° 53.07' N	00° 25.90' E
103	52° 56.56' N	00° 27.94' E	146	52° 52.87' N	00° 25.90' E
104	52° 56.71' N	00° 28.00' E	147	52° 52.73' N	00° 25.90' E
105	52° 56.77' N	00° 28.07' E	148	52° 52.61' N	00° 25.91' E
106	52° 56.76' N	00° 28.26' E	149	52° 52.54' N	00° 25.84' E
107	52° 56.67' N	00° 28.34' E	150	52° 52.33' N	00° 25.66' E
108	52° 56.49' N	00° 28.30' E	151	52° 52.20' N	00° 25.51' E
109	52° 56.41' N	00° 28.24' E	152	52° 52.02' N	00° 25.30' E
110	52° 56.24' N	00° 28.18' E	153	52° 51.91' N	00° 25.20' E
111	52° 56.08' N	00° 27.97' E	154	52° 51.83' N	00° 25.09' E
112	52° 56.03' N	00° 27.92' E	155	52° 51.75' N	00° 25.00' E
113	52° 55.83' N	00° 27.84' E	156	52° 51.67' N	00° 25.02' E
114	52° 55.75' N	00° 27.77' E	157	52° 51.60' N	00° 25.17' E
115	52° 55.68' N	00° 27.75' E	158	52° 51.59' N	00° 25.29' E
116	52° 55.86' N	00° 27.63' E	159	52° 51.61' N	00° 25.41' E
117	52° 55.95' N	00° 27.55' E	160	52° 51.64' N	00° 25.56' E
118	52° 56.01' N	00° 27.39' E	161	52° 51.64' N	00° 25.69' E
119	52° 55.95' N	00° 27.16' E	162	52° 51.62' N	00° 25.81' E
120	52° 55.69' N	00° 26.99' E			
121	52° 55.59' N	00° 26.90' E			
122	52° 55.44' N	00° 26.88' E			
123	52° 55.27' N	00° 26.82' E			

## Explanatory Note

(This note does not form part of the byelaw)

This byelaw is intended to enable Eastern IFCA to manage shellfish fisheries within areas of The Wash which are not contained within either the Wash Fishery Order 1992 (SI:1992/3038) or the le Strange Estate in a manner consistent with the well-established processes of the Wash Fishery Order 1992.

The byelaw prohibits the fishing for cockles, mussels, oysters, clams, scallops and queens without a permit. Fishing under the authority of a permit must be in accordance with any permit conditions and the restrictions set out schedule one of the byelaw. These include:

- Fishing gear requirements for use of bottom towed gear;
- Use of tenders;
- Sorting of catch;
- Daily catch restrictions for cockles and mussels;
- Seed movement;
- Weekly Catch returns;
- Transhipping of catch;
- Requirement to land catch;
- Dual fishing prohibitions;
- Use of standard bags; and
- Prop-washing.

These reflect measures which have been in place in relation to fishing under the Wash Fishery Order 1992.

The byelaw enables Eastern IFCA to do the following things:

- Restrict the number of permits issued;
- Suspend the issuing of permits;
- Open and close fisheries;
- Issue, vary or revoke flexible permit conditions;
- Issue, vary or revoke criteria on the eligibility of a person to a permit; and
- Issue, vary or revoke operating times of a fishery;
- Suspend permits in relation to instances of non-compliance.

Eastern IFCA will undertake actions in relation with the above in accordance with the process set out in Schedule Two of the byelaw and in accordance with the formal operating procedure agreed by the Authority.

This byelaw is intended to replace the Emergency Wash Byelaw 2018.