



**EASTERN INSHORE FISHERIES &
CONSERVATION AUTHORITY**

BYELAWS

Eastern Inshore Fisheries & Conservation Authority
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All Byelaws correct at 4th September 2019

EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY (EIFCA) DISTRICT

Limits of the District

The EIFCA district extends seawards six miles from the Haile Sand Fort off the Lincolnshire coast in the North to Felixstowe in Suffolk as well as on the land in the three counties of Lincolnshire, Norfolk and Suffolk. This includes the Wash embayment and river estuaries including the Stour and Orwell in Suffolk. The district encompasses every existing UK and EU form of Marine Protected Area (Site of Special Scientific Interest, Special Protected Area, Special Area of Conservation, Ramsar, European Marine site), in addition, the management of the Wash Fishery Order 1992 is conducted by the Authority.

The following Byelaws apply to the area to the south of the district from a line drawn true east from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in Lincolnshire.

Application and Exemptions Byelaw 2016

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

Interpretation

1. In this byelaw;
 - a. '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 (SI 2010 No 2189);
 - b. 'biosecurity management' means actions taken to remove or reduce the threat of adverse effects arising from invasive or non-native species, diseases, parasites or any pathogenic organisms and harmful biochemical substances to the environment or fisheries sustainability.

Application

2. All byelaws which are in force anywhere in the District are to apply throughout the District unless there is express provision to the contrary in a particular byelaw.
3. Authority byelaws do not apply to a person exercising:
 - a. any right of several fishery; or
 - b. any right on, to or over any portion of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent, or by prescription or immemorial usage;unless one of the conditions set out in paragraph 4 is fulfilled.
4. The conditions are:
 - a. the person who enjoys the right consents to the byelaw when it is made; or
 - b. the exercise of the right is in relation to any of the sites specified in section 158(6) of the Marine and Coastal Access Act 2009;
5. Paragraph 4 is subject to any express provision to the contrary in a particular byelaw.

Exemptions

6. Byelaws do not apply to a person performing an act which would otherwise constitute an offence against that byelaw if that act was carried out in accordance with a written permission issued by Eastern Inshore Fisheries and Conservation Authority permitting that act for scientific, stocking or breeding purposes or for reasons relating to biosecurity management.

Revocations

7. The byelaw with the title 'BYELAW 2. Application and saving for scientific purposes' made by the Eastern Sea Fisheries Joint Committee in exercise of powers under the Sea Fisheries Regulation Act 1966 (c.38) that was in force immediately before the making of this byelaw is revoked.
8. The byelaws with the following titles which were made by the North Eastern Sea Fisheries Committee in exercise of powers under the Sea Fisheries Regulation Act 1966 and which were in force immediately before the making of this byelaw are revoked such as they applied within the District:
 - a. BYELAW II. Application and saving for scientific purposes;
 - b. BYELAW IV. Seine net, draw net or 'Snurrevaad': prohibition of;
 - c. BYELAW V. Push net;
 - d. BYELAW VIII. Mussels: minimum size;
 - e. BYELAW X. Shellfish: re-deposit of;
 - f. BYELAW XI. Shellfish beds: regulations of;
 - g. BYELAW XIV. Removal of parts of lobsters from any fishery: prohibition of;
 - h. BYELAW XV. Application of byelaws;
 - i. BYELAW XIX. Parts of crab;
 - j. BYELAW XX. Prohibition on use of crab (*Cancer pagurus*) for bait;
 - k. BYELAW XXI. Protection of 'V' notched lobsters;
 - l. BYELAW XXII. Permit to fish for lobster, crab, velvet crab and whelk;
 - m. BYELAW XXIII. Method and area of fishing (dredges) byelaw;
 - n. BYELAW XXV. Prohibition on removal of tope or parts thereof;
 - o. BYELAW XXVIII. Crustacea conservation byelaw.

Explanatory Note

(This note does not form part of the Application and Exemptions Byelaw 2016)

Where an Eastern Inshore Fisheries and Conservation Authority (IFCA) byelaw does not specify its area(s) of application, this byelaw causes such byelaws to have effect throughout the Eastern Inshore Fisheries and Conservation (IFC) District.

This byelaw therefore extends the application of Eastern IFCA byelaws which were inherited from the Eastern Sea Fisheries Joint Committee to include the entire Eastern IFC District such that certain Eastern IFCA byelaws now apply in areas where they did not before. The area where byelaws now apply but previously did not lies between lines drawn from the following points and due East out to six nautical miles:

1. the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in Lincolnshire (Latitude 53° 28.22'N Longitude 0° 09.24'E); and
2. Haile Sand Fort in Lincolnshire (Latitude 53° 32.09'N Longitude 0° 01.82'E).

The positions above are satellite derived from WGS84 Datum.

Persons exercising certain rights to remove sea fisheries resources are not subject to Eastern IFCA byelaws unless the person exercising such a right had consented to the byelaw or the byelaw has effect in a marine protected area (including: special areas of conservation, special protection areas, marine conservation zones, sites of special scientific interest, national nature reserves and Ramsar sites). This does not apply where other Eastern IFCA byelaws make express provision to the contrary.

Eastern IFCA is able to grant exceptions to its byelaws for the purposes of scientific research, breeding or stocking purposes or biosecurity management (for example the removal of invasive non-native species).

This byelaw also revokes several byelaws which previously applied within the Eastern IFCA District.

BYELAW 1:- REVOCATION OF EXISTING BYELAWS

"All byelaws heretofore in force in the Eastern Sea Fisheries District are hereby revoked and the following byelaws are substituted therefore ; provided that nothing in such revocation shall affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any byelaws so revoked."

BYELAW 3:- MOLLUSCAN SHELLFISH METHODS OF FISHING

"No person shall fish for oysters, mussels, cockles, clams, scallops or queens except :

- (a) by hand ; or
- (b) with a hand rake ; or
- (c) within that part of the District contained within the boundaries of the Wash Fishery Order 1992, under the provisions of a licence issued under the said Order ; or
- (d) With an instrument or fishing gear under the authority of a certificate of approval issued by the Committee signed by their Clerk for the instrument or fishing gear.

A certificate of approval shall be available to all applicants who fulfil the conditions of this byelaw.

A certificate of approval will not be granted if the instrument or fishing gear results in more than 10% by weight of the target species being smashed.

A certificate of approval will not be granted if the Committee has been advised by scientists who appear to them to be suitably qualified that the use of the instrument or fishing gear would result in unacceptable damage to associated flora and fauna in the benthic community.

The certificate of approval will be valid until 31 December following.

Approval will take account of the performance and assessment during inspection of the instrument or fishing gear whilst in operation, or that of a similar design, during the preceding 12 months. New instruments or fishing gear may be given a provisional certificate of approval for a period of one month in order to permit assessment.

BYELAW 4:- MUSSELS (*Mytilus edulis*) - MINIMUM SIZES

"No person shall remove from any fishery, or from one part of a fishery to another part thereof, any mussel (*Mytilus edulis*) less than 50 mm in length but shall return such shellfish to the sea immediately, except that this byelaw shall not apply within that part of the District contained within the boundaries of the Wash Fishery Order 1992, where the minimum sizes shall be determined by regulations made under the said Order."

BYELAW 5:- PROHIBITION ON USE OF EDIBLE CRAB (*Cancer pagurus*) FOR BAIT

"No person shall use any edible crab (*Cancer pagurus*) for bait. Section 17 (2) of the Sea Fisheries (Shellfish) Act 1967, which affords a defence to a person charged with an offence under Section 17 (1) of that Act, shall not apply within the District."

BYELAW 6:- BERRIED (egg-bearing) OR SOFT SHELLED CRAB (*Cancer pagurus*) OR LOBSTER (*Homarus gammarus*)

"No person shall remove from any fishery any edible crab (*Cancer pagurus*) or lobster (*Homarus gammarus*) which is soft-shelled or berried (egg-bearing) but shall return such shellfish to the sea immediately."

BYELAW 7:- PARTS OF SHELLFISH

"No person shall remove from any fishery any edible crab (*Cancer pagurus*) or part thereof, or velvet crab (*Necora puber*) or part thereof, or lobster (*Homarus gammarus*) or part thereof, which cannot be measured to ensure compliance with the Undersized Crabs Order 1986, the Undersized Velvet Crabs Order 1989, or the Undersized Lobsters Order 1993 or any Statutory Instrument whereby the same may be superseded but shall return such shellfish to the sea immediately.

BYELAW 8:- TEMPORARY CLOSURE OF SHELLFISH FISHERIES

(a) "The Committee may, for the purpose of protection of the fishery, fishery management and controlling the level of exploitation, and after consultation with persons or bodies appearing to them to represent local fisheries interests, close for a specifiable period any shellfish fishery, or part thereof, provided the Committee has been advised by fishery scientists who appear to them to be suitably qualified, as to the need for such action.

(b) No person shall, without the consent of the Committee, under the written authority in that behalf signed by their Clerk, remove, take or disturb any shellfish from any fishery, or part thereof, which, in the opinion of the Committee is severely depleted, contains mainly immature or transplanted shellfish, or which is closed to fishing for management of the fishery purposes, so that it ought not to be disturbed for the time being.

(c) Where the Committee is of such opinion and it is practicable to do so, the Committee shall cause notices to be displayed in the vicinity of the shellfish fishery, or part thereof clearly defining the area in which shellfish shall not be removed or disturbed without the consent of the Committee, and where the display of such notices is not practicable, notice shall be given by publishing the same in a newspaper circulating in the district in which the shellfish fishery is situated."

BYELAW 9:- RE-DEPOSITING OF SHELLFISH

"Any person who takes any shellfish, the removal of which from a fishery is prohibited by any of the byelaws, or the possession or sale of which is prohibited by, or in pursuance of, any Act of Parliament or Statutory Instrument, shall return such shellfish to the sea immediately, as nearly as possible in the place from which they were taken, or in the case of molluscan shellfish if this is physically not possible as directed by the Committee in any other designated area. In re-depositing such molluscan shellfish in accordance with the byelaws they shall spread thinly and evenly upon the beds the riddings, sortings and siftings arising from the use of a riddle or other like instrument."

BYELAW 10:- WHITEFOOTED EDIBLE CRAB (*Cancer pagurus*)

"Between the 1st day of November and the 30th day of June following (both days inclusive) no person shall remove from a fishery any edible crab (*Cancer pagurus*) of the kind known as 'whitefooted' crab.

BYELAW 11:- DEVELOPMENT OF SHELLFISH FISHERIES

"No person shall use any vessel in fishing for shellfish unless, if the Committee so require, the skipper, owner or charterer has undertaken to provide and does provide to the Committee for the purpose of development of the fisheries, a record for any specified daily period of actual catch taken, area fished, fishing effort (time and method) and any other information required by the Committee to effectively manage and develop the potential of the fisheries.

BYELAW 12:- INSHORE TRAWLING RESTRICTION

"No person shall in fishing for seafood in that part of the District which lies within three nautical miles from the 1983 baselines use any kind of trawl net provided that this byelaw shall not apply to the use by any person of a trawl net in the following circumstances;

(a) in connection with a vessel whose overall length does not exceed 15.24 metres in the area between a line drawn True East from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in the County of Lincolnshire (Latitude 53°28.22'N, Longitude 0°09.24'E) being the northern extremity of the District to a line drawn True North from Blakeney Church in the County of Norfolk (Latitude 52°57.05'N, Longitude 01°01.60'E) or,

(b) in connection with a vessel whose overall length does not exceed 15.24 metres in the area between a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52°52.50'N Longitude 01°26.15'E) to the northern edge of the causeway (Latitude 51°55.76'N Longitude 01°16.90'E) situated opposite Lower Marine Parade at Dovercourt in the County of Essex to where it intersects the line of mean low water and thence drawn seaward on a bearing 100° True, being the southern extremity of the District.

Provided that this byelaw shall not apply to persons using vessels exceeding 15.24 metres in overall length who were engaged in fishing with a trawl net within three nautical miles from the 1983 baselines in the area between a line True East from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in the County of Lincolnshire (Latitude 53°28.22'N, Longitude 0°09.24'E) being the northern extremity of the District and a line drawn True North from Blakeney Church in the County of Norfolk (Latitude 52°57.05'N, Longitude 01°01.60'E) on a regular basis prior to the advertisement of this byelaw who may continue to fish by the said method in the said area between Donna Nook and Blakeney Church as mentioned above until such time as the particular vessel so derogated changes ownership or ceases to fish.

Provided also that this byelaw shall not apply to persons using vessels exceeding 15.24 metres in overall length who were engaged in fishing with a trawl net in the area between a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52° 52.50'N, Longitude 01°26.15'E) and a line drawn True East from Covehithe Church in the County of Suffolk (Latitude 52° 22.60'N, Longitude 01° 42.40'E) previously derogated which may continue to fish by the said method in the said area between Mundesley Church and Covehithe Church as mentioned above until such time as the particular vessel previously so derogated changes ownership or ceases to fish.

For the purposes of this byelaw, "the 1983 baselines" means the baselines as they existed at 25 January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIIp.6452A, amended by 1979 IIp.2866).

For the purposes of this byelaw, the overall length of a vessel shall be the overall length as determined by the Registrar General of Shipping and Seamen and shown on the Certificate of Registry of a British Fishing Vessel.

BYELAW 13:- FIXED ENGINES; AUTHORISATION OF PLACING AND USE

"The placing and use of fixed engines for taking sea fisheries resources is prohibited in any waters inland of the Eastern Sea Fisheries Joint Committee's district.
For the purposes of this byelaw 'fixed engine' means any net or other implement for taking or facilitating the taking of fish secured by anchors, fixed to the soil or made stationary in any other way or any net placed in tidal waters and left unattended.
This byelaw does not prejudicially affect the historic rights of several fishery described in Section 6(a) of the Sea Fisheries Regulation Act 1966.."

BYELAW 14:- PROHIBITION ON THE REMOVAL OF TOPE OR PART(S) THEREOF

"No person shall remove from a fishery any tope of the species (*Galeorhinus galeus*) or part(s) thereof which is detached from the body.

Any tope, if caught, shall be returned immediately to the sea in a position as near to that part of the sea from which it was taken.

BYELAW 15:- Towed Gear Restriction for Bivalve Molluscs

1. No person shall in fishing for bivalve molluscs in the Committee's District use any kind of towed fishing gear.
2. This byelaw shall not apply to any person:
 - (a) using a vessel within the boundaries of the Wash Fishery Order 1992 or,
 - (b) using a vessel, the overall length of which does not exceed 14 metres in the areas defined under paragraphs 3a, 3b & 3c below or,
 - (c) using a vessel that has been issued with a derogation by the Committee.

The Committee shall issue a derogation to a vessel for one or more of the areas defined under paragraphs 3a, 3b & 3c below, where evidence can be provided by the owners of having fished in these areas prior to 1st January 2008. Applications for derogations can be made to the Joint Committee in writing and must be received no later than 6 months after the date of confirmation of this byelaw. Supporting evidence must be provided at the time of application.

Any vessel issued a derogation under paragraph 2(c) above may continue to fish until such time as the vessel changes ownership or ceases to fish.

- 3 The areas to which the byelaw applies are as follows:
 - (a) between a line drawn True East from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in the County of Lincolnshire (Latitude 53° 28'.22N, Longitude 000° 09'.24E) being the northern extremity of the District to a line drawn True North from Blakeney Church in the County of Norfolk (Latitude 52° 57'.05N Longitude 001° 01'.60E) which lies outside the boundaries of the Wash Fishery Order 1992.
 - (b) between a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52° 52'.50N Longitude 001° 26'.15E) to the northern edge of the causeway (Latitude 51° 55'.76N Longitude 001° 16'.90E) situated opposite Lower Marine Parade at Dovercourt in the County of Essex to where it intersects the line of mean low water and thence drawn seaward on a bearing 100° True, being the southern extremity of the District.

- (c) between a line drawn True North from Blakeney Church in the County of Norfolk (Latitude 52° 57'.05N Longitude 001° 01'.60E) to a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52° 52'.50N Longitude 001° 26'.15E) which lies beyond three nautical miles from the 1983 baselines.

4. For the purpose of this byelaw:

- (a) "the 1983 baselines" means the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIIp.6452A, amended by 1979Iip.2866)
- (b) ownership of the vessel will be determined by the records of ownership maintained by the Registry of Shipping and Seaman and shown on the Certificate of Registry of a British Fishing Vessel.
- (c) the overall length of the vessel shall be the overall length as determined by the Registry of Shipping and Seaman and shown on the Certificate of Registry of a British Fishing Vessel.
- (d) the boundaries of the Wash Fishery Order 1992 are those parts of the Wash in the Counties of Norfolk and Lincolnshire which lies below the line of mean high water and are shown coloured pink on the definitive map of the Order.

5. This byelaw does not prejudicially affect the historic rights of several fishery described in Section 6(a) of the Sea Fisheries Regulation Act 1966.

Whelk Permit Byelaw 2016

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. 'Category One Permit' means a permit granted for fishing for whelks for commercial purposes as set out in paragraph 9(a) of this byelaw;
- c. 'Category Two Permit' means a permit granted for fishing for whelks for recreational purposes as set out in paragraph 9(b) of this byelaw;
- d. '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;
- e. '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; catching, taking or removing sea fisheries resources and 'fish' is to be construed accordingly;
- f. 'fishing for commercial purposes' means fishing for sea fisheries resources that will be sold;
- g. 'fishing for recreational purposes' means fishing for sea fisheries resources for pleasure or personal consumption;

- 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. 'named representative' means a person qualified to skipper a vessel who has been granted permission to fish from a vessel by the owner of that vessel, and has been nominated by the owner of a vessel for the purposes of paragraph 13;
- j. 'owner' means the person named as the owner of a vessel in 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 in the Channel Islands or Isle of Man;
- k. 'flexible permit conditions' means any of the conditions determined by the Authority as provided in paragraph 21 in accordance with the process set out in Schedule 1;
- 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. '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 of being used as a means of transportation on water;
- n. 'whelk' means a marine gastropod of the species *Buccinum undatum*;
- o. 'whelk permit' means a Category One Permit or a Category Two Permit;
- p. 'whelk permit tag' means a tag issued by the Authority which is to be affixed to whelk fishing gear;
- q. 'whelk pot' means a pot or trap set for the purpose of catching whelks.

Prohibitions

2. A person must not fish for whelks or land whelks caught within the District unless that person is:
 - a. the holder of a whelk permit; or
 - b. a named representative, nominated by the holder of a whelk permit;

and must undertake fishing or related activities in accordance with any flexible permit conditions issued by the Authority.
3. A person must not retain on board, tranship, land, transport, store, sell or display or offer for sale whelks caught from within the District which are smaller than the minimum length specified within the flexible permit conditions as measured in accordance with Schedule 2 but must return such immediately to the sea.

4. A person must not fish for whelks under the authority of a permit from a vessel other than the vessel named on that 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 use fishing gear other than a whelk pot in fishing for whelk.
6. A person must not set whelk pots unless the whelk pots are marked with valid whelk permit tags provided by the Authority and unless each string of whelk pots is marked as follows:
 - a. buoys which are of sufficient size and shape to be clearly visible must be present at each end of a string of pots;
 - b. buoys must be marked with the number of the whelk permit under which the string of pots are used in such a way that it is clearly visible;
 - c. where the whelk permit under which the whelk tags were issued names a registered fishing vessel, buoys must be marked with the port letters and number of that vessel;
 - d. buoys must be set so as to remain fully afloat and clearly visible at all times.

Catch returns

7. The holder of a whelk permit must submit to the Authority, no later than the 10th day of each month, such information relating to the previous month as is required by the Authority on forms which will be provided by the Authority.
8. The information referred to in paragraph 7 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.

Permits

9. The Authority may:
 - a. issue a Category One Permit to the owner of a registered fishing vessel, or to a person fishing for commercial purposes other than from a vessel;
 - b. issue a Category Two Permit to the owner of a vessel which is not a registered fishing vessel, or to a person fishing for recreational purposes other than from a vessel.
10. Only one whelk permit may be issued in respect of each vessel, which will be named on the whelk permit, and any change in ownership of a vessel cancels that permit.
11. Only one whelk permit may be issued to each person without a vessel.

12. Whelk permits are not transferable.

13. Application for a whelk 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 1st of April.

15. The Authority may restrict the number of whelk permits issued and may set criteria to restrict eligibility for a whelk permit in accordance with the procedure set out in Schedule 1.

Whelk permit fees

16. A fee will be charged for each whelk permit which must be paid prior to the issuing of a whelk permit.

17. The fee for a Category One Permit is:

- a. £50 for a whelk permit for 100 whelk pots or fewer; or
- b. £0.50 per pot for a whelk permit for more than 100 pots.

18. The fee for a Category Two Permit is £5 per pot.

Flexible permit conditions

19. The Authority may attach to permits flexible conditions which fall within one or more of the categories listed in paragraph 20.

20. The categories referred to in paragraph 19 are:

- a) minimum length;
- b) catch restrictions;
- c) fishing gear restrictions;
- d) fishing effort restrictions;
- e) spatial restrictions;
- f) time restrictions.

21. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in the Schedule 1.

Whelk permit tags

22. Whelk permit tags will be issued with an associated whelk permit will only be valid for the period that the whelk permit is valid and for fishing in relation to that permit.

23. Whelk permit tags are not transferrable and must be surrendered to the Authority immediately if no longer required by the person to whom they are issued.

24. Lost whelk permit tags must be reported to the Authority within 21 days of the loss.

25. Whelk permit tags which are reported as lost are no longer valid.

26. The holder of a whelk permit may apply for replacement whelk permit tags for whelk permit tags that have been lost.

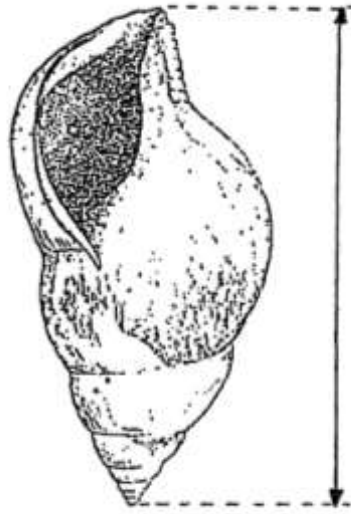
27. Claims for replacement of less than 20% of whelk permit tags issued to the holder of a Category One Permit, or for any whelk permit tags issued to the holder of a Category Two Permit, will be considered by the Chief Executive Officer of the Authority or a nominated deputy.
28. Claims for replacement of more than 20% of whelk permit tags issued to the holder of a Category One Permit will be considered by either the Chairman or the Vice Chairman of the Authority and either the Chief Executive Officer or a nominated deputy.
29. An appeal may be made to the Authority if an applicant feels that their claim has not been properly dealt with.
30. The replacement of whelk permit tags will be at a cost of £0.30 per whelk permit tag.

Schedule 1
Procedure

1. The procedure for restricting the number of whelk permits issued in any year and setting criteria to restrict the eligibility for a whelk permit as referred to in paragraph 15, or issuing, varying or revoking flexible permit conditions as referred to in paragraph 21 (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 any restriction of the issuing of whelk permits or the issuing, varying or revoking flexible permit conditions;
 - 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 whelk permits no less frequently than every four years after the date that a flexible permit condition or restriction on the issuing of whelk permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of whelk 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 whelk permit holders will be notified in writing.

Schedule 2
Measurement of the length of a whelk

1. The length of a whelk will be measured as shown below.



2. The length of a whelk is determined as above regardless of any damage which would reduce its length.

Explanatory Note

(This note does not form part of the byelaw)

This byelaw requires people who fish for whelks within the District to obtain a whelk permit. They are also required to fish in accordance with any flexible permit conditions issued by the Authority.

The byelaw requires that only whelk pots may be used for targeting whelk and requires pots to be tagged with tags provided by the Authority. Gear must also be marked with buoys which are visible at all times and have the vessel's port letters and numbers and whelk permit number also clearly visible.

A fee is payable to the Authority for the issuing of a whelk permit. The minimum charge is set at £50 for a Category One Permit (commercial fishing) and £0.50 per pot for more than 100 pots. The charge for a Category Two Permit (recreational) is £5 per pot.

If pots and tags are lost, permit holders may apply for replacements. A charge of £0.30 per replacement tag is payable to the Authority. If a Category One Permit holder wishes to replace in excess of 20% of their tags the Chairman or Vice Chairman and the CEO or a nominated deputy will consider whether to replace the tags.

The number of whelk 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 whelk permit.

This byelaw also allows the Authority to implement 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.

To implement any restrictions on the issuing of permits or introduce, vary or revoke permit conditions the Authority will carry out a consultation with potentially affected stakeholders and produce an Impact Assessment which will be considered by the Authority.

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

The Wash Emergency Byelaw 2018

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156 and 157 of the Marine and Coastal Access Act 2009 makes the following emergency 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. '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;
- c. '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;
- d. '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;
- e. 'prescribed species' means any of the species specified in the Wash Fishery Order 1992 (SI 1992/3038);
- f. '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);
- g. 'regulated fishery' means the fishery managed by the Authority under the provisions of the Wash Fishery Order 1992 (SI 1992/3038);
- h. '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);
- i. 'the Wash Restricted Area' means the 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 27th 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.
- j. 'total allowable catch' means the quantity of cockles that can be fished determined by annual surveys and the Management Polices for the regulated fishery.
- k. '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;
- l. 'Wash Restricted Area Permit' means a permit issued under paragraph 5 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. The Regulations made under Article 7 of the Wash Fishery Order 1992 apply within the Wash restricted area and to persons fishing under the Authority of a Wash Restricted Area Permit.
- 4. Failure to comply with the Regulations made under Article 7 of the Wash Fishery Order 1992 so far as they apply within the Wash Restricted Area is an offence against this byelaw.

Permits

- 5. The Authority may issue a Wash Restricted Area Permit to the owner of a registered fishing vessel.
- 6. A vessel may be named on a maximum of one Wash Restricted Area Permit.

7. 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.
8. Wash Restricted Area Permits will be valid for 12 months from the date of issue.
9. Wash Restricted Area Permits are not transferrable between persons or vessels.
10. 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.
11. 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 1.
12. The Authority may suspend the issuing of Wash Restricted Area Permits for a period or for periods of time not exceeding until the following 1st 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.
13. 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.

Opening and Closing the Fishery

14. The Authority may open the fishery in conjunction with the regulated fishery following annual stock surveys to establish the Total Allowable Catch and having ascertained the fishery would not result in an adverse effect in relation to any of The Wash Marine Protected Areas.
15. The Authority may 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.
16. The Authority may close the fishery if the annual Total Allowable Catch has been expended.

Flexible permit conditions

17. The Authority may attach to permits flexible conditions which fall within one or more of the categories listed in paragraph 18. Such conditions will mirror the annual licence conditions for licences issued under the Wash Fishery Order 1992 for the regulated fishery.
18. The categories referred to in paragraph 17 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.

19. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 1.

20. Failure to comply with a flexible permit condition is an offence against this byelaw.

Coming into force and duration

21. The byelaw comes into force on the 27th July 2018 and remains in force, unless revoked or extended, until the 26th July 2019.

Extension of Wash Emergency Byelaw 2018

Eastern IFCA implemented an emergency byelaw, the Wash Emergency Byelaw 2018, on the 27th July 2018. Emergency byelaws expire after 12 months unless extended by the Secretary of State.

*The Secretary for State has approved the **extension of the emergency byelaw until the 27th January 2020.***

Fish, Mollusc And Crustacea Minimum Size Emergency Byelaw 2019

The Authority for the Eastern Inshore Fisheries and Conservation District, in exercise of the power conferred by section 157 of the Marine and Coastal Access Act 2009 makes the following byelaw for that 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 (S.I. 2010 No. 2189);
- b) "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 (S.I. 2010 No. 2189);
- c) "Live bait" means fish that are:
 - i) used only as a hook bait for the capture of other fish; and
 - ii) retained within a receptacle; and
 - iii) released alive into the fishery when no longer required; and
 - iv) not landed or removed from the fishery;
- d) "North Eastern Inshore Fisheries and Conservation District" means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193).

Catch Prohibitions and Restrictions

- 2) This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
- 3) Subject to paragraphs 5, 6 and 10, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 9 that measure less than the sizes specified but shall return them immediately to the sea.
- 4) No person shall, retain on board, tranship, land, transport, store, sell, display or offer for sale, any whelk (*Buccinum undatum*) which were caught from outside of the district which measure less than 45mm.
- 5) Paragraph 3 shall not apply to: sardine, anchovy, herring, horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transhipment, landing, transportation, storage, display or sale.
- 6) Paragraph 3 shall not apply in relation to edible crab (*Cancer pagarus*):
 - a) which were caught from within the district unless they measure less than 115mm or;
 - b) which were caught from outside of the district unless:
 - i) they were caught outside of the North Eastern Inshore Fisheries and Conservation district and:
 - ii) they measure less than 130mm.
- 7) The marine organisms specified in paragraph 9 shall be measured in accordance with Schedule 1.
- 8) Named crustaceans and named molluscs for which a size is specified in paragraph 9 may only be retained on board whole and may only be landed whole with the exception of the Norway Lobster.
- 9) Species and specified minimum sizes
 - (a) Named Fish Species

| | |
|---|-------|
| Bass (<i>Dicentrarchus labrax</i>) | 42 cm |
| Cod (<i>Gadus morhua</i>) | 35 cm |
| Sole (<i>Solea spp.</i>) | 24 cm |
| Hake (<i>Merluccius merluccius</i>) | 27 cm |
| Haddock (<i>Melanogrammus aeglefinus</i>) | 30 cm |
| Herring (<i>Clupea harengus</i>) | 20 cm |
| Horse Mackerel (<i>Trachurus trachurus</i>) | 15 cm |
| Ling (<i>Molva molva</i>) | 63 cm |
| Megrim (<i>Lepidorhombus spp.</i>) | 20 cm |
| Mackerel (<i>Scomber scomber</i>) | 30 cm |
| Plaice (<i>Pleuronectes platessa</i>) | 27 cm |

| | |
|--|-----------|
| Pollack (<i>Pollachius pollachius</i>) | 30 cm |
| Saithe (<i>Pollachus virens</i>) | 35 cm |
| Whiting (<i>Merlangius merlangus</i>) | 27 cm |
| (b) Named Mollusc Species | |
| Queen scallop (<i>Chlamys spp.</i>) | 40 mm |
| Scallop (<i>Pecten maximus</i>) | 100 mm |
| Octopus (<i>Octopus vulgaris</i>) | 750 grams |

| | |
|---|------------------------|
| (c) Named Crustacea Species | |
| Edible Crabs (<i>Cancer pagurus</i>) | 140 mm |
| European Lobster (<i>Homarus gammarus</i>) | 87 mm |
| Spider Crab (<i>Maja squinado</i>) | |
| Male | 130 mm |
| Female | 120 mm |
| Velvet swimming Crab (<i>Necora puber</i>) | 65 mm |
| Crawfish (<i>Palinurus spp.</i>) | 95mm (carapace length) |
| Norway Lobster (<i>Nephrops norvegicus</i>) | |
| Total length | 85mm |
| Carapace length | 25mm |
| Tail length | 46mm |

10)The following named species below the minimum sizes specified in paragraph 9 may be used as 'live bait'

- (a) Horse Mackerel (*Trachurus trachurus*)
- (b) Mackerel (*Scomber scomber*)

I hereby certify that FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019 was made under section 157 of the Marine and Coastal Access Act (c.23) by the Chief Executive Officer, in consultation with the Chair and Vice Chair of the Eastern Inshore Fisheries and Conservation Authority in accordance with the scheme of delegations under the Constitution and Standing Orders for the Authority, on the 13th August 2019. The said byelaw comes into force on the 13th August 2019

The following Byelaws apply to the area to the north of the district between Haile Sand Fort and a line drawn true east from the control tower at the Royal Air Force Gunnery and bombing Range at Donna nook in Lincolnshire. (These byelaws were adopted from those previously in place throughout North Eastern Sea Fisheries Committee).

III. TRAWLING: PROHIBITION: EXCEPTIONS

This Byelaw applies to that part of the District within a line drawn on the seaward side of the baselines 6 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured. For the purpose of this paragraph "the baselines" mean the baselines as they existed at 25th January, 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 111p.6452A) as amended by the Territorial Waters (Amendment) Order in Council 1979 (1979 11p.2866).

1. Subject to the provisions of this Byelaw trawling is prohibited within the Area of the North Eastern Sea Fisheries District.
2. Provided that a Permit issued by the Committee and signed by the Clerk, has first been obtained, the foregoing paragraph shall not apply in relation to the specified area if:
 - 2.1 The overall length of the vessel from which trawling is carried out does not exceed 18.3 metres
 - 2.2 The engine power of the vessel does not exceed 400 KW (536 HP)
 - 2.3 The trawl net is raised and cleared at least once in every three hours during which trawling is carried out.

For the purposes of this Byelaw the overall length of a vessel and the engine power shall be those as recorded on the vessels Certificate of Registry as issued by the Registrar of Shipping and Seamen.

3. In that part of the District between 3 and 6 nautical miles from the baselines vessels exceeding 18.3 metres and 400 KW may be used providing such vessels are on a 'sunset list' maintained by the Committee. Vessels on the 'sunset list' shall not exceed 28 metres (overall length) and shall possess a track record of fishing within the said District for a minimum of 30 days in any three month period in the period of two years prior to the date of making the Byelaw. Vessels may apply to be placed on the 'sunset list' up to six months from the date of the Byelaw coming into force. Such vessels will remain in the 'sunset list' for so long as there is no change of ownership affecting the major shareholding in the vessel concerned. In this context 'major shareholding' means the largest allocation of shares in the vessel.
4. In this Byelaw 'the specified area' means the area comprised within the following imaginary lines, that is to say:
 - 4.1 Between 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 and a line drawn true East from the control tower at RAF Air Gunnery and Bombing range at Donna Nook, BUT NOT INCLUDING THE FOLLOWING AREAS:
 - 4.2 Any part of the Tees Estuary which lies above a line drawn from the seaward extremity of North Gare Breakwater to the seaward extremity of South Gare Breakwater.
 - 4.3 Between a line drawn true North from the seaward extremity of the Western Breakwater at Staithes (Lat. 54° 33.81'N. Long 000° 47.35'W) out to the three mile limit and a line drawn true North East from Sandsend Ness (Lat 54° 30.76'N. Long 000° 40.40'W) out to the three mile limit.
 - 4.4 Between a line drawn true North East from the end of Filey Brigg (Lat 54° 12.91'N. Long 000° 15.25'W) out to the three mile limit and a line drawn true East by South-half-South from the extreme South end of Filey sea wall (Lat. 54° 12.41'N. Long 000° 17.10'W) intersected by a line drawn True North East from the coastguard station at Speeton (Lat. 54° 09.37'N. Long 000° 14.48'W), out to the three mile limit.
 - 4.5 Between a line drawn true East from Witter Hole (Lat. 53° 58.46'N. Long 000° 11.77'W) out to the three mile limit and a line drawn true East from Spurn Head Lighthouse (Lat. 53° 34.49'N. Long 000° 06.65'E) out to the three mile limit.

For the purposes of this Byelaw the three mile limit is defined as a line drawn on the seaward side of the baselines 3 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured. For the purpose of this paragraph

“the baselines” mean the baselines as they existed at 25th January, 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 11p.6452A) as amended by the Territorial Waters (Amendment) Order in Council 1979 (1979 11p.2866).
ALL POSITIONS RELEVANT TO THIS BYELAW ARE SATELLITE DERIVED FROM WGS84 DATUM.

XII. SHRIMP AND PRAWN FISHING

Every person using any net in fishing for shrimps or prawns shall raise and clear such net not less than once in every hour.

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 | 1 st January to 31 st December Inclusive | Crab, Lobster and Whelk Pots | Used only for taking crab, lobsters, whelks and other shellfish species |
| The District | 1 st January to 31 st December Inclusive | A longline | Used only for taking sea fish. |
| The District (excluding Area A) | 1 st January to 31 st 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) | 1 st April to 31 st August Inclusive | A net for taking Sole (<i>Solea solea</i>) 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) | 1 st November to 25 th 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) | 1 st November to 25 th March inclusive | A net for taking cod (<i>Gadus morhua</i>) 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) | 26 th March to 31 st 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 | 15 th October to 30 th April Inclusive | A net for taking sea bass (<i>Dicentrarchus labrax</i>) 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.

XXIV. HUMBER ESTUARY COCKLE FISHERY BYELAW

1. This Byelaw applies to that part of the District within the River Humber upstream of a straight line drawn between Spurn Head Lighthouse (position Lat. 53° 34.49'N. Long 000° 06.65'E) and RAF Donna Nook Control Tower (the control Tower at RAF Air Gunnery and Bombing Range at Donna Nook), (position Lat. 53° 28.50'N. Long 000° 09.22'E).
- 1.1 Subject to the provisions of this Byelaw no person shall take, remove or disturb any cockle unless that person holds a current permit issued by the Committee. Permits will be provided to any person upon demand provided that:
- 1.2 The prescribed application form has been accurately completed and received (the proof of which shall be upon the applicant).
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, or outstanding information required by section 4 of this Byelaw.
4. Any person fishing for cockles and being the holder of a permit shall, by no later than the 5th day of each month, make a full and true return in a form specified by the Committee, of the date upon which and the location from which any cockles were taken in the previous month, together with quantities (in kilograms) of all such cockles taken, or if appropriate, a statement that the person had taken no such cockles.
5. Any person who takes or removes from the fishery, less than five kilograms of cockles per day, shall not require a permit.
6. No person shall remove from the fishery any cockle between the 1st of May and the 31st August inclusive.
7. No person shall use for the purpose of taking cockles any instrument other than a rake or other like instrument with a head width not exceeding 305 mm and having spaces of not less than 20 mm between the teeth.
8. No person shall remove from the fishery any cockle which will pass through a gauge having a square aperture of 20 mm measured over each side of the square, except in accordance with the prior written authority of the Clerk.
9. No person shall remove more than 500 kilograms of cockles in any twenty- four hour period, except in accordance with the prior written authority of the Clerk.
10. If, after consultation with the permit holders, the Committee considers it desirable or necessary for the purposes of:
 - (1) Ensuring recovery of depleted stocks, and/or
 - (2) Ensuring the protection and development of mainly immature or undersized or transplanted cockles, and/or
 - (3) Protection of the fishery, fishery management and control of exploitation, and/or
 - (4) Environmental protection and conservationIt shall close for a specified period any cockle bed or part of a bed.

- 10.1 No person shall, without the prior written authority of the Clerk of the Committee fish for, remove, take or disturb any cockle from a bed or part of a bed that has been closed under this byelaw.
- 10.2 Where any bed or part of a bed is closed under this Byelaw, the Committee will, where it is practicable to do so, cause notices to be displayed in the vicinity of a bed or part thereof clearly defining the area in which the cockles shall not be removed, taken or disturbed without the prior consent of the Committee. In addition, notice will be given by publishing the same in a newspaper circulating in the District in which the cockle bed is situated.

ALL POSITIONS RELEVANT TO THIS BYELAW ARE SATELLITE DERIVED FROM WGS84 DATUM.

NB For copies of the full text of any of Eastern Sea Fisheries Joint Committee's Byelaws please contact the office.

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