

Wash Cockle and Mussel Permit Byelaw 2021 – informal consultation



Eastern IFCA is seeking to make a byelaw to replace the Wash Fishery Order 1992 to manage cockle and mussel fisheries in The Wash.

Why are we making a byelaw?



The Wash Fishery Order 1992 is the regulation used to manage cockle and mussel fisheries in The Wash and **expires in January of 2023**

These fisheries require continued management to ensure that they are both **sustainable** and **viable** and do not adversely impact the **Marine Protected Areas** of The Wash.

The Authority decided to use a **byelaw as the best method** to replace the Order because:

- It is capable of managing fisheries in a **similar way as a Regulating Order**
- It will enable the Authority to be more **responsive** in managing the fisheries over time
- It will provide a **flexible** management tool that will sustain in the long-term

What will the byelaw do?

The byelaw will be the **regulation for managing** the cockle and mussel fisheries in The Wash.

It will set out how the Authority can introduce, vary and revoke management measures and eligibility criteria for permits to fish. It will also carry over some management from the Wash Fishery Order including regulations and permit fees.

The byelaw will allow a **flexible approach** to management whilst ensuring due process that will require dialogue with industry before changes can be made to ensure that relevant interests are considered. Legal advice has indicated that you will be better represented though a permit Byelaw compared to an Order.

It will not set out who can have permits – this will be determined through policy and eligibility criteria which are the subject of a separate consultation.

The key provisions of the byelaw are set out overleaf.

Consultation description



We are asking for review and comments on our proposals so that they can be taken into account by the Authority when considering the byelaw.

This consultation closes at noon on the 23rd February 2021

Please provide written responses to: mail@eastern-ifca.gov.uk; or Eastern IFCA, Unit 6 North Lynn Business Village, King's Lynn, PE30 2JG



If the byelaw is made, there will be a **formal consultation** for fishery stakeholders after the March Authority meeting.

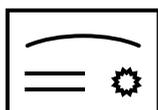
Summary of the Wash Cockle and Mussel Permit Byelaw 2021

Intention of the byelaw

The intention of the byelaw is to replace the Wash Fishery Order 1992 with a tool that will allow management of cockle and mussel fisheries in a similar manner as under the Order.

The Byelaw **will not set out who permits will be issued to, or how many permits will be issued.** This will be **determined through consultation** with industry and implemented under authority of the byelaw.

A permit will be required to fish for cockles or mussels in the Wash.



- Only permit holders or nominated representatives may fish under a permit;
- If a vessel is used, it must be named on a permit;
- Permits are valid for 12 months;
- You are ineligible to be named on, or fish from a permit for 12 months if you have accepted a FAP or been convicted of an offence under the byelaw.

This will mean only people who are named on a permit may fish within the fishery. Permits will be valid for the same amount of time as licences under the Wash Fishery Order.

The main differences with the Wash Fishery Order are:

- There is no 'entitlement' to further permits set out in the byelaw – this will be determined through eligibility criteria and policies, which are being developed in consultation with industry; and
- Under the Order, two offences in two years removed an entitlement to further licences. Under the Byelaw a single offence prevents fishing for 12 months.

Permits which may be issued

- Hand-work cockle permit;
- Hand-work mussel permit;
- Dredge mussel permit;
- A Category One or Two permit will be available for each fishery – different rules will apply for the different categories of permit

Category One Permit – main permit to fish in a cockle or mussel fishery

Category Two Permit – another form of permit available to be used in innovative ways. For example, to allow temporary access to a fishery to better suit different scales of fishing activity.

This will allow the Authority to issue permits for the main fisheries in The Wash (cockles and mussels). The main difference with the Order is that permits are limited to cockles and mussels. Other permits for any new or emerging fisheries may be issued under a separate byelaw.

Permits are separated into different categories to ensure that **if** the Authority were to grant temporary access to a fishery for example (Category Two permit), separate rules will apply which **do not impact on established permit holders** (Category One permit). This will give the Authority more flexibility than under the Order.

Restrictions in the byelaw



- Requirement to provide weekly catch returns;
- Prohibition on fishing if catch returns are more than two weeks in arrears;
- 14-metre vessel length restriction (with existing 'grandfather' rights preserved);
- Any fishing gear must be certified as meeting any permit conditions;
- Includes the established Wash Fishery Order Regulations (e.g. daily catch restrictions).

The restrictions in the Byelaw will be similar to those under the Wash Fishery Order Regulations. Some of the regulations will benefit from flexibility and will be implemented as permit conditions.

Others, like the established 14m vessel length restriction will be maintained as they are.

The main difference is the inclusion of a prohibition on fishing if catch returns are more than two weeks late. This reflects the importance of timely returns in managing the fishery and preventing unnecessarily early closures.

The byelaw will enable the Authority to:

- Set eligibility criteria for issuing permits;
- Restrict the number of permits issued;
- Name persons or vessels on permits;
- Determine how many nominated representatives can be named on a permit;
- Set management measures and permit conditions including a Total Allowable Catch, the open and close dates for fisheries, operating times and closed areas;
- Changes to any of the above require consultation with permit holders, consideration of the impacts of the changes and will be a decision for the Authority;
- Management measures can be changed with 12 hours' notice, but these changes are temporary (up to two months) unless a review is undertaken which requires consultation with permit holders and consideration of impacts.

The byelaw will provide a flexible tool to manage the fishery in the same manner as under the WFO1992. The main difference is that the byelaw includes process which must be adhered to in order to change management measures, which includes consultation with industry and a consideration of impacts on if any changes to management are made.

Legal advice has indicated that a byelaw will enhance the representation of fishermen compared to an Order.

We are asking for your review and comment on the proposals.

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