

Wash Fishery Order 1992 (WFO) replacement – decision to use a byelaw



In March 2020, the Authority carefully considered the options for replacing the WFO when it expires on January 3rd, 2023 and the concerns of stakeholders at the time. Since then, we have had further discussion with our stakeholders and have continued to carefully consider the case for using a byelaw, taking into account the concerns raised. This document addresses the key concerns and explains why a byelaw was chosen as the best regulatory mechanism to manage The Wash Cockle and Mussel fisheries.

A byelaw can do the same things as an Order

- The provisions of the WFO **can be replicated in a byelaw**.
- A byelaw can provide the same **level of flexibility** to manage a fishery as an Order.
- It is intended that fisheries management plans, WFO regulations (e.g. daily catch restrictions) and licence fees are carried over into a byelaw and so the **day-to-day management of fisheries will effectively be the same**.

Byelaws are intended to be used by IFCAs to manage inshore fisheries

- Byelaw making powers were **designed specifically for IFCAs** to manage inshore fisheries and are the most modern tool available to us.
- Byelaws enable an adaptive approach to fisheries management which ensures they remain **effective and relevant over time** – an Order is less adaptable because the process for amending one is more resource intensive and takes more time.
- This does not mean that there will be lots of changes and amending byelaws requires **due process** including consultation, consideration of impacts and confirmation by the Secretary of State.
- Byelaws **do not expire** – they require a review every six years. This will ensure that any issues can be identified and acted on to keep the byelaw relevant for the long-term.
- When using flexible measures, a byelaw also contains **more checks and balances** to ensure that the views of industry are considered as well as any impact.
- Using a byelaw will increase **clarity** and **transparency** of management as it will be more consistent with management throughout our district.

We understand that the key concern for fishery stakeholders is **access to the fishery** and in particular, whether those with access will continue to have access over time.

In recognition of the importance of this issue, we are undertaking a separate and **dedicated consultation** with fishery stakeholders on this matter. This will inform the development of our measures to manage access to the fishery.