

Wash Cockle and Mussel Byelaw 2021 – formal consultation



Eastern IFCA intends 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 (WFO) is the regulation used to manage cockle and mussel fisheries in The Wash. **It expires on January 3rd, 2023.**

These fisheries need management to ensure that they continue to be **sustainable, viable**, and do not adversely impact on the **Marine Protected Areas** of The Wash.

What will the byelaw do?

It will be the tool to enable and manage the cockle and mussel fisheries in The Wash through:

- Opening and closing of fisheries;
- Setting operating times for fisheries;
- Issuing, varying and revoking permit conditions;
- Issuing, varying and revoking eligibility criteria (i.e. who is eligible for a permit);
- Limiting the number of permits issued.

It will carry over some management from the WFO including the WFO Regulations and permit fees.

It will enable management that can respond flexibly to the needs of the fishery.

It will require consultation with industry in advance of any changes.

It **does not** set out **who** can have permits, this will be determined through policy and eligibility criteria. These are the subject of separate consultations and they will be developed through consultation with industry over the next two years.

The provisions of the byelaw are set out overleaf.

How to have your say?



We have provided a questionnaire that asks for your 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 3rd of May 2021.

The full wording of the byelaw and associated impact assessment can be found on our website – www.eastern-ifca.gov.uk or, on request, in hard copy via the post.



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

Summary of the Wash Cockle and Mussel Byelaw 2021

Intention of the Byelaw

The proposed Byelaw is intended to replace the Wash Fishery Order 1992. It has been drafted to enable management of the fisheries in a manner consistent with the established cockle and mussel fisheries management plans.

Permits

- You will need a permit to fish for cockles and mussels within The Wash;
- Permits last for 12 months;
- There is an annual permit fee, the fees are in line with those under the Wash Fishery Order:
 - £757.75 in addition to:
 - a hand-work cockle permit, £339.57;
 - a hand-work mussel fishery permit, £101.39;
 - a mussel dredge fishery permit, £162.48
- There are two types of each permit:
 - Category One Permits – main permit for the established fishery
 - Category Two Permits – separate form of permit available for use in innovative ways, to enable limited access as may be needed without impact on the established fishery.

Managing access

The byelaw will enable the Authority to manage access in the following ways:

- Limit the number of permits issued
- Issue, vary or revoke eligibility criteria for issuing permits

Where we limit the number of permits or use eligibility criteria, the Authority must consult with stakeholders and undertake an impact assessment of the proposals. Changes to eligibility criteria must include at least a 4-week consultation and decisions can only be made by the Authority or a sub-committee of the Authority.

We are currently engaging with stakeholders about eligibility criteria and policy, which will be used to manage access to the fishery, separately to this consultation.

Flexible management

The byelaw will enable flexible management of the fishery in the following ways

- Opening and closing of fisheries
- Setting operating times for the fishery
- Issuing, varying or revoking permit conditions

Where flexible management is used, the Authority must consult with stakeholders and undertake an impact assessment of the proposals. The Authority can issue, vary or revoke these measures without consultation under certain circumstances, but any such measures will expire within two months unless a review is undertaken which must include consultation with industry and consideration of the impacts.

Technical measures and restrictions

The byelaw proposes the following restrictions to activity (please refer to the full wording of the byelaw for the detail of the restrictions):

- Any fishing gear must be certified by the Authority
- Vessel length is limited to 14 metres with an exemption for those with established track record of operating within the fishery with a vessel greater than 14 metres
- Daily catch restrictions (depending on the fishery)
- Mussel dredge restriction (number of dredges and width of opening)
- Where catch is sorted (for size or to remove shell etc.), and some of the catch is rejected, it must be returned immediately to the sea or seabed
- Prohibition on transshipping catch
- Catch must be landed after it is removed from the fishery (except for catch returned as a result of sorting)
- Restriction on fishing for cockles or mussels if these have been removed from any other fishery during the same calendar day
- Catch must be landed in bags of a specified size
- Restriction on using an anchor in the process of 'prop-washing', any cockles disturbed using this method if the daily quota is removed must be redistributed.
- Restriction on the size of any tender carried aboard or towed by a vessel operating within the fishery

These measures **reflect those established under the Wash Fishery Order 1992**. The wording of these measures has been amended in places to enable them to be changed via permit conditions as may be required.

Exemptions

The byelaw will not apply to:

- Any person taking no more than five kilograms of mussel or cockle for personal consumption
- The area of the Wash which is within the boundary of the le Strange Estate

Amendments and revocations

The byelaw will revoke Byelaw 4: mussel (*Mytilus edulis*) minimum sizes

The byelaw will amend the following byelaws in the following ways:

- Minimum Sizes Byelaw 2019 – addition of the minimum size for mussels
- Closed Areas Byelaw 2020 (not yet in effect) – will change reference from ‘WFO licences’ to Wash Cockle and Mussel Permits’ in relation to the exemption for fishing on mussel beds;
- Byelaw 3: Molluscan shellfish methods of fishing – this will change references within the byelaw from the ‘Wash Fishery Order 1992’ to the ‘Wash Cockle and Mussel Byelaw 2021’