

Wash Cockle and Mussel Byelaw 2021 Eligibility Policy: Summary

The following summary is for those that want to respond to the formal consultation on the Eligibility Policy and limitation on the number of permits.

The deadline for responses is 18 July 2022. More information on how to respond can be found on our website, <https://tinyurl.com/5n8hj939>, or from the office on request.

This summary does not substitute the full wording of the policy, which is obtainable from the Eastern IFCA website or the office on request. If you have any questions about the policy and how they will be applied, please contact the Eastern IFCA office for more information.

1. Overview:

An overview of the policy

- The policy has been developed in line with the [aim and objectives](#)¹.
- The permit cannot be traded, leased, rented, bought or sold. If this activity is suspected, it will be investigated, and the permit may be cancelled.

2. Issuing permits

What permits are available and how they will be issued

Permits and fees

- An 'eligibility fee' of £757.75 will be payable each year
- 3 permits with fees payable for each fishery participated in:
 - hand-work cockle £339.57
 - hand-work mussel £101.39
 - dredge mussel £162.48
- Fees will increase in line with inflation.
- If you are eligible for one permit, you are eligible for all three.
- The vessel that will be used to fish must be named on a permit.
- The permit will be issued to a natural person only.

Who is eligible to hold a permit?

- It is intended that the permit holder is the person who genuinely owns the vessel named on a permit, and who is financially responsible and dependent on that vessel across all the fisheries it operates in.
- Ownership under the policy means being the 'registered owner' **and** the 'beneficial owner'.

¹ https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/09/2021_07_29_aim_and_objectives_FINAL_poster.pdf

- The registered owner means the person who holds the most shares of the vessel named on the permit;
- The beneficial owner means the person financially responsible for the vessel and dependent upon the income from the first sale of catch across all fisheries in which the vessel participates
- The policy caters for business models where the registered and / or beneficial owner of a vessel is in the name of a business, but a business cannot hold a permit. You must demonstrate that you are the registered and beneficial owner of a vessel via the company to be the permit holder.
- You must demonstrate ownership to the Authority, and can do so using documents including but not limited to, MCA records, sales notes, insurance, licence transcripts, etc.
- You must be certified by the Eastern IFCA Wash Training Course (this will be a short, free session, organised by Eastern IFCA to inform about the environmental aspects of The Wash).
- Your permit may be cancelled if your eligibility changes unless there are exceptional circumstances (below).

3. Limit on the number of permits

What the limit to the number of permits will be.

- There will be a maximum of 61 permits issued from each type of permit.
- The Authority may consider a small increase in the limit as part of the transition into the new system, **but** this will include a consultation with the industry and consideration of impacts before a decision is made.
- The number of cockle permits will not change every year but may change following a review if required.

4. Transition

How current WFO licences will transition to permits under the byelaw.

- Each WFO licence will be considered for issue as a permit and this will be done in two phases.
- To be considered for the issue of a permit you must apply in relation to each WFO licence that you hold.
- You can apply if you are not an existing licence holder and your application will be considered for any permits remaining available after phase 1 as part of phase 2.

Phase 1

- You will be eligible for a permit if you apply and you are:
 - ✓ the current WFO licence holder; and
 - ✓ you are the registered **and** beneficial owner of the vessel named on the permit; and
 - ✓ the vessel has been actively used to fish either:
 - within the WFO fisheries for at least 16 days per year for at least two separate years between 1 Jan 2015 and 1 Jan 2022; or
 - Within Wash and North Norfolk Coast fisheries for at least 30 days per year for at least three years between 1 Jan 2010 and 1 Jan 2022.

You must meet all of the criteria listed above in order to be successful in Phase 1.

If you apply but do not meet the criteria in phase 1 listed above, you will not be issued a permit in this phase. Your application will go to phase 2.

Phase 2

- Permits will be issued according to a points system. A minimum of two points are required to be eligible for a permit under phase 2.
- The points system prioritises active fishermen with good compliance who do not already hold or are eligible to hold any WFO Licences or permits.
- Each application is separate and relates to holding one of each type of permit
- The applicant with the most points will be eligible for the available permit(s).
- Where there are more high scoring applicants than there are available permits, the Authority will decide who to issue a permit to and will generally prioritise those with less access to the fishery.
- You can view the full points system in the complete policy.
- If your application is successful, you will be notified by Eastern IFCA. If you do not already have a vessel, you will then have 12 months (unless in exceptional circumstances) to become eligible to hold a permit under section 2. This is to help if you need assurance that you will get a permit before investing in a vessel.

5. Maintaining eligibility

How permit holders will remain eligible for a permit every year

Once you have been issued a permit you will be eligible for one every year if you:

- Meet the activity requirement which is either:
 - 5 Wash based cockle or mussel fishing trips using the permit over 24 months; or
 - 30 fishing trips using the vessel named on the permit within the Wash and North Norfolk Coast SAC over a period of 12 months.

- You continue to pay the annual eligibility fee (which must be paid every year by 31st March)
- There have been no changes to the ownership of the vessel named on the permit

Exceptional circumstances will be considered if you are unable to meet this eligibility.

6. New Permits

How new permits will be issued if/when they become available in the future

- You must register as an applicant with Eastern IFCA to be considered for a new permit when one becomes available.
- New permits will be allocated in accordance with a points system. A minimum of 2 points are needed to be considered for a permit.
- If you already hold 8 permits, or have ownership or a financial interest in a vessels named on 8 permits you will not be eligible to apply for any further permits.
- If there are more applicants with the most points than permits available, the Authority will make a decision on who to issue the permit to. Applicants with the least existing level of access will be prioritised.
- If you are successful in your application, you will be notified by the Authority. You must then meet the requirements to be eligible to hold a permit (section 2 above) within 24 months of application. This is to enable time to become the owner of a vessel after confirmation of a permit. Exceptional circumstances will be considered.

7. Permit succession

How you can apply for a person associated with your business to be eligible for a permit if/when you retire etc. for the continuation of a business?

- You can apply to Eastern IFCA to have a person in your family or business to receive a permit in place of yours.
- You can name the person you want to succeed you and we will keep a record of this.
- To be eligible for permit succession, you must:
 - not be under investigation for a relevant offence;
 - surrender your eligibility to further permits.
- The person you want to succeed you must;
 - be a relative, for the purpose of continuing a family business; or
 - have been your nominated deputy for at least three years.
- If the application is successful, they will be notified and must meet the requirements of section 2 (i.e. be the registered and beneficial owner of the vessel named on the permit), within 24 months of being notified.

- In exceptional circumstances (for example the death of a permit holder), where the permit holder can no longer hold the permit, the Authority will endeavour to issue a temporary permit to ensure that a business can continue, to provide time for the persons associated to address the matter.
- A temporary permit does not make the holder of such automatically eligible for future permits.

8. Change of vessel and ownership

How the vessel on the permit can be changed

- You can apply to change the vessel named on your permit.
- The new vessel must meet the requirements of the byelaw and permit conditions.
- You must remain the registered and beneficial owner of the vessel, as described in section 2.
- The permit associated with the old vessel will be cancelled when the change is made.

9. Nominated deputies

How and who you can nominate to skipper a vessel

- You can nominate up to two people other than the permit holder to skipper a vessel under a permit.
- Only persons named on the permit will be eligible to fish under the authority of that permit.
- A person is eligible to act as skipper if:
 - ✓ They have attended the Eastern IFCA Wash Training Course
 - ✓ They have fished within The Wash on at least 16 separate occasions within a year and within three separate years
 - ✓ They are qualified under the Merchant Shipping Act 1995, and regulations of said act, to act as skipper.

10. Business continuity and exceptional circumstances

What will happen to the permit in the event of exceptional circumstances

- The Authority will consider exceptional circumstances including and not limited to death, medical conditions, total loss of vessel, reasonable need for repair, insolvency, and bankruptcy, in decisions to issue a permit where there is a risk to business continuity.

11. Permit penalty

How access to the fishery will be suspended following the conviction of an offence.

- If you are convicted of a relevant offence in court, the associated permit cannot be used to fish for a number of days as follows:
 - 1 offence – 14 days
 - 2 offences - 28 days
 - 3 offences – 42 days.
- The number of days relates to a number of ‘open days’ of the fishery.
- Each offence convicted for will represent an individual offence, each separate court summons (not linked to the same incident) will be treated as a new matter.
- If penalty days are not exhausted within one season of the fishery they will be carried over to the next season.

12. Application process

How to apply for a permit

- Applications should be made using the appropriate forms set out in the policy with all relevant documentation provided.
- In the first year of the fishery, completed application forms must be received by 1st January 2023.
- In following years, apply by:
 - ✓ Consecutive permits: 1st February any given year
 - ✓ New permits: 1st March any given year
- The eligibility fee must be paid by the 31st March every year.
- Permits will be issued from 1st April in each year, expiring after no more than 12 months or as otherwise stated on the permit.

13. Policy review

How the policy will be reviewed

- The policies will be reviewed not less than every six years, in accordance with the byelaw. This process will include consultation with stakeholders.

Under the byelaw, if there are any proposed changes, these will be subject to consultation with stakeholders and undertaking an impact assessment with particular regard to:

- The stability, continuity and succession of businesses of the permit holders; and
- The continuing ability of permit holders to finance their businesses.