



Inshore Fisheries and  
Conservation Authority

## **Wash Cockle and Mussel Byelaw 2021**

Eligibility Policy

Last Updated: May 2022

V.29

## 1. Overview

- 1.1. The following policy shall act as guidance for the administration of permits for the Wash Cockle and Mussel Byelaw 2021 ('the Byelaw') and should be regarded as the eligibility policy referenced in paragraph 17 of the Byelaw.
- 1.2. As per paragraph 21 of the Byelaw, the Authority may attach separately, in relation to each of the permits issuable (as per section 3 "Limit to the number of permits" in this policy), flexible permit conditions.
- 1.3. Allocation of fishing opportunities under the Byelaw and this policy is a matter for the Authority only and the application of the policy is subject to the absolute discretion of the Authority.
- 1.4. Any permit issued under the Byelaw shall not to be rented, leased, exchanged or otherwise traded.
- 1.5. This policy was adopted by the Authority at their meeting on X X XXXX
- 1.6. The purpose of this policy is to enable the Authority to fulfil its obligations under s.153(2) of the Marine and Coastal Access Act 2009 to:
  - i. Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way
  - ii. Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation
  - iii. Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.
- 1.7. The Authority will fulfil these obligations by:
  - i. Limiting the number of permits to a level that is viable, sustainable and equitable
  - ii. Stating with clarity its procedure and criteria for the annual consideration of applicants for permits
  - iii. Setting out its procedure for changing the eligibility policy in future years should it become necessary to do so
- 1.8. The policy is written to meet the aim and objectives for managing access to the fisheries, agreed in consultation with industry, these are as follows:
  - i. Aim: To achieve a level of access to the fishery that is equitable, and which supports the viability of varying business models, the conservation objectives of The Wash and stock sustainability.

ii. Objectives:

- a) To limit access to the fishery to a number of persons which will meet the aim
- b) To support effective business planning and continuity
- c) To enable a range of business models to operate within the fishery
- d) To prioritise the continuity of active participants
- e) To enable appropriate turnover to create opportunity for suitably qualified new permit holders
- f) To prevent the permit from having its own value or becoming a tradable commodity

**1.9.** For the purposes of this policy, the term 'person' refers to natural persons only.

**1.10.** For the purposes of this policy, a 'relevant offence' is where a person fails to comply with:

- a) The Wash Fishery Order 1992; *or*
- b) the byelaw; *or*
- c) section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to this byelaw; *or*
- d) contravention of the Conservation of Habitats and Species Regulations 2017 so far as it relates to protection of a Wash Marine Protected Area; *or*
- e) contravention of the Wildlife and Countryside Act 1981 so far as it relates to the protection of a Wash Marine protected Area;  
in relation to the use of I-VMS when fishing under the authority of a permit issue under the byelaw.

**1.11.** Guidance as to the intended effect of the policy is written in a box at the start of each policy section.

## 2. Issuing permits

### Section 2: Guidance

Permits are to be held by the genuine owner of the vessel who is financially responsible and dependent on the benefit derived directly from the catch across all fisheries in which the vessel participates. This is to prevent the use of the permit to generate an income in any other way (for example by renting the permit to someone else). The Authority is to retain sole control of the allocation of fishing opportunity to ensure equitable distribution of permits.

- 2.1. There are three permits issuable under the Wash Cockle and Mussel Byelaw 2021. The permits are:
  - 2.1.1. A hand-work cockle permit
  - 2.1.2. A hand-work mussel permit
  - 2.1.3. A dredge mussel permit
- 2.2. The permit will be issued to a natural person only, who is the owner of the vessel that is to be named on the permit.
- 2.3. For the purpose of the policy, the owner of the vessel shall be deemed to be the person who can demonstrate to the satisfaction of the Authority that:
  - 2.3.1. they own the most registered shares in the vessel, or, where the most registered shares in the vessel are owned by a company, they are either the person who holds the majority of shares in that company and are the person with majority control of the same or, where there is no single person with majority shareholding or control in the company, one of the persons with the majority of shares and control so nominated by the other shareholders (the 'registered owner'); **and**
  - 2.3.2. they are the most financially responsible for and dependent on the benefit derived directly from the vessel operations across all fisheries in which the vessel operates, or, where such is a company rather than a natural person, they are a) a substantial shareholder of the company, and b) nominated by the company as responsible for the operation of the vessel and c) derive a substantial proportion of their income from the operation of the vessel across all fisheries in which the vessel operates (the 'beneficial owner'). .
- 2.4. Final determination of the a person's ability to meet 2.3 in relation to ownership of the vessel will be at the discretion of the Authority and may consider evidence including; documentation from the UK Ship Register (the Registry of

Shipping and Seamen), payments for maintenance of the vessel, vessel ownership certificates and transcripts, vessel insurance payments, Maritime and Coastguard Agency certification and documentation, and any other documentation demonstrating financial responsibility for the vessel in its operation.

- 2.5.** A person must be certified by the Eastern IFCA Wash Training Course to hold a permit.
- 2.6.** In accordance with section 9 of this policy (“Nominated deputies”), only persons named on the permit are permitted to fish under the authority of a permit.
- 2.7.** A permit will only be issued once the applicant has demonstrated to the satisfaction of the Authority that the relevant conditions and criteria under this policy contained herein have been met and the relevant fee(s) has been received by the Authority.
- 2.8.** Subject to section 7 (“permit succession”) and section 10 (“business continuity and exceptional circumstances”), the Authority will consider the cancellation of a permit under the following circumstances:
  - 2.8.1.** Any change in ownership of the vessel named on the permit to the extent that the permit holder no longer meets 2.2; or
  - 2.8.2.** The death of the permit holder; *or*
  - 2.8.3.** The bankruptcy of the permit holder or the insolvency and / or winding up of any business which holds majority registered ownership; *or*
  - 2.8.4.** Where the permit holder no longer meets the requirements of this section (2).
- 2.9.** The Authority may investigate the circumstances set out in 2.9 and may, on the basis of that investigation, cancel a permit if it has reasonable grounds to do so. The Authority reserves the right to investigate any circumstances which it has reasonable grounds to believe is an attempt to circumvent this policy, and without prejudice to any breach of the general criminal law it may cancel any associated permit.

### 3. Limit to the number of permits

#### Section 3: Guidance

There is a set limit which will guide the number of permits issued. The number may differ between permit type to enable fishery specific management. This number will not vary annually based on the TAC, but the number will be reviewed in accordance with the Byelaw procedure at least every six years. The number will also be reviewed after the transition period during which a modest increase may be considered in accordance with Schedule 4 of the Byelaw.

- 3.1. A person who is eligible to hold one type of permit shall automatically be eligible to hold all three types of permit. The maximum number of each type of permit issued under the byelaw will be as follows:
- 3.1.1. Hand-work cockle permit: 61
  - 3.1.2. Hand-work mussel permit: 61
  - 3.1.3. Dredge mussel permit: 61
- and consequently, the maximum number of permit holders shall be 61.
- 3.2. The limit on the number of permits issued thereafter may vary in accordance with the procedure set out in Schedule 4 of the Wash Cockle and Mussel Byelaw 2021.
- 3.3. The number of permits will be reviewed after the transition has been completed to potentially accommodate a modest increase in the number of permits and any such change will be considered in accordance with Schedule 4 of the Byelaw.

### 4. Transition

#### Section 4: Guidance

This policy is to provide continuity for businesses and livelihoods that rely on access to The Wash cockle and mussel fisheries under the WFO in transitioning to the new system. It seeks to reallocate access where it was derived through the 'renting' of a WFO licence. The policy will prioritise future access (where a permit has not already been allocated) to those with the least access to the fishery.

- 4.1. In the first year of the fishery, completed application forms, which will be provided by the Authority, must be received by the Authority by 1 Jan 2023.

**4.2.** Eligibility will be determined in two phases in the first year of the fishery.

**4.3. Phase 1 – eligibility with respect to a WFO Licence**

Permits under phase 1 will be issued to permit holders, up to the maximum number of permit holders under section 3.1.

**4.3.1.** A maximum of one permit holder will be eligible with respect to each WFO entitlement.

**4.3.2.** To be eligible for a permit, the applicant must demonstrate to the satisfaction of the Authority that they meet the WFO Licence holder requirement in accordance with 3.3.3 and meet the activity requirement in 3.3.4.

**4.3.3.** The WFO Licence holder requirement is:

a) Subject to any changes made under the WFO Interim policies<sup>1</sup>, on 22<sup>nd</sup> February 2022, they were the ‘entitlement holder’ of the WFO licence; *and*

b) Subject to any changes made under the WFO Interim policies<sup>2</sup>, they are and were, on and prior to 22<sup>nd</sup> February 2022, the owner of the vessel in accordance with section 2.3 (“issuing permits”).

**4.3.4.** The Activity requirement is that either:

a) The WFO licence was used to fish for at least 16 days per year for at least two separate years between 1 Jan 2015 and 1 Jan 2022; *or*

b) The vessel named on the WFO licence was used to fish 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.

**4.3.5.** Applications which do not meet the requirements of 4.3.3. or 4.3.4. will not be considered any further under phase 1.

**4.4. Phase 2 – remaining permits issuable in Year 1**

**4.4.1.** Where the number of permit holders eligible for a permit under phase 1 is less than the maximum set out in section 3.3, a number of permit holders up to the maximum may be issued a permit under phase 2 to the person(s) with the most points in accordance with table 1 below. A person must be awarded a minimum 2 points to be eligible.

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<sup>1</sup> <https://www.eastern-ifca.gov.uk/wash-fishery-order-1992-interim-policies/>

<sup>2</sup> <https://www.eastern-ifca.gov.uk/wash-fishery-order-1992-interim-policies/>

- 4.4.2.** The applicant must demonstrate to the satisfaction of the Authority that the criteria in table 1 is met to be awarded points.
- 4.4.3.** Where the number of applicants with the most points exceeds the maximum number of permit holders set out in section 3.3, the Authority will make the final decision on whom the permit shall be issued, taking into account the circumstances of each application, including the number of permits an applicant holds, or is eligible to hold (with preference given to those with fewer permits).
- 4.4.4.** A person eligible for a permit under phase 2 will be notified of such and must meet the section 2 (issuing permits) within 12 months of the date of notification. If the applicant is not eligible within 12 months, subject to section 11 (business continuity and exceptional circumstances), the permit will be made available for other applicants.

<b>Table 1 – criteria and points awarded under Phase 2</b>		
<b>Criterion</b>		<b>Points</b>
<b>1</b>	Applicant was financially responsible for and dependent on a vessel named on a WFO Licence	+ 21 points
<b>2</b>	Participation in WFO fisheries as a Nominated Representative or Deputy from 2015	+ 2 points for each year of participation up to 10 points
<b>4</b>	Participation in Wash and North Norfolk Coast based fisheries from 2010 onwards	+ 2 points for each year participation up to 10 points
<b>5</b>	Conviction of each relevant offence. Each information (offence) on the face of a Magistrates' Court summons shall represent an individual relevant offence; and each separate Magistrates' Court Summons issued (i.e. one that is not linked to the same incident) shall be treated as a new matter.	- 11 points for each offence
<b>6</b>	Conviction of each fisheries offence (other than a relevant offence), including in relation to: the use of I-VMS other than in relation to fishing under the authority of a permit under the byelaw, any byelaw made by Eastern IFCA under s.156 or 158 of MaCAA which are in effect and section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to any such byelaw.. Each information (offence) on the face of a Magistrates' Court summons shall represent an individual relevant offence;	- 5 points for each offence

	and each separate Magistrates' Court Summons issued (i.e. one that is not linked to the same incident) shall be treated as a new matter.	
7	Any ownership or financial interests in vessels named on other permits and / or named in an application for eligibility under phase 1.	- 4 points per permit where any person with an interest in the vessel (as per 2.7) has an interest in a vessel already named on a permit.

## 5. Maintaining eligibility

### Section 5: Guidance

This section is intended to provide continued access to the fisheries in consecutive years where permit holders actively use their permit and pay the eligibility fee each year.

- 5.1.** Applications to maintain eligibility for consecutive permits must be received by the Authority by 1 February each year.
- 5.2.** A person will maintain their eligibility for the following year if:
- 5.2.1.** The eligibility fee has been paid by the 31<sup>st</sup> March in each year preceding the application; and
- 5.2.2.** The 'Activity Requirement' has been met. The 'Activity Requirement' is either:
- a) That the vessel named on the permit has been used to fish under the authority of a permit on at least five separate occasions within the last 24 months; *or*
  - b) The applicant can demonstrate to the satisfaction of the Authority that the vessel named on the permit has been used to fish for other species within The Wash and North Norfolk Coast on at least 30 separate occasions within the last 12 months; and
- 5.2.3.** The applicant remains eligible to hold a permit under section 2 (issuing permits).
- 5.2.4.** The eligibility fee relevant to the present application is paid by the 31<sup>st</sup> of March but subsequent to notification that the other requirements of 5.2 are met;

- 5.3.** An applicant does not need to meet the Activity Requirement (of 5.2.2) where they can demonstrate to the satisfaction of the Authority that they could not do so due to exceptional circumstances. Exceptional circumstances include, but are not limited to:
- 5.3.1.** Medical conditions of persons named on the permit; *and/or*
  - 5.3.2.** Loss of vessel; *and/or*
  - 5.3.3.** Reasonable need for vessel repair; *and/or*
  - 5.3.4.** Poor fisheries performance of preceding season; *and/or*
  - 5.3.5.** Vessel replacement.
- 5.4.** A person will not be eligible for a permit under this section if any of the following apply:
- 5.4.1.** The permit was cancelled under 2.9; *or*
  - 5.4.2.** The permit was surrendered under section 7 (“permit succession”); *or*
  - 5.4.3.** They are the holder of a temporary permit issued under 7.8 or 7.11; *or*
  - 5.4.4.** Subject to section 8 (“change of vessel and ownership”), the vessel named on the application that is to be named on the permit differs from the vessel named on the last permit issued; *or*
  - 5.4.5.** The eligibility fee has not been paid by 31<sup>st</sup> March in the year preceding application.

## **6. New Permits**

### **Section 6: Guidance**

This section sets out how any available permits will be issued. New permits will only be available when there are fewer people eligible than the maximum number issuable. Applicants will be prioritised where they are active participants in other WNNC fisheries, if they will have a vessel ready to participate within 24 months of application, and if they do not already have access to the fishery.

- 6.1.** Where the number of permits holders eligible for a permit is less than the maximum set out in section 3.3 in any given year, a number of permit holders up to the maximum, may be issued new permits under this section up to the maximum.
- 6.2.** The Authority will hold a 'register of applicants' on which persons will be recorded as wanting to be considered for a new permit if they become available. The applicant must be listed on the register of applicants at the time the new permit is available for allocation.
- 6.3.** Application periods for new permits will be determined and specified by the Authority and persons listed on the register of applicants will be notified of such in writing. Only applications received within the notified period will be considered.
- 6.4.** A person will not be eligible to apply for a new permit whilst under a penalty period under section 10 (Penalty periods) and this includes in relation to the permit holders, or nominated representatives as the case may be, of a permit so affected.
- 6.5.** All applicants must accrue at least 2 points in accordance with Table 2 to be eligible for a new permit in the first instance. Where the number of applications to be considered is greater than the number of permit holder vacancies, the applicant who has accrued the most points in accordance with table 2 will be the person eligible to be a permit holder.
- 6.6.** Where the number of persons with the most points exceeds the maximum number of permit holders in section 3.3, the Authority will make the final decision as to whom the permit shall be issued by considering the circumstances of each application which may include the length of time a person has been registered on the 'register of applicants and existing access to the fishery. The Authority may use a ballot to decide who to issue a permit to in circumstances where there is no clear case for the permit being issued to a particular applicant.
- 6.7.** In all cases, points will only be awarded where the applicant can demonstrate to the satisfaction of the Authority that the criteria have been met.
- 6.8.** A successful applicant will be notified of such in writing and must meet the requirements of section 2 ("Issuing permits") within 24 months of notification. If the permit is not issued within 24 months, the Authority reserves the right to reallocate it in accordance with eligible applicants. The eligibility fee is required to be paid during this time.

**Table 2 – criteria and points awarded under Section 6 - New Permits**

<b>Criterion</b>		<b>Points</b>
<b>1</b>	Participation in Wash and North Norfolk Coast based fisheries from 2010 onwards	+ 2 points for each year participation up to 20 points
<b>2</b>	Applicant has or is in the process of acquiring, a vessel which will be able to operate within the cockle or mussel fisheries within 12 months of application	+ 10 points
<b>3</b>	Participation in fisheries as a Nominated Representative or deputy on a WFO licence or permit under the WCMB.	+ 2 points for each year participation up to 10 points
<b>4</b>	Conviction of each relevant offence. Each information (offence) on the face of a Magistrates' Court summons shall represent an individual relevant offence; and each separate Magistrates' Court Summons issued (i.e. one that is not linked to the same incident) shall be treated as a new matter.	-11 points for each offence
<b>5</b>	Conviction of each fisheries offence (other than a relevant offence), including in relation to: the use of I-VMS other than in relation to fishing under the authority of a permit under the byelaw, any byelaw made by Eastern IFCA under s.156 or 158 of MaCAA which are in effect and section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to any such byelaw. Each information (offence) on the face of a Magistrates' Court summons shall represent an individual relevant offence; and each separate Magistrates' Court Summons issued (i.e. one that is not linked to the same incident) shall be treated as a new matter.	-5 points for each offence
<b>6</b>	Any ownership or financial interest in vessels named on other permits already issued, or for which they are eligible to be issued.	-5 points per permit where any person with an interest in the vessel (as per 2.7) has an interest in a vessel already named on a permit.

## 7. Permit succession

### Section 7: Guidance

This section is intended to provide business continuity where permit holders retire, or where “exceptional circumstances” (section 11) mean they are unable to meet the permit requirements.

The issue of a temporary permit is intended to ensure business continuity whilst a permanent solution is considered and the particulars of the situation are resolved (for example, vessel ownership considerations during probate etc.). A temporary permit may be issued even if the applicant would not meet the criteria for permit succession where business continuity is at risk.

- 7.1. A permit is not transferable from the permit holder to another person.
- 7.2. Permit holders may notify the Authority in writing of a person they wish to succeed them (the ‘Permit Successor’) to apply in the event that exceptional circumstances result in the permit being cancelled under section 2.9.
- 7.3. The permit holder (the applicant) may make application for a new permit to be issued to a person (the Permit Successor) to succeed the permit they hold provided that they are not under investigation for non-compliance of a relevant offence or have been suspended under section 11 (“Permit penalty”) of this policy.
- 7.4. At the absolute discretion of the Authority a successor will be eligible for a permit to be issued under this section if that person can demonstrate to the satisfaction of the Authority that (subject to section 10 ‘business continuity and exceptional circumstances’) on receipt of a permit they are either
  - 7.4.1. A relative of the holder of the permit holder for the purpose of continuing a family business; *or*
  - 7.4.2. Have been named as a nominated deputy on the permit for at least three years preceding the application.
- 7.5. Where the successor meets the requirements of 7.2 and 7.3, the successful applicant and permit holder will be notified in writing. Within 24 months of notification:
  - 7.5.1. The successor must meet the requirements of section 2 (“Issuing permits”); *and*

- 7.5.2.** The applicant must formally surrender, in writing, the permit they hold (or are eligible to hold under section 5 – “maintaining eligibility”).
- 7.6.** If the permit is not issued within 24 months, the Authority reserves the right to reallocate it in accordance with eligible applicants. The eligibility fee is required to be paid during this time
- 7.7.** Where an application under this section includes changing the vessel named on the original permit or a change in the ownership of the vessel named on the original permit, section 8 (“change of vessel and ownership”) applies.
- 7.8.** Where a permit is cancelled under section 2.9 due to one or more of the exceptional circumstances listed in section 10.1 of this document such that the permit holder can no longer be the holder of a permit, the Authority will use its best endeavours to issue a ‘Temporary Permit’ immediately with the effect of maintaining access to the fishery for those who remain named on the permit or the business associated with the permit. In the first instance the Authority will issue a ‘Temporary Permit’ to the Permit Successor (named under 7.2).
- 7.9.** If there is no notified Permit Successor provided, or the Permit Successor is not able or does not wish to hold the Temporary Permit, the Authority will use its best endeavours to liaise with those associated with the permit to determine who, if anyone, could hold the Temporary Permit in the first instance.
- 7.10.** Where no Permit Successor is identified, no Temporary permit will be allocated.
- 7.11.** A Temporary Permit (under 7.8) is valid only until such time as the original permit would have expired and a consecutive permit will not be issued in relation to it. In exceptional circumstances (as per section 11 ‘business continuity and exceptional circumstances’) and at the discretion of the Authority, a further temporary permit may be issued where the matter is yet to be resolved.
- 7.12.** The Authority will endeavour to issue a permit to replace the temporary permit to an appropriate successor. Where more than one claim to hold the permit is identified, the process set out in section 6 (New Permits) will be applied to determine the appropriate successor.
- 7.13.** The Authority specifically draws attention to the fact that the issue of a permit or a Temporary Permit is in the absolute discretion of the Authority and the issue of a permit or Temporary Permit shall not be regarded as creating any legitimate expectation of the grant of any permit in the future.

## 8. Change of vessel and ownership

### Section 8: Guidance

This section is intended to provide business continuity by enabling changes to vessels named on permits or changes to the ownership of vessels named on permits where the genuine owner of the vessel (and therefore permit holder) does not change.

To prevent this mechanism from being used by permit holders to effectively provide access to someone else, all applications will be scrutinised to determine if the application relates to such.

- 8.1. A permit holder may apply to change the vessel named on a permit.
- 8.2. A vessel is eligible to be named on a permit under this section if:
  - 8.2.1. The applicant remains eligible to hold a permit under section 2 (“issuing permits”) to the same extent as they were in relation to the previous vessel so named; and
  - 8.2.2. The applicant sets out in writing how the change is required for reasons of business continuity; and
  - 8.2.3. The vessel meets all of the requirements set out in the Byelaw or Permit conditions.
- 8.3. Changes in vessels named on permits or to the ownership of vessels named on permits must not be used as a means of circumventing the Authority’s absolute discretion to manage access to the fisheries. Accordingly, applications will be scrutinised to determine if this is the case and the Authority will not grant any such application unless the applicant can satisfy the Authority that such is in accordance with the intention of the policy.

## 9. Nominated deputies

- 9.1. The holder of a permit may apply to nominate up to two persons to be a nominated deputy who may skipper a vessel under the authority of that permit.
- 9.2. The person skippering a vessel fishing under the authority of a permit must either be the permit holder or a nominated deputy.
- 9.3. A person is eligible to act as the nominated deputy who may skipper a vessel under a permit if they can demonstrate to the satisfaction of the Authority that:
  - 9.3.1. They have completed the Eastern IFCA Wash Training Course as demonstrated by certification; *and*

- 9.3.2. They have fished within The Wash on at least 16 separate occasions within a year and within three separate years; *and*
- 9.3.3. They are qualified to act as skipper of a licensed fishing vessel and that they hold all relevant safety certifications in line with the requirements under the Merchant Shipping Act 1995 and the Regulations made thereunder.

## 10. Business continuity and exceptional circumstances

### Section 10: Guidance

The Authority will make access decisions in the event that permit holders, nominated deputies, or vessels are unable to fulfil eligibility under the policy due to exceptional circumstances. The policy will reasonably cater for continued access in the event of exceptional circumstances to avoid impact to business continuity.

- 10.1. Exceptional circumstances include, but are not limited to;
  - a) Death of a person named on a permit
  - b) Medical condition of the permit holder
  - c) Total loss of vessel
  - d) Reasonable need for vessel repair
  - e) Evidenced poor fishery performance in preceding season
  - f) Insolvency or bankruptcy
- 10.2. The Authority will consider circumstances outside those listed in section 10.1 where there is a genuine and significant risk to business continuity as a result of those circumstances.

## 11. Permit penalty

### Section 11: Guidance

Access to the fishery under a permit will be suspended on the conviction of a court for a relevant offence (1.10). It is intended that the permit is not used during the penalty period. Persons named on the permit convicted of the offence will not be eligible to fish from another permit on which they may also be named, during that period. Suspensions relate to a number of days during which a fishery is open.

- 11.1. Where a permit is used in the commission of a relevant offence (described at section 1.10) which results in a conviction by a court, that permit or a permit issued consecutively in relation to that permit under section 5 (“consecutive

permits”), cannot be used to fish for a period of penalty days in accordance with Table 3 from the date of conviction.

- 11.2.** Where a person is convicted of a relevant offence (as in section 1.10) they are not permitted to fish from any permit issued under the Byelaw whilst under the penalty period.
- 11.3.** For the sake of clarity:
- 11.3.1.** Each information (offence) on the face of a Magistrates' Court summons shall represent an individual relevant offence; *and*
- 11.3.2.** Each separate Magistrates' Court Summons issued (i.e. one that is not linked to the same incident) shall be treated as a new matter for the purposes of paragraphs 11.1 and 11.2. and Table 3.
- 11.4.** Penalty days refer to open days of the fishery. If penalty days are not exhausted within one season of the fishery, they will be carried over to subsequent seasons in accordance with section 5 (“consecutive permits”).

<b>Table 3 – Permit Penalty</b>	
<b>Offence</b>	<b>Penalty</b>
Conviction for 1 offence	14 days
Conviction for 2 offences	28 days
Conviction for 3 or more offences	42 days

## **12. Application process**

- 12.1.** Applications should be made using the [Wash Cockle and Mussel Byelaw Hand-Work Cockle Permit Application Form]
- 12.2.** Completed applications should be sent to:
- By Mail: Eastern Inshore Fisheries and Conservation Authority  
Unit 6 North Lynn Business Village  
King's Lynn  
Norfolk  
PE30 2JG
- By email: [mail@eastern-ifca.gov.uk](mailto:mail@eastern-ifca.gov.uk)
- 12.3.** Only completed application forms will be considered and must include any documentation required relevant to the application.
- 12.4.** Applications must also include copies of proof of address and photo ID, for both the permit holder and any named nominated representatives.

- 12.5.** In the first year of the fishery, completed application forms, which will be provided by the Authority, must be received by the Authority by 1 Jan 2023.
- 12.6.** Completed application forms should be received by Eastern IFCA no later than:
- 12.6.1.** In the case of a consecutive permit application (under section 5), 1 February in any given year; or
- 12.6.2.** In the case of a new permit application (under section 7) the last day of February in each year with respect to permits issuable from the following 1<sup>st</sup> April.

Any applications submitted thereafter will not be considered.

- 12.7.** After receiving notification by Eastern IFCA of a successful application, the 'eligibility fee' must be paid by 31<sup>st</sup> March. The permit will not be valid until all relevant fees from the successful applicant have been received by Eastern IFCA.
- 12.8.** Where permits are issued, this will be from the 1<sup>st</sup> April, in each year, expiring after no more than 12 months or as otherwise stated on the permit.

### **13. Policy review**

- 13.1.** This policy will be reviewed only in accordance with the schedule 4 and 5 of the Byelaw.