



**Eastern
Inshore Fisheries and Conservation Authority**

MARINE AND COASTAL ACCESS ACT 2009

Cromer Shoal Chalk Beds Byelaw 2023

The Eastern Inshore Fisheries and Conservation Authority in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009¹ makes the following byelaw for the District:-

Interpretation

1. In this byelaw:
 - a. “the Authority” means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010;²
 - b. “the District” means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
 - c. “Category One Permit” means a permit issued under paragraph 10(a) which authorises fishing for commercial purposes or from a registered fishing vessel;
 - d. “Category Two Permit” means a permit issued under paragraph 10(b) which authorises fishing for recreational purposes;
 - e. “permit” means a Category One Permit or a Category Two Permit issued under this byelaw;

¹ Marine and Coastal Access Act 2009 c.23

² Eastern Inshore Fisheries and Conservation Order 2010, SI 2010/2189

- f. “eligibility policy” means the documents which are issued under paragraph 17 and which describe how the Authority will issue permits and endorsements and manage access to the fisheries under this byelaw to fulfil the Authority’s duties and which:
 - i. are created and agreed by the Authority;
 - ii. reviewed, issued, varied and revoked in accordance with Schedule 3 of this byelaw;
 - iii. are published on the Authority’s website;
 - iv. are deposited at, and available on request from, the Authority’s offices;

- g. “electronic monitoring systems” means equipment attached to a vessel or fishing gear which records fishing activity information, which may be remotely accessible to the Authority, including:
 - i. deployment or recovery of fishing gear;
 - ii. vessel position, speed and bearing information;
 - iii. vessel identification information;
 - iv. date and time information.

- h. “Cromer Shoal Chalk Beds” means the Marine Conservation Zone designated in The Cromer Shoal Chalk Beds Marine Conservation Zone Designating Order 2016;³

- i. “Cromer Shoal Chalk Beds area” means the area defined in Schedule 1 of this byelaw;

- j. “fishing” means digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; and catching, taking or removing sea fisheries resources;

- k. “fishing for commercial purposes” means fishing for sea fisheries resources for sale or reward;

- l. “fishing for recreational purposes” means fishing for sea fisheries resources except for sale or reward;

- m. “fishing gear” means any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of, or facilitating, fishing;

- n. “flexible permit conditions” means any of the conditions attached to permits or endorsements in accordance with paragraph 19 of this byelaw;

³ The Cromer Shoal Chalk Beds Marine Conservation Zone Designation Order 2016, Ministerial Order 2016/4

- o. “pot” means any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;
- p. “permit holder” means the person who is eligible to hold the permit under eligibility policy;
- q. “nominated deputy” means a person who is not the permit holder but has been nominated to fish under the authority of a permit by the permit holder in accordance with paragraph 13 of this byelaw;
- r. “vessel” means:
 - i. a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and;
 - ii. a hover craft or any other amphibious vehicle, used or capable or being used as a means of transportation on water;
- s. “registered fishing vessel” means a vessel registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- t. “WGS 84” means the World Geodetic System as revised in 1984 and 2004.

2. Co-ordinates used in this byelaw are measured from WGS 84 datum.

Commencement

3. This byelaw comes into force on the date on which it is confirmed by the Secretary of State.

Prohibitions

4. A person must not fish using pots within the Cromer Shoal Chalk Bed area unless that person is:
- a) The holder of a valid Permit and any relevant endorsement attaching to that permit; or
 - b) The nominated deputy of the holder of a valid Permit and any relevant endorsement attaching to that permit.

5. A person must not fish using pots unless;
 - a) a valid permit pot tag that is capable of being read and provided by the Authority at cost, is affixed to each pot; and
 - b) where a single pot is being used to fish, unattached to other pots, it is marked with a single buoy in accordance with paragraph 6; or
 - c) where more than one pot is being used to fish which are attached in a string, each end of the string is marked with a buoy in accordance with paragraph 6.

6. A Buoy or buoys used to mark pots in accordance with paragraph 5 must be:
 - a) of sufficient size and shape to be clearly visible and remain fully afloat at all times;
 - b) marked with the number of the permit associated with the pots on that string in such a way that is it clearly visible and capable of being read; and
 - c) where a registered fishing vessel is named on the permit, marked with the port letters and number of that vessel name in such a way that is it clearly visible.

7. Subject to paragraph 8, a person must not fish using pots from a vessel, or to carry on board any sea fisheries resources caught using pots from within the Cromer Shoal Chalk Bed area unless:
 - a) that vessel is named on a permit with the same permit number as the pots being fished from that vessel; and
 - b) either the permit holder or nominated deputy is the skipper of that vessel.

8. Paragraph 7 does not apply where a person is fishing under the written agreement of the Authority and in accordance with any conditions of that agreement. Such agreement may be given in circumstances where the permit holder, nominated deputy or the named vessel, are unable to put to sea.

9. A person must not fish under the authority of a permit or endorsement except in accordance with any conditions attaching to that permit or endorsement.

Permits and endorsements

10. The Authority may authorise fishing using pots by way of issuing:
 - a) a category one permit to fish from a registered fishing vessel and fishing for commercial purposes within the Cromer Shoal Chalk Beds area; or
 - b) a category two permit to fish other than from a registered fishing vessel or for recreational purposes; or
 - c) an endorsement attaching to a permit to fish where access is restricted under a flexible permit condition.

11. Permits and endorsements are:
 - a) created, issued and cancelled at the discretion of the Authority under this byelaw, subject to the eligibility policy and accordingly no legal title is created or implied by the issue of a permit or endorsement; and
 - b) issued to a named person, who shall be a natural person only and the permit holder; and
 - c) issued in relation to a single vessel only; and
 - d) valid from the date of issue for the remainder of that calendar year; and
 - e) not transferable between persons or vessels.

12. The Authority may restrict the number of permits and endorsements attaching to permits issued under this byelaw in accordance with the procedure in Schedule 2 of this byelaw.

13. A permit holder may nominate persons to fish under the authority of a permit, who may, subject to eligibility policy issued under paragraph 17, be named on the permit as the nominated deputy.

Permit fees

14. A person must pay to the Authority the category one or category two permit fee and any fee relating to tags in accordance with paragraph 5 of this byelaw prior to their issue.

15. The amount payable will be determined by the Authority in accordance with Schedule 4.

Eligibility for permits, endorsements, and eligibility policy

16. An application for a permit or endorsements attaching to permits must be made by completing forms available from the Authority's office or website and must provide all required information and evidence specified in the relevant form, including:

- a) applicant details;
- b) details of any nominated deputy;
- c) vessel details, documentation and certification; and
- d) relevant business or financial information.

17. The Authority may, in accordance with the procedure set out in Schedule 3, issue, vary or revoke eligibility policy separately in relation to permits and endorsements issuable under paragraph 10 in order to set the conditions for the:

- a) eligibility to hold a permit;
- b) eligibility for a permit to be endorsed;
- c) eligibility to be a nominated deputy on a permit;
- d) the maximum number of persons who may fish under the authority of a permit or endorsement attaching to a permit;;
- e) eligibility to fish under the authority of a permit or endorsement attaching to a permit;

- f) eligibility to skipper a vessel named on a permit for the purposes of fishing under the authority of that permit or endorsement attaching to a permit;
- g) eligibility to name a vessel on a permit;

18. For the purposes of paragraph 17, 'the Authority' means either

- a) members at a meeting of the Authority which is quorate in accordance with Article 13(1) of the Eastern Inshore Fisheries and Conservation Order 2010 ; or
- b) members at an appropriately delegated sub-committee of the Authority.

Flexible permit and endorsement conditions

19. The Authority may, in relation to any permit or endorsement issued under paragraph 10 of this byelaw, impose flexible permit conditions within one or more of the following categories and with which a person fishing under the authority of a permit or an endorsement must comply:

- a) vessel design restrictions;
- b) catch restrictions;
- c) fishing gear and fishing gear use restrictions;
- d) spatial restrictions;
- e) temporal restrictions;
- f) electronic monitoring systems requirements.

20. The Authority may, under paragraph 21 of this byelaw or in accordance with the procedure in Schedule 2 of this byelaw, issue, vary or revoke a flexible permit condition.

21. The Authority may, giving no less than 12 hours' notice in writing, issue, vary or revoke a flexible condition if:

- a) in the view of the Authority there is a risk to the achievement of conservation objectives within Cromer Shoal Chalk Beds MCZ;
- b) in the view of the Authority there are other urgent and compelling reasons requiring such action to be taken.

22. If an action taken by the Authority under paragraph 21 of this byelaw is intended to have effect for more than three months, it must be reviewed in accordance with the procedure in Schedule 2 of this byelaw no later than three months after the date on which such action was taken.

23. Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

Fishing information

24. The Authority may require persons fishing under the authority of a permit or endorsement issued under paragraph 10 to provide fishing information where such information is considered by the Authority to be necessary to further the conservation objectives of Cromer Shoal Chalk Beds MCZ, by such means and with such regularity as are considered appropriate by the Authority for that purpose, including through the use of electronic monitoring systems.

25. The information referred to in paragraph 24 may include:

- a) spatial information;
- b) information on fishing operations including the shooting, setting, towing and hauling of fishing gear;

- c) information on fishing effort;
- d) catch data;
- e) gear information;
- f) date and time information
- g) vessel information.

Retrieval of Fishing Gear When Notified

- 26. Persons fishing under the authority of a permit or endorsement issued under paragraph 10 of this byelaw must use fishing gear in such a way as to minimise the likelihood of it becoming lost.

- 27. The Authority may require a permit holder by way of notification, to retrieve, or cause to be retrieved, fishing gear located at sea or ashore.

- 28. When notified under paragraph 27 of this byelaw, a permit holder must retrieve, or cause to be retrieved, fishing gear at sea or ashore within the timeframes specified in the notification, or where this is not possible, as soon as is reasonably practicable.

- 29. If it is not reasonably practicable to retrieve the fishing gear that is the subject of the notification under paragraph 27 of this byelaw, the permit holder must notify the Authority and provide reasons as to why it is not reasonably practicable to do so.

Pot tags

- 30. Lost or illegible pot tags are no longer valid pot tags.

- 31. Lost pot tags must be reported to the Authority within 21 days of the loss.

- 32. The holder of a permit may apply for replacement pot tags which have been lost or are illegible.

- 33. The Authority may issue replacement pot tags.

- 34. The replacement of pot tags will be at the cost of the permit holder.

Exemptions

- 35. A person is exempt from paragraphs 4, 5, 6, 7 and 9 of this byelaw if they are fishing for whelk under the authority of a whelk permit issued under the Whelk Permit Byelaw 2016, made by the Authority on 17 November 2015 and confirmed by the Secretary of State on 1 November 2016.

Amendments

36. The Whelk Permit Byelaw 2016, made by the Authority on 17 November 2015 and confirmed by the Secretary of State on 1 November 2016 is amended as follows:

- a. after paragraph 1(q), insert: “r) “electronic monitoring systems” means equipment attached to a vessel or fishing gear which records fishing activity information, which may be remotely accessible to the Authority, including: i) deployment or recovery of fishing gear; ii) vessel position, speed and bearing information; iii) vessel identification information; or iii) date and time information.”
- b. in paragraph 2(a) insert after “the holder of a whelk permit”: “and any relevant endorsement attaching to that permit”;
- c. in paragraph 2(b) insert after “the holder of a whelk permit”: “and any relevant endorsement attaching to that permit”;
- d. in paragraph 4 insert after “such agreement may be given”: “subject to conditions”;
- e. in paragraph 6, for “not set whelk pots” substitute “fish for whelks”;
- f. for sub-heading “Permits” substitute “Permits and endorsements”;
- g. after paragraph 9(b) insert the sub-paragraph “9 (c) issue an endorsement attaching to a permit to fish where access is restricted under a flexible permit condition”.
- h. in paragraph 15 insert after “The Authority may restrict the number of whelk permits”, “or endorsements”;
- i. in paragraph 19, insert after “The Authority may attach to permits”, “or endorsements”;
- j. in paragraph 20 (c), for “fishing gear”, substitute “fishing gear and fishing gear use”;
- k. after paragraph 20 (f) insert sub-paragraphs:
 - i. “(g) vessel design restrictions;” and
 - ii. “(h) electronic monitoring system requirements”;
- l. For paragraph 21, substitute: “The Authority may a) issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 1; b) giving no less than 12 hours’ notice in writing, issue, vary or revoke a flexible condition if; i) in the view of the Authority there is a risk to the achievement of conservation objectives within Cromer Shoal Chalk Beds MCZ; or ii) in the view of the Authority there are other urgent and

compelling reasons requiring such action to be taken; and c) where an action taken by the Authority under sub-paragraph 21 (b) is intended to have effect for more than three months, it must be reviewed in accordance with the procedure in Schedule 1 no later than three months after the date on which such action was taken;

- m. in paragraph 22, after "...in relation to that permit" insert "unless under the written agreement of the Authority."
- n. in paragraph 30, substitute "Replacement whelk permit tags will not be issued until the Authority has received payment at cost for the replacement tags".

I hereby certify that the Cromer Shoal Chalk Beds Byelaw 2023 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 8 March 2023.

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (3) and (4) of the Marine and Coastal Access Act 2009 confirms the Wash Cockle and Mussel Byelaw 2021 made by the Eastern Inshore Fisheries and Conservation Authority on 10 March 2021.

Date:

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

Explanatory Note

(this note does not form part of the byelaw)

This byelaw regulates fishing using pots within an area of the sea which includes Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). A permit is required to fish using pots commercially and recreationally within the MCZ. The permit holder, vessel and skippers must be named on the permit and fishing activity must be in accordance with any permit conditions or the conditions of any endorsement attaching to the permit. It is also prohibited to use pots for fishing unless they are marked according to the requirements under the byelaw.

The byelaw enables the Authority to implement flexible manage measures including setting; a limit on the number of permits or endorsements issued, separate permit and endorsement conditions and separate eligibility policy in relation to the allocation of permits and endorsements.

Introduction, variation or revocation of the flexible measures includes a requirement to consult with affected stakeholders and undertake an impact assessment. With the exception of eligibility policy, flexible measures can also be introduced with no consultation where there is a risk to the conservation objectives of the MCZ or in response to other compelling and urgent reasons. However, such measures require review unless they are temporary (not intended to last longer than three months, per the byelaw).

The byelaw enables the Authority to request any information relating to fishing which is considered necessary to further the conservation objectives of the MCZ and gives the Authority discretion as to the means and frequency by which such information may be requested so long as these are appropriate for the purpose.

Fishing gear must be used in such a way as to minimise the likelihood of it becoming lost and the Authority may issue notifications for the retrieval of gear either at sea or ashore within timescales that are reasonably practicable.

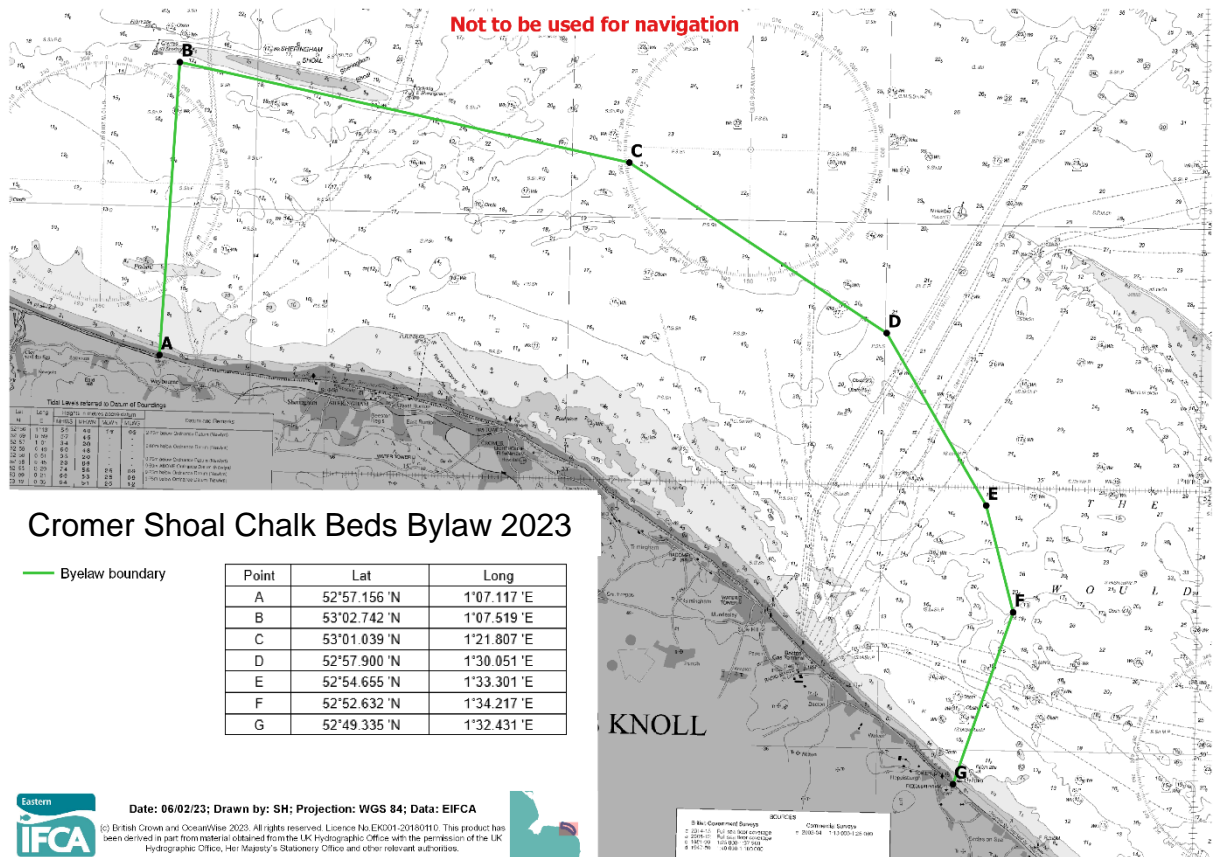
Schedule 1

The Cromer Shoal Chalk Beds area

The Cromer Shoal Chalk Beds area is defined as the area of the District landward of the line drawn by a contiguous series of points listed in the table below and as set out in figure 1 for illustrative purposes.

Point	Latitude	Longitude
A	52°57.156 'N	1°07.117 'E
B	53°02.742 'N	1°07.519 'E
C	53°01.039 'N	1°21.807 'E
D	52°57.900 'N	1°30.051 'E
E	52°54.655 'N	1°33.301 'E
F	52°52.632 'N	1°34.217 'E
G	52°49.335 'N	1°32.431 'E

Figure 1 – chart indicating the area of sea referred to in this byelaw as the Cromer Shoal Chalk Beds area



Schedule 2

Procedure for flexible management measures: limiting the number of permits issued, endorsements issued and flexible conditions

1. The procedure referred to in paragraphs 12, 20 and 22 of the byelaw (in this Schedule, 'the proposed changes') must include the following steps:
 - a. acquisition of relevant available evidence including:
 - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
 - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - iii. information from any other relevant source including that which is relevant to effective enforcement;
 - b. consultation by such methods as the Authority considers appropriate with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes; and
 - c. undertaking an impact assessment relating to the proposed changes.
2. The Authority must review a flexible condition or a restrictions on the issuing of permits or endorsements at least once every six years from after the date on which a flexible condition or restriction on the issuing of permits or endorsements has taken effect.
3. The review of flexible conditions or restrictions on the issuing of permits or endorsements must be in accordance the steps set out in paragraph 1 of this schedule.
4. The Authority must notify all permit holders when restrictions on the issuing of permits or endorsements or flexible conditions are issued, maintained, varied or revoked.

Schedule 3

Procedure for flexible management measures: setting eligibility policy for permits and endorsements

1. The procedure referred to in paragraph 17 of the byelaw (in this Schedule, 'the proposed changes') must include the following steps:
 - a) Consultation, including:
 - a) inviting comment on proposals for no less than four weeks; and
 - b) advertisement by such means as the Authority considers appropriate and through written means (either letter or email) to existing permit holders.
 - b) undertaking an impact assessment relating to the proposed changes having particular regard to the following:
 - i. the stability, continuity and succession of businesses of the permit holders;
 - ii. the continuing ability of permit holders to finance their businesses; and
 - iii. the impacts to potential young entrants or recruits
2. The Authority must not review eligibility criteria more than once every six years from the date that an eligibility criterion has taken effect unless, in the view of the Authority, there are compelling reasons to do so which would include a risk to the conservation objectives of Cromer Shoal Chalk Beds MCZ, the sustainability of a fishery, or the viability of fishery stakeholders.
3. The review of eligibility criteria must include the steps set out in paragraph 1 of this schedule.
4. The Authority must notify all permit holders when eligibility criteria are issued, maintained, varied or revoked.

Schedule 4

Fees

1. The fees referred to in paragraph 14 of this byelaw are, subject to paragraphs 2 and 3 of this schedule, as follows:
 - a) the category one permit fee is £53.38
 - b) the category two permit fee is £53.38

2. The fees set out in paragraph 1 of this schedule may vary on 1 April each year in accordance with latest release available of the Consumer Prices Index, including the occupiers' housing costs 12-month inflation rate issued by the Office of National Statistics.

3. The Authority may vary fees otherwise than in accordance with paragraph 2 of this schedule, subject to the following conditions and procedures:
 - a) the Authority must consult in writing with permit holders;
 - b) the fee as varied may not be changed for any permit already issued;
 - c) the fee being varied must not be increased more than the equivalent value of 50 per cent; and
 - d) the Authority must make a decision whether to vary the permit fee taking into account:
 - i. any responses from the consultation under sub-paragraph 3 (a);
 - ii. expenditure arising from the administration of permits and processing permit holder data required by the Authority;
 - iii. any regulatory impact assessments associated with this byelaw;
 - iv. Authority expenditure to conduct any survey activities that support the implementation of permits;
 - v. Authority costs associated with arranging and attending meetings with permit holders; and
 - vi. any relevant Authority expenditure incurred by implementation of this byelaw.