

Wash Fishery Order 1992 Licences - Interim Policies



The following policies came into effect on 9 March 2022

Over-arching policy statement

1. Eastern IFCA will not issue any licences to persons who are not currently entitled to such and will not consider applications from the waiting list.
2. Notwithstanding the generality of 1 above, Eastern IFCA may consider the issuing of a licence to a person without an entitlement only in exceptional circumstances and when the continuation of a business is at risk.
3. Save for exceptional circumstances, Eastern IFCA will not
 - a. transfer 'entitlements' or licences from the holder to any other person; or
 - b. change the vessel associated with an 'entitlement' or which is named on a Licence.
4. Eastern IFCA will investigate changes in the ownership of vessels and changes to the named representatives or Deputies of licences to deter any attempted circumvention of the moratorium or waiting list.
5. Only fishers with relevant experience and safety training will be permitted to fish under WFO licences to prevent damage to the Wash or unsafe practices.

Interim Policy Notes

1. No person shall be granted a licence under Article 8 of the Order unless such a person's name appears on a register of pre-qualified persons (see Note 4 below). Any individual acting as skipper (named representative or nominated deputy) on a WFO licensed vessel must also appear on the pre-qualified register.
2. No vessel shall be named on a licence issued under Article 8 of the Order unless such a vessel is a British Registered Fishing Vessel and the licence holder is in possession of the relevant fishing licence issued by the Marine Management Organisation (MMO) applicable to its length. The production of the Certificate of Registry and the relevant MMO fishing licence must accompany any application by the owner for a licence.

3. If a vessel named on a licence issued under Article 8 of the Order authorising the dredging, fishing for or taking of any of the prescribed species is sold then the licence shall be cancelled immediately. The Authority shall have absolute discretion to re-issue a licence in accordance with over-arching policy 3, in the event of the following circumstances;
 - i. if the licensee selling the vessel is replacing such vessel with another
 - ii. special circumstances relating to the transfer of ownership between close relatives.

4. A pre-qualified person shall be a person whose name appears on a register, held by the Authority. A person may be named on the register if that person can produce evidence of:
 - i. the relevant certificates required under the Fishing Vessels (Safety Training) Regulations 1989 or be exempt from such regulations by virtue of their age; and
 - ii. at least three years' experience of fishing within the Wash, with at least 16 days fishing in each year.

5. Once a vessel has been named on a licence using an entitlement, the vessel is dedicated to that entitlement. The entitlement holder and owner of the vessel cannot subsequently licence the vessel using a different entitlement. Only after presenting documentation proving a change of ownership, and subject to overarching policy 3, can the entitlement holder name a different vessel on that entitlement or licence.

6. A vessel cannot be licensed using any entitlement held by any of the vessel's previous owners.

The following policies came into effect on 21 April 2023

Where an application under phase 1 was not made, or was declined on the grounds that the Entitlement Holder was not the beneficial owner of the vessel dedicated to that Entitlement, and the Nominated Representative or Deputy associated with that Entitlement successfully secured eligibility for a permit through phase 2 on the grounds of beneficial ownership of the same vessel, the following policy applies:

1. exemptions to fish for cockles and mussels within the Wash Temporary closure will be issued jointly to the Entitlement Holder, Nominated Representative and Deputy (if applicable) to fish using the vessel which was dedicated to that Entitlement only within any open fisheries; and
2. the persons and vessel associated with the exemption will be 'frozen' in accordance with that which was named on the last licence issued immediately preceding the expiry of the Wash Fishery order and Nominated Representative or Deputy of such will not be changed except in exceptional circumstances where the Nominated Representative and Deputy is not able to put to sea due to circumstances outside of their control; and
3. the exemption shall be conditional on any person wishing to fish under its authority completing and returning a declaration form provided by the Authority prior to undertaking any fishing activity in addition to any other conditions including fisheries management measures.