

Eligibility Policy: Section 6

6. New Permits

Section 6: Guidance

This section sets out how any available permits will be issued when they become available. Applicants will be prioritised where they are active participants Wash and North Norfolk Coast fisheries, if they will have a vessel ready to participate within 12 months of application, if they are compliant with fisheries and environmental regulations and if they do not already have access to the fishery.

- 6.1.** Where the number of permits issuable is less than the maximum set out in section 3.5, a number of permits up to the maximum may be issued as 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. To be considered for a new permit, 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 11 ("Permit Penalty") and this includes in relation to the permit holders, or nominated representatives as the case may be, of a permit so affected.
- 6.5.** 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 new permits available, subject to 6.6, the applicant(s) who has accrued the most points in accordance with table 2 will be eligible for an available permit.
- 6.6.** Where the number of persons with the most points exceeds the number of new permits available under this section, the Authority will make the final decision on 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 (with preference given to applicants with fewer permits). 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 to other eligible applicants. The eligibility fee is required to be paid during this time in accordance with 5.2.1.

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

Criterion		Points
1	Fished in Wash and North Norfolk Coast fisheries	+ 2 points for each year participation up to 10 points
2	Applicant has, or is in the process of acquiring, a vessel which will be able to operate within the Wash cockle or mussel fisheries within 12 months of application	+ 10 points
3	Fished in fisheries as a Nominated Representative or Deputy on a WFO licence or as a Nominated Deputy under a permit under the byelaw.	+ 2 points for each year participation up to 20 points
4	Conviction of a relevant offence* within 3 years of application. 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
5	Conviction of a fisheries offence (other than a relevant offence) within 3 years of application, 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.155 or 157 of MaCAA which are in effect and s.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 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
6	Any ownership (registered or beneficial) in vessels named on other permits and / permits which are issuable under section 5 ("Maintaining Eligibility"). Ownership includes any financial interest in companies or businesses which have any ownership (registered or beneficial) of such a vessel.	-5 points in relation to each permit issued or issuable.

* 'relevant offence' is defined within the Eligibility Policy in section 1 which is set out below for reference.

From section 1 of the Eligibility policy

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; *or*
- f) in relation to the use of I-VMS when fishing under the authority of a permit issued under the byelaw.