



**Eastern
Inshore Fisheries and Conservation Authority**

MARINE AND COASTAL ACCESS ACT 2009

Wash Cockle and Mussel Byelaw 2021

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 2010²;
- b) “bottom towed gear” means any trawls, seines, dredges and similar gear which are actively moved in the water by one or more fishing vessels or by any other mechanised system and which are designed and rigged to operate on or near the seabed;
- c) “catch return form” means a form issued by the Authority pursuant to paragraphs 29 to 33 of this byelaw;
- d) “certificate of gear approval” means the document issued under paragraph 7 of this byelaw;
- e) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- f) “conservation objectives” means any targets or conditions for the purpose of furthering the conservation and enhancement of flora, fauna, geological or physiographical features of marine protected areas;
- g) “the District” has the meaning given by Article 3 of the Eastern Inshore Fisheries and Conservation Order 2010;

¹ 2009 c.23.

² SI 2010/2189.

- h) “dredged mussel fishery” means a fishery within the District which targets mussels and fishing is undertaken using bottom towed gear;
- i) “eligibility policy” means the document issued under paragraph 17 which describes how the Authority will issue permits and manage access to the fisheries under this byelaw in accordance with the duties of the Authority and which shall be:
 - i. created and agreed by the Authority;
 - ii. reviewed, issued, varied and revoked in accordance with Schedule 5 of this byelaw;
 - iii. published on the Authority’s website;
 - iv. deposited at, and available on request from, the Authority’s offices;
- j) “experience requirements” means criteria relating to a person’s previous fishing history, which may be specified in permit conditions issued under paragraphs 19 to 21 of this byelaw;
- k) “fishery” means areas within The Wash in which cockles and mussels are targeted and fishing is undertaken by the methods defined in sub-paragraphs (h), (o) and (p) or fished for, taken or removed by the methods defined in sub-paragraphs (q), (y), (z) and (aa);
- l) “fishing” includes:
 - i. prop-washing;
 - ii. digging for bait;
 - iii. the shooting, setting, towing and hauling of fishing gear;
 - iv. gathering sea fisheries resources by hand or using a hand operated implement; and
 - v. catching, taking, transporting or removing sea fisheries resources;
- 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 with a condition imposed in relation to a permit under paragraphs 19 to 21 of this byelaw;
- o) “hand-work cockle fishery” means a fishery within the Wash which targets cockles and fishing is undertaken by hand or using a hand operated implement only;
- p) “hand-work mussel fishery” means a fishery within the Wash which targets mussels and fishing is undertaken by hand or using a hand operated implemented only;
- q) “harvestable mussel fishery” means a fishery within the Wash, the flexible permit conditions for which allow mussels fished for, taken or removed from the fishery to be sold directly to a market;
- r) “marine protected area” means any of the sites specified in section 158(6) of the Marine and Coastal Access Act 2009;
- s) “mussel” means any of the species belonging to the genus *Mytilus*;
- t) “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 12 of this byelaw;
- u) “notice” means notification provided by the Authority directly to affected persons in writing which will be sent via email to the email address, or

via post to the postal address, provided by the person to be notified in their permit application;

- v) “operating times” means the time periods that a fishery is open for fishing as determined by the Authority under paragraphs 26 to 28 of this byelaw;
- w) “permit” means any of the following issued under paragraph 8 of this byelaw:
 - i. hand-work cockle permit;
 - ii. hand-work mussel permit; or
 - iii. a mussel dredge permit;
- x) “permit holder” means a person who has been granted a permit in accordance with the requirements of this byelaw;
- y) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;
- z) “recreational purposes” means fishing which is not for sale or reward;
- aa) “re-laying mussel fishery” means a fishery within the Wash in which mussels are targeted and removed from the fishery with the intention of being re-laid for the purpose of aquaculture;
- bb) “skipper” means, in relation to any vessel, the person for the time being in command or in charge of the vessel;
- cc) “the le Strange Estate” means the area as defined in the judgment of Mr David Halpern QC sitting as a deputy High Court judge and handed down by the High Court on 27 July 2018 with the reference John Henry Loose -v- Lynn Shellfish and others³ as indicated for illustrative purposes by the red boundary line on the chart at Figure 1 of Schedule 3 of this byelaw;
- dd) “The Wash” means the area set out on the chart at Figure 1 of Schedule 3 of this byelaw and does not include the le Strange Estate;
- ee) “total allowable catch” means the maximum quantity of cockles or mussels as published on the Authority’s website and notified in writing to permit holders, that may be removed from a fishery in order to protect:
 - i. sustainability of the stocks;
 - ii. marine protected areas; or
 - iii. industry viability;and which relates to the total which may be taken from that fishery as a whole and not by an individual;
- ff) “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 hovercraft or any other amphibious vehicle, used or capable or being used as a means of transportation on water;
- gg) “vessel monitoring device” means an electro-mechanical device capable of monitoring, sorting and transmitting the relevant data to the UK’s secure interface platform which collects, stores, manages and

³ [2018] EWHC 1959(Ch).

makes available all VMS and I-VMS data centrally for use by relevant UK fisheries authorities;

- hh) "Wash Fishery Order" means the Wash Fishery Order 1992⁴;
- ii) "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 for, take, or remove any cockles or mussels from within The Wash nor carry onboard any such cockles and mussels unless:
 - a) under the authority of a permit on which that person is named and is eligible under the eligibility policy issued under paragraph 17 of this byelaw; and
 - b) if using a vessel, that vessel and the skipper are both named on the permit; and
 - c) in accordance with any restrictions in Schedule 2 of this byelaw.
- 5. A person must not fish for, take, or remove, cockles or mussels from a fishery:
 - a) which is closed under paragraphs 24 or 25 of this byelaw; or
 - b) outside of the operating times issued under paragraph 27 or 29 of this byelaw.
- 6. A person must not fish for, take or remove any cockles or mussels from within The Wash, nor carry on board any such cockles and mussels caught using fishing gear unless:
 - a) a certificate of gear approval has been issued for, and an associated tag affixed to, the fishing gear; or
 - b) the fishing gear is not subject to any restrictions, specifications, or requirements under:
 - i. a flexible permit condition issued under this byelaw; or
 - ii. any other provision of this byelaw.
- 7.
 - a) The Authority may only issue a certificate of gear approval if the permit holder applies to the Authority for gear certification using the forms provided by the Authority and the fishing gear has been inspected by an Inshore Fisheries and Conservation Officer who determines the fishing gear meets the restrictions, specifications or requirements under a flexible permit condition issued under this byelaw, or any other provision of this byelaw.
 - b) A certificate issued under sub-paragraph 7(a) is:

⁴ SI 1992/3038.

- i) invalid if the fishing gear is modified in any way after the certificate has been issued; and
- ii) valid only for the period for which the associated permit is valid.

Permits

8. The Authority may issue a permit to authorise fishing within a:
 - a) hand-work cockle fishery;
 - b) hand-work mussel fishery; or
 - c) dredged mussel fishery.
9. Permits are:
 - a) created, issued and revoked at the discretion of the Authority under this byelaw, subject to the eligibility policy issued under paragraph 17 and accordingly no legal title is created or implied by the issue of a permit;
 - b) issued to a named person, who shall be a natural person only and the permit holder;
 - c) issued in relation to a single vessel only;
 - d) valid for the period specified on the permit, up to a maximum of 12 months after the date of issue; and
 - e) not transferable between persons or vessels.
10. The Authority may restrict the number of permits issued under this byelaw in accordance with the procedure in Schedule 4 of this byelaw.
11. The Authority may only issue a maximum of one permit per vessel for each type of fishery specified in paragraph 8 of this byelaw.
12. A permit holder may name a person to skipper a vessel used 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

13. Subject to the eligibility policy issued by the Authority under paragraph 17, a person is eligible for one of each of the permits issuable under paragraph 8 for a period of 12 months beginning with the date on which the Authority receives payment of the eligibility fee.
14. Prior to issuing a permit specified in paragraph 8, the Authority must have received the eligibility fee and fisheries specific fee in respect of each permit the Authority proposes to issue.
15. The sum of the eligibility fee and the fisheries specific fee will be determined by the Authority in accordance with Schedule 1.

Eligibility for a permit and eligibility policy

16. An application for a permit 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, in accordance with the procedure set out in Schedule 5, may issue, vary or revoke the eligibility policy separately in relation to each of the permits issuable under paragraph 8 in order to set conditions for the:
 - a) eligibility to hold a permit;
 - b) eligibility to be a nominated deputy on a permit;
 - c) the maximum number of persons who may fish under the authority of a permit;
 - d) eligibility to fish under the authority of a permit;
 - e) eligibility to skipper a vessel named on a permit for the purposes of fishing under the authority of that permit;
 - f) 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 Eastern Inshore Fisheries and Conservation 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 Eastern Inshore Fisheries and Conservation Authority.

Flexible permit conditions

19. The Authority may, in relation to any permit issued under paragraph 8 of this byelaw, impose flexible conditions within one or more of the following categories and with which a person fishing under the authority of the permit must comply:
 - a) vessel design requirements;
 - b) catch requirements;
 - c) fishing gear requirements;
 - d) fishing effort requirements;
 - e) spatial requirements;
 - f) time requirements;
 - g) vessel monitoring device requirements;
 - h) experience requirements;
 - i) catch returns; and
 - j) permitted number of persons who can fish under the authority of a permit as a named representative.

20. The Authority may issue, vary, or revoke a flexible permit condition under paragraph 21 of this byelaw or in accordance with the procedure in Schedule 4 of this byelaw.
21. The Authority may, giving no less than 12 hours' notice in writing, issue, vary or revoke a flexible permit condition if:
- a) in the view of the Authority there is a risk to the sustainability of wild cockle or mussel stocks;
 - b) in the view of the Authority there is a risk to the achievement of conservation objectives in relation to any marine protected areas as a result of fishing permitted under this byelaw; or
 - c) 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 4 of this byelaw no later than three months after the date on which such action was taken.

Opening and closing fisheries

23. The Authority may open a fishery or parts thereof under paragraph 24 of this byelaw or in accordance with the procedure in Schedule 4 of this byelaw, and in doing so must specify:
- a) the species which can be fished for within the fishery;
 - b) the areas open or closed within that fishery;
 - c) the fishing gears which can be used within that fishery;
 - d) the conditions which would cause the closure of the fishery including by setting a total allowable catch;
 - e) dates of fishery closures if such are known at the time of opening; and
 - f) the periods of time the fishery is open for.
24. The Authority may, giving no less than 12 hours' notice, open or close a fishery or parts thereof if:
- a) a closure is required to prevent the total allowable catch from being exhausted;
 - b) a closure is required to enable a stock survey;
 - c) in the view of the Authority there is a risk to the sustainability of wild cockle or mussel stocks;
 - d) in the view of the Authority there is a risk to the achievement of conservation objectives in relation to any marine protected areas as a result of fishing permitted under this byelaw; or
 - e) in the view of the Authority there are other urgent and compelling reasons requiring such action to be taken.
25. If a closure under sub-paragraphs 24 c to e is intended to have effect for more than three months, it must be reviewed in accordance with the procedure in Schedule 4 no later than three months after the date on

which the fishery was closed.

Operating times

26. The Authority may issue, vary, or revoke operating times under paragraph 27 of this byelaw or in accordance with the procedure in Schedule 4.
27. The Authority may, with no less than 12 hours' notice, issue, vary or revoke operating times if in the view of the Authority there:
 - a) is a risk to the sustainability of wild cockle or mussel stocks;
 - b) is a risk to the achievement of conservation objectives in relation to any marine protected areas as a result of fishing permitted under this byelaw;
 - c) are other urgent and compelling reasons requiring such action to be taken.
28. If an action taken by the Authority under paragraph 27 is intended to have effect for more than three months, it must be reviewed in accordance with the procedure in Schedule 4 no later than three months after the date on which such action was taken.

Catch returns

29. A permit holder must complete, or cause to be completed, catch return forms with such information as is required by the Authority within 24 hours of fishing for, taking or removing from the fishery any cockles or mussels under the authority of a permit.
30. A permit holder must submit, or cause to be submitted, to the Authority, catch return forms relating to the previous week's fishing no later than the Wednesday of the week following fishing activity unless otherwise specified in the flexible permit conditions for that fishery.
31. Where catch returns are more than fourteen days in arrears for a permit, the Authority must notify all persons named on the permit in writing.
32. Seven days after notification under paragraph 31, the associated permit will be suspended unless or until such time as:
 - a) the Authority has received all of the catch return forms notified as missing under paragraph 31; and
 - b) the Authority has issued confirmation that such forms have been received.
33. The information referred to in paragraph 29 may include:
 - a) spatial information;
 - b) information on fishing effort;
 - c) catch data;
 - d) by-catch information;
 - e) gear information;
 - f) date and time information; and
 - g) vessel information.

Exemptions

34. This byelaw does not apply in relation to fishing for, taking or removing from the fishery, for recreational purposes, a maximum of five kilograms of cockles or mussels per person per calendar day.
35. With the exception of paragraph 17 of Schedule 2, this byelaw does not apply to the area of the le Strange Estate.
36. Paragraph 4(b) of this byelaw 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.

Offences

37. A person who contravenes this byelaw is guilty of an offence under section 163(1) of the Marine and Coastal Access Act 2009.

Revocations

38. The byelaw with the title 'Byelaw 4: mussels (*Mytilus edulis*) – minimum size' which was made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and confirmed by the Secretary of State on 10 April 1997 is revoked.

Amendments

39. The Minimum Sizes Byelaw 2019 which was made by the Authority on 11 December 2019 and confirmed by the Secretary of State on 26 February 2021 is amended as follows:
 - a) after paragraph 1(f), insert: "(g) "The Wash" means the area set out in Schedule 3 of the Wash Cockle and Mussel Byelaw 2021 which was made by the Authority on 10 March 2021";
 - b) in Schedule 1b "Species and specified minimum conservation reference sizes", add two rows under "Whelk (*Buccinum undatum*)" and insert:

"Mussels (*Mytilus edulis*)" in column 1, "caught within The Wash" in column 2 and "45 millimetres" in column 3, of the first additional row and;

"Mussels (*Mytilus edulis*)" in column 1, and "caught outside of The Wash" in column 2, and "50 millimetres" in column 3 of the second additional row.
40. The Marine Protected Areas Byelaw 2018 made by the Authority on the 18 July 2018 and confirmed on 2 March 2020 is amended as follows:

- a) in Schedule 1 (Restrictions), paragraph 2, for: “licence issued under Article 8 of the Wash Fishery Order 1992” substitute: “permit issued under the Wash Cockle and Mussel Byelaw 2021”.

41. The byelaw with the title ‘Byelaw 3: Molluscan Shellfish Methods of Fishing’ made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 is amended as follows:

- a) for “within that part of the District contained within the boundaries of the Wash Fishery Order 1992, under the provisions of a licence issued under the said Order” substitute “under the authority of a permit issued under the Wash Cockle and Mussel Byelaw 2021”.

I hereby certify that the Wash Cockle and Mussel Byelaw 2021 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 10 March 2021.



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.



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

Date: 26 February 2025

Explanatory Note

(this note does not form part of the byelaw)

This byelaw regulates fishing activity for cockles and mussels in an area of sea known as 'The Wash', which is defined in Schedule 3 of this byelaw, in Norfolk and Lincolnshire.

A permit is required to fish for cockles and mussels within The Wash. The vessel and any person fishing under the authority of the permit, including the permit holder and any nominated deputies, must be named on the permit and fishing activity must be in accordance with any permit conditions. Permit fees apply which must be paid prior to the issuing of a permit and which can be varied by the Authority in accordance with Schedule 1 of this byelaw. Eligibility requirements also apply via eligibility policy, which may be issued varied or revoked by the Authority in accordance with Schedule 5 of this byelaw.

This byelaw prohibits fishing in areas closed to fishing or outside of the open periods of the fishery.

Schedule 2 of the byelaw set out restrictions in relation to the following: vessel length, daily catch, mussel dredges, sorting of catch, transshipping, landing requirements (cockles), fishing in more than one fishery per calendar day, use of bags for landing catch and the fishing activity known as 'prop-washing'.

Where fishing gear used to catch cockles or mussels is subject to restrictions under this byelaw, its use is prohibited unless a certificate of gear approval has been issued. A certificate of gear approval may be issued after inspection by an inshore fisheries and conservation officer has inspected the gear and confirmed compliance with the requirements under the byelaw. A certificate of gear approval will be invalid if the fishing gear is modified and is only valid for the lifetime of the associated permit.

The byelaw enables the Authority to implement flexible management measures including: a limit on the number of permits issued, opening and closing fisheries, setting out time periods when the fisheries are open, setting permit conditions and allocation of permits using an eligibility policy.

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 the eligibility policy, flexible measures can also be introduced with no consultation to protect stock sustainability, in response to a threat to the conservation objectives of a marine protected area or in response to other compelling and urgent reasons but these require review unless the measure is temporary.

Catch returns are required in relation to fishing activity carried out under permits. Where a person fails to provide catch returns within seven days of notification that catch returns have not been received by the Authority, the associated permit will be suspended until such time as the catch returns have been received by the Authority and notification has been sent to that effect.

The byelaw does not apply within the area of The Wash known as the le Strange Estate or where a person removes a maximum of 5kg of cockles or mussels from The Wash for recreational purposes. The requirement for a vessel to be named on a permit does not apply where the Authority has provided written authorisation of such in circumstances where a permit holder, nominated deputy or vessel is unable to put to sea.

Byelaw 4: mussels (*Mytilus edulis*) – maximum sizes, made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and confirmed by the Secretary of State on 10 April 1997 is revoked.

The Minimum Sizes Byelaw 2019 made by the Authority on 11 December 2019, The Marine Protected Areas Byelaw 2018 made by the Authority on 18 July 2018 and Byelaw 3: 'Molluscan Shellfish Methods of Fishing' made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 are amended.

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

Schedule 1

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 eligibility fee is £757.75;
 - b) the fishery specific fees are as follows:
 - i. for a hand-work cockle fishery permit, £339.57;
 - ii. for a hand-work mussel fishery permit, £101.39;
 - iii. for a mussel dredge fishery permit, £162.48.

2. Notwithstanding the generality of paragraph 3 of this schedule, the Authority may vary the fees on 1 April each year:
 - a) in accordance with latest release available of the Consumer Prices Index, including owner occupiers' housing costs 12-month inflation rate issued by the Office of National Statistics; or
 - b) by increasing the fee by 3.5 percent of the value of the fee;whichever amount is lowest.

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.

Schedule 2

Restrictions in The Wash

The following restrictions apply in relation to fishing for, taking or removing from the fishery, cockles or mussels from within The Wash in accordance with paragraph 4(c) of this byelaw.

Vessel length restrictions

1. Subject to paragraph 2 of this schedule, a person must not use a vessel which is more than 14 metres in overall length to fish for, take or remove, from a fishery cockles or mussels.
2. Paragraph 1 of this schedule does not apply where an exemption existed immediately preceding this byelaw under Regulation 5 (vessel length restrictions) of the Wash Fishery Order and only to the effect and extent that that exemption applied.
3. Any change in beneficial or legal ownership of a vessel exempt under paragraph 2 of this schedule shall cause the exemption to end unless ownership is transferred within the same business and with the agreement of the Authority.

Daily catch restrictions (cockles)

4. A person must not, unless otherwise specified in a flexible permit condition, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with paragraph 12 of this schedule) or remove from the fishery more than 2000 kilograms or the maximum weight or volume of cockles specified in a permit condition, by hand.
5. For the purpose of determining the weight of catch, no allowance will be given for the weight of any containers or sand or other material.

Daily catch restrictions (mussels)

6. A person must not, unless otherwise specified in a flexible permit condition, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with paragraph 12 of this schedule) or remove from the fishery:
 - a) more than 4000 kilograms of mussels from a harvestable mussel fishery; or
 - b) more than 8000 kilograms of mussels from a re-laying mussel fishery.
7. For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
8. A person must not fish for, take or remove any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed any mussels from a re-laying mussel fishery.

9. A person must not fish for, take or remove any mussels from a re-laying mussel fishery if, during the same calendar day, that person has fished for, taken or removed any mussels from a harvestable mussel fishery.

Mussel dredge restrictions

10. A person must not use a mussel dredge with an inside opening of more than one metre to fish for, take or remove from a fishery, mussels unless otherwise specified in a permit condition.
11. A person must not use more than two mussel dredges at any one time to fish for, take or remove mussels from a fishery unless otherwise specified in a permit condition.

Sorting of catch

12. A person must immediately return to the sea or seabed any material rejected through the sorting of catch of any bivalve mollusc, as near as possible to the place from which it was taken and must spread it thinly and evenly over that area.

Transshipping prohibition

13. A person must not transship or otherwise relocate any cockles or mussels, or containers of any description containing any cockles or mussels, caught from the fishery from one vessel to another.

Requirement to land (cockles)

14. Subject to paragraph 15 of this schedule, a person fishing for cockles must:
 - a) take any cockles caught straight to port;
 - b) land such cockles immediately; and
 - c) not leave cockles on the sand or deposited in the water in bags or any other container for later collection.
15. Paragraph 14 of this schedule does not apply where a person has written authorisation from the Authority to re-lay cockles onto private shellfish aquaculture areas prior to them being landed.
16. A person must not land cockles on more than one occasion during one calendar day.

Dual fishing prohibition

17. A person must not fish for, take, or remove, from a fishery any cockles or mussels under the authority of a permit if, on the same calendar day that person fishes for, takes or removes cockles or mussels from:
 - a) within The Wash under the authority of a separate permit issued under this byelaw; or
 - b) within the Wash or the le Strange Estate other than under the authority of a permit.

18. A person must not have on board any bottom towed gear which could be used to fish for, take or remove from the fishery within The Wash any cockles or mussels when fishing for, taking or removing from a fishery any cockles or mussels from a hand-work fishery within The Wash.

Standard bags

19. A person must not land mussels or cockles unless the species caught is contained in a bag which must:

- a) be of the following dimensions:
 - i. 60 centimetres or 120 centimetres in height;
 - ii. 97 centimetres in depth;
 - iii. 97 centimetres in width; and
- b) have the words 'Wash Fishery' written on at least two sides with lettering which is at least ten centimetres tall.

Prop-washing

20. A person fishing for cockles must not use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;

21. A person must spread any cockles dislodged by prop-washing thinly and evenly over the ground, as near as possible to the area from which they were dislodged before leaving the area fished.

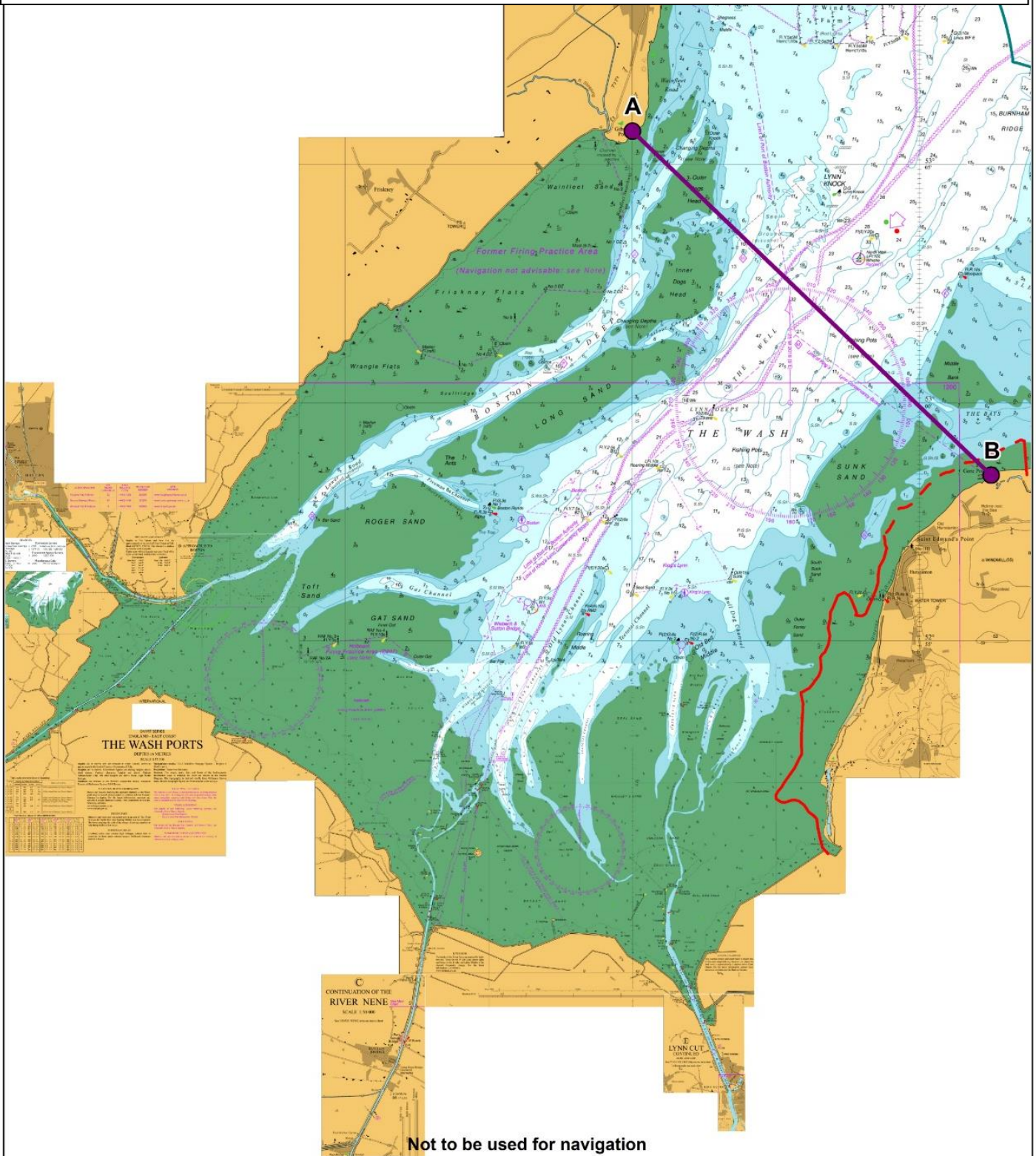
Schedule 3

The Wash


The Wash is defined as the area of the District landward of a line drawn connecting the two points listed in the table below and as set out in Figure 1 for illustrative purposes and does not include the le Strange Estate for the purposes of this byelaw.

Point	Latitude	Longitude
A	53° 05.70' N	00° 19.89' E
B	52° 58.55' N	00° 32.27' E

Figure 1 – chart indicating the area of sea referred to in this byelaw as The Wash



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	<p style="text-align: center;">Wash Cockle and Mussel Byelaw 2021</p> <ul style="list-style-type: none"> —— Fixed le Strange Boundary - - - - le Strange Boundary which will move in accordance with any movement of lowest astronomical tide —— 'The Wash' seaward Boundary —— Eastern IFCA District boundary 	<p>Date:15/11/21 Drawn by:SC Projection: Lat Long WSG84 Source data - EIFCA: Eastern IFCA boundary The Wash Several Order High Court Ref. HC07C02289: Le Strange boundary 2021_11_15_The_Wash_Cockle&Mussel_Byelaw.wor</p>
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Schedule 4

Procedure for flexible management measures: limiting the number of permits issued, permit conditions, opening and closing fisheries and operating times

1. The procedure referred to in paragraphs 10, 21, 22, 24, 26, 28, 29, 31 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 permit condition or any restrictions on the issuing of permits at least once every six years from the date on which a flexible permit condition or restriction on the issuing of permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of permits must be in accordance with a formal operational procedure agreed by the Authority and include the steps set out in paragraph 1 of this schedule. The formal operating procedure will be held by the Authority's office and published on the Authority's website.
4. The Authority must notify all permit holders when restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked. The details of any fishery opened or closed in accordance with paragraphs 26-28 of the byelaw will be held by the Authority's office and details will be published on the Authority's website accordingly.

Schedule 5

Procedure for flexible management measures: setting eligibility policy

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:
 - i. inviting comment on proposals for no less than four weeks; and
 - ii. 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 regard to the following:
 - i. the stability, continuity, and succession of businesses of the permit holders; and
 - ii. the continuing ability of permit holders to finance their businesses.
2. The Authority must review eligibility criteria every six years from the date that an eligibility criterion has taken effect unless, in the view of the Authority, there are urgent and compelling reasons to do so sooner which would include a risk to the sustainability of a fishery, the protection of a marine protected area within which a fishery operates or the viability of fishery stakeholders.
3. The review of eligibility criteria must be in accordance with a formal operational procedure agreed by the Authority and 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.