

North Eastern Inshore Fisheries and Conservation Authority

Tees Mouth and Cleveland Emergency Cockle Byelaw Regulation

North Eastern Inshore Fisheries and Conservation Authority in exercise of the powers conferred upon it under section 157 of the Marine and Coastal Access Act 2009 hereby makes the following emergency byelaw for the management of cockle stocks within the boundaries of Hartlepool Borough Council, Stockton-on-Tees Borough Council, Redcar and Cleveland Borough Council and adjacent area of sea.

1. General Provisions

- 1.1 Subject to the provisions of this Byelaw no person shall take, remove or disturb any cockle unless that person holds a current permit issued by the Authority. Permits will be provided to any person upon demand providing that the prescribed application form has been accurately completed and received (the proof of which shall be upon the applicant).
- 1.2 Such permits are not transferable and can only be relied upon by the person named in the permit and whose photograph is attached to the permit.
- 1.3 The Authority retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding accurate information required for the issue of that permit, or outstanding information required by section 4 of this Byelaw.
- 1.4 Any person fishing for cockles and being the holder of a permit shall, by no later than the 5th day of each month, make a full and true return in a form specified by the Authority, of the date upon which and the location from which any cockles were taken in the previous month, together with quantities (in kilograms) of all such cockles taken, or if appropriate, a statement that the person had taken no such cockles.
- 1.5 Any person who takes or removes from the fishery, less than five kilograms of cockles per day, shall not require a permit
- 1.6 No person shall remove from the fishery any cockle between the 1st of May and the 31st August inclusive.
- 1.7 No person shall use for the purpose of taking cockles any instrument other than a rake or other like instrument with a head width not exceeding 305 mm and having spaces of not less than 20 mm between the teeth.
- 1.8 No person shall remove from the fishery any cockle which will pass through a gauge having a square aperture of 20 mm measured over each side of the square, except in accordance with the prior written authority of the Clerk.
- 1.9 No person shall remove more than 500 kilograms of cockles in any twenty- four hour period, except in accordance with the prior written authority of the Clerk.
- 1.10 If, after consultation with the permit holders, the Authority considers it desirable or necessary for the purposes of:
 - (i) ensuring recovery of depleted stocks, and/or

- (ii) ensuring the protection and development of mainly immature or undersized or transplanted cockles, and/or
- (iii) protection of the fishery, fishery management and control of exploitation, and/or
- (iv) environmental protection and conservation

It shall close for a specified period any cockle bed or part of a bed.

- 1.11 No person shall, without the prior written authority of the Clerk of the Authority fish for, remove, take or disturb any cockle from a bed or part of a bed that has been closed under this byelaw.
- 1.12 Where any bed or part of a bed is closed under this Byelaw, the Authority will, where it is practicable to do so, cause notices to be displayed in the vicinity of a bed or part thereof clearly defining the area in which the cockles shall not be removed, taken or disturbed without the prior consent of the Authority. In addition, notice will be given by publishing the same in a newspaper circulating in the District in which the cockle bed is situated.

2.0 Entry into Force and Duration

- 2.1 These Byelaws will come into force on 28 June 2011 and will remain in force (unless revoked or extended by the Secretary of State) until 27 June 2012.

3.0 Interpretation

- 3.1 'North Eastern Inshore Fisheries and Conservation Authority District' means the area as defined in Section 3 of SI 2010 No 2193 'North Eastern Inshore Fisheries and Conservation Order 2010.
- 3.2 'The Authority' means North Eastern Inshore Fisheries and Conservation Authority as defined in Section 2 of SI 2010 No 2193 'North Eastern Inshore Fisheries and Conservation Order 2010.
- 3.3 'Adjacent area of sea' means so much of the sea adjacent to the boundaries of the specified local authorities to a distance of 6 nautical miles from the 1983 baselines. The 1983 baselines means the baselines from the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964.

Explanatory Note

This note is not part of the byelaws

The purpose of this byelaw is to provide protection to emerging cockle stocks in the Tees Mouth and Cleveland area and associated statutory environmental designations which are not covered through existing byelaw regulations. This emergency byelaw will be kept under review by North Eastern Inshore Fisheries and Conservation Authority and will either be replaced with a permanent byelaw no later than 12 months after commencement of the date of this byelaw, will be revoked, will be extended by 6 months or will expire.



G. Traves

Signed under common seal of North Eastern Inshore Fisheries and Conservation Authority on 28th June 2011 by Mr George Traves MBE Chairman of the Authority.