

## **North Eastern Inshore Fisheries and Conservation Authority**

### **Marine and Coastal Access Act 2009**

#### **XXIII METHOD AND AREA OF FISHING (DREDGES) BYELAW**

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for the management of scallop dredging within that District.

#### **1. Interpretation**

In this byelaw-

- (a) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (b) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (c) 'use' means deploy into the water;
- (d) 'Specified dredging area' means that part of the sea within the District bounded to the North by the boundary of the District, to the South by a line drawn True East from Filey Brigg (Lat 54°12.91'N Long 000°15.30'W), to the West by the 3 nautical mile limit line and to the East by the 6 nautical mile limit line.
- (e) '3 nautical mile limit line' means a line drawn on the seaward side of the baselines 3 nautical miles from the baselines;
- (f) '6 nautical mile limit line' means a line drawn on the seaward side of the baselines 6 nautical miles from the baselines; and
- (g) 'baselines' mean the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 111p.6452A) as amended by the Territorial Waters (amendment) Order in Council 1979 (1979 11p.2866).
- (h) 'Automatic Identification System' (AIS) means an operational transceiver of Class A or Class B design that transmits accurate information including the ships identity, type, position, course, speed and can exchange information with shore-based facilities.

## 2. **Prohibitions**

- (a) The use of any dredge is prohibited outside the boundaries of the specified dredging area.
- (b) No vessel shall use any dredge within the specified dredging area unless that vessel holds a valid dredging permit.
- (c) Any vessel carrying dredges must be operating a fully functioning Automatic Identification System (AIS) at all times, whilst transiting through the Authority's district

## 3. **Permits**

Applications for permits will be considered from vessels meeting the following criteria:

- (a) The vessel is registered as a fishing vessel in accordance with Part II of the Merchant Shipping Act 1995 or in the Channel Islands or the Isle of Man and holds a valid current fishing licence issued by the appropriate United Kingdom Fisheries Department at the time the application is made;
- (b) The overall length of the vessel does not exceed 15 m
- (c) The engine power of the vessel does not exceed 300 KW
- (d) The vessel must have installed, maintain and operate, a fully functioning Automatic Identification System (AIS) at all times, whilst transiting or using any dredge within the Authority's district.

## 4. **Application for Permits**

- (a) Permits will be valid from the 1 November to 30 April inclusive. Permits will be issued annually. A fee of £500 will be charged by the Authority for all dredging permits upon application and renewal only.
- (b) Each year, the Authority will determine the number of dredging permits to be issued for the exploitation of scallop stocks, within the District, taking into account the area concerned and the exploitable stock available.
- (c) Permits will be allocated in accordance with Authority guidelines. Such guidelines will be provided to all applicants at the point of application and posted on the Authority's website.

- (d) The Authority retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding information required for the issue of that permit, or outstanding information from a previous year required by paragraph 5 of this byelaw.
- (e) Permits are not transferable and can only be relied upon by the vessel named in the permit

## 5. **Monthly Returns**

The holder of a permit to dredge for scallops under this byelaw shall by no later than the 5<sup>th</sup> day of each month submit a return to the Authority detailing information on catch and fishing effort for the previous month and any other information that the Authority deems necessary.

## 6. **Suspension of permits**

If the Authority considers it necessary for the purposes of ensuring further protection of the fishery, fishery management, the control of exploitation, or wider environmental protection and conservation it shall suspend any permits issued for a specified period. In taking such a decision the Authority will consider:

- (a) all available and current scientific and survey data;
- (b) internal scientific advice from within its membership;
- (c) any advice provided by the Centre for Environment, Fisheries and Aquaculture Sciences;
- (d) any advice provided by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
- (e) information from any other relevant source.
- (f) Prior notice of such action will be provided in writing to all permit holders and through publication on the Authority's website at least ten working days prior to any decision being made.
- (g) Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to permit holders.
- (h) Such representations will be considered by the Authority members in combination with the considerations listed in paragraph 9 and a final decision will be made.

- (i) Notification of the final decision, including suspension of permits will be made in writing to all permit holders and on the Authority's website within five working days of the decision being taken.

Such a suspension could apply to the entire 'specified dredging area' or a part or parts of the 'specified dredging area'.

## **7. Seasonal Closure**

No vessel shall use any dredge within the district between the 1 May and the 31 October inclusive.

## **8. Daily Closure**

No vessel shall use any dredge, on any day, before 07:00 hours, local time and after 19:00 hours local time within the district.

## **9. Dredge Conditions**

- (a) All dredges in use must comply with the relevant EC and national fisheries legislation.
- (b) No person shall obstruct or otherwise reduce the ring size or netting mesh size of the retaining bag, or obstruct any of the spaces between any rings, by any method.
- (c) The total number of dredges used at the same time by any vessel shall not exceed 10.
- (d) Where multiple dredges are used the length of any towing bar to which the dredges are attached must not exceed 5 m. The towing bar shall not be extendable beyond the prescribed maximum length and shall be measured between its extremities including all attachments thereto.

## **10. Revocations**

The byelaw with the title 'Method and Area of Fishing (Dredges) Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

Explanatory note

*(This note is not part of the byelaw)*

The intention of this byelaw is to provide a robust regime for the management of scallop dredging within the Authority's district through a restricted permitting scheme, a specified maximum number of dredges (ten per vessel) per vessel, a closed season (May to October inclusive) and a daily closure (7am to 7pm) period. The byelaw also provides a mechanism (subject to a specified procedure) to suspend permits at anytime if required.

Approved for informal Consultation  Date 15 May 2015

**Chief Officer  
North Eastern IFCA**

Appendix 1 - Map showing the closed areas, specified in paragraphs 4(a) and 4(b) of the byelaw

