

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

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

#### **XXVIII CRUSTACEA CONSERVATION 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 to support the management and conservation of crustacean fisheries 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) 'Area A' 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 North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the 3 Nautical Mile Limit and to the East by the 3 Nautical Mile Limit;
- (d) 'Area B' means that part of the sea within the District bounded to the South by the boundary of the District, to the North by a line drawn True North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the 3 Nautical Mile Limit and to the East by the 3 Nautical Mile Limit;
- (e) 'Area C' means that part of the sea within the District bounded to the North by a line drawn True North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District;
- (f) '3 Nautical Mile Limit' means a line drawn on the seaward side of the baselines 3 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured;

- (g) 'baselines' means 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) 'Sea fish' means fish that habitually live in the sea but does not include:
  - (i) Salmon, trout, eels, lampreys, smelt and shad;
  - (ii) Any fish of a kind which migrates from freshwater to salt water or from salt to freshwater to spawn;
  - (iii) Any freshwater fish;
- (i) 'overall length' means the overall length of the vessel as detailed on its official certificate of registry;
- (j) 'Edible crab' means crab of the species *Cancer pagurus*;
- (k) 'Lobster' means lobster of the species *Homarus gammarus*;
- (l) 'Velvet crab' means crab of the species *Necora puber*;
- (m) 'crustacea' include any species of lobster or crab including prawns and *Nephrops norvegicus*;
- (n) 'cooked crab offal' means edible crab which has been cooked;
- (o) 'carapace size' means the width of the carapace measured across the widest point;
- (p) 'statutory minimum landing size' means the minimum landing size of a species as prescribed by European or domestic law or any Authority byelaw regulation;
- (q) 'clawless lobster' means any lobster which is displaying the total absence of any fully formed and functioning claws or chelae. Functioning is defined as the ability of the animal to open and close the claw.
- (r) 'pot' means a pot, creel or trap used for catching sea fish or crustacea;
- (s) 'fishing trip' means the entire period between leaving and returning to port.
- (t) 'Fishing' means searching for sea fisheries resources, shooting setting, towing, hauling of fishing gear and taking sea fisheries resources onboard.

## **2. Vessel Length Restrictions**

No person shall use any pot for any purposes from a vessel:

- (a) in excess of 14 metres overall length within Area A; and
- (b) in excess of 12.5 metres overall length within Area B.

## **3. Escape Gaps**

- (a) No person shall use a pot within Areas A and C for the purpose of fishing for crustacea or sea fish unless:-
  - (i) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot each individual chamber has an unobstructed escape gap located in its exterior wall;
  - (ii) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long; and
  - (iii) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour as is practically possible and within 50 mm of the base.

## **4. Minimum Landing Size for Edible Crab**

No person shall fish for, take, retain on board, land, store or transport any edible crab which has not attained a carapace size of 140 millimetres but shall return the same to the sea immediately.

## **5. Prohibition on the Removal of Parts of Crab**

- (a) No person shall remove, take, retain, store, carry, transport or land any edible crab or part thereof which is detached from the body of the crab, and which does not comply with the statutory minimum landing size but shall return the same to the sea immediately.

(b) Paragraph (a) does not apply to any part of an edible crab contained in any by-catch which complies with the following conditions:

- (i) the total of such parts is not more than 10% of the total weight of all species subject to a statutory minimum landing size other than crustacea, landed by the same person on one occasion; and
- (ii) the crab was caught in a trammel, gill, tangle or other enmeshing net and the part became detached from the crab in the course of clearing the net.

**6. Prohibition on the use of edible and velvet crab for Bait**

(a) No person shall use any edible crab or velvet crab for bait.

(b) Paragraph (a) does not apply to the following:

- (i) the use of any cooked crab offal as bait; and
- (ii) The use of edible crab, above the statutory minimum landing size, as bait for recreational rod fishing.
- (iii) The use of velvet crab, above the statutory minimum landing size, as bait.

**7. Prohibition on the Removal of Parts of Lobster**

(a) No person shall remove, take, retain, store, carry, transport or land, the tail, claw or any other detached part of a lobster.

**8. Prohibition on the Removal of Clawless Lobsters**

(a) No person shall remove, take, retain, store, carry, transport or land any clawless lobster.

**9. Deeming**

(a) During each singular fishing trip, vessels fishing exclusively outside the District will not be subject to the provisions of this byelaw.

(b) It is to be presumed that a vessel has taken or removed any sea fisheries resources to which this byelaw relates from within the District if, at any time, during any singular fishing trip –

- (i) it is proved that –
    - (a) the vessel was found within the District, and
    - (b) when so found, the vessel was in possession of any of the things mentioned in paragraph (c); and
  - (ii) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the vessel was, or had been, taking or removing sea fisheries resources in contravention of this byelaw.
- (c) The things are –
- (i) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing sea fisheries resources in contravention of this byelaw; and
  - (ii) sea fisheries resources, the taking and removing of which is prohibited by this byelaw.
- (d) The presumption in paragraph (b) does not apply where sufficient evidence is adduced to raise an issue as to whether the fisheries resources on board the vessel were taken and or removed from within the District.

## 10. **Revocations**

- (a) The byelaw with the title 'Removal of parts of lobsters from any fishery: Prohibition of' made by the Committee for the North Eastern Sea Fisheries District in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966 in force immediately before the making of this byelaw is revoked.
- (b) The byelaw with the title 'Parts of crab' made by the Committee for the North Eastern Sea Fisheries District in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966 in force immediately before the making of this byelaw is revoked.
- (c) The byelaw with the title 'Prohibition on the use of crab (*Cancer pagurus*) for bait' made by the Committee for the North Eastern Sea Fisheries District in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966 in force immediately before the making of this byelaw is revoked.
- (d) The byelaw with the title 'Crustacea conservation byelaw' made by the Committee for the North Eastern Sea Fisheries District in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966 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 comprehensive suite of management provisions to conserve crustacea stocks within the District. These provisions include restrictions on the size of vessel which can work pots inside the 3 nautical mile limit, the mandatory requirement for all pots to carry escape gaps, a new minimum landing size of 140 mm for edible crab and further restrictions on the landing of parts of crab and lobster, clawless lobster and the use of edible as bait.

**I hereby certify that the above Byelaw  
was made by the Authority at its meeting  
on 6 December 2012.**



**Steve Sanderson**

**Deputy Clerk**

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

**The Secretary of State for Environment, Food and Rural Affairs in  
exercise of the powers conferred by section 155 (4) of the Marine and  
Coastal Access Act 2009, confirms this byelaw made by the North  
Eastern Inshore Fisheries and Conservation Authority on 6 December  
2012.**

**IN WITNESS** whereof the Official Seal of the Secretary of State for the  
Department of the Environment, Food and Rural Affairs is hereunto  
affixed on:



**HEAD OF SUSTAINABLE FISHERIES SECTION**

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

**Date:** 17<sup>th</sup> November 2015

7

The byelaw refers to three areas of the Authority's district which relate specifically to paragraphs (2) Vessel Length and (3) Escape Gaps as follows:

**(1) Area A – Northern Boundary to Tees and seaward to 3 nautical mile limit**

- Maximum overall vessel length of 14 metres
- Mandatory escape Gaps 80mm x 46mm

**(2) Area B – Tees to Southern Boundary and seaward to 3 nautical mile limit**

- Maximum overall vessel length of 12.5 metres
- Mandatory escape Gaps 80mm x 46mm

**(3) Area C – Tees to Southern Boundary and seaward to statutory Boundary (6 nautical miles)**

- Mandatory escape Gaps 80mm x 46mm

**All other provisions detailed within the byelaw apply throughout the entire NEIFCA district as defined in 1(b).**

These areas are outlined on the appended chart for visual reference.

