

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

XXII SHELLFISH PERMIT BYELAW 2016

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 Shellfish Permits.

1. Interpretation

In this byelaw:

- (a) 'the Authority' means 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) 'commercial fishing vessel' means any vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) or in the Channel Islands or the Isle of Man that holds a current fishing licence issued by the appropriate United Kingdom fisheries department;
- (c) 'Commercial Shellfish Permit' means a permit issued by the Authority under paragraph 3;
- (d) '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;
- (e) 'fixed net' means any type of gill or trammel net which is fixed or anchored in location to catch fish or shellfish;
- (f) 'Limited Shellfish Permit' means a permit issued by the authority under paragraph 4;
- (g) 'pots' means a pot, creel or trap set or used to catch shellfish;
- (h) 'specified shellfish species' means the following species: European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*) and common whelk (*Buccinum undatum*);

- (i) 'surface marker' means a pole fitted with a flotation device and held upright in the water by a weight, with a minimum height of 1.5 metre from the water surface carrying at least one flag 30 centimetres by 30 centimetres;

2. Prohibition

A person must not fish for, take or retain any of the specified shellfish species unless they hold a valid Commercial Shellfish Permit or Limited Shellfish Permit.

3. Commercial Shellfish Permit

- (a) The Authority may issue a Commercial Shellfish Permit to a named person, in respect of a named vessel, authorising the fishing for, taking and retention of specified shellfish species using pots or fixed nets subject to the provisions of this byelaw.
- (b) The owner of a vessel meeting the criteria specified in paragraph (c) may make an application to the Authority via a form on the website for a Commercial Shellfish Permit in respect of that vessel.
- (c) The criteria referred to in paragraph (b) are that the vessel;
 - (i) is a commercial fishing vessel; and
 - (ii) does not exceed 16 metres overall length.
- (d) Commercial Shellfish Permits are valid until 31 December of the year of issue.
- (e) Commercial Shellfish Permits are not transferable between vessels and can only be used in conjunction with the vessel named in the Commercial Shellfish Permit. Permits must be surrendered to the Authority if no longer required.
- (f) A commercial fishing vessels for which a Commercial Shellfish Permit has been issued must display the Commercial Shellfish Permit in a clear and prominent position, available for inspection at all times.
- (g) A Commercial Shellfish Permit holder must ensure that all pots, keep pots, nets, fish traps or any other instrument used to fish for, take or retain shellfish are clearly marked with a surface marker displaying the port letters and numbers of the vessel from which they were deployed.
- (h) Any pot set or used to fish under the authority of a Commercial Shellfish Permit must not exceed 60 centimetres width by 45 centimetres height by 107 centimetres length.

4. Limited Shellfish Permit

- (a) The Authority may issue a Limited Shellfish Permit, via a form on the website to a named person authorising the fishing for, taking or retention of specified shellfish species using pots, fixed net or hand gathering, subject to the provisions of this byelaw.
- (b) Limited Shellfish Permits are issued annually and are only valid until 31 December each year.
- (c) Only one permit will be issued per applicant.
- (i) Limited Shellfish Permits are not transferable between individuals and must be surrendered to the Authority immediately when no longer required. Permits must be surrendered to the Authority if no longer required.
- (d) A Limited Shellfish Permit authorises the fishing for, taking and retention of no more than 2 lobsters, 30 whelks and 10 crabs (edible crab, velvet crab or a combination of the two) per calendar day for personnel consumption.
- (e) A Limited Shellfish Permit authorises the use of a maximum of 5 pots per permit holder. Each pot must be individually tagged. Tags are issued annually by the Authority in conjunction with the Limited Shellfish Permit and each tag bears a unique reference number and are valid until 31 December each year.
- (f) A Limited Shellfish Permit authorises the use of a single net, up to a maximum length of 100 metres per vessel per day to fish for, take or retain any specified shellfish species. The net must be tagged. Tags will be issued annually by the Authority in conjunction with a Limited Shellfish Permit and each tag bears a unique reference number. This entitlement cannot be used in combination with any other permission or authorisation contained within any other byelaw regulation.
- (g) Limited Shellfish Permit holders cannot use both nets and pots to fish for shellfish during the same calendar day.
- (h) Any shellfish caught over the daily limits prescribed in paragraph (e) must not be landed, retained or stored.
- (i) The daily catch limits prescribed in paragraph (4d) cannot be aggregated over multiple days.

- (j) The Limited Shellfish Permit holder must ensure that all pots, nets, traps or any other instrument used to fish for, take or retain shellfish are clearly marked with a surface marker displaying the Limited Shellfish Permit number.
- (k) Any vessel used in association with a Limited Shellfish Permit must clearly display the permit number and may not display more than one permit number at any time. Multiple Limited Shellfish Permits must not be used to fish from a vessel on the same calendar day.
- (l) Any pot set or used to fish under the authority of a Limited Shellfish Permit must not exceed 60 centimetres width by 45 centimetres height by 107 centimetres length.

5. Revocations

The byelaw with the title 'XXII Permit To Fish For Lobster, Crab, Velvet Crab and Whelk' 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 (c.38) in force immediately before the making of this byelaw is revoked.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 27 April 2016.

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 27 April 2016.

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

Date:

Explanatory note

(This note is not part of the byelaw)

This byelaw establishes two types of fishing permit scheme covering the commercial and leisure exploitation of lobster, crab and whelk stocks within the District.

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The byelaw establishes a maximum pot size and general provisions for the marking of fishing gear for all operators.

For leisure fishers, the byelaw sets a daily bag limit of 2 lobsters, 30 whelks and 10 crabs and specifies a maximum gear limit of five pots or 100 metres of fixed net per operator per day.

The byelaw prohibits the in-combination use of fixed nets by leisure fishermen. Such fishermen may only work a maximum of 100 metres of fixed net per day, regardless of the target species. The intention of the byelaw regulation is to improve the management of fishing effort on shellfish stocks