

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (C.23)

XXIX HUMBER ESTUARY FISHING 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 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) 'dig' includes, the use of any rake, spade, fork, pump or similar device, hand gathering or collection;
- (c) '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;
- (d) 'existing shareholders' means the shareholders as detailed on a vessel's Certificate of Registry on or prior to the date of confirmation of the byelaw;
- (e) 'Humber Estuary' means the area as defined in the Schedule;
- (f) 'Humber Estuary Trawling Permit' means a permit issued by the Authority in accordance with paragraph 4;
- (g) 'longlining' means the setting of lines with hooks to catch sea fish;
- (h) 'rod and line fishing' means the use of any rod and line to catch sea fish
- (i) 'sea fish' means fish of any description found in the sea including shellfish but does not include salmon (*Salmo salar*), sea trout (*Salmo trutta*) or freshwater fish
- (j) 'separator device' means a separator trawl or sorting grid as defined within 'the Shrimp Fishing Nets Order 2002' (S.I. 2002, No 2870);

- (k) 'Spurn Point Seagrass Area' means the area as defined in the Schedule;
- (l) 'take' means to remove any sea fisheries resources;
- (j) 'track record' means documentary evidence of commercial catch (from within the Humber Estuary) and landings (at ports or harbours within the Humber Estuary) of finfish or shrimp (*Crangon crangon*);
- (k) 'trawl' means towing a net to catch fish.

2. Prohibitions

- (a) A person must not engage in trawling within the Humber Estuary unless that person holds a valid Humber Estuary Trawling Permit.
- (b) A person must not trawl, dig, or use any pots, traps, nets, longlines, dredges or similar devices within the Spurn Point Seagrass Area.
- (c) A person must not take any sea fisheries resources from the Spurn Point Seagrass Area.
- (d) Paragraphs (a), (b) and (c) do not apply to the fishing for, taking or retaining sea fisheries resources by means of a rod and line.

3. Humber Estuary Trawling Permits

- (a) Humber Estuary Trawling Permits will be issued by the Authority to applicants via a form available on the Authority website, who are the owner of a vessel meeting the following criteria:
 - (i) the vessel is registered as a fishing vessel in accordance with Part II of the Merchant Shipping Act 1995 (c.21) or in the Channel Islands or the Isle of Man and holds a fishing licence issued by the appropriate United Kingdom fisheries department at the time the application is made;
 - (ii) the overall length of the vessel does not exceed 18.3 metres;
 - (iii) the engine power of the vessel does not exceed 400 kilowatts;
 - (iv) the vessel holds a valid permit to trawl issued under byelaw III 'Trawling:Prohibition:Exception' by the Authority.
 - (v) the vessel possesses a track record of landing a minimum of 500 kilograms of finfish or shrimp (*Crangon crangon*) in any

three month period between 1 January 2013 and 31 December 2015 (both dates inclusive). It is the responsibility of the applicant to demonstrate the accuracy and validity of such a track record;

- (vi) vessels may apply for a Humber Estuary Trawling Permit for up to six months from the date of the byelaw coming into force.

4. Application for Humber Estuary Trawling Permits

- (a) Humber Estuary Trawling Permits expire on the 31 December each year.
- (b) Humber Estuary Trawling Permit holders may renew their permit from 1 December each year.
- (c) Humber Estuary Trawling Permit holders must renew their permit within one year of its expiry otherwise the entitlement to renew will be lost.
- (d) A fee of £500 will be charged by the Authority for each Humber Estuary Trawling Permit upon each successful application and renewal.
- (e) Humber Estuary Trawling Permits will no longer be valid if a formal change of ownership affects the major shareholding of the vessel in respect of which they were issued.
- (f) Paragraph (e) does not apply where a change of major shareholding relating to the vessel named on the permit, occurs between parent and child, spouse or civil partner or existing shareholders.
- (g) Humber Estuary Trawling Permits must be immediately surrendered to the Authority if no longer required by the permit holder.

5. Fishery Closures

- (a) If the Authority considers it necessary for the purposes of protecting the Humber Estuary it may suspend the Humber Estuary Trawling Permits for a specified period. In taking such a decision the Authority will consider:
 - (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) any advice provided by the Centre for Environment, Fisheries and Aquaculture Science;

- (iv) any advice provided by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (v) information from any other relevant source.
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- (b) Prior notice of such action will be provided in writing to all Humber Estuary Permit holders and through publication on the Authority's website, at least ten working days prior to any decision being made.
 - (c) Any representations must be lodged in writing to the Authority within five working days of the date of the notice referred to in paragraph (b).
 - (d) Such representations will be considered by the Authority members and a final decision will be made.
 - (e) Notification of the final decision, including suspension of permits, will be made in writing to all Humber Estuary Trawl Permit holders and through publication on the Authority's website within five working days of the decision being taken.
 - (f) Such a suspension may apply to all or part of the Humber Estuary.

6. Trawl Conditions

- (a) Any person using a trawl within a mesh size range of 16 millimetres to 31 millimetres must raise and clear the net at least once within every hour of fishing time.
- (b) All trawl nets used within a mesh size range of 16 millimetres to 31 millimetres must have a separator device installed.

7. Revocations

- (a) The byelaw with the title 'XXIX Humber Estuary Fishing Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 12 September 2013 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.

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:

Schedule
Definition of areas

1. The 'Spurn Point Seagrass Area' means the area within the Humber Estuary enclosed by a line drawn from:
 - (a) Point A (position 53° 35.381' North, 000° 08.073' East);
 - (b) Point B (position 53° 35.477' North, 000° 08.007' East);
 - (c) Point C (position 53° 35.819' North, 000° 08.473' East);
 - (d) Point D (position 53° 35.978' North, 000° 08.57' East);
 - (e) Point E (position 53° 36.40' North, 000° 08.57' East);
 - (f) Point F (position 53° 36.40' North, 000° 08.792' East);
 - (g) Point F along the coast at a level of mean high water spring (MHWS) tide to Point A.

2. 'The 'Humber Estuary' means the area within the River Humber upstream, of a straight line drawn between Spurn Head Light House (position 53° 34.49' North, 000° 06.65' East) and Haile Sand Fort (position 53° 32.09' North, 000° 01.82' East) including an area bounded by the following unbroken lines:-
 - (a) to the West by a line drawn between Spurn Head Light House (position 53° 34.49' North, 000° 06.65' East) and Haile Sand Fort (position 53° 32.09' North, 000° 01.82' East);
 - (b) to the North by a line drawn from Spurn Head Light House (position 53° 34.49' North, 000° 06.65' East) to Spurn Light Float (position 53° 33.50' North, 000° 14.33' East);
 - (c) to the East by a line drawn 211°T from Spurn Light Float (position 53° 33.50' North, 000° 14.33' East); and,
 - (d) to the South, intersected by a line drawn True East from Haile Sand Fort (position 53° 32.09' North, 000° 01.82' East).

3. All coordinates used in this byelaw are derived from WGS84 datum, where `WGS84` means the World Geodetic System, revised 1984.

Explanatory note

(This note is not part of the byelaw)

The byelaw prohibits digging, using pots, traps, nets, trawls, dredges or similar devices, or taking or retaining sea fisheries resources from within the Spurn Point Seagrass Area defined in the byelaw, and establishes a permit scheme for demersal trawling within the Humber Estuary. The byelaw allows recreational rod fishing throughout the Humber Estuary. The intention of the XXXX Humber Estuary Fishing Byelaw 2016 is to protect important seagrass and sandbanks, protected features and sub-features of the Humber Estuary European Marine Site and ensure that the Authority is meeting its statutory duties in accordance with the Conservation of Habitats and Species Regulations 2010 (S.I 2010 No. 490).