

**North Eastern Inshore Fisheries and Conservation Authority**

**MARINE AND COASTAL ACCESS ACT 2009 (c.23)**

**XXXII FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE BYELAW 2019**

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

**Interpretation**

1. 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) "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) "Live bait" means fish that are:
  - (i) used only as a hook bait for the capture of other fish; and
  - (ii) retained on a vessel or within the District's waters; and
  - (iii) released alive into the fishery when no longer required; and
  - (iv) not landed or removed from the fishery

## Catch Prohibitions and Restrictions

2. This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
3. Subject to paragraphs 2, 4 and 8, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 7 that measure less than the sizes specified but shall return them immediately to the sea.
4. Paragraph 3 shall not apply to: horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transhipment, landing, transportation, storage, display or sale.
5. The marine organisms described in paragraph 7 shall be measured in accordance with Schedule 1.
6. Named crustaceans and named molluscs for which a minimum conservation reference size is established in paragraph 7 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster.
7. Species and specified minimum sizes

### (a) Named Fish Species

Bass ( <i>Dicentrarchus labrax</i> )	42 cm
Cod ( <i>Gadus morhua</i> )	35 cm
Sole ( <i>Solea</i> spp.)	24 cm
Haddock ( <i>Melanogrammus aeglefinus</i> )	30 cm
Hake ( <i>Merluccius merluccius</i> )	27 cm
Herring ( <i>Clupea harengus</i> )	20 cm
Horse mackerel ( <i>Trachurus</i> spp.)	15 cm
Ling ( <i>Molva molva</i> )	63 cm
Mackerel ( <i>Scomber</i> spp.)	30 cm
Megrim ( <i>Lepidorhombus</i> spp.)	20 cm
Plaice ( <i>Pleuronectes platessa</i> )	27 cm
Pollack ( <i>Pollachius pollachius</i> )	30 cm
Saithe ( <i>Pollachius virens</i> )	35 cm
Whiting ( <i>Merlangius merlangus</i> )	27 cm

(b) Named Mollusc Species

Octopus ( <i>Octopus vulgaris</i> )	750 grams
Queen scallop ( <i>Chlamys</i> spp.)	40 mm
Razor clam ( <i>Ensis</i> spp.)	100 mm
Scallop ( <i>Pecten maximus</i> )	100 mm
Short-necked clam ( <i>Ruditapes philippinarum</i> )	35mm
Whelk ( <i>Buccinum undatum</i> )	45 mm

(c) Named Crustacea Species

Crawfish ( <i>Palinurus</i> spp.)	95mm
European lobster ( <i>Homarus gammarus</i> )	87 mm
Norway lobster ( <i>Nephrops norvegicus</i> )	
Total length	85 mm
Carapace length	25 mm
Tail	46 mm
Spinous spider crab ( <i>Maia squinado</i> )	
Male	130 mm
Female	120 mm
Velvet swimming crab ( <i>Necora puber</i> )	65 mm

8. The following named species below the minimum sizes specified in paragraph 7 may be used as 'live bait'

- (a) Horse Mackerel (*Trachurus trachurus*)
- (b) Mackerel (*Scomber scomber*)

**Revocations**

9. The emergency byelaw with the title 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019' made by North Eastern Inshore Fisheries and Conservation Authority on 13 August 2019 in exercise of its power under section 157 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 5 December 2019.**

**Caroline Lacey**

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 5 December 2019.**

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 makes provision to prohibit the removal from the North Eastern IFC District of marine organisms below specified sizes.

The byelaw provisions shall not apply to any marine organisms caught that are subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

The byelaw includes methods of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live named fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

## Schedule

### Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a European lobster shall be measured, as shown in Figure 2 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
3. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured, as shown in Figure 3 for illustrative purposes, either:
  - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or
  - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.
  - c. In the case of detached Norway lobster tails; from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
4. The size of a crawfish (*Palinurus* spp.) shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.
5. The size of a spinous spider crab (*Maja squinado*) shall be measured, as shown in Figure 5 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
6. The size of a velvet swimming crab (*Necora puber*) shall be measured, as shown in Figure 6 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace, excluding the spines.
7. The size of any bivalve mollusc shall be measured, as shown in Figure 7 for illustrative purposes, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in Figure 8 for illustrative purposes, as the length of the shell.

Figure 1 Fish species

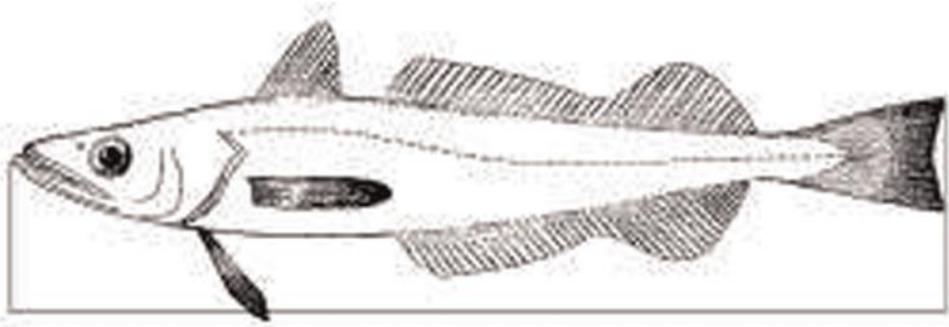


Figure 2 European lobster  
(*Homarus gammarus*)

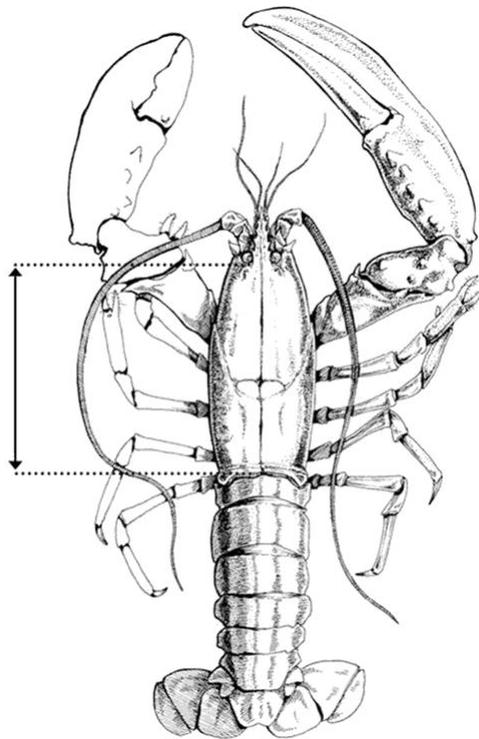


Figure 3 Norway lobster  
(*Nephrops norvegicus*)

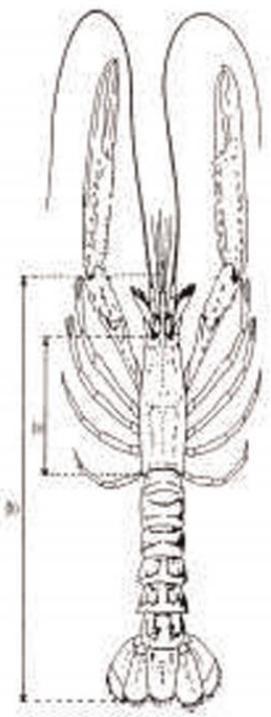


Figure 4 Crawfish  
(*Palinurus* spp.)

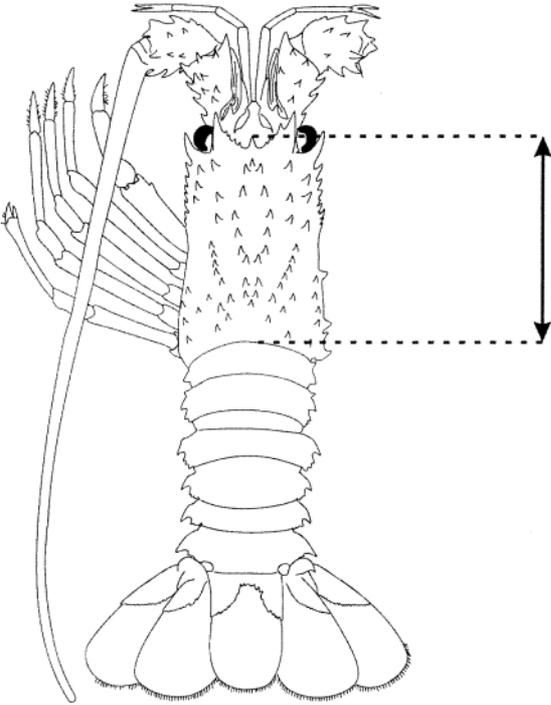


Figure 5 Spinous spider crab  
(*Maja squinado*)

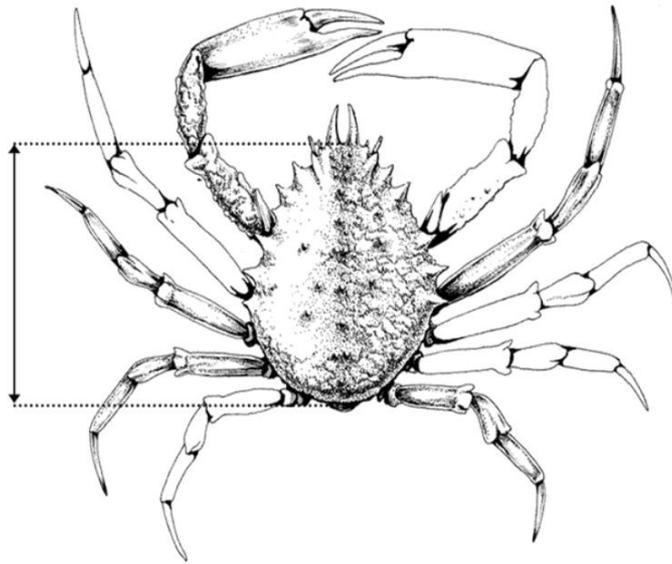


Figure 6 Velvet swimming crab  
(*Necora puber*)

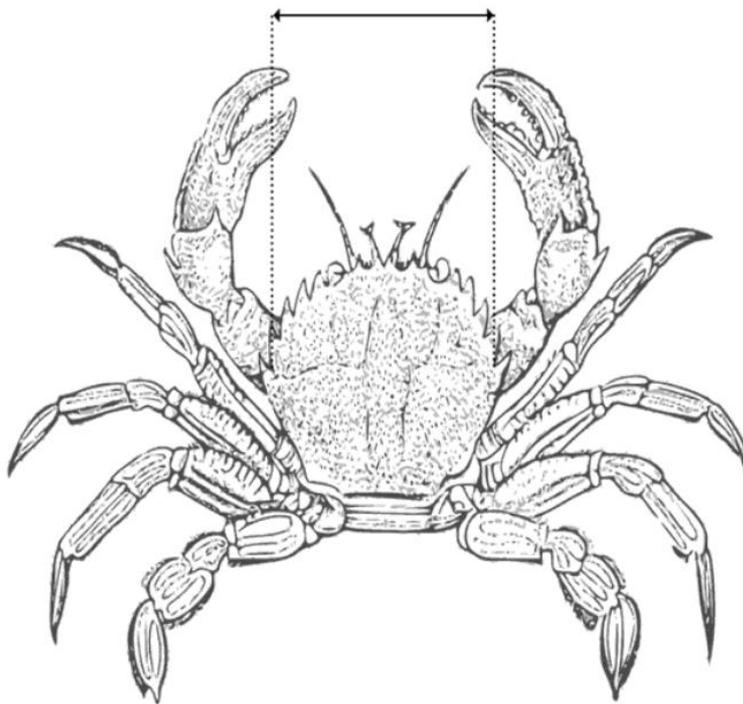


Figure 7 Bivalve molluscs



Figure 8 Whelk  
(*Buccinum undatum*)

