

**NWIFCA Technical, Science and Byelaw  
Sub-Committee**

**10 May 2016: 10:00 a.m.**

**AGENDA  
ITEM NO.**

**5**

**BYELAW REVIEW**

**Purpose of Report: To provide an update on the development of byelaws.**

**Recommendations**

- 1. Note option to use flexible permit byelaws;**
- 2. Approve draft Prohibition on Dredging, Byelaw 11 Annex A;**

**Flexible permit byelaws**

1. IFCA, Defra and MMO have developed a way to make permitting byelaws more flexible. Increased flexibility is required to allow quicker responses to changing situations. IFCA's are required to increase sustainability by means of adaptive management.
2. The existing inflexibility of byelaws where the process of making, confirming and changing a byelaw commonly takes a minimum of 1 year does not support adaptive management or rapid responses to urgent issues.
3. Flexible permit byelaws:
  - a. Were introduced in 2014;
  - b. have the detailed conditions for obtaining and using the permit defined outside the byelaw. (In the past permit conditions had to set out on the face of a byelaw.)
  - c. follow a standard format agreed with Defra so should be easier and quicker to introduce.
4. **Permit conditions** must be agreed, approved and reviewed by resolution of the Authority. A Committee (such as TSB) may be appointed to carry out this task. How the conditions are reviewed must be defined in the byelaw so that changes have legal force.
5. A number of IFCA have had flexible permit byelaws approved by Defra and are now in force:
  - a. Northumberland (Trawling, Dredges, Crustacea and Molluscs byelaws),
  - b. Sussex (Oyster permit byelaw),
  - c. Southern
  - d. Devon and Severn (Mobile fishing, potting and Diving Permit byelaws).
6. These byelaws are on respective IFCA websites.
7. This approach to permit byelaws is now widely recommended and is used for the proposed dredging byelaw.

**Prohibition on dredging except under a NWIFCA permit; Byelaw 11**

8. This byelaw is urgent following making of an emergency byelaw in February 2016 to prohibit dredging throughout the District.
9. In March the Authority resolved to make this bylaw a high priority. It would replace NWSFC Byelaw 12 which covers only the NWSFC part of the District.
10. A draft Byelaw 11 is attached at Annex A for comment and discussion.

11. Following in principle approval by TSB, industry, stakeholders and MMO will be consulted.

### **Cockle and mussel permit Byelaw 3**

12. The measures to be included in this byelaw were approved by the Authority at the March meeting. Members comments from the meeting and those sent in subsequently were incorporated in the draft text.
13. The report of an informal consultation with stakeholders including 3 public meetings was tabled in March.
14. Legal advice on how the byelaw should be worded to include the trading permit was requested from fisheries law specialists Andrew Jackson's of Hull. Advice is awaited.
15. In the meantime it may be worth considering changing the byelaw to a flexible permit scheme as discussed above. Byelaw 3 is complex and affected by frequent changes in fisheries. It is of very high importance to stakeholders and the Authority receives a seemingly constant stream of requests to amend and develop the byelaw to meet local changing situations.
16. There may be merit in considering if the regulations and measures which the Authority wishes to have in place through this byelaw may be achieved more effectively with a flexible permit byelaw as discussed above. A flexible permit byelaw would also allow permit conditions to be easily and quickly adapted to changing needs allowing the Authority to act in a more responsive way to local circumstances.

**CEO and HEO  
May 2016**