

**North Western Inshore Fisheries and
Conservation Authority**

Annual Meeting: 12 June 2012

Morecambe Town Hall: 11.00 a.m.

**AGENDA
ITEM NO.
9**

TO MAKE THE NEW BYELAW 3 (COCKLES (*CERASTODERA EDULE*) AND MUSSELS (*Mytilis edulis*) FISHING REGULATIONS AND PERMIT SCHEMES

AMENDED REPORT INCLUDING:

- 1. the byelaw edited following further legal advice***
- 2. The draft regulatory impact assessment***

Purpose of Report

- 1. To make a new Byelaw to introduce a permit scheme for cockle and mussel harvesters working within the NWIFCA District.**
- 2. To present evidence and justification for the making of the new Byelaw 3.**

Recommendations

- 1. That the report be received.**
- 2. That the Authority 'makes' the draft Byelaw 3 at Annex A.**

UPDATE

1. Since the first draft of this paper was circulated on 28 May, the MMO have provided further legal advice on the content and wording of this byelaw as attached at Annex A.
2. MMO have also provided advice on the draft regulatory Impact Assessment which has been incorporated in the version attached at Annex B as indicated in paragraph 9 below.

BACKGROUND

3. The purpose of the byelaw is to create a new registration and permit scheme with conditions for cockle and mussel harvesters applying to the whole of the NWIFCA District. Byelaw 3 will replace byelaw 5.
4. The 2011 Foulnaze fishery in the Ribble estuary brought to light some weaknesses in Byelaw 5 which the new byelaw aims to address. These include:
 - I. Setting up a permit scheme which will apply across the whole NWIFCA District,
 - II. Restricting the provision for non-commercial fishing on some less accessible cockle beds
 - III. Incorporating into the Byelaw, increased safety measures for the use of boats
5. In addition, Byelaw 3 will impose a fee of £500 for each permit and provide stronger management measures for cockle fisheries. The new byelaw will consolidate all the NWSFC

and CSFC byelaws for cockle and mussel management resulting in the revocation of 10 SFC byelaws. A further EA byelaw relating to mussel fishing in the Dee estuary may also be revoked once the status of this byelaw has been established.

6. The proposed byelaw was discussed at the NWIFCA meeting on 16th March and at previous meetings. Officers were instructed to provide a draft for the Authority to agree at this meeting. Amendments were suggested which we have tried to incorporate in the latest draft.
7. MMO have provided detailed legal advice on the provisions of the byelaw, and most helpfully clarified the scope and limitations on what IFCA can achieve using byelaw measures. MMO drafting lawyers have further provided some of the substantive text. Therefore we are now at the stage where MMO have provisionally agreed the measures and format of the draft which is ready to be made by the Authority.
8. Wide consultation on previous drafts of the byelaw has taken place mainly through the NWIFCA website. A substantial number of comments were received which have been incorporated as far as possible.
9. An Impact Assessment (IA) is being prepared. We intend to send this out with the rest of the papers for the meeting on 12 June.
10. If Byelaw 3 is made on 12 June it will be advertised for consultation as soon as possible following the meeting. If concerns and objections can be resolved quickly, we should then have the byelaw in place for the issue of permits on 1 September 2012.

Clerk and CEO
28 May 2012