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ANNEX A

MARINE AND COASTAL ACCESS ACT 2009

NWIFCA BYELAW 2:

VESSEL AND GEAR RESTRICTIONS

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of the powers 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 Western Inshore Fisheries and Conservation Authority as defined in Articles 2, 4 and 5 of the North Western Inshore Fisheries and Conservation Order 2010;
 - b) "the District" means the North Western Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No:2200)
 - c) "the baselines" means the baselines as defined in Article 3 of the North Western Inshore Fisheries and Conservation Order 2200 (S.I. 2010 No:2200).
 - d) "overall length" has the same meaning as in the Merchant shipping (Registration of Ships) Regulations 1993 (SI 1993/3138);
 - e) "engine power" means the power of the engine of a vessel as recorded on its Certificate of Registry as issued by the Registrar of Shipping and Seamen;

Prohibitions

2. No person shall use a vessel which exceeds 15 metres overall length in fishing for or the taking of sea fisheries resources within that part of the District that lies between 3 and 6 nautical miles offshore as measured from the baselines.

3. No person shall use a vessel which exceeds 10 metres overall length in fishing for or the taking of sea fisheries resources within that part of the District enclosed by a line drawn 3 nautical miles offshore as measured from the baselines.
4. No vessel with an engine power exceeding 221 KW shall be used in fishing for or the taking of sea fisheries resources within the District.
5. Subject to sections 6 to 12 of this byelaw no person shall use any towed net, dredge or other appliance to fish for seafish resources from a fishing vessel within the NWIFCA district.

Exemptions

6. The prohibition in paragraph 5 above shall not apply to the use of towed trawl nets which are:
 - a) single trawls fitted with a single cod-end and utilising one pair of otter boards;
 - b) vessels fishing with a single beam trawl;
 - c) towed nets being used in fishing for shrimp (*Crangon Crangon* or *Pandalus Montagu*);
7. This byelaw shall not apply to any person performing an act that would otherwise constitute an offence against this Byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, management, stocking or breeding purposes.
8. This Byelaw shall not apply to vessels used solely for the purpose of angling by means of rod and line or handline.
9. This Byelaw shall not apply to vessels being used in the fishing, dredging, transport or relaying of bivalve molluscs while such vessels are operating under permit issued by the Authority
10. A permit to use a dredge or other appliance under paragraph 9 will only be issued by the Authority when the dredge or appliance is of a pattern approved in writing by the Authority;
11. Use of any dredge or appliance must be in accordance with any conditions subject to which the permit was issued under paragraph 9
12. The Authority may require as a condition of the permit that weekly or monthly returns to the Authority be submitted while fishing under the permit recording such data as the Authority may reasonably require including but not limited to the name and registration number of vessels used, all dates of fishing, the species and quantities in kilogrammes of seafish resources taken on each date by each vessel, the gear used, the start and end co-ordinates of each tow. If returns are demanded by NWIFCA, it shall be an offence against this byelaw if complete returns are not submitted within the time limits defined in the permit.

Historic access rights

13. Vessels exceeding the length restrictions described in paragraphs 2 and 3 and/or the engine power restriction in paragraph 4 may be used provided that the vessel in question is registered with the Authority and placed on a "historic access rights list" (the list) maintained by the Authority.
14. Vessel owners may apply to have their vessels registered and placed on the list up to 6 months from the date of this byelaw coming into force. In order to be placed on the list the owner or owners of the vessel must demonstrate to the satisfaction of the Authority that the vessel on the list had been used to fish in the District for at least 60 days in the last 24 months immediately prior to the coming into force of this byelaw.

15. Owners of vessels placed on the list will be entitled to use the vessel on the list to fish in the District only in accordance with the legacy legal regime created by the provisions of North Western Sea Fisheries Committee byelaw 9 and Cumbria Sea Fisheries Committee byelaws 3, 13 and 15. These legacy byelaws are attached at annex 1.
16. Newly constructed or purchased vessels exceeding the length restrictions set out in paragraphs 2 and 3 or the engine power restriction under paragraph 4 may be placed on the list provided that:-
 - a) The owner can demonstrate that prior to the date of this Byelaw being made, they had entered into an enforceable financial commitment to construct or purchase that vessel which complied with the relevant legacy regime and
 - b) The owner can demonstrate that the date of delivery prevented compliance with the provisions of this Byelaw.

Revocation of Legacy Byelaws

17. Cumbria SFC Byelaws 3, 13, 15 and NWSFC Byelaw 9 are revoked.

I hereby certify that the above byelaw was made by the Authority at the meeting on 13th June 2014

STEPHEN ATKINS

Chief Executive to the North Western Inshore Fisheries and Conservation Authority
1 Preston Street,
Carnforth,
Lancashire,
LA5 9BY

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Byelaw Vessel Size and Gear Restrictions made by the North Western Inshore Fisheries and Conservation Authority on 13th June 2014

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

Date

ANNEX 1

NW SFC BYELAW 9 - MECHANICALLY PROPELLED VESSELS - MAXIMUM LENGTH

1. This section applied to Wales only it is not relevant to England.
2. No mechanically propelled vessel which exceeds 15 metres overall length shall be used in fishing for or taking sea fish within that part of the District to the east of a line drawn 0000 (T) from The Old Lighthouse, Great Ormes Head (53° 20.53'N, 03° 52.13'W, WGS 84 datum)
3. This byelaw shall not be enforceable for those vessels:
 - (a) used in fishing for mussels (*Mytilus edulis*) using dredges; or
 - (b) used in angling with rod and line; or
 - (c) referred to in paragraph 4 and 5 below.
4. Vessels exceeding the length restrictions described in sections 1 and 2 above may be used provided:
 - (a) the vessel fished in the District for at least 60 days within the 24 months immediately prior to this byelaw being made; and
 - (b) the vessel remains in the same legal and beneficial ownership as on the date of this byelaw being made; and,
 - (c) the owner(s) of the vessel obtain an authorisation permitting the use of the vessel within the NW&NWSFC District within 6 months of this byelaw coming into force.
5. Newly constructed or purchased vessels exceeding the length restrictions set out in sections 1 and 2 above may be issued with an authorisation under paragraph 4(c) above provided that:
 - (a) the owner(s) can demonstrate that prior to the date of this byelaw being made they had entered into an enforceable financial commitment to construct or purchase such a vessel; and
 - (b) the owner(s) can demonstrate that the date of delivery prevented compliance with paragraph 4(a) above.
6. This section applied to Wales only. It is not relevant to England
7. For the purpose of this byelaw:
 - (a) the overall length shall be the overall length as shown on the Certificate of Registry of a British Fishing Vessel; and
 - (b) the registered length shall be the registered length as shown on the Certificate of Registry of a British Fishing Vessel.

CUMBRIA SFC BYELAW 3 - SIZE LIMIT OF BOATS ALLOWED INSIDE THE DISTRICT

No person shall fish for sea fish

- (i) in that part of the Cumbria Sea Fisheries District from low water mark for a distance of three nautical miles to seaward, from any mechanically propelled vessel exceeding 13.72 metres registered length except with hooks and lines;

- (ii) within the remainder of the part of Cumbria Sea Fisheries District to which these Byelaws apply from any mechanically propelled vessel exceeding 21.34 metres registered length except with hooks and lines.

For the purposes of this Byelaw the registered length of a vessel shall be that which is recorded on the vessels Certificate of Registration as issued by the Registrar of Shipping.

CUMBRIA SFC BYELAW 15 – VESSELS WITH AN ENGINE POWER > 221KW

No person shall fish for sea fish in that part of Cumbria Sea Fisheries district to the east of a line drawn from Maryport south pier end to Southernness Point light house, from any mechanically propelled vessel, with a registered engine power exceeding 221 KW, except with hooks and lines.

Explanatory note

This note does not form part of the byelaw

This byelaw promotes the sustainable exploitation of important inshore nursery areas in the District. It restricts the maximum length and engine power of fishing vessels that may be used within the 3 mile limit to 10 metres overall length, and within the 3 and 6 mile limit to 15 metres overall length. The byelaw maintains the fishing entitlements of existing vessels built prior to the introduction of this byelaw by means of a permit scheme. This byelaw prohibits the use of damaging multi-rigged trawling gear in the whole District.