

NWIFCA Technical, Science and Byelaw Sub-Committee

15th August 2014: 10:00am

REPORT
NUMBER

9

BYELAW REVIEW

Purpose: To present draft byelaws for consideration

Recommendations:

1. That the attached byelaws be discussed and progressed to the next stage

Presentation of new draft byelaws

1. The following draft byelaws are attached discussion and development
 - a. Annex A: Byelaw 1 – Specified fish sizes
 - b. Annex B: Byelaw 2 - Vessel size restrictions
 - c. Annex C: Byelaw 7 – Fishing for lobster, crawfish, crab, prawn and Whelk
 - d. Annex D: Byelaw 8 – Prohibition of foul hooking
 - e. Annex E: Byelaw 9 – Restrictions on fishing for shrimp and prawns
2. Byelaws 1, 7, 8 and 9 are essentially straightforward amalgamations of byelaws from the SFCs with very little change to their provisions. In each case their main purpose is to deliver the byelaw review which IFCA are required to complete. They help to create a single regulatory framework for the NWIFCA District.
3. The next stages for these 5 byelaws are that outstanding impact assessments will be drafted by the science team, the byelaws will be put on the NWIFCA website and communicated to the fishing industry by way of informal consultation and the byelaws will be sent to MMO for their comments before the byelaws are made.
4. When we are satisfied that industry MMO and wider stakeholders are broadly content with each byelaw it will be sent to the full Authority for formal approval and 'making'
5. **Byelaw 1 – Specified fish sizes** converts EU landing sizes into an IFCA bylaw so that fish landed from the shore and not from a boat are subject to the same MLS as fish caught from boats.
6. This byelaw incorporates and extends to the NWIFCA District the Cumbria SFC winkle byelaw and the Cumbria SFC skate fishery byelaw. The need for inclusion of a single MLS for all skate species in this byelaw needs to be agreed by TSB. The main species caught is thornback ray (roker). Other species are rarely caught but may often go unrecognized. All species except thornback ray should be considered as rare in this District and warrant protection from NWIFCA.
7. The byelaw also extends from the Cumbria SFC to the whole NWIFCA District, regulations on collection of winkles.
8. **Byelaw 2 - Vessel size restrictions** has been through extensive internal discussion and wide consultation with industry. Prior to the June meeting, MMO returned technical comments

which have been addressed in the version attached. The TSB is asked to check they are in agreement with the changes.

9. The byelaw not only limits the size of vessel and engine power in the District but also limits the use of multi-rigged gear and dredges. The byelaw provides for historic access rights to continue.
10. Angling vessels are exempt from the byelaw as is and the use of dredges to fish seed mussel under permit. A formal permit scheme for seed mussel is set up under paragraph 10 with the conditions which may be attached to permits and the charging regime adopted in 2013.
11. **Byelaw 7 – Fishing for lobster, crawfish, crab, prawn and whelk** is a shellfish byelaw amalgamating the regulations in various NWSFC and CSF byelaws. The byelaw limits the amount of hobby fishing which is allowed. This is underpinned by a hobby fishing permit scheme designed to make clear who is fishing commercially and who is fishing for their own use.
12. There were slight differences in the number of fish or amount of gear permitted in the respective SFC Districts so adjustments have been made to create a single regime for the NWIFCA District. The 2 permit schemes in operation to date will be combined into a single permit when the byelaw comes into force under the set of regulations in the byelaw.
13. The byelaw creates a clear set of gear marking regulations, requiring all pots to be marked. To enhance sustainability in the fisheries the byelaw requires all pots to carry escape gaps, and prohibits the landing of berried or V-notched lobsters.
14. Shrimps and prawns (*Pandalidae* and *Palaemonidae*) have not been included. These species were in the NWSFC byelaw but this risks making all children and holiday makers fishing non-commercially for shrimps on the beach to require a permit.
15. However the limit of 2kg per day has been applied to large prawns (*Neprops* spp,) in this byelaw. There is a risk that significant number of *Neprops* could be taken under the pretense of fishing non-commercially so a limit is needed for non-commercial fishing and such fishers should be required to obtain a permit.
16. Use of pots or traps to fish for *Neprops* is not catered for in this byelaw. Officers do not know of such fisheries in the District. If there are such fisheries, *Neprops* pots would have to be excluded from the requirement to have escape gaps.
17. **Byelaw 8 – Prohibition of foul hooking** is a short byelaw dealing with the single issue of foul hooking. It extends previous SFC byelaws to the NWIFCA District.
18. **Byelaw 9 – Restrictions on fishing for shrimp and prawns** creates a single shrimp and prawn byelaw for the NWIFCA District by amalgamating the 2 equivalent SFC byelaws. The minimum mesh size has been reduced from 20mm to 16mm.

Chief Executive
6th August 2014