

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

15th August 2014: 10:00am

**REPORT
NUMBER**

10

BYELAW 3 - COCKLE AND MUSSEL RETURNS: UPDATE

Purpose: To report on progress with implementation of the returns policy for cockle and mussel fishers.

Recommendation: The report be received.

1. At the TSB on the 2nd May officers agreed to develop and implement a returns system for Cockle and Mussel gathering made by Byelaw 3 permit holders. Byelaw 3 requires returns under paragraph 21 of the byelaw which reads:

“The holder of a permit to gather cockles or mussels under this byelaw shall be required to file with the NWIFCA, no later than the 5th day of the month following, such information in regard to catches and fishing effort for the previous month, under the terms of such permit, as the NWIFCA may require. Nil returns may be required at the discretion of the NWIFCA. Permit holders not filing returns may have their permits suspended by the NWIFCA until returns have been filed.”

2. Although this has been a requirement since the introduction of Byelaw 3 it has not been significantly enforced.

Development

1. Following an internal consultation amongst the officers all Byelaw 3 permit holders were written to on the 18th June to inform them formally of that the decision taken by the TSB.
2. Officers then started a consultation period of 2 months where the views of the fishermen were actively sought on how best to arrange submission of the returns.

Implementation

1. Submission of the returns will be on the form attached in Annex A and submissions can be made by:
 - Handing them to an IFCO (this will require a signature in the IFCOs notebook to confirm submission)
 - By post
 - Electronically by word format emailed to the office
3. The response from the industry has positive and accepting of the fact that the information is important in the managing of fisheries.
4. The first returns were due on the 5th August for fishing in July. At the time of writing submission have been in the form of:
 - A total of 72 returns (from a total of 130 permit holders) have been received
 - 22 are for fishing activity
 - 50 of the total are nil returns
 - It accounts for 103,925kg of mussel (principally from the Duddon estuary)

5. A verbal update on the submission of the returns will be provided at the meeting.

Enforcement

1. Given the poor sanctions taken by courts in unpermitted gathering cases officers hold concerns over the value of prosecution in instances of failure to submit nil returns – members are asked to consider this.
2. In cases where fishing has occurred officers recommend that the following is evidenced:
 - That fishing has occurred through attendance records
 - That the application of sanctions prior to proceedings can be demonstrated

Data Protection

1. It is important to emphasise that IFCOs will treat this information as commercially sensitive and private information. It would not be appropriate to reveal data to other members of the industry and would be a disciplinary issue if this were done.
2. In terms of reporting publically only generic summary information could be published such as number of fishermen attending and total weights removed from the bed.
3. The information would be held under the Government Protective Marking Scheme (GPMS) marked “protect”
4. The information would however be subject to section 29 of the Data Protection Act (DPA) – data can be shared for the purposes of – prevention of crime, apprehension of offenders and the assessment/collection of tax.

Head of Enforcement
7th August 2014