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ANNEX C

MARINE AND COASTAL ACCESS ACT 2009

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.

NWIFCA BYELAW 7

FISHING FOR LOBSTER, CRAWFISH, CRAB, PRAWN AND WHELK

Interpretation

1. In this byelaw:
 - a) 'the Authority' means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200);
 - 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 (SI 2010 No. 2200);

Prohibitions

2. No person shall take or land from any fishery within the District more than the specified amount of the species listed below in a calendar day, except in accordance with paragraphs 9 or 10 of this byelaw. All such fish must be landed on the same calendar day on which they were caught and may not be stored in any keep pot or similar device at sea.

Species	Maximum Daily Quantity
Lobsters (<i>Homarus gammarus</i>)	1 individuals
Crawfish (<i>Palinurus elephas</i>)	1 individual
Edible crabs (<i>Cancer pagarus</i>) Spider Crabs (<i>Maia squinado</i>) Velvet crabs (<i>Liocarcinus puber</i>)	Combined total of 5 individuals
Prawns (Nephrops species))	2 kilograms
Whelks (<i>Buccinum undatam</i>)	5 kilograms

3. No person, except in accordance with paragraphs 9 or 10 of this byelaw, shall fish in any part of the District for any of the species listed in paragraph 2 of this byelaw, using pots or traps or nets, except under a permit issued by the Committee.
4. No person shall take or remove from a fishery any berried lobster.
5. No person shall take or remove from a fishery any lobster of the species *Homarus gammarus* that is V-notched with an indentation in the shape of the letter "V" in one or more of the five flaps of the tail fan, or otherwise marked in any way or mutilated in such a way that any of the five tail flaps of the tail are missing or mutilated in such manner as could hide or obliterate a V-notch or other marking.
6. Any berried lobster or lobster marked or mutilated in the manner described in paragraph 5 that is caught shall be returned immediately to the sea.
7. No person shall use or cause to be used for the purpose of fishing for sea fish or crustacea any pot, creel or trap constructed of whatever material unless:-
 - a. it has at least one unobstructed escape gap located in the lowest part of the pot, creel or trap or in the case of a parlour pot the parlour area; and
 - b. is so designed and constructed that each escape gap is of sufficient size that there may be easily passed through the escape gap and completely passed into the pot, creel or trap, a rigid boxed shaped gauge which shall be a gauge 74 millimetres wide, 44 millimetres high and 100 millimetres long.

Exceptions

8. Permits to fish under paragraph 3 of this byelaw shall have the following conditions:
 - a. permits shall be annually renewable by 1st January of each calendar year and shall not be transferable;
 - b. Applications for a permit to fish under this byelaw shall be made using the printed forms available from the Committee.
 - c. the person to whom a permit is issued shall not use more than 5 pots or traps or 100m of net measured along the headline at any one time in the District;
 - d. the site of any net, traps, or pots being used in accordance with this byelaw shall be marked at each end by a flag on a pole, dahn, perch or buoy which is clear and visible at all states of tide and all nets, pots or traps and any dahns, perches, poles, flags or buoys shall be clearly marked with the number issued with the permit;
 - e. any boat used in accordance with the byelaw shall clearly display the number issued with the permit, shall not display more than one permit number, and shall not be used to haul any pots or traps not marked with that number; and
 - f. permits to fish shall be invalid if any of the above conditions are not met and the Authority may withdraw any permit at any time in accordance with its fisheries management responsibilities or if the holder of a permit breaches any of the conditions of this byelaw by using excessive or illegal fishing gear or exceeds the maximum daily catch then the Authority may withdraw that permit for a period not exceeding 6 months.
9. The catch limits and permit requirements in paragraph 2 of this byelaw shall not apply to any person fishing from any fishing boat registered in accordance with the rule for the time being

in force for the registration of a British sea fishing boat and holding a current fishing licence issued by the Government of England or Wales.

10. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written authorisation issued by the Authority permitting that act for scientific, management, stocking or breeding purposes.

Revocation of legacy byelaws

11. The following byelaws made by the North Western and North Wales Sea Fisheries Committee are revoked in so far as they apply within the District:
 - a. Byelaw 30 - Fishing for lobster, crawfish, crab, prawn and whelk;
 - b. Byelaw 31 – Protection of V-notched lobsters
12. The following byelaws made by the Cumbria Sea Fisheries Committee are revoked in so far as they apply within the District:
 - a. Byelaw 8 – Berried lobsters
 - b. Byelaw 25 – Requirement for escape gaps in pots, creels and traps
 - c. Byelaw 26 – Permit to fish for lobster, crab and whelks

*Explanatory note
(This note does not form part of the byelaw)*

The purpose of this byelaw is to enhance sustainable exploitation of certain shellfish species in the NWIFCA District by a) prohibiting the landing of berried or v notched lobsters, b) requiring escape gaps in all pots and traps, and c: limiting under a permit, the amount of fish which can be caught without possession of a commercial fishing licence. The byelaw creates a single shellfish regulatory regime for the NWIFCA District by extending to the whole District measures now in force in one or other of the previous SFC Districts.