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ANNEX B

MARINE AND COASTAL ACCESS ACT 2009

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 hereby makes the following byelaw for that District.

NWIFCA BYELAW 2:

VESSEL AND GEAR RESTRICTIONS

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 (S.I. 2010/2200);
 - 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 (S.I. 2010/2200);
 - c) "the 1983 baselines" means the baselines as defined in Article 3(6) of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2200);
 - d) "the 3 mile line" means a line drawn 3 nautical miles seaward of the 1983 baselines;
 - 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;
 - f) "listed vessel" means a vessel registered with the Authority in accordance with paragraph 14;
 - g) "overall length" has the same meaning as in regulation 1(2) of the Merchant shipping (Registration of Ships) Regulations 1993 (SI 1993/3138).

Prohibitions

2. No person shall use a vessel exceeding 15 metres overall length to fish for or take sea fisheries resources within that part of the District seaward of the 3 mile line.

3. No person shall use a vessel exceeding 10 metres overall length to fish for or take sea fisheries resources within that part of the District landward of the 3 mile line.
4. No person shall use a vessel with an engine power exceeding 221 KW to fish for or take sea fisheries resources within the District.
5. No person shall use any towed net, dredge or other appliance from a vessel to fish for or take sea fisheries resources within the NWIFCA District except:
 - (a) a single trawl fitted with a single cod-end and utilising one pair of otter boards;
 - (b) a single beam trawl; or
 - (c) a towed net used to fish for or take shrimp of the species *Crangon crangon* or *Pandalus montagui*.

Exemptions

6. 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.
7. This byelaw shall not apply to a person using a vessel to fish for or take sea fisheries resources solely by means of rod and line or handline.
9. This byelaw shall not apply a person using a vessel to fish for, dredge, transport or relay bivalve molluscs in accordance with a permit issued by the Authority.
10. A permit under paragraph 9 will be issued for specified fisheries when agreement to open a fishery has been obtained from relevant regulatory authorities. Permits shall be annually renewable and are not transferrable. Conditions of the permit may include but are not limited to:
 - i. the area that may be fished,
 - ii. the days and times when fishing may take place,
 - iii. the amount of sea fisheries resources which may be caught;
 - iv. the type and design of fishing gear or appliance which may be used and
 - v. a requirement for returns which must be submitted to the Authority recording such data as the Authority may reasonably require. The return data required may include but is not limited to:
 - (a) the name and registration number of the vessel used;
 - (b) the dates of fishing;
 - (c) the species and quantities (in kilogrammes) of sea fisheries resources taken on each date;
 - (d) the gear used on each date; and
 - (e) the start and end co-ordinates of each tow.

11. Failure to comply with a condition attached to a permit in accordance with paragraph 10 constitutes a breach of this byelaw.
12. The Authority will limit the number of permits issued to reduce fishing effort if stocks and or fishing grounds are found by scientific survey to be insufficient to support an open fishery. Vessels and companies which can show the longest history of fishing the area to be opened will be given priority.
13. Fees will be charged for permits issued under paragraph 9 for each year according to the length of the vessel. Fees will be increased on 1 January each year by the amount of the consumer prices index (CPI) in December of the previous year.

Vessel Length (m)(LOA)	Levy (£)
up to 17	600
17 - 20	1200
20 - 23	1800
23 - 26	2400
26 - 29	3000
over 29	3600

Historic access rights

14. Paragraphs 2, 3 and 4 do not apply to a person using a vessel that:
 - (a) has been registered on a historic access rights list ("the list") maintained by the Authority; and
 - (b) is used in accordance with paragraphs 15 to 20.
15. A vessel may be registered on the list by the Authority if:
 - (a) an application to register the vessel is made by an owner of the vessel before the end of 6 months from the date of this byelaw being confirmed by the Secretary of State; and
 - (b) based on evidence supplied by the owner or owners of the vessel in support of their application, the Authority is satisfied that the vessel has been used to fish for or take sea fisheries resources within the District on at least 60 days within a period of 24 months while in the same legal and beneficial ownership as immediately prior to the date of this byelaw being confirmed by the Secretary of State.
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 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
17. No person shall use a listed vessel exceeding 15 metres overall length to fish for or take sea fisheries resources within that part of the District to the east of a line drawn North 0000 (T) from The Old Lighthouse, Great Ormes Head (53° 20.53'N, 03° 52.13'W, WGS 84 datum) or south of a line drawn true south west from the seaward extremity of Haverigg Point in Cumbria (54° 11.31'N, 03° 19.08'W, WGS 84 Datum) unless that vessel had been granted historic rights for that area by the

North Western Sea Fisheries Committee under byelaw 9 (Mechanically propelled vessels – maximum length) of the North Western Sea Fisheries Committee in force immediately before the coming into force of this byelaw.

18. No person shall use a listed vessel exceeding 13.73 metres overall length to fish for or take sea fisheries resources within that part of the District landward of 3 nautical miles and north of a line drawn true south west from the seaward extremity of Haverigg Point in Cumbria (54° 11.31'N, 03° 19.08'W, WGS 84 Datum).
19. No person shall use a listed vessel exceeding 21.34 metres overall length to fish for or take sea fisheries resources within that part of the District landward of 6 nautical miles and north of a line drawn true south west from the seaward extremity of Haverigg Point in Cumbria 54° 11.31'N, 03° 19.08'W, WGS 84 Datum).
20. No person shall use a listed vessel with an engine power exceeding 221 KW to fish for or take sea fisheries resources within that part of the District to the East of a line drawn from the end of Maryport South pier (54° 43.05'N, 03° 30.59'W, WGS 84 Datum) to Southernness Point Lighthouse (54° 25.36'N, 03° 35.69'W, WGS 84 Datum).

Revocation

21. The byelaws entitled 'Byelaw 3 – Size limit of boats allowed inside the District', 'Byelaw 13 – Multi-rigged trawling gear' and 'Byelaw 15 – Vessels with a registered engine power > 221 KW' made by the Cumbria Sea Fisheries Committee and in force immediately before the coming into force of this byelaw are revoked.
22. The byelaws entitled 'Byelaw 9 – Mechanically propelled vessels – maximum length' and 'Byelaw 12 – Restrictions on fishing for bivalve molluscan shellfish' made by the North Western Sea Fisheries Committee and in force immediately before the coming into force of this byelaw are revoked.

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

This byelaw 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 provides for a number of exemptions to the restrictions, and in particular exempts those fishing vessels registered with the Authority based upon their historic access to the District.