

**North Western Inshore Fisheries and
Conservation Authority**

Quarterly Meeting: 16 March 2012

Morecambe Town Hall: 11.00 a.m.

**AGENDA
ITEM NO.
10**

NWIFCA BYELAW 3: COCKLE AND MUSSEL MANAGEMENT:

Purpose of the Report:

To present a further draft of this bylaw for discussion

Recommendations

- 1. Approve Byelaw 3 (at Annex A) for completion and making at the June meeting**
- 2. Proceed to implement the bylaw in time for the start of the cockle season on 1 September 2012**
- 3. Make a short bylaw at the June meeting providing for the NWIFCA to charge for permits**

Background

1. Members discussed a draft of this bylaw at the NWIFCA Technical, Science and Byelaws Sub-Committee on 17 Feb 2012. The main provisions of the bylaw were approved and Officers were instructed to further develop the bylaw taking account of comments received. Attached at Annex A is a further version drafted to include all the comments so far received from members and from the fishing industry. Comprehensive guidance notes on the bylaw have also been prepared.
2. The bylaw should be made as soon as possible so that it can be in force for the start of the 2012 cockle season starting on 1 September.

Regulatory Impact Assessment

3. According the IFCA bylaw guidance from Defra, a Regulatory Impact Assessment of all new byelaws is required. For this complex bylaw, the RIA is a lengthy and complex piece of work which is currently delaying the progress of this bylaw.
4. The draft bylaw has been sent to MMO for legal scrutiny. Their response is awaited.

District:

5. The new Byelaw will cover all the NWIFCA District including the areas previously covered by the NWSFC and CSFC as well as the Mersey, the Dee and other estuaries within the NWIFCA District.

Seasonal closure

6. A cockle seasonal closure from January to June, in line with the Dee Estuary Cockle Fishery Order and South Wales fisheries was considered. This closed season has been widely

proposed by the fishing industry. However, for various reasons, members considered that the current closed season should be retained in this District. In July and August cockles in NW England are usually small, delicate and thin shelled. New season cockles have not reached MLS and should generally not be disturbed by fishing so early in the season.

7. Byelaw 3 will provide for the Authority to over-ride the closed season in years when there are compelling reasons for opening the fishery. The byelaw will continue to provide for the closure of defined areas of shellfish beds for defined periods for stock management purposes.

Minimum landing sizes

8. The MLS for cockles will remain unchanged at 20mm while the MLS for mussels will be standardised at 45mm across the NWIFCA District. Currently the Dee byelaw sets a mussel MLS of 57mm. This inconsistency should be removed.

Charging for permits

9. Using the new powers provided in the Marine Act 2009 the NWIFCA can charge for permits. Charges will be based on the cost of issuing permits and the cost of managing the fishery. Officers estimate that on average around 20% of the time of all officers is spent on cockles and mussel fisheries in the District. If 500 permits are issued at a charge of £500 per permit the NWIFCA would raise a sum in the order of £250,000 which is approximately 20% of the NWIFCA annual budget.
10. However, there are some years when cockle stocks are poor when a charge of this scale would impose a major burden on fishers. Members wanted to ensure that a reduced charge would apply in years when cockle stocks were low so there is provision in the byelaw to reduce the charge by up to 80% in a year following a year when little cockle or mussel fishing has been possible.

Apprenticeship schemes and use of financial records

11. Two schemes used in the Dee Cockle Fishery Order have been considered for this byelaw but found to be too complex for an IFCA byelaw. An apprenticeship scheme would allow some young people to enter the fishery without having to go on the waiting list. A requirement for submission of financial evidence that an applicant earns all or part of his living from fishing would ensure that new permit holders are professional fishers with a track record of personal investment in the industry.
12. Both these options have been reviewed but were found to be too complex for inclusion in IFCA byelaws. Both these options would require a high level of officer time to operate and may be more appropriate for inclusion in fishery orders.

Byelaw Review

13. The byelaw lists the NWSFC, CSFC and EA byelaws repealed by IFCA byelaw 3. In total this byelaw would replace 12 legacy byelaws inherited from predecessor bodies. Thus the byelaw makes a significant contribution to the byelaw review.

Chief Executive
29 February 2012