

North Western Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009

Permit to dredge byelaw 2016

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 makes the following byelaw for that District.

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;
 - c. "dredge" means a rigid structure, scoop, pump or mechanical device which is not a trawl or beam trawl and any ancillary hydraulic equipment that is operated from a vessel or vehicle which is designed for or capable of taking sea fisheries resources;
 - d. "specified vessel" means a vessel identified by name and registration number for which a permit to dredge has been issued under this byelaw;
 - e. "specified vehicle" means a vehicle identified by make, model, and chassis number for which a permit to dredge has been issued under this byelaw;
 - f. "permit" means a permit issued by the Authority in accordance with this byelaw;
 - g. "fully functioning Automatic Identification System" means an operational transceiver of Class A or Class B design that transmits accurate information including the ships identity, type, position, course, speed and can exchange information with shore-based facilities;

Prohibition

2. A person must not use a dredge for the exploitation of sea fisheries resources except from or attached to a specified vessel or a specified vehicle and in accordance with a permit.

Exception

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

Permit conditions

4. A person may only apply for a permit in respect of a vessel or vehicle of which the person is the owner.
5. A permit is issued by the Authority to the owner of the specified vessel or vehicle.
6. Permit applications must be made using the form available from the Authority.
7. A permit is valid for the dates specified on the permit.

8. A permit fee is payable prior to use. The fee may be amended by the consumer price index in January each year.
9. The Authority may charge a fee of £50 to issue a replacement permit.
10. A permit
 - a. is not transferable from the specified vessel or vehicle to another vessel or vehicle;
 - b. must be carried on the specified vessel or vehicle when a dredge is carried or in use and produced for inspection when requested by a IFC officer,
 - c. remains the property of and must be surrendered to the Authority if no longer required.
11. Permit holders must file returns with the Authority no later than the 5th day of the month following providing dates, times and locations of dredging and the quantity of fish taken in numbers or kilogrammes for the previous month. Nil returns may be required for each month when a permit was valid but not used. The authority may suspend permits until returns have been filed.
12. It is a permit condition that a person using the permit does not obstruct any Inshore Fisheries and Conservation Officer,
13. A specified vessel used in conjunction with a permit must have a fully functioning Automatic Identification System.
14. The Authority must be notified by phone, text or email at least 2 hours prior to commencement of fishing in conjunction with a permit.
15. A person must notify the Authority of any change in the information provided to obtain a permit during the period when the permit is valid.
16. Contravention of a permit condition constitutes a contravention of this byelaw.
17. On receipt of the review procedure information specified below, the Authority may attach flexible permit conditions to a permit including some or all of the following:
 - a. Dates, times or tides during which using a dredge for the exploitation of sea fisheries resources is permitted
 - b. Areas where using a dredge for the exploitation of sea fisheries resources is permitted;
 - c. Species for which using a dredge to fish is permitted;
 - d. The type or design of dredge which is permitted
 - e. The maximum number of permits which can be issued for a fishery;
 - f. maximum number of dredges of total length of dredges that a vessel may use;
 - g. total catch limit permitted within a specified period.

Review procedure

18. The Authority will review permit conditions no less than once every 4 years as follows:
 - a. The Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by changes in permit conditions;
 - b. The Authority will make a decision whether to add, vary or remove any permit condition based on the consultation responses and information received obtained in accordance with the following paragraph
 - c. Following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary with no charge.
19. The information referred to in the previous paragraph is:
 - a. information and advice received from permit holders;

- b. scientific and survey information gathered by the Authority or provided to the Authority by any other organisations or persons as the Authority shall think fit;
- c. advice provided by Centre for Environment Fisheries and Aquaculture Science or Natural England or any other organisations or persons as the Authority shall think fit;
- d. an impact assessment of any proposed changes;
- e. information from any other relevant source.

Revocation of byelaw

20. The byelaw with the title "Byelaw 12 Restrictions on fishing for bivalve molluscan shellfish" made by the North Western and North Wales Sea Fisheries Committee Byelaw 12 under the Sea Fisheries Regulation Act 1966 (c.38)S5 and confirmed on 21 January 1998 is revoked.

Explanatory Note

(This note does not form part of the byelaw)

This byelaw prohibits the use of dredges for fishing within the District without a permit. The permit application requirements, the conditions which may be attached to a permit and the procedure by which permit conditions may be varied are set out in the byelaw.