

ANNEX A

NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

BYELAW 3

COCKLES (*Cerastoderma edule*) AND MUSSELS (*Mytilus edulis*) **FISHING REGULATIONS AND PERMIT SCHEMES.**

1. Subject to paragraph 7 no person shall fish for attempt to fish for take attempt to take remove attempt to remove, or transport any cockle or mussel from a fishery in any part of the District without the written authority of the Committee or having in his possession at the time, a valid permit issued pursuant to this byelaw.
2. No person shall have in their possession any article for the use in the course of or in connection with fishing in contravention of this byelaw or any cockle or mussel taken or removed from a fishery in breach of this byelaw.

Seasonal and Management closures and quotas

3. The NWIFCA may close any cockle or mussel fishery area for the purposes of management or for controlling the rate of exploitation of the stock provided that scientists have advised that such action is necessary.
4. Such closures shall be made for a specified period and following consultation with the fishing industry. Closures shall be advertised widely such as on notices placed in the District and on the NWIFCA website.
5. No person shall without the written consent of the NWIFCA remove, take or disturb any cockle from the fisheries between the 1st day of January and the 30th day of June in the same year, both dates inclusive or any cockle or mussel from a fishery area that has been closed pursuant to this byelaw.
6. The Authority may set daily, weekly or monthly quotas for permit holders in order to manage stocks sustainably.

Commercial cockle or mussel fisheries

7. The Authority may designate defined areas of the District as 'Commercial cockle or mussel fisheries' for periods of up to one year. The period of designation and the boundaries of each commercial shellfish area shall be advertised widely such as by notices placed in the District and on the Authority's Website. In commercial shellfish areas, all fishers must hold a valid permit pursuant to this byelaw.
8. Except in NWIFCA designated commercial shellfish areas, this byelaw shall not apply to any person who fishes for, takes, or removes less than 5kg of cockles and 5kg of mussels during any calendar day.

Cockles and mussels Minimum Landing size

9. No person shall remove from a fishery any cockle which will pass through gauge having a square opening of 20mm measured across each side of the square or any mussel less than 45mm in length.

10. No person shall without written authority from the Authority gather shellfish except by hand or using a hand-held rake. All cockles gathered must be sorted immediately by means of a rigid riddle designed to ensure that retained cockles cannot pass through a 20mm square gauge.
11. Any person who takes or removes any shellfish, the removal of which is prohibited pursuant to any of these byelaws or the possession or sale of which is prohibited by or in pursuance of any act of Parliament shall immediately redeposit the same without injury as nearly as possible in the place from which they were taken or under the written authority of the NWIFCA on other suitable ground and shall in re-depositing them under this byelaw shall spread them thinly and evenly over the beds.

Application for Permits

12. Application for permits pursuant to this byelaw shall be made using the printed forms available from the Authority, or from the Authority website. Permits shall be annually renewable on payment of a fee of £500. Forms will be made available 2 calendar months before the date each permit term begins.
13. A permit issued pursuant to this byelaw is not transferable and does not permit fishing in breach of any other byelaw or restriction.
14. Failure to produce, on the reasonable demand of a properly warranted Officer or a Constable, a valid permit during any period of fishing for cockles and mussels constitutes a breach of this byelaw.
15. Failure to notify the Authority of any change of name or address during the life of a permit constitutes a breach of this byelaw.
16. The holder of a fishing permit under this byelaw shall be required to submit to the Authority, 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 Authority may require. Nil returns are required. Permit holders not supplying returns *(may have their permits revoked by the Authority and may be required to reapply for a permit under the terms of paragraphs 11 and 12) or (may have their permit suspended by the Authority for 1 month / 3 months / 1 year.*
17. Persons who provide evidence that they have in the past held valid NWNWSFC, NWSFC, NWIFCA byelaw 5 permits, Cumbria SFC byelaw 21 or 23 cockle or mussel permits, or Dee Estuary Cockle Fishery Order permits shall be eligible to apply for permits under this byelaw within one year of this byelaw coming into force.
18. A maximum of 40 permits will be issued to applicants who have not previously held a North Western IFCA Byelaw 5 Permit, Cumbria Sea Fisheries Committee permit or Dee Cockle Fishery Order Permit on production of:
 - a) evidence of the applicant's identity, containing photograph and signature, such as a valid passport; or a driving licence with photo, and
 - b) evidence of the applicant's address, such as a utility bill issued in the preceding 4 months of application, or a current tenancy agreement, and
 - c) evidence of the applicant's National Insurance Number, and
 - d) 2 recent passport style photographs of the applicant signed on the back by the applicant,

- e) The applicant's valid Foreshore Gatherers Safety training certificate,
 - f) The applicant's valid Sea Survival training certificate,
 - g) The applicant's valid First aid at sea training certificate
 - h) The applicant's valid Fire fighting and prevention at sea training certificate
 - i) The applicant's valid Health and Safety at Sea certificate
19. Applications for permits under paragraph 11 will be considered in order of receipt and permits will be issued to the first 40 applicants each year where eligibility in accordance with this byelaw is established.

Support worker permit

20. In NWIFCA designated commercial shellfish areas no person shall be involved in or assist shellfish harvesting by driving transport vehicles, transporting shellfish, weighing shellfish or in any action ancillary to shellfish harvesting, without a valid support worker permit from the Authority. The Authority will issue a support worker permit to applicants on payment of the designated fee of £500 and on production of:
- a. Evidence that they are contracted to work for an identified shellfish merchant holding a Gangmaster Licensing Authority licence.
 - b. Evidence of a National Insurance number, or proof of the right to work within the UK.
 - c. Two recent passport style photographs of the applicant signed and dated on the back by the applicant.

Use of boats

- 21 No person shall use a boat to access shellfish beds without having in their possession a personal lifejacket at all times.
- 22 No person shall use a boat to access shellfish beds unless that boat is equipped with a serviceable VHF radio, global positioning equipment marine distress flares and an adequate anchor.

Date

- 23 This Byelaw shall come into force on 1st September 2012 (30 June 2012). IFCA Byelaw 5 Permit to fish for cockles and mussels is revoked on the day this byelaw comes into force.