

### **NWIFCA BYELAW 3: COCKLE AND MUSSEL MANAGEMENT**

#### **Aim of the report**

**To present the draft Byelaw 3 at Annex A for discussion and development by the TSB Sub-Committee.**

#### **Recommendations:**

- 1. Consider the draft byelaw and provide officers with advice on changes required**
- 2. A finished byelaw 3 be prepared for making at the NWIFCA on 16 March 2011.**

#### **Introduction**

1. Following member's discussions at previous meetings this report presents a further version of the proposed new byelaw on cockle and mussel fisheries. This draft is designed to contain in a single byelaw the full comprehensive scope of the measures which the NWIFCA will require to effectively manage these fisheries. It should include all the byelaw provisions for cockle and mussel management previously made and enforced by the NWSFC and the CFSC.
2. All elements of the draft byelaw are presented for discussion. The NWIFCA has as yet taken no final decisions on any of the provisions.

#### **Summary of the aims and content of Byelaw 3**

3. **Restrictive permits:** This new byelaw aims to contain all the measures currently seen as essential for the management of cockle and mussel fisheries in the NWIFCA District. The Byelaw includes the most important elements of NWSFC byelaw 5 which limits numbers of permit holders, requires completion of a foreshore gatherers safety course and requires conclusive evidence of identity.
4. **Ancillary worker permits:** The byelaw provides a requirement for all ancillary workers who assist the fishery by activities such as transporting or weighing cockles or mussels on the beds to hold a support worker permit. This provision is designed to remove the enforcement loophole in the byelaw which allows non permit holders to assist with cockle harvesting on the beds
5. **District:** 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.
6. **Non-commercial limit:** This byelaw is designed to address the enforcement weaknesses of Byelaw 5 created by the provision to allow anyone to collect small non-commercial daily amounts of cockles and mussels without a permit. It also requires more stringent safety qualifications and seeks to ensure that boats used in shellfish harvesting are adequately equipped.

7. **Seasonal and management closures:** The cockle seasonal closure will be brought into line with the closed season currently in force for the Dee Estuary Cockle Fishery Order. The closed season will commence on 1 January and end on 30 June. This closed season has been widely proposed by the fishing industry as being more in line with the annual growth cycle of the cockle. From January, cockles generally start to develop reproductive organs reducing both suitability for eating and the sale value. After spawning in spring, cockles then need time to recover body mass while juveniles settle in the sand and benefit from being undisturbed.
8. Byelaw 3 will continue provide for the closure of defined areas of shellfish beds for defined periods for stock management purposes.
9. **Minimum landing sizes:** The MLS for cockles will remain unchanged at 20mm while the minimum landing size 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.
10. **Redeposit of shellfish:** Byelaw 3 will continue to require shellfish taken illegally to be re-deposited as carefully as possible to increase chances of survival and recovery.
11. **Charging for permits:** Following the new powers in the Marine Act 2009, the NWIFCA can charge for permits based on the cost of issuing permits and the cost of managing the fishery. A charge in the region of £500 per permit would cover both these charges and could bring in income of £250,000 based on the issue of 500 permits per year. However, there are some years when cockle stocks are poor when a charge of this scale would impose a major burden on fishers. Members are invited to consider if a charge should be made for permits and if so the level that would be appropriate.

#### **Apprenticeship schemes and use of financial records**

12. 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.
13. 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.

#### **Byelaws repealed in the new IFCA Byelaw 3**

NWSFC byelaw 5: Cockle and mussel permit scheme.

NWSFC byelaw 14 and CSFC byelaw 16: Cockle seasonal closures.

The minimum landing size byelaws for cockles byelaws 13 (NWSFC) and 6 (CSFC), and mussels byelaws 15 (NWSFC) & 5 (CSFC)

Shellfish redeposit byelaws 17 (NWSFC) and 12 (CFSC) using the better CSFC wording

Shellfish management byelaws 13A, 16 (NWSFC) and 18 (CSFC) to allow the NWIFCA to close defined areas for defined periods for stock management reasons.

**Chief Executive**  
**9 February 2012**