

ANNEX A

MARINE AND COASTAL ACCESS ACT 2009

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

BYELAW 5

PERMIT TO FISH FOR COCKLES (*Cerastoderma edule*) AND MUSSELS (*Mytilis edulis*).

1. This byelaw applies to that part of the North Western Inshore Fisheries and Conservation Authority's area that lies between a line drawn South West (True) from Haverigg Point (54° 11.3' North, 03° 19.0' West) in the County of Cumbria and a line drawn from Hilbre Point (53° 23.22' North, 03° 0 11.98' West) in the Metropolitan Borough of Wirral to the North-Western extremity of Hilbre Island (53° 22.12' North, 03° 13.72' West) thence towards the disused lighthouse at point of Ayr in the County of Flintshire until that line joins the median line adjoining the Territorial Waters of the Principality of Wales.
2. Subject to paragraph 4, no person shall fish for, attempt to fish for, take, attempt to take, remove or attempt to remove, any cockle or mussel from a fishery without having in his possession at the time, a valid permit issued pursuant to this byelaw.
3. 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.
4. 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, or in respect of cockles or mussels caught from a licensed fishing vessel registered in the United Kingdom.
5. Application for a permit shall be made using the printed forms available from the Authority, or from the Authority website. Forms will be made available 2 calendar months before the date each permit term begins.
6. The holder of a 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.
7. A 2011/2012 permit will be valid during the period 1st September 2011 to 31st August 2012 and will be granted to an applicant on production of a 2010/2011 permit.
8. An application for a 2011/2012 permit will be considered after 1st July 2011.
9. A 2012/2013 permit will be valid during the period 1st September 2012 to 31st August 2013 and will be granted to an applicant on production of a 2011/2012 permit.
10. An application for a 2012/2013 permit will be considered after 1st July 2012.

11. A maximum of 40 2011/2012 permits and 40 2012/2013 permits will be issued to applicants who have not previously held a North Western Sea Fisheries Committee/North Western IFCA District-wide Cockle and Mussel 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, and
 - e) a Foreshore Gatherers Safety Training Certificate.
12. Applications for permits under paragraph 11 will be considered in order of receipt and permits will be issued to the first 40 applicants where eligibility in accordance with this byelaw is established.
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 an IFCA Officer, 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. This Byelaw shall come into force on 1st September 2011 and expire on the 31st August 2013.

In this byelaw:

"Foreshore Gatherers Safety Training Certificate" means a document issued by a Seafish Industry Group Training Association, certifying the applicant's completion of a safety training course for intertidal shellfishing.

Explanatory note not forming part of the Byelaw: Up to 5kg of cockles and 5kg of mussels per person per day may be taken without a requirement for a permit. It is a breach of this byelaw to fish for more than 5 kg of cockles or 5kg mussels per day, anywhere within the District, without a valid permit. The Byelaw does not apply to persons using a registered commercial fishing vessel. Permits are only valid for a specified period of time, and issued on proof of identity, residency and evidence of having completed the SEAFISH GTA intertidal safety training course for shellfishing. Provision is made for 40 new entrants to the industry each year. Permits must be carried during all periods of fishing.

I hereby certify that the above Byelaw
Was made by the Authority at its meeting
On 17th May 2011

Dr. S. M. ATKINS
Chief Executive