

NWIFCA Authority Meeting

10th December 2020; 10.00 a.m.

**AGENDA
ITEM NO.
5**

NWIFCA BYELAW 1 MINIMUM CONSERVATION REFERENCE SIZES

Purpose: To report amendments to the byelaw after the November TSB

Recommendations: Make the byelaw at Annex A

Background

1. Previous versions of the byelaw have not been agreed by members at both TSB and Authority meetings. It was agreed at the November TSB that Head of Enforcement should meet with Members Andrews and Brown to progress certain issues.
2. Very quickly after the November TSB, HoE and Members Andrews and Brown met virtually and held a very productive meeting to discuss a number of changes and how to progress the byelaw. This has proved an excellent process for moving forward.

Carriage within the District

3. Carriage of species failing to meet sizes in the proposed byelaw by vessels fishing outside the district was raised at the last Authority meeting. At the last writing vessels fishing outside of the District would not be land species which they had legally fished in that area. Neither would they be able to be offered for sale.
 - I. Initially this was addressed by naming whelk vessels however there was an appreciation that the issue could arise with other species.
 - II. Therefore officers drafted wording which specifically targets those who are fishing within the district.
 - III. This wording has been utilised by Southern IFCA and passed through MMO for confirmation.

Allowance for undersize pelagic species

4. The allowance for retention of pelagic species was agreed at the August TSB in principle, at the last meeting it was discussed that this exemption should only be for relevant fishing vessels in coordination with EU legislation and that a separate exemption should be included for those fishing only for herring under a specific permit such as NWSFC Byelaw 26. Thus negating the issue of enforcing 10% allowance on stakeholders who may be fishing for example with rod and line for mackerel.

Other Amendments

5. Officers have included specific definition of vessels not referring to “relevant fishing vessel” in the opening interpretation of paragraph one.
6. Two paragraphs from prohibitions have been moved to the exceptions section of the byelaw. This coordinates much more efficiently these sections of the byelaw.
7. Wording of the revocations has been made consistent with expectations of MMO and other byelaws, by specifically naming the byelaws which are to be revoked.
8. TSB members were consulted by email and comments thankfully received and incorporated into the draft of annex A.
9. A draft of the regulatory impact assessment is attached as Annex B for member’s comments. This will be finalised by Officers and signed by the CEO before submission as a part of the byelaw package, following formal consultation, to the MMO for questioning.
10. Members are asked to consider the report and the annexes and approve the making of the byelaw so that officers can progress the implementation of this regulation which is much needed.

HOE Joseph Moulton
23rd November 2020

Annex A

North Western Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009 (c.23)

NWIFCA BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES

The Authority for the North Western Inshore Fisheries and Conservation District, in exercise of the power conferred by section 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 S.I. 2010/2200;
 - c) "relevant fishing vessel" means a fishing vessel:
 - i) Registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) and the regulations made under that Act, or registered in the Channel Islands or Isle of Man; and
 - ii) In respect of which a fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84) is held at the time of the application for a permit under this byelaw;

Prohibitions and Restrictions

- 2) Subject to paragraphs 5, 6, 7 and 8 no person shall take, retain on board, tranship, land, transport, store, sell, display or offer for sale from a fishery within the District, any of the species named in paragraph 4 that measure less than the sizes specified but shall return them immediately to the sea.
- 3) The marine organisms specified in paragraph 4 shall be measured in accordance with Schedule 1.
- 4) Species and specified minimum sizes
 - (a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	420 mm
Black seabream (<i>Spondylusoma cantharus</i>)	230mm
Blue ling (<i>Molva dypterygia</i>)	700 mm
Bluefin tuna (<i>Thunnus thynnus</i>)	700 mm or 6.4kg
Brill (<i>Scophthalmus rhombus</i>)	300 mm

Cod (<i>Gadus morhua</i>)	350 mm
Conger eel (<i>Conger conger</i>)	580 mm
Dab (<i>Limanda limanda</i>)	150 mm
Flounder (<i>Platichthys flesus</i>)	250 mm
Grey mullet (<i>Chelon labrosus</i>)	200 mm
Hake (<i>Merluccius merluccius</i>)	270 mm
Haddock (<i>Melanogrammus aeglefinus</i>)	300 mm
Herring (<i>Clupea harengus</i>)	200 mm
Horse mackerel (<i>Trachurus trachurus</i>)	150 mm
Lemon sole (<i>Microstomus kitt</i>)	250 mm
Ling (<i>Molva molva</i>)	630 mm
Megrim (<i>Lepidorhombus</i> spp.)	200 mm
Mackerel (<i>Scomber scombrus</i>)	200 mm
Plaice (<i>Pleuronectes platessa</i>)	270 mm
Pollack (<i>Pollachius pollachius</i>)	300 mm
Red mullet (<i>Mullus surmuletus</i>)	150 mm
Red seabream (<i>Pagellus bogaraveo</i>)	250 mm
Saithe (<i>Pollachius virens</i>)	350 mm
Any Skate or Ray	
Between wing tips	450 mm
Sole (<i>Solea solea</i>)	240 mm
Turbot (<i>Psetta maxima</i>)	300 mm
Whiting (<i>Merlangius merlangus</i>)	270 mm
Witch flounder (<i>Glyptocephalus cynoglossus</i>)	280 mm

(b) Named Mollusc Species

Bean solen (<i>Pharus legumen</i>)	65 mm
Carpet shell (<i>Venerupis corrugata</i>)	38 mm
Warty venus (<i>Venus verrucosa</i>)	40 mm
Donax clam (<i>Donax</i> spp.)	25 mm
Hard clam (<i>Callista chione</i>)	60 mm
Queen scallop (<i>Aequipecten</i> spp.)	40 mm
Razor clam (<i>Ensis</i> spp.)	100 mm
Scallop (<i>Pecten maximus</i>)	110 mm
Short necked clam (<i>Ruditapes philipinarum</i>)	40 mm
Surf clam (<i>Spisula solidissima</i>)	25 mm
Octopus (<i>Octopus vulgaris</i>)	750 grams
Winkle (<i>Littorina littorea</i>)	must not pass through a gauge having a square aperture of 16mm on

each side.

Whelk (<i>Buccinum undatum</i>)	55 mm*
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*55mm in first year of introduction, 65mm in the second and 75mm in the third year after this byelaw is introduced.

(c) Named Crustacea Species

Edible crab (<i>Cancer pagurus</i>)	130 mm
European lobster (<i>Homarus gammarus</i>)	87 mm
Spider crab (<i>Maja squinado</i>)	

Male	130 mm
Female	120 mm
Velvet swimming Crab (<i>Necora puber</i>)	65 mm
Crawfish (<i>Palinurus</i> spp.)	95mm
Norway lobster (<i>Nephrops norvegicus</i>)	
Total length	70 mm
Carapace length	20 mm

Exceptions

- 5) This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
- 6) Paragraph 3 shall not apply to persons using a relevant fishing vessel to catch: herring, horse mackerel and mackerel, within a limit of 10% by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10% shall not be exceeded during transshipment, landing, transportation, storage, display or sale.
- 7) This Byelaw shall not apply to those landing Herring (*Clupea harengus*) with a moored whitebait filter net operated in accordance with the relevant permit and mesh size requirements of the Authority.
- 8) This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, 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.

Revocation and Amendment

- 9) The Byelaw with the title “BYELAW 19 SPECIFIED FISH SIZES” made by North Western Sea Fisheries Committee on the 24th July 2009 in exercise of their power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 (c.38) and in force immediately before making this byelaw is hereby revoked.
- 10) The byelaw with the title Byelaw 9 - Skate Fishery made by Cumbria Sea Fisheries Committee on the 16th April 1993 in exercise of their power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 (c.38) and in force immediately before making this byelaw is hereby revoked.
- 11) Amendment of the Cumbria Sea Fisheries Committee Byelaw 7 Winkles – Method of Fishing and Minimum Size confirmed on 21st April 2004 and which was in force immediately before making this byelaw by revoking Section 2.

I hereby certify that NWIFCA BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES was made by the North Western Inshore Fisheries and Conservation Authority at the meeting on 10th December 2020.

Dr Stephen Atkins
Chief Executive Officer
North Western Inshore Fisheries and Conservation Authority
1 Preston Street, Carnforth, Lancashire LA5 9BY

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the Minimum Sizes Byelaw 2020 made by the North Western IFCA on

The said byelaw comes into force on:

Explanatory Note *(This note is not part of the Byelaw)*

This byelaw prohibits the removal from a fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes caught within the District.

The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway Lobster.

The byelaw provisions shall not apply to any catch that is subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

The byelaw includes methods of measurement according to the anatomy of the named species.

The byelaw also contains provisions for retaining 10% undersize catch in relation to, herring, horse mackerel or mackerel by relevant fishing vessels.

*Minimum sizes for Cockle (*Cerastoderma edule*), Mussels (*Mytilus edulis*) can be found in NWIFCA Byelaw 3.*

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Schedule 1

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster shall be measured as shown in Figure 2 for illustrative purposes:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae, and/or,
 - c. in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a lobster shall be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of a spider crab shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
5. The size of an edible crab or velvet swimming crab shall be measured, as shown in Figure 5 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
6. The size of a velvet swimming crab shall be measured, as shown in Figure 6 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace, excluding the spines.
7. The size of any bivalve mollusc shall be measured, as shown in Figure 6 for illustrative purposes, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in Figure 8 for illustrative purposes, as the length of the shell.
9. The size of a crawfish shall be measured, as shown in Figure 9 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.

Figure 1

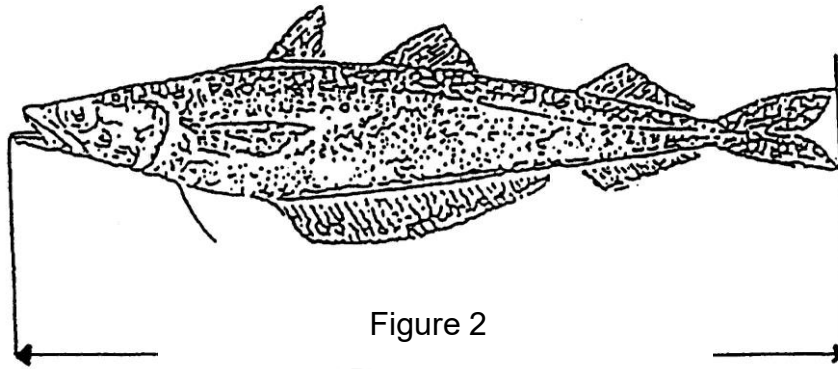


Figure 2

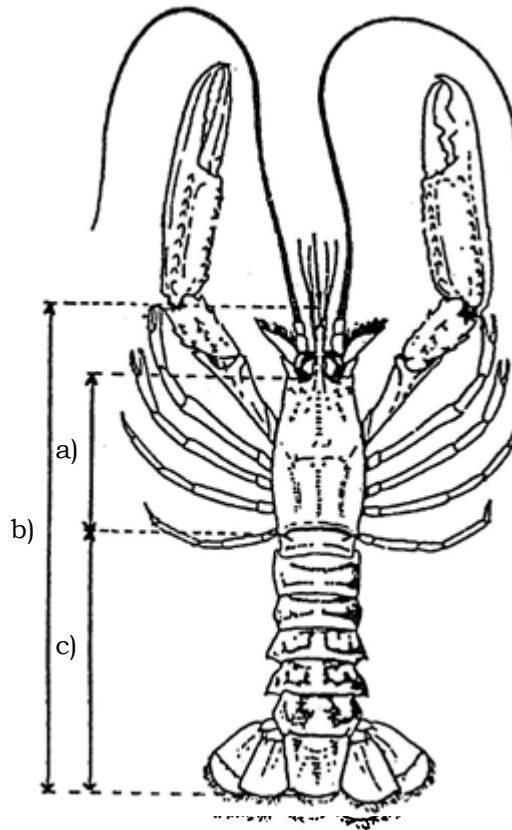


Figure 3

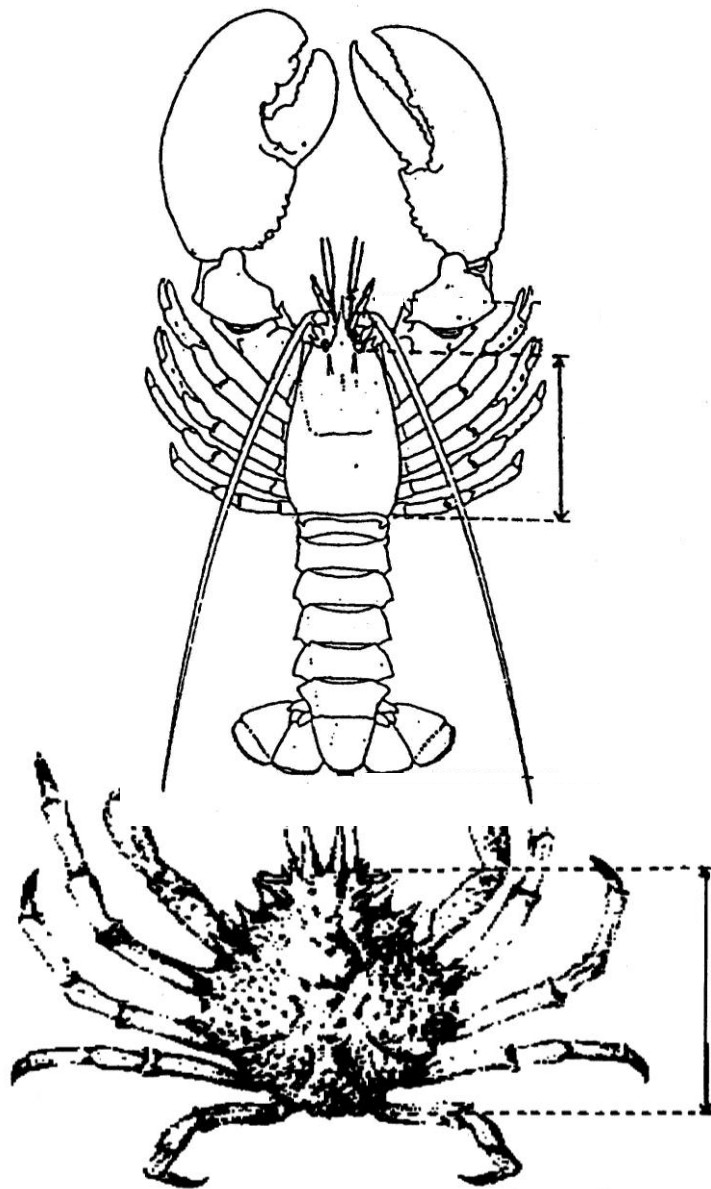


Figure 5

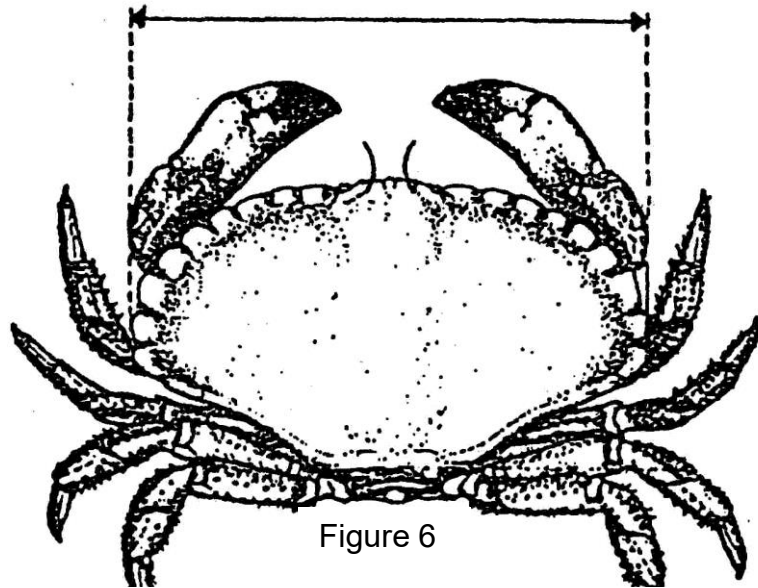


Figure 6

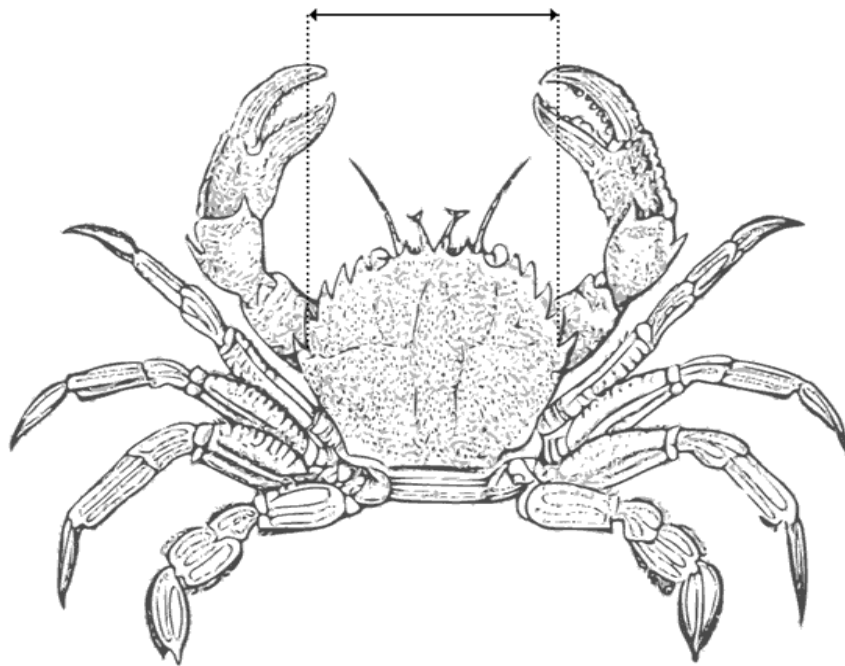


Figure 7



Figure 8

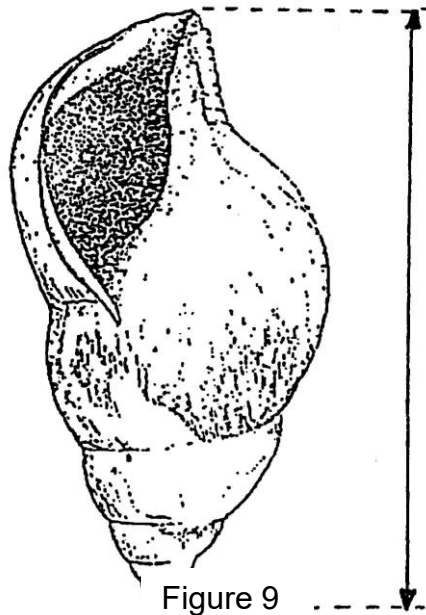


Figure 9

