

## **IFCA Byelaws 1, 2, 4 and 6**

**To be made at the NWIFCA on 30 September 2011**

### **Evidence and justification statements**

#### **Introduction and background**

1. Fisheries in North Western England were regulated under SFC byelaws prior to 1 April 2011. All SFC byelaws were transferred to IFCA byelaws on 1 April under SI No 603 (Fisheries. The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions Order 2011)). Any byelaws made or remade by IFCA must be made under the new legislation.
2. All inherited byelaws must be reviewed and remade as soon as possible to ensure the NWIFCA has legally robust measures to carry out its duties and enforce agreed regulations. A full byelaw review process has been commenced by the NWIFCA to replace all inherited byelaws from the NWSFC, Cumbria SFC and the EA with a new suite of IFCA byelaws.

#### **NWIFCA Byelaw 1: Application of Byelaws**

3. Byelaw 1 replaces CSFC Byelaw 1 and NWSFC Byelaw 1. It establishes the District to which all subsequent byelaws will apply. It makes no change to the existing regulations other than to ensure that all following byelaws have a legal base for the area to which they apply.
4. **Requirement for the byelaw.** This byelaw is an essential foundation for all subsequent byelaws to be made by the NWIFCA.
5. **Objectives of the byelaw:** to legally establish the NWIFCA District as a base for all subsequent byelaws.
6. **Options considered:** No other options have been identified

#### **NWIFCA Byelaw 2 Mechanically propelled Vessels maximum length**

7. Byelaw 2 replaces Cumbria Byelaw 3 and NWSFC Byelaw 9. The byelaw creates a consistent measure throughout the NWIFCA District by combining the NWSFC and CSFC measures in force under the old byelaws.
8. The new byelaw makes very little change to existing vessel length limits in both parts of the District. It does make a minor tightening to the vessel size regulations by limiting the length of vessel permitted to fish within 3 miles to 10m. This measure received strong support from the fishing industry when it was discussed at the NWIFCA.
9. **Requirement for the byelaw.** This byelaw is essential to provide protection for inshore fish nursery areas and to protect both the 0-3 mile and the 3-6 mile zones from overfishing.
10. **Objectives of the byelaw.**
  - i. To limit the size of vessel permitted to fish within the 3 mile and 6 miles zones
  - ii. To increase sustainable exploitation of fish stocks within the District.

11. **Options considered:** The NWIFCA has considered not making a vessel length byelaw and various other length limits which could be applied. In the current climate of increasing environmental protection and pressure on fish stocks, the priority was to reduce pressure on inshore fish stocks. Further tightening of the regulations would have socio-economic impacts on the fishing industry which would be unacceptable. The proposed slight tightening of the regulations provides some additional protection for wildlife interests while protecting the livelihoods of small scale inshore fishers in the District.

#### **NWIFCA Byelaw 4 Minimum removal; size for mussels**

12. Byelaw 4 replaces Cumbria Byelaw 5 and NWSFC Byelaw 15. It creates no change to the existing measures except to establish a consistent mussel minimum landing size for the Dee Estuary.
13. **Requirement for the byelaw.** This byelaw is required to create a consistent regulatory framework for the mussel minimum landing size throughout the NWIFCA District. It replaces different size limits by the SFC and the EA as operated in the Dee Estuary prior to April 2011.
14. **Objectives of the Byelaw:**
- i. To create a common mussel minimum landing size throughout NW England and North Wales.
  - ii. To protect mussel stocks by ensuring juvenile mussels are left to mature.
  - iii. To protect wildlife interests, in particular birds which utilize mussels as a food source, by ensuring a consistent supply of small mussels.
15. **Options considered:** No other options have been considered. The size of 45 mm is well established over many years and no alteration is required

#### **NWIFCA Byelaw 6 Minimum removal; size for cockles**

16. Byelaw 6 replaces Cumbria Byelaw 6 and NWSFC Byelaw 12. It creates no change to the existing measures
17. **Requirement for the byelaw.** This byelaw is required to create a consistent regulatory framework for the cockle minimum landing size throughout the NWIFCA District. The byelaw is required to ensure that the NWIFCA has available all the IFCA powers provided under MACA when inspecting cockle catches on vessels, on lorries and in premises. It removes any doubt that IFCA officers can use these powers in respect of cockles taken from the District or carried in the District.
18. **Objectives of the Byelaw:**
- i. To create a common cockle minimum landing size throughout NW England and North Wales.
  - ii. To protect cockle stocks by ensuring juvenile cockles are left to mature.
  - iii. To protect wildlife interests, in particular birds which utilize cockles as a food source, by ensuring a consistent supply of small cockles.
19. **Options considered:** No other options have been considered. The cockle landing size of 20 mm is well established over many years and no alteration is required.