

North Western Inshore Fisheries and Conservation Authority (NWIFCA)

Marine and Coastal Access Act 2009

NWIFCA byelaw: Restrictions on the use of a dredge 2017

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of its powers under sections 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 the North Western Inshore Fisheries and Conservation Order 2010;
 - c. "dredge" means a rigid structure, scoop, pump or mechanical device which is not a trawl or beam trawl and any ancillary hydraulic equipment which is designed for or capable of taking sea fisheries resources and attached to and operated from a vessel or vehicle;
 - d. "specified vessel" means any fishing vessel for which a permit to dredge has been issued under this byelaw and which:
 - i. is registered in Part II of the Register of British Ships in accordance with part II of the Merchant Shipping Act 1995 and the regulations made under that act; and
 - ii. is licensed to fish by virtue of a licence issued by an appropriate Minister under the Sea Fish Conservation Act 1967;
 - e. "specified vehicle" means a vehicle to which a unique undamaged identity tag supplied by the Authority is permanently attached and for which a permit to dredge has been issued under this byelaw;
 - f. "permit" means a permit issued by the Authority in accordance with this byelaw;
 - g. "fully functioning Automatic Identification System" means an autonomous and continuous operational transceiver of Class A or Class B design that is switched on whenever a vessel for which a permit under this byelaw has been issued is at sea and transmits accurate information including the ships identity, type, position, course, speed and can exchange information with shore-based facilities;

Prohibition

2. A person must not use a dredge for the exploitation of sea fisheries resources except from or attached to a specified vessel or specified vehicle and in accordance with a permit issued under this byelaw.

Exception

3. This byelaw does not apply to any person performing an act that would otherwise constitute an offence under 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.

Permits

4. The Authority may issue a permit in respect of any specified vessel or specified vehicle authorising the use of a dredge to fish or take shellfish.
5. A person may only apply for a permit for a vessel or vehicle for which the person is the owner or majority shareholder or leaseholder or charterer or Director of a company which is the owner or majority shareholder or leaseholder or charterer.
6. Permit applications must be made using the form available from the Authority.
7. A permit is valid from the date of issue to the date specified in the conditions or to 31 December in the same year whichever is later.
8. A fee is payable prior to use for each permit to dredge issued as follows:

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| i. | Vessels over 10m or vessels towing multiple dredges | £9000 |
| ii. | Vessels 10m or under 10m and towing a single dredge | £2000 |
| iii. | Vehicles with a single dredge | £2000 |
9. The Authority may charge a fee of £50 to issue a replacement permit or vehicle tag.
10. A permit
 - a. is not transferable from the specified vessel or vehicle named in the permit to another vessel or vehicle;
 - b. must be available for inspection by IFCO's during a compliance visit to a vessel or vehicle operating under this byelaw.
 - c. remains the property of and must be surrendered to the Authority if no longer required.
11. Fishing returns must be filed as specified by the Authority providing dates, times and locations of dredging and the quantity of fish taken. Returns including nil returns may be required for all months for which permits are valid. The Authority may suspend permits until returns have been filed.
12. It is a permit condition that a permit holder does not obstruct any Inshore Fisheries and Conservation Officer. Contravention of a permit condition constitutes a contravention of this byelaw.
13. A specified vessel used in conjunction with a permit must have a fully functioning Automatic Identification System.
14. The Authority must be notified by phone, text or email at least 2 hours prior to commencement of fishing in conjunction with a permit.
15. A permit holder must notify the Authority of any change in the information provided to obtain a permit during the period when the permit is valid.

16. On receipt of the review procedure information specified below, the Authority may attach flexible permit conditions to a permit including some or all of the following:
 - a. Dates, times or tides during which using a dredge for the exploitation of sea fisheries resources is permitted
 - b. Areas where using a dredge for the exploitation of sea fisheries resources is permitted;
 - c. Species for which using a dredge to fish is permitted;
 - d. The type or design of dredge which is permitted
 - e. The maximum number of permits which can be issued for a fishery;
 - f. maximum number of dredges or total length of dredges that a vessel or vehicle may use;
 - g. total catch limit permitted within a specified period.

Review procedure

17. The Authority will review permit conditions no less than once every 4 years as follows:
 - a. The Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by changes in permit conditions;
 - b. The Authority will decide whether to add, vary or remove any permit condition based on the consultation responses and information received in accordance with the following paragraph;
 - c. Following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary with no charge.
18. The information referred to in the previous paragraph is:
 - a. information and advice received from permit holders;
 - b. scientific and survey information gathered by the Authority or provided to the Authority by any other organisations or persons as the Authority shall think fit;
 - c. advice provided by Centre for Environment Fisheries and Aquaculture Science or Natural England or any other organisations or persons as the Authority shall think fit;
 - d. an impact assessment of any proposed changes;
 - e. information from any other relevant source.

Revocation of byelaw

19. The byelaw with the title "Byelaw 12 Restrictions on fishing for bivalve molluscan shellfish" made by the North Western and North Wales Sea Fisheries Committee under the Sea Fisheries Regulation Act 1966 (c.38)S5 and confirmed on 21 January 1998 is revoked.

Explanatory Note (This note does not form part of the byelaw)

This byelaw prohibits the use of dredges for fishing within the District without a permit. The permit application requirements, the conditions which may be attached to a permit and the procedure by which permit conditions may be varied are set out in the byelaw.