

NWIFCA Technical, Science and Byelaw Committee

2nd August 2022: 10:00 a.m.

Agenda Item

7c

NWIFCA BYELAW 3 RETURNS

Recommendation: Accept the Report

Background

1. NWIFCA has been collecting Byelaw 3 returns from permit holders since 2014 for cockles and mussels.
2. The data gathered from returns is crucial in enabling the Authority to discharge its statutory function to ensure sustainable exploitation of marine resources. The data gathered in returns is used by scientific officers for the writing of habitat regulations assessments, reporting to the Authority and most crucially in implementing effective management at fishery.
3. Returns (prior to new byelaw) were required under paragraph 21 of NWIFCA Byelaw 3.

Returns Compliance Drive June 2022

4. In June officers analyzing data reported to management that returns compliance was poor.
5. Head of Enforcement in discussion with CEO issued a series of administrative sanctions to permit holders all either Advisory or Official Warning Letters.
6. The sanctions issued to permit holders are low level administrative sanctions which serve as a formal reminder for fishermen to follow the regulations in the Byelaw. They are issued based on previous letters sent and the individual circumstances of each permit holder's activities. Whilst it is the case that offences could be escalated - it is very rare for this offence. Typically, escalation would have to be for repeated failures to comply with the return requirement when the Authority had good reason to believe people had been fishing.
7. A very small number of permit holders responded negatively to the issuing of the sanctions.
8. HoE did communicate with permit holders reiterating the situation and rational for issuing of the administrative sanctions.
9. Since the issuing of the sanctions, almost all outstanding returns have been submitted. On the 6th of July there were 275 online submission sin a 24 hour period.

The Future

10. The requirement for returns is required under the new regulation – *Byelaw 3 Cockle and Mussel hand fishing permit 2019*.

11. It is important that Byelaw 3 permit holders continue to supply returns as under this regulation as repeated breaches of the byelaw could lead to the accumulation of penalty points eventually resulting in permit suspension.
12. This is not something officers take lightly; we would far prefer for permit holders to work with us in partnership in ensuring good return compliance rates. However, the availability of such sanctions is necessary as there is a heavy burden on the Authority when high volumes of offences take place only relating to one regulation under a Byelaw.
13. This then affects the Authority's ability to carry out statutory functions to the benefit of fishers and permit holders.