

**NWIFCA Technical, Science and Byelaw
Committee**

16th May 2017: 10:00 a.m.

**AGENDA
ITEM NO.**

9

BYELAW 3 REVIEW

Purpose: To commence a review of Cockle and mussel permit scheme byelaw 3 providing an outline of the main proposed changes and set a timescale

Recommendation:

Agree time frame (table 1) and broad measures (table 2)

1. A review of this bylaw has commenced. The review will be monitored and documented using the audit process agreed in 2016.
2. The review is needed to further develop cockle and mussel management using experience from the introduction of the current byelaw in 2012.
3. The proposed timescale is as in following table 1 below:

Timescale for review of cockle and mussel byelaw 3	
16 th June Authority	Report plan and time line for completion
8 th Aug TSB	Agree management measures
15 th Sept Authority	Report progress with draft byelaw. Outcome of consultations with industry and MMO
31 st Oct TSB	Agree full draft of the new byelaw
8 th Dec Authority	Authority makes byelaw and statutory consultation starts
End 2017	Following statutory consultation, byelaw signed off. NB: This is an ambitious timescale dependent on internal and external constraints. The existing byelaw will remain in force until a new byelaw is enacted so the Authority will not be left without adequate regulation.

4. Significant improvements have been achieved during the transition from Byelaw 5 to the current Byelaw 3 but officers still consider that improvements can and should be made in respect of the new byelaw.
5. Core provisions of the existing byelaw will be retained. In scope it will cover hand gathering of cockles and mussels and the main feature will be a permit scheme.

6. Concerns regarding some of the current provisions are outlined in the table 2:

Regulatory Area	Issue to be Addressed
Flexibility in permit conditions	<ul style="list-style-type: none"> Experience has shown that every fishery requires its own defined conditions. The flexible permit conditions option now available in byelaws is the best means of varying conditions as required.
Minimum sizes	<ul style="list-style-type: none"> A clearer mechanism for the management of seed Mussel
Exemption for personal consumption and commercial areas – paragraphs 11 and 12	<ul style="list-style-type: none"> The byelaw must have provision for a non-commercial catch. Previously this has been 5kg per day. In the existing byelaw, the non-commercial allowance was suspended in commercial areas to assist enforcement. Two only fixed commercial areas for Cockles are defined in Byelaw 3. Provision is required to vary these areas and suspend the personal consumption allowance where necessary.
Closed seasons for Cockles	<ul style="list-style-type: none"> The current cockle closed season should be retained as a default but provision is needed to vary the closed season where appropriate.
Permit scheme – paragraphs 14-20	<ul style="list-style-type: none"> Current permit numbers are 121 with 64 on the waiting list. A new waiting list or permit allocation system may be appropriate. Current transitional arrangements for Cumbria and the Dee may no longer be appropriate.
Use of boats – paragraphs 28 and 29	<ul style="list-style-type: none"> Use of boats in cockle and mussel fisheries is rare and introduces safety considerations which are not properly the responsibility of the IFCA. Boat safety measures should be dropped from the byelaw.
Regulation of first sale of shellfish and permit scheme for traders.	<ul style="list-style-type: none"> This is not addressed in Byelaw 3 and is a significant regulatory omission. Regulation analogous to RBS is required
Support worker permits	<ul style="list-style-type: none"> In response to industry demand, byelaw include provision for non-gathering permits to allow workers to assist with transporting the catch. This system has been abused and is a source of friction. It may be appropriate to drop the provision as all workers have now had time to get permits through the waiting list.

7. Following endorsement of these proposals by TSB a consultation with industry will commence on the proposed measures.

Andy Deary
3rd May 2017