

**NWIFCA interim report on failure to progress a byelaw
restricting vessel length**

July 2015.

VESSEL LENGTH BYELAW 2
MADE AT MEETING OF NWIFCA 30 SEPTEMBER 2011
FULL LEGAL PROCESS NEVER COMPLETED

Purpose of Report: To provide urgent clarification on vessel size in the District

Recommendations:

- 1. The report be received**
- 2. The Authority urgently reviews the version of Byelaw 2 in process**
- 3. NWIFCA decides on measures to limit vessel length, engine power and some gear restrictions as soon as possible**

Background

1. At NWIFCA meeting on 30 September 2011 Byelaw 2 was made to restrict the sizes of vessel permitted to fish in the District to:
 - A maximum of 10m length inside the 3 mile limit
 - A maximum of 15m length inside the 6 miles limit
 - A sunset clause ensured that no vessels now fishing in the District were excluded
2. However the byelaw did not progress through the full legal process because of industry concerns, especially in Cumbria and other priority work.
3. Later other measures were proposed including an engine power restriction of 221 KW.
4. Delay in implementation of the byelaw is now causing serious problems which need to be addressed urgently.
5. Fishermen wishing to order replacement vessels need to know what size will be legal when Byelaw 2 is completed.
6. A fisherman already has placed an order with deposit on a new potting vessel 12- 13m length and with engine power of 300 KW. Such a vessel would comply with existing regulations but not with the new Byelaw 2 limits. If his order is cancelled, he loses his deposit. He is concerned to have a legal boat.
7. For fairness NWIFCA should clarify the position regarding vessels which may be ordered now but completed after Byelaw 2 has come into full legal force.
8. The position is more complex than just one case, as there is substantial opposition to the limits as set by the current Byelaw 2.

Recent Consultations with Fishers

9. At a recent consultation meeting with fishers in Whitehaven there was:
 - strong opposition to the application of a 10m vessel size restriction to all sectors inside 3 miles.
 - Concerns about a single engine power restriction across all sectors.
10. Previous byelaws provide for a 15m vessel length restriction inside 6 miles south of Haverigg Point (NWSFC Byelaw 9) and a 13.72m length restriction inside 3 miles north of Haverigg Point and 21.34m in a small part of the Solway (CSFC Byelaw 3 in conjunction with CSFC Byelaw 19). Compromise size limits to apply across the District may be achievable in a future byelaw.
11. To implement the advice from consultations in Cumbria, a new vessel size byelaw will be proposed as soon as possible for discussion by the Authority.
12. Alternatives to a single 10m length restriction inside 3 miles could be considered such as:
 - permitting larger potting and pelagic vessels while restricting towed demersal gear vessels
 - different lengths for different parts of the District to take account of variation in fisheries

Recommendations

13. The Authority is asked to take a decision to set aside the version of Byelaw 2 made at the meeting of 30 September 2011 but not progressed to full legal force. Nb: Byelaws made by the Authority do not come into force until signed by the Defra Minister of State.
14. Previous vessel size limits as in paragraph 10 will apply until further notice
15. That this decision be taken as soon as possible by email to remove uncertainty and enable business decisions on replacement vessels to be progressed
16. Please respond by 20 July 2015.
17. As usual, no response will be taken as agreement to the recommendations

CEO
8 July 2015