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ANNEX A

MARINE AND COASTAL ACCESS ACT 2009

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 hereby makes the following byelaw for that District.

NWIFCA BYELAW 2

VESSEL AND GEAR RESTRICTIONS

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 (S.I. 2010/2200);
 - c) "the 1983 baselines" means the baselines as defined in Article 3(6) of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2200);
 - d) "the 3 mile limit" means a line drawn 3 nautical miles seaward of the 1983 baselines;
 - e) "engine power" means the power of the engine of a vessel as recorded on its Certificate of Registry as issued by the Registrar of Shipping and Seamen;
 - f) "listed vessel" means a vessel registered with the Authority in accordance with paragraph 14;
 - g) "overall length" has the same meaning as in regulation 1(2) of the Merchant shipping (Registration of Ships) Regulations 1993 (SI 1993/3138).

Prohibitions

2. No person shall use a vessel exceeding 15 metres overall length to fish for or take sea fisheries resources within that part of the District seaward of the 3 mile limit.

3. No person shall use a vessel exceeding 10 metres overall length to fish for or take sea fisheries resources within that part of the District landward of the 3 mile limit.
4. No person shall use a vessel with an engine power exceeding 221 KW to fish for or take sea fisheries resources within the District.
5. No person shall use any towed net, dredge or other appliance from a vessel to fish for or take sea fisheries resources within the NWIFCA District except:
 - (a) a single trawl or seine fitted with a single cod-end and utilising one pair of otter boards;
 - (b) a single beam trawl; or
 - (c) when fishing for or taking shrimp or prawn of the species *Pandalus montagui*, or genera *Crangon spp.* or *Palaemon spp.* no more than two nets at any one time.

Exemptions

6. This byelaw shall not apply to any person performing an act that would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, management, stocking or breeding purpose.
7. This byelaw shall not apply to a person using a vessel to fish for or take sea fisheries resources solely by means of rod and line or handline.
8. This byelaw shall not apply to a person using a vessel to fish for, dredge, transport or relay bivalve molluscs taken from within the District in accordance with a permit or authorisation issued by the Authority.

Historic access rights

9. Paragraphs 2, 3 and 4 do not apply to a person using a vessel that:
 - (a) is registered on a historic access rights list ("the list") maintained by the Authority; or
 - (b) is used in accordance with paragraphs 10 to 12.
10. Any vessel registered on the list will be issued with a permit valid for the lifetime of that vessel granting permission for that vessel to fish in those parts of the District to which it held entitlement prior to the date of the introduction of this Byelaw.
11. A vessel may be registered on the list if:
 - (a) an application to register the vessel is made by an owner of the vessel before the end of 6 months from the date of this byelaw being confirmed by the Secretary of State; and
 - (b) the Authority is satisfied by evidence that the vessel has been used to fish for or take sea fisheries resources within the District on at least 60 days within a period of 24 months immediately prior to the date of this byelaw being confirmed by the Secretary of State.

12. Newly constructed or purchased vessels exceeding the length restrictions set out in paragraphs 2 and 3 or the engine power restriction under paragraph 4 may be placed on the list provided that:-
 - (a) The owner can demonstrate that prior to the date of this byelaw being made, they had entered into an enforceable financial commitment to construct or purchase that vessel which complied with the relevant legacy regime; and
 - (b) The owner can demonstrate that the date of delivery prevented compliance with the provisions of this byelaw.

Revocation

13. The byelaws entitled 'Byelaw 3 – Size limit of boats allowed inside the District', 'Byelaw 13 – Multi-rigged trawling gear' and 'Byelaw 15 – Vessels with a registered engine power > 221 KW' made by the Cumbria Sea Fisheries Committee and in force immediately before the coming into force of this byelaw are revoked.
14. The byelaw entitled 'Byelaw 9 – Mechanically propelled vessels – maximum length' made by the North Western Sea Fisheries Committee and in force immediately before the coming into force of this byelaw is revoked.

Explanatory note

(This note does not form part of the byelaw)

This byelaw restricts the maximum length and engine power of fishing vessels that may be used within the 3 mile limit to 10 metres overall length, and within the 3 and 6 mile limit to 15 metres overall length.

The byelaw provides for a number of exemptions to the restrictions, and in particular exempts those fishing vessels registered with the Authority based upon their historic access to the District.