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APPENDIX B

MARINE AND COASTAL ACCESS ACT 2009

NWIFCA BYELAW 10

MEASURES FOR THE PROTECTION OF LOBSTER (*Homarus gammarus*)

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of the powers conferred by 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 (SI 2010 No. 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 (SI 2010 No. 2200);**

Prohibitions

1. No person shall take or remove from any fishery within the District any berried lobster. For the purposes of this byelaw, "berried" shall mean the carrying of any eggs or spawn attached to the tail, or such a condition as to show that at the time of capture, an animal was carrying eggs or spawn so attached.
2. No person shall take or remove from any fishery within the District any lobster of the species *Homarus gammarus* that is V-notched with an indentation in the shape of the letter "V" in one or more of the five flaps of the tail fan, or otherwise marked in any way or mutilated in such a way that any of the five tail flaps of the tail are missing or mutilated in such manner as could hide or obliterate a V-notch or other marking.

3. Any berried lobster or lobster marked or mutilated in the manner described in paragraph 2 that is caught shall be returned immediately to the sea, as near as possible to the place from which they were taken.
4. No person shall remove from a fishery within the District any lobster (*Homarus gammarus*) which has a carapace length measuring less than 87mm, and any lobsters so taken shall be returned immediately to the sea as near as possible to the place from which they were taken. The carapace length shall be measured parallel to the mid line from the back of either eye socket to the distal edge of the carapace.
5. No person shall use or cause to be used for the purpose of fishing for lobster (*Homarus gammarus*) any pot, creel or trap constructed of whatever material unless:-
 - a. it has at least one unobstructed escape gap located in the lowest part of the pot, creel or trap or in the case of a parlour pot in each parlour pot area; and
 - b. is so designed and constructed that each escape gap is of sufficient size that there may be easily passed through the escape gap and completely passed into the pot, creel or trap, a rigid boxed shaped gauge which shall be a gauge 80 millimetres wide, 44 millimetres high and 100 millimetres long.

Revocation of legacy byelaws

6. The following byelaws made by the North Western and North Wales Sea Fisheries Committee are revoked in so far as they apply within the District:
 - a. Byelaw 31 – Protection of V-notched lobsters
7. The following byelaws made by the Cumbria Sea Fisheries Committee are revoked in so far as they apply within the District:
 - a. Byelaw 8 – Berried lobsters
 - b. Byelaw 25 – Requirement for escape gaps in pots, creels and traps

Explanatory note: This note does not form part of the byelaw

The purpose of this byelaw is to enhance sustainable exploitation of certain shellfish species in the NWIFCA District by a) prohibiting the landing of berried or v notched lobsters, and b) requiring escape gaps in all pots and traps. The byelaw creates a single shellfish regulatory regime for the NWIFCA District by extending to the whole District measures now in force in one or other of the previous SFC Districts.