

**ANNEX C** NWIFCA Byelaw 4 - Potting Permit - Track Record Appeals Procedure (v1)

Category One Whelk Permits

NWIFCA have implemented a track record requirement with a set list of eligibility criteria for entitlement for Category One whelk permits under Byelaw 4.

Applicants who marginally fall outside of the eligibility criteria and consider they have a claim to a legitimate past and current interest in the whelk potting fishery in the NWIFCA District may apply for assessment under this appeals procedure. All appeals will be considered by a panel made up of NWIFCA Members and Officers.

1. The applicant must submit an appeals application form and evidence to support their appeal. Appeals application forms will be available to download from the NWIFCA website, or in hard copy from the NWIFCA Carnforth office.
2. The panel will review the submission to ensure sufficient evidence is available.
3. Information from NWIFCA Officers and coastal MMO staff may also be considered.
4. The onus is on the fisher to provide the best possible evidence they have to support their application within the required timescales.
5. In very exceptional circumstances it may be necessary to contact the applicant and ask for further evidence, which may be requested in either written form or as a verbal submission.
6. The assessment under this process will be open and transparent. Although the panel will have some discretion when considering the evidence provided, it must take an impartial, consistent, evidence-based approach to each appeal. All decisions will be justified in writing.
7. An appeal should only be upheld where significant evidence convinces the majority of the panel that it demonstrates beyond reasonable doubt that the applicant has had and continues to have a legitimate interest in the District's whelk fishery, but is marginally unable to fulfil the NWIFCA track record eligibility criteria.

**Comment [MK1]:** TSB to agree how many of each and who these should be. MK suggestion is 5 in total

**Comment [MK2]:** included for cases where applicant may have problems with literacy

Time-scale for appeals:

In order to provide certainty to industry and avoid unnecessary hold-ups in allowing eligible fishers to start fishing NWIFCA will work to the following time-scales:

- a) Applications to establish track record for whelk potting must be made within six months from the date of submission of NWIFCA Byelaw 4 to the Secretary of State for approval. Appeals under this process must also be made within six months from that date.
- b) The NWIFCA appeals panel will reach a decision on each appeal within 6 weeks of receiving the application and sufficient evidence on which to make a decision.
- c) Should further evidence be required from the applicant in order for the panel to make a decision, 'the clock is reset' and the panel shall have 6 weeks from the date of receiving the additional evidence in which to make its decision.
- d) The outcome will be delivered in writing along with justifications to the applicant within 7 days of the panel's decision.

**Comment [MK3]:** is this appropriate?

**Comment [MK4]:** is this appropriate?