

**NWIFCA TSB Meeting**  
**2nd November 2020: 10.00 a.m.**

**AGENDA  
ITEM  
5c**

**NWIFCA BYELAW 1 MINIMUM CONSERVATION REFERENCE SIZES**

**Purpose of Report:** To consider the issue of carriage of undersize Whelk

**Recommendations:** Approve draft byelaw at Annex A

**Background**

1. August 2020 TSB approved a draft MCRS Byelaw 1 to standardise MCRS legislation across the District.
2. At the September quarterly meeting the byelaw was not made because an issue was raised over having differing whelk sizes within the NWIFCA district and outside the 6nm limit.

**Amendments agreed at August TSB meeting**

3. Inclusion of an exceptions in paragraph 7 now permits exceptions to the byelaw with written permission from the Authority.
4. Members voted in favour of including paragraph 4 which provides for the landing of a catch proportion of undersize pelagic species.
5. Members voted in favour of including an increasing size of MCRS for whelks in line with the potting byelaw. The size will increase yearly from 55mm at inception to 65mm after 1 year and finally reaching 75mm 2 years after confirmation of the byelaw.

**Possible measure**

6. Having parity with the flexible permit conditions of the potting byelaw is essential to standardise legislation for stakeholders across the district and between byelaws.
7. As currently worded transport, landing or offering for sale, of whelks below the MCRS would be prohibited. The landing of undersize whelks fished outside the district would be prohibited. This prohibition would impact operators of vessels fishing in Welsh waters, Scottish waters, Isle of Man and crucially the areas of the Irish sea not within the NWIFCA district.
8. There are a number of issues surrounding this for fishermen and for the effectiveness of enforcement officers in implementing good management. Many of the whelk grounds in the Eastern Irish Sea straddle the 6nm line. If boats are allowed to transit 45mm whelks through the district there will be difficulties in enforcement. A significant resource will have to be allocated to an at sea presence to ensure that those boats fishing inside the district are complying with the correct minimum size. For fishermen

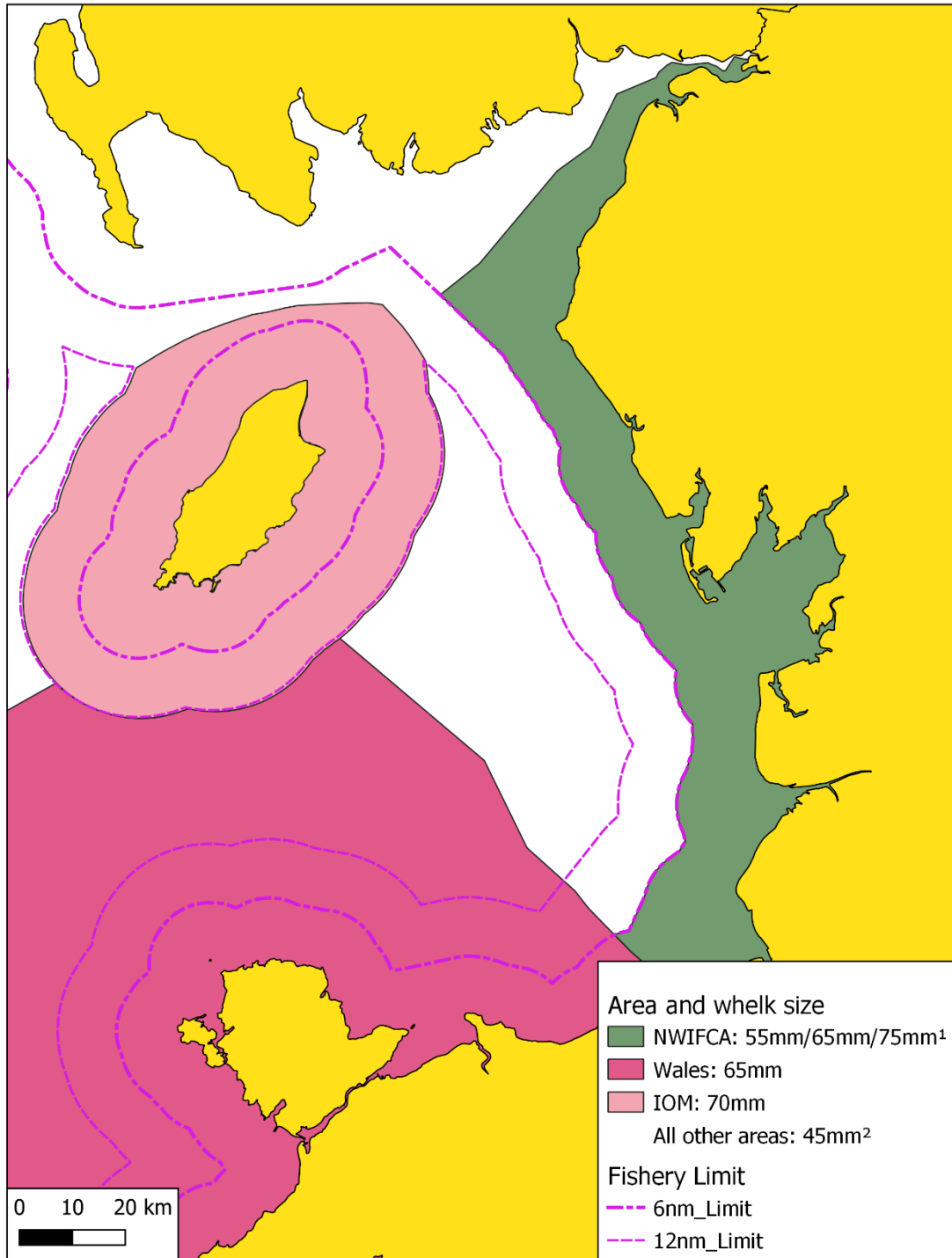
this is restrictive in where they can land 45mm whelks, for which processors particularly in the Fleetwood area have a market.

9. This issue has arisen in other IFCA and various solutions have been included in other MCRS byelaws. Devon and Severn IFCA have a deeming clause within the conditions of their potting permit conditions. Where if a vessel is transporting whelks failing to meet the MCRS inside the district, then all gear must be lashed and stowed while transiting through the District. This means that boats operators can fish within the district and then head out past the 6NM limit but on returning must head straight to port.
10. Eastern IFCA have addressed the issue differently including a paragraph in their MCRS byelaw which exempts the Whelk boats fishing outside the district from the transport and sale of fish/shellfish which fails to meet the MCRS.
11. The Welsh Whelk order has since the 4<sup>th</sup> July 2020 increased the MCRS for whelks to 65mm, the order includes a prohibition on landing and carriage of undersize whelks, however only from those fished within the Welsh EZ.
12. In Scotland the size for Whelks remains at 45mm which includes out to the Scottish EZ.

### **Proposal**

13. Officers propose a similar paragraph as worded in the Eastern IFCA byelaw. "No person shall, retain on board, tranship, land, transport, store, sell, display or offer for sale, any whelk (*Buccinum undatum*) which were caught from outside of the district which measure less than 45mm".
14. A copy of the byelaw with included paragraph is within Annex A.
15. This would allow vessels operators to fish outside the district and still land whelks above the 45mm size specified in regulation 1241/2019 of which there is still a market with processors.
16. There will be an increased enforcement risk surrounding this but presence of patrol vessels and the introduction of IVMS would assist in evidencing where vessels have been. Where significant issues have been found, officers will seize data from plotters.

### Eastern Irish Sea: Whelk Size Limits, Current & Planned



<sup>1</sup> NWIFCA Whelk sizes to increase incrementally, 55mm to 31/03/2022; 65mm to 31/03/23; 75mm from 01/04/23.

<sup>2</sup> Confirmation for Scotland needed.

Map is illustrative, not definitive. And certainly not to be used for navigation.

Chart Provided by Dr J Andrews