

**NWIFCA Technical, Science and Byelaw
Committee**

4th February 2020: 10:00 a.m.

**AGENDA
ITEM NO.
6**

NWIFCA BYELAW 4 POTTING PERMIT BYELAW

Purpose: To provide members with amended versions of the NWIFCA Potting Permit Byelaw and Flexible Permit Conditions

Recommendation: That members approve:

- i. amendments to the NWIFCA Potting Permit Byelaw and Flexible Permit Conditions
- ii. that the Byelaw be presented to March Authority meeting for re-making.

1. The formal consultation on the NWIFCA Potting Permit Byelaw was launched on 1st October and ran until 8th November 2019. All stakeholders on the NWIFCA database were notified either by email or post, and the information was posted on the website, as well as local newspaper advertisements and posters displayed in relevant locations around the District.
2. Consultation responses raised two issues relating directly to the byelaw which Officers considered needed further attention by TSB:
 - a) Category One Permits for Crab and Lobster for Licensed Fishers with Shellfish Entitlement:
 - i. Issue Raised - the disparity in charging the same fee to licensed crab and lobster fishers however many pots they use. Under the current byelaw someone fishing with 25 pots would be charged the same fee as a fisher fishing with 2,000 pots.
 - ii. Proposed Amendment - Revised Fee Structure with a tiered system for Category One permits for crab and lobster with a 25 pot cap on the lower fee tier, and a charge of £50 per annum. The higher tier would retain the £200 fee and with no pot cap. Requires the creation of different classes of Category One Crab and Lobster permits.
 - b) Category One Permits for Crab and Lobster for Licensed Fishers without Shellfish Entitlement:
 - i. Issue Raised - under the current byelaw, licensed fishermen without shellfish entitlement are not eligible for a permit. However they have a daily allowance for crab and lobster attached to their fishing licences issued by the MMO. The current byelaw unintentionally contradicts this and needs correcting.
 - ii. Proposed Amendments - amendments to the byelaw wording and incorporating this into the revised fee structure. This creates another class of Category One Crab and Lobster permit so in total in the revised byelaw there are now three classes of permits for licensed crab and lobster potters.

3. An email with accompanying tracked change and clean versions of the byelaw and Flexible Permit Conditions showing the proposed amendments was sent to Members asking for approval to:
 - i. make the changes;
 - ii. send out to industry for further comment;
 - iii. to then submit the revised Byelaw to March Authority meeting for re-making.
4. A majority approving this action was received.
5. On 17th January Officers sent out to all stakeholders on the database a letter and the revised documents asking for comments and views to the amendments. To date (23rd January) a small number have responded mainly in support. Responses will be collated and reported back to the Authority.
6. Since sending to TSB a couple of very minor amendments to the text in the Byelaw and the Flexible Permit Conditions have been made to clarify meaning. A further track change and clean version of each document is provided at Annexes A to D.
7. To assist Members, a table showing what changes were made and when, and what has been approved and what needs approval by TSB has been provided below.
8. Five minor amendments as shown in the Table and annexed documents need approval from TSB.

Mandy Knott
Senior Scientist
23rd January 2020

Document	Section	Amendment Made	Date Amendment Made	Approved by TSB Y/N
Byelaw	Interpretation 1d	District - add reference to the NWIFCA (Amendment) Order 2019	17 th January 2020	No
Byelaw	Interpretation 1e	Inclusion of definition of 'fishing'. Changes to all subsequent ordering.	12 th December 2019	Yes
Byelaw	Paragraph 3	Inclusion of wording to make it clearer these limits apply to all forms of fishing	23 rd January 2020	No
Byelaw	Paragraph 15 - 16	Creation of 3 classes of Category One permits for crab & lobster permits to incorporate amendments made post formal consultation	12 th December 2019	Yes
Byelaw	Paragraph 15 - 16	Further minor changes to the wording to make this section clearer	17 th January 2020	No
Byelaw	Paragraph 27	Changes to fee structure with inclusion of Category One Class B and Class C permits both with a fee of £50 per annum	12 th December 2019	Yes
Byelaw	Paragraph 37	Change made to date of the month that returns are required to mirror those required by MMO to lessen admin burden for Category One permit holders	17 th January 2020	No
Flexible Permit Conditions	Date of Conditions	Changed to January 2020	17 th January 2020	No
Flexible Permit Conditions	Section 1 between c and d	iv. heading to following section to show next set of conditions apply to both Category One and Two permits	12 th December 2019	Yes
Flexible Permit Conditions	Section 2. Crab & Lobster Permits	i. additions to wording to include pot limitations for Category One Class B and C permits	12 th December 2019	Yes
		ii. addition of requirement for pots set under Category One Class B and C permits to be fitted with tags	12 th December 2019	Yes
		iii. addition of reference for Class C permit holder's daily allowances for crab and lobster on the vessel's General Fishing Licence	12 th December 2019	Yes