

**NWIFCA Technical, Science and Byelaw
Committee**

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

**AGENDA
ITEM NO.**

8

ANNEX C

**Summary of Byelaw Review
Meeting:
19 December 2019**

Overall goal

Result in a **comprehensive** set of byelaws that are **simple** to understand, based on real or best-available **evidence**, to achieve **sustainable, long-term** fisheries

To have a single, **simple**, suite of **NWIFCA byelaws** within **4 years** that will help to manage **sustainable** fisheries across the **district**, now and in the **future**

An **effective, comprehensive** set of fishing and marine regs for **NWIFCA**

All legacy byelaws reviewed:

- Revoke those no longer **fit-for-purpose**
- **Amend & consolidate** NWSFC & CSFC byelaws still required
- Discuss issues where byelaws may need to be brought into place

- **Reduce** total number
- Byelaws that cover **district**
- **Simple**
- **Standardise** where possible
- Update measure for **current & future** fisheries

Overall goal – key aspirations

comprehensive · simple · sustainable · effective ·

long-term · current & future · evidence · reduce ·

district-wide · fit-for-purpose · standardise

Target

IFCA high-level objectives and targets in support of Success Criterion 2:

Evidence based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries resources within the district

- **By April 2015**, all legacy byelaws have been reviewed and evaluated against current evidence base; redundant and duplicate byelaws have been removed and gaps covered.

Recommendation: Members to agree a time-scale for remainder of the byelaw review to be completed

Potential new byelaws discussed

- Fish Minimum Size
- Vessel size / engine power
- Netting (static & drift)

Fish minimum size

- **What is the justification for a new byelaw?**
 - Undersize fish are being landed
 - Enforcement powers removed through revocation of EC850/98 in July 2019
 - Replaced by Council regulation 1241/2019 which diminishes the effectiveness of minimum sizes as a management measure by not providing IFCA's with powers which were excluded from 850/98 to enforce MCRS for unlicensed fishing
 - Risk was discussed and agreed that an emergency byelaw may be required

Fish minimum size

- **What do we want to achieve with a new byelaw?**
 - Fit for purpose byelaw based on science?
 - Or in-line with EU and offshore regs to ensure it is enforceable
 - Ability to prevent undersize fish being landed after removal of enforcement powers

Fish minimum size

- **Is it specific to a particular species/sector/gear?**
 - Will help to regulate MLS for angling and non-licenced netting from shore
 - Fish and shellfish species

Fish minimum size

- **Legacy byelaws to be considered for consolidation and review**

NWIFCA Fish MLS Byelaw	NWSFC Byelaw 19 2009 Fish MLS to cover shore fishing in byelaw. Cumbria Byelaw 9 1993 Skate min size
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- **Also...**

CSFC Byelaw 7 – Winkles – Method of Fishing and Minimum Size

Fish minimum size

- **Which strategy might be relevant: status quo, consolidate or redevelop?**
 - Consolidate existing byelaws (see previous slide)
 - Update with EU Tech Con measures
 - Make district-wide
 - Science team interested in potential to redevelop based on relevant data in current literature

Fish minimum size

- **What do we know at the moment?**
 - EU Tech Con MCRS set out by region
 - Science team started literature review on relevant MLS for species in the District
 - Wording from other IFCA byelaws since powers revoked

Fish minimum size

- **What additional evidence is required to achieve our aim?**
 - Further evidence on appropriate MLS?
 - Consideration on what MLS should be based on – size at sexual maturity or other metrics?
 - More information on risk – is an emergency byelaw proportionate?
 - However, we may already have what we need to implement an emergency/more urgent byelaw

Fish minimum size

- **What are the implications (+/-) of implementing new measures? Which other byelaws/SIs/Tech Cons/legislation will it interact with?**
 - New EU Tech Con
 - Landing Obligation – Minimum Conservation Reference Size does not apply for quota species subject to LO – requires careful consideration
 - Bass SI
 - Setting higher minimum size than regulations beyond 6nm causes enforcement issues (e.g. skate byelaw) if catch location needs to be proved. Some IFCA's have higher MLS than outside 6nm and fishermen have to prove origin, if can't prove catch location, catch has to be returned.

Fish minimum size

- **Are there any suitable, relevant and well-written byelaws implemented by other IFCAs?**
 - 4 other IFCAs have already brought in new emergency MLS byelaws and are currently drafting full byelaws

Fish minimum size

ACTION: JM to draft justification and the need for an emergency MLS byelaw – send out to TSB by email w/c 6 January

N.B. Further discussions were held in the office and with other IFCA subsequent to the December meeting and it was decided that a report and draft of the full byelaw would be presented to TSB (see Agenda Item No. 9)

Vessel size / engine power

- **What is the justification for a new byelaw?**
 - Immediate limitation on fishing effort in the District
 - However, this was more the case years ago but now effort isn't there...so is there a reduction in necessity for this type of byelaw/regulation?
 - Becomes harder to control effort in some fisheries (i.e. rule beaters)
 - But...it can also help with stakeholder perception (i.e. that there is a limitation on the size of vessels that can fish in inshore waters/parts of the District)

Vessel size / engine power

- **What do we want to achieve with a new byelaw?**
 - We don't want to stop fishing activity
 - We want to ensure sustainable fisheries

Vessel size / engine power

- **Is it specific to a particular sector/species/gear?**
 - Vessel size/engine power is often sector specific and effort limitation may be better regulated by sector or gear if required?
 - For example:
 - potting byelaw – ability to limit number of pots;
 - netting byelaws – ability to limit length of net used or number of trawls used

Vessel size / engine power

- **Legacy byelaws to be considered for consolidation and review**

<p>Possible Byelaw 2</p> <p>Vessel size and engine power limits</p>	<p>NWSFC Byelaw 9 2005 Vessel max length 15m</p> <p>Cumbria SFC Byelaw 3 1993 0-3 miles. Vessel max length 13.72m</p> <p>Cumbria SFC Byelaw 15 1993 Solway Firth. Engine power limit 221Kw</p> <p>Cumbria SFC Byelaw 13 1996 Prohibition on multi-rigged trawls Not relevant here – this is mobile netting</p>
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Vessel size / engine power

- **Which strategy might be relevant: status quo, consolidate or redevelop?**
 - Consolidate relevant NWSFC & CSFC byelaws or...
 - Revoke and include effort limitations in gear byelaws

Vessel size / engine power

- **What do we know at the moment?**
 - IFCOs have local knowledge on who is fishing what, where

Vessel size / engine power

- **What additional evidence is required to achieve our aim?**
 - Further information on the make up of the fleets for each sector

Vessel size / engine power

- **What are the implications (+/-) of implementing new measures? Which other byelaws/SIs/Tech Cons/legislation will it interact with?**
 - Risk of ending up developing a byelaw with long list of exemptions (e.g. mussel dredging, potting)
 - Need to ensure byelaws don't contradict each other
 - Need to appreciate differences in the requirements in different parts of the District

Vessel size / engine power

- **Are there any suitable, relevant and well-written byelaws implemented by other IFCAs?**
 - Other IFCAs have vessel size byelaws and some are reviewing them at the moment but may not be relevant to this District

Vessel size / engine power

ACTION: Ask for views from TSB on what the justification is for a separate vessel size/engine power byelaw and agree a policy on whether to develop this byelaw or not – is effort limitation more relevant within gear/sector specific byelaws?

- **Recommendation:** Members agree a policy on whether a vessel size byelaw should be developed or not

Netting (static & drift)

- **What is the justification for a new byelaw?**
 - Significantly reduce number of legacy byelaws
 - Make simpler for officers to enforce & stakeholders to understand
 - Conservation of fish species but now also a conservation organisation, important to consider conservation of other species → i.e. birds (bycatch)
 - Improve sustainability – a lot of unlicensed (not recreational) fishing
 - Legacy byelaws primarily for protection of estuarine fish - MCAA says not IFCA duty to manage migratory fish species but we should

Netting (static & drift)

- **What do we want to achieve with a new byelaw?**
 - Consolidation of existing byelaws – recognising differences across District
 - Updated language – easy to understand
 - Tighten up regulation – e.g. net lengths and number of net lengths (a lot of plaice can be caught with a single net in Morecambe Bay)
 - Simpler measures – e.g. 3m above headline is hard to enforce
 - Fixed engine vs. non fixed engine byelaw a complete mess
 - **End goal:** A District-wide permitting scheme (commercial & recreational, boat-based & shore) with flexible permit conditions to improve sustainability

Netting (static & drift)

- **Is it specific to a particular sector/species/gear?**
 - Current byelaws very localised – lots of small areas
 - No regulation in southern part of District outside Morecambe Bay, Ribble, and EA byelaws on Dee
 - Currently very grey area between recreation and commercial – new byelaw would allow enforcement action to be taken if required

Netting (static & drift)

- Legacy byelaws considered for consolidation and review

NWIFCA Netting Byelaw

(should focus
on static & drift
only)

NWSFC Byelaw 2 (1951) Attachments to nets

~~**NWSFC Byelaw 3 (1989)** Prohibition of seine netting - Could include from shore (remove mobile seining from this byelaw) or revoke altogether~~

NWSFC Byelaw 7 (1989) Mesh sizes for nets other than trawls

NWSFC Byelaw 8 (1989) Small mesh net regs

NWSFC Byelaw 10 (1985) Set and drift nets

NWSFC Byelaw 11 (2003) Marking of fishing gear and keep pots – missing from original table

NWSFC Byelaw 26 (2011) District Fixed nets Protection of salmonids

NWSFC Byelaw 27 (1996) Drift nets Protection of salmonids

Cumbria SFC Byelaw 4 (1993) Marking of Fixed Nets, Traps, Pots and Lines – missing from original table

Cumbria SFC Byelaw 10 (2010) Fixed/drift nets salmonid protection

~~**Cumbria SFC Byelaw 20 (1998)** Min mesh size for protection of plaice~~

~~**EA Byelaw 5 Dee Estuary** Trammel nets, trawl nets, beam trawls, otter trawls, Any instrument Remove from new byelaw as mobile netting should be considered separately~~

Netting (static & drift)

- **Which strategy might be relevant: status quo, consolidate or redevelop?**
 - Consolidate and redevelop into district-wide permitting byelaw which simplifies the measures to place effort limitation on netting
 - Reduce 9 byelaws to 1

Netting (static & drift)

- **What additional evidence is required to achieve our aim?**
 - Further analysis of the implications of intertwining measures from so many byelaws
 - Further thinking on the measures that are needed in different areas and which measures should be applied across the District

Netting (static & drift)

- **What are the implications (+/-) of implementing new measures? Which other byelaws/SIs/Tech Cons/legislation will it interact with?**
 - Current crab and lobster byelaws also include the use of nets
 - Anchor or Flue netting for whitebait = mixed undersize fish – removal of this ability would place pressure on a small-scale fishing communities → could a grandfather clause be used?

Netting (static & drift)

- **Are there any suitable, relevant and well-written byelaws implemented by other IFCAs?**
 - Cornwall IFCA have good wording for closed areas
 - Other IFCA have wording for netting permits that could be used and modified

Other matters discussed

- Difficult to make progress between meetings due to limited response from TSB members by email
 - **ACTION:** Discuss system for improving response by email at next TSB meeting
- Is the Byelaw review a priority for the NWIFCA? Some argued that it is crucial to ensuring that fisheries are managed sustainably, appropriate enforcement action can be undertaken by officers, and stakeholders can easily understand regulatory measures. Others disagreed that it was a priority as we already have byelaws in place.
 - **ACTION:** TSB and Authority to discuss where the Byelaw Review sits in the order of priority

Other matters discussed

- iVMS – there is no longer going to be a national SI on this so byelaws will have to be developed by individual IFCA
 - **ACTION:** Add iVMS byelaw to the Byelaw Review Process
- EA byelaws and uncertainty around them and how to deal with them in the review process
 - **ACTION:** SA to find out what EA/other IFCA are doing with byelaws and how to deal with in our review
- TSB to discuss and vote order of priority for byelaw development (once all byelaws have been discussed fully?)

Potential new byelaws not yet discussed

- Netting (mobile – inc. shrimp & prawn)
- Recreational gathering (molluscs)
- iVMS
- EA & NRA byelaws
- **Recommendation:** Members to approve a second meeting of TSB Chair and Vice-Chair with Senior Officers to continue productive discussions on byelaw review

Summary of Actions

- **ACTION:** JM to draft justification and the need for an emergency MLS byelaw – send out to TSB by email w/c 6 January – **See Agenda Item No. 9**
- **ACTION:** Ask for views from TSB on what the justification is for a separate vessel size/engine power byelaw and agree a policy on whether to develop this byelaw or not – is effort limitation more relevant within gear/sector specific byelaws?
- **ACTION:** Discuss system for improving response by email at next TSB meeting
- **ACTION:** TSB and Authority to discuss where the Byelaw Review sits in the order of priority

Summary of Recommendations

- **Recommendation:** Members to agree a time-scale for remainder of the byelaw review to be completed
- **Recommendation:** Members agree a policy on whether a vessel size byelaw should be developed or not
- **Recommendation:** Members agree that the Byelaw Review is a priority area of work for the NWIFCA and swift, effective progress should not be impeded
- **Recommendation:** Members to approve a second meeting of TSB Chair and Vice-Chair with Senior Officers to continue productive discussions on byelaw review