

**NWIFCA Annual Meeting:
20th June 2019: 11.00 a.m.**

**AGENDA
ITEM NO.
8**

ANNEX E - NWIFCA POTTING PERMIT BYELAW - comments on Annex D

Purpose: i) to provide Officer's comments on Member Mr S Brown's points in Annex D;

Recommendation: i) The Byelaw is made

The following are responses to Mr Brown's comments in Annex D numbered accordingly:

1. Para. 1(i) Overall vessel length not required for Category Two (recreational) permit (max 5 pots) as agreed by TSB .
2. Para. 6 – Wording has been approved by TSB and passed MMO scrutiny. It is not necessary to explain the purpose of a prohibition in the byelaw.
3. Para. 24 - permit fees were approved by TSB in May.
4. Paras 30 and 31 - gear marking. Officers recommend that bespoke gear marking regulations are included in byelaws relating to each fishery not in a general gear marking byelaw. The pot gear marking requirements in this byelaw are set in collaboration with the enforcement team and were subjected to industry consultation. A national committee led by MCA is reviewing byelaw gear marking provisions but is not expected to report for several years.
5. Paras 35 and 36 were approved by TSB in May and have passed MMO scrutiny.
6. Para 45 is needed to close an enforcement loophole and ensure catch limits are not exceeded. It was approved by TSB in May.
7. Para 47(f) was reviewed and approved at TSB in May and at previous meetings. Officers recommend against a general vessel length restriction throughout the District, favoring bespoke vessel length restrictions in byelaws as required for each fishery.
8. Mr Brown's comments on track record are unclear. This section was approved by TSB in May, and industry has been consulted.
9. This is covered in 7 and 8 above.

General considerations:

10. The byelaw is urgent particularly to support and permit whelk potting. The details and wording have been discussed extensively by officers, members and with industry for nearly 2 years. The Authority has taken all reasonable steps to consult with industry and check wording with MMO legal advisors. It will be subject to further detailed legal scrutiny by MMO and Defra before sign off by the Minister. We recommend it is enacted and subjected to 'on the ground' testing for several years before being reviewed as specified in the RIA.
11. A minor amendment to para. 31 in the byelaw is required reducing the minimum size of buoy for marking gear. This follows a request from potters fishing in certain parts of the District.

**CEO, HoE, Senior Scientist
18th June 2019**