

**NWIFCA Technical, Science and Byelaw
Committee
6th August 2019: 10:00 a.m.**

**AGENDA
ITEM NO.
8**

BYELAW REVIEW

Purpose: To revise and update Byelaw review.

Recommendation: Approve revised byelaw review as set out below

Background

1. This paper received by TSB on 14th May 2019 has been updated. To avoid repetition, introductory sections have been removed.
2. Current guidance on IFCA byelaw making, published in 2011 is on the Defra website. Checking and quality assurance of draft byelaws is an MMO responsibility. IFCA are responsible for consultation with stakeholders. A documented impact assessment of all new byelaws is required to identify the rational, justification and regulatory costs.
3. In a change of policy in 2019, MMO will no longer provide scrutiny of drafts of byelaws and IFCA must now obtain legal advice on wording and byelaw measures.

The NWIFCA Byelaw review progress

4. Table 1 shows Byelaws introduced since 2011. Despite the Government intentions to speed up byelaw making this has not worked in practice. Not only are recent byelaws more complex, the making process has more stages including requirement for impact assessments, increased consultation and sign off by both MMO and Defra.
5. Table 2 shows current byelaw priorities. Byelaw development is lower priority than essential statutory duties such as enforcement and survey so the Authority has limited resources to implement new byelaws. Other factors are the requirements for consultation with stakeholders before and after the byelaw is made, the requirements for approval by the Authority at various stages in the byelaw making process and the capacity of the MMO byelaw team of 2 officers to scrutinize and advise all IFCA and MMO on byelaw proposals.
6. Table 3 provides an overview of the planned outcome of the full byelaw review resulting in replacement and repeal of all inherited byelaws.

Table 1. NWIFCA Byelaws introduced since 2011		
Permit to fish for cockles and mussels	NWIFCA Byelaw 3	2012
Heysham Bass nurse area and prohibition of fishing	NWIFCA Byelaw 5	2013
Protection of European Marine Site features	NWIFCA Byelaw 6	2014
Amendments to byelaws requested by Defra to meet landing obligation	Various	2015
Restrictions on fishing for Bivalve shellfish	NWIFCA Emergency byelaw	2016
Restrictions on the use of a dredge byelaw 2017		2017
Prohibition on Foul hooking byelaw 2017		2018

NWIFCA Byelaws in development	Aim of new byelaw	Current position	Next stage and timescale
NWIFCA Byelaw 7 potting permit.	Create single District wide permit scheme for commercial and non-commercial potting for crab, lobster, nephrops, whelk including escape gaps for crab and lobster and v notching to protect and enhance stocks,	Draft byelaw was not made at June 2019 meeting but referred back to TSB.	TSB discussion at August meeting.
NWIFCA Byelaw 3. Cockle and Mussel hand fishing permit 2019.	Improve regulation with flexible permit provisions.	Byelaw made at June 2019 meeting	Byelaw to be advertised for formal consultation.
NWIFCA Byelaw 9 Net fishing regulations	Create a district wide regulatory framework for all fishing with nets.	Initial work begun	Continue analysis of measures required.
NWIFCA Byelaw 2. Vessel size limits	To create District wide regulation of vessel size and engine power limits	Agreement on the need for this byelaw and measures required not yet in place.	Byelaw may not be needed. Vessel size limits to be included in relevant byelaws for specific fisheries.
NWIFCA Byelaw 9. Shrimp and Prawn fishing	To create District wide mesh and net size regulations.	Differences between parts of the District, Wales and river Dee to be resolved. A single District wide mesh size may lead to reduction in MLS England and reduced conservation benefit.	On hold pending resolution of measures.
NWIFCA Fish MLS Byelaw.	NWSFC byelaw 19 ensured EU MLS applied to shore fishing and set MLS for species not covered by EU legislation.	New District wide byelaw may now be more urgent following removal by EU of IFCA powers to enforce MCRS.	Await conclusion of discussions at national level and joint IFCA decisions on byelaw requirements.

New byelaws required	Inherited byelaws replaced
Possible Byelaw 2 Vessel size and engine power limits. May not be required.	NWSFC Byelaw 9 (2005) Vessel max length 15m
	Cumbria SFC Byelaw 3 (1993) 0-3 miles. Vessel max length 13.72m
	Cumbria SFC Byelaw 15 (1993) Solway Firth. Engine power limit 221Kw
	Cumbria SFC Byelaw 13 (1996) Prohibition on multi-rigged trawls
Byelaw 9 Shrimp & Prawn.	NWSFC Byelaw 6 (2001) Shrimp and prawn fishing restrictions
	Cumbria Byelaw 14 2004 Shrimp & prawn regulations
Winkles byelaw Consider District wide replacement.	Cumbria SFC Byelaw 7 (2004) Fishing method and min size
NWIFCA Fish MLS Byelaw.	NWSFC Byelaw 19 2009 Fish MLS to cover shore fishing in byelaw.
	Cumbria Byelaw 9 1993 Skate min size
NWIFCA Netting Byelaw	NWSFC Byelaw 2 (1951) Attachments to nets

<p>The main SFC netting byelaws NWSFC Byelaw 26 and Cumbria Byelaw 10 were reviewed by EA in 2010-11.</p> <p>A further review to incorporate other netting measures and lines and create a common regulatory netting and lining regime is being considered.</p>	NWSFC Byelaw 3 (1989) Prohibition of seine netting
	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 26 (2011) District Fixed nets Protection of salmonids
	NWSFC Byelaw 27 (1996) Drift nets Protection of salmonids
	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
NWIFCA. Requirements included in new potting and netting and lining byelaw.	NWSFC Byelaw 11 (2003) Requirement to mark nets lines pots traps Cumbria Byelaw 4 (1993) Requirement to mark nets traps pots and lines
Measures covered by new draft NWIFCA byelaw 3.	NWSFC Byelaw 16 (1973) Shell fishery temporary closure
	Cumbria Byelaw 18 (1993) Shellfish temporary closure
Byelaws not needed. All will be repealed when suite of NWIFCA byelaws is complete.	NWSFC Byelaw 1 (1986) Defines District
	NRA byelaw 1 Defines EA District (Dee Estuary
	NRA byelaw 2 EA District (Dee Estuary only) interpretation
	NRA byelaw 7 Exemptions
	NWSFC Byelaw 28 (1992) . Pre 1992 byelaws apply within 3 miles
	Cumbria Byelaw 19 (1993) Pre 1992 byelaws apply within 3 miles
	Cumbria Byelaw 1 (1993) Revocation of all pre1993 byelaws
	Cumbria Byelaw 2 1993 Authority to make byelaws
EA Byelaw Fishing for seafish in rivers below tidal limit	

CEO
24th July 2019