

**NWIFCA Annual Meeting:  
20<sup>th</sup> June 2019: 11.00 a.m.**

**AGENDA  
ITEM NO.  
8**

**NWIFCA POTTING PERMIT BYELAW**

**Purpose:** i) to provide Members with the NWIFCA Potting Permit Byelaw, method of assigning track record for whelk permits, and Impact Assessment.

**Recommendation:** i) Members receive the report;  
ii) Members approve the method of assigning track record and applications for whelk permits;  
iii) Members approve the Impact Assessment subject to MMO advice;  
iv) Members approve the making of the byelaw.

1. The NWIFCA Potting Permit Byelaw is provided at Annex A.
2. The byelaw has been developed over a number of years. During its development it has undergone lengthy and detailed internal discussion with Officers and Members of TSB. It was submitted for informal consultation with potting fishers across the District, both from the commercial and recreational sectors. Proposals for management of the whelk fishery within the flexible permit conditions have also recently been subject to informal consultation with whelk potters. Responses throughout this process have helped to shape the byelaw.
3. The byelaw incorporates good practice management across the whole District with a range of flexible permitting conditions to provide for adaptive management.
4. MMO have twice provided advice on the wording of the byelaw which has been incorporated into the final version. NWIFCA also sought advice from the Authority's lawyer.
5. Under their new system MMO will carry out legal scrutiny of the byelaw once it is formally submitted to them. This occurs after the Authority makes the byelaw and it has undergone formal consultation.
6. The byelaw was approved by TSB in May, subject to some amendments. As agreed at that meeting these were incorporated and an amended version sent by email to TSB prior to papers being prepared for the Authority.
7. TSB approved:
  - i. the table of permit fees shown at para. 24 in the byelaw;
  - ii. the inclusion of vessel length in the flexible permit conditions to be used if necessary in future for other fisheries and with a restriction of 15m OAL for whelk permits only on introduction of the byelaw;
  - iii. an outline method for defining track record for whelk fisheries;
  - iv. the flexible permit conditions for whelk fisheries.
8. When considering the vessel length restriction for whelk permits it is important to stress that:

- i. the existing North West Sea Fisheries Committee Byelaw 9 (Mechanically propelled vessels - maximum length), and Cumbria Sea Fisheries Committee Byelaw 3 (Size limit of boats allowed inside the District) paragraph (i) and Byelaw 15 (Vessels with a registered engine power of >221kW) still apply in their relevant parts of the District;
  - ii. the provision for vessels up to 21.34m registered length in the area stated under the Cumbria Sea Fisheries Committee Byelaw 3 (Size limit of boats allowed inside the District) paragraph (ii) will not apply to vessels fishing under a whelk permit.
9. The method for assigning track record for whelk permits based on the outline approved by TSB is presented at Annex B. The document explains timescales for applying for both track record and whelk permits, for which bespoke application forms will be produced and available online.
10. TSB approved the following to be included in the method of assigning track record:
  - i. a six month time limit from the date of confirmation of the byelaw for applications to be made;
  - ii. areas from which evidence of potting for whelks would be accepted;
  - iii. the time period from which evidence would be accepted as 2015 - 2018;
  - iv. what constitutes as evidence of fishing;
  - v. a minimum landings of whelks of 5 tonnes to qualify.
11. Due to the problem for whelk potting created by the prohibition on pots without escape gaps under the inherited CSFC Byelaw 25 in the Cumbria SFC part of the District, and in accordance with fair practice, TSB approved two provisions to enable those who might have fished there legitimately had the byelaw not been in place to apply for a permit:
  - i. the provision for under 10m vessels that cannot establish track record to apply for a Category One permit with 400 pot limitation;
  - ii. the provision for owners of vessels over 15m OAL that can establish track record for that vessel to transfer the track record to a vessel under 15m providing the application is made within 24 months from the date of the confirmation of the byelaw. This is to accommodate those who would have fished within the 3-6nm part of Cumbria which has no vessel size limit but were prevented from doing so, to fish within the District in accordance with the vessel size limit introduced for whelk potters under the byelaw's flexible permit conditions.
12. Provision is made for owners of vessels who can establish track record to apply for a Category One whelk permit with 1000 pot limitation.
13. An Impact Assessment is required to accompany the byelaw and this is presented as Annex C. It has been sent to MMO who have agreed to provide initial comment. They will carry out full scrutiny of the Impact Assessment once it is formally submitted to them. This also occurs after the Authority makes the byelaw and it has undergone formal consultation.

**Mandy Knott**  
**Senior Scientist**  
**4th June 2019**