

North Western Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009

BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES

The North Western Inshore Fisheries and Conservation Authority, in exercise of the power conferred by section 155(1) of the Marine and Coastal Access Act 2009¹ makes the following byelaw for that District.

Interpretation

- 1) In this byelaw:-
 - a. “the Authority” means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010²;
 - b. “the District” has the meaning given by article 3 of the North Western Inshore Fisheries and Conservation Order 2020;
 - c. “tranship” means the transfer of fisheries products from one ship or other form of transport to another.

Commencement

- 2) This byelaw comes into force immediately on upon its confirmation by the Secretary of State.

Catch Prohibitions and Restrictions

- 3) Any fish, mollusc or crustacean species specified in Schedule 1 that is caught within the District’s waters and measures less than the minimum conservation reference size specified in Schedule 1 —
 - a. must not be taken from the District’s waters, retained on board, transhipped, landed, transported, stored, sold, displayed or offered for sale, and
 - b. must be immediately returned to the sea.
- 4) A person must not take, retain on board, tranship or land, any fish, mollusc or crustacean species specified in Schedule 2 that is caught within the District’s waters if —
 - a. it measures less than the minimum conservation reference size specified in Schedule 2; and
 - b. it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration,

and any such fish, mollusc or crustacean must be immediately returned to the sea.

- 5) A person must not transport, store, sell, display or offer for sale any mollusc or

¹ c.23

² S.I. 2010/2200

crustacean species specified in Schedule 2 which measures less than the minimum conservation reference size specified in Schedule 2.

- 6) The marine organisms named in Schedules 1 and 2 must be measured in accordance with Schedule 3.
- 7) A person must not take, retain on board, tranship, land, transport, store, sell, display or offer for sale, an edible crab (*Cancer pagurus*) which –
 - a. was caught within the District's waters, and
 - b. measures less than 130 millimetres, and any such edible crab (*Cancer pagurus*) must be immediately returned to the sea.
- 8) Named crustaceans and named molluscs for which a minimum conservation reference size is specified in Schedules 1 and 2 may only be retained on board whole and may only be landed whole.

Exceptions

- 9) This byelaw does not apply to a person landing herring (*Clupea harengus*) with a moored whitebait filter net operated in accordance with a permit issued under North Western Seas Fisheries Committee Byelaw 26.
- 10) Paragraph 8 does not apply to a person landing Norway lobster (*Nephrops norvegicus*), where tails may be landed.
- 11) This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

Revocation

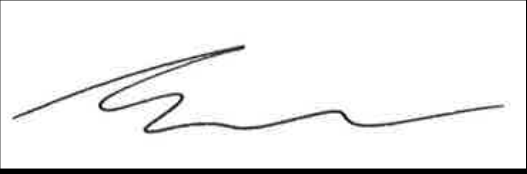
- 12) The byelaw with the title "BYELAW 19 SPECIFIED FISH SIZES" made by North Western Sea Fisheries Committee on 12 September 2008 in exercise of their powers under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed 24 July 2009 and in force immediately before making this byelaw is hereby revoked.
- 13) The byelaw with the title "BYELAW 9 - SKATE FISHERY" made by Cumbria Sea Fisheries Committee on 11 September 1992 in exercise of their powers under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed 16 April 1993 and in force immediately before making this byelaw is hereby revoked.

Amendment

- 14) The byelaw with the title "BYELAW 7 WINKLES – METHOD OF FISHING AND MINIMUM SIZE" made by Cumbria Sea Fisheries Committee on 3 September 2004 in exercise of their powers under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed on 21 April 2004 and in force immediately before making this byelaw is hereby amended as follows:

- a. Omit Section 2.

I hereby certify that the above byelaw was made by the Authority at its meeting on 10 December 2020.



Date 17/10/2022

Joseph Moulton; Acting Chief Executive Officer; North Western Inshore Fisheries and Conservation Authority; 1 Preston Street, Carnforth, Lancashire, LA5 9BY.

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the "BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES" made by the North Western Inshore Fisheries and Conservation Authority on 10 December 2020.



Date 18/01/2024

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

Explanatory Note (*This note is not part of the byelaw*)

This byelaw prohibits the taking, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale, of specified marine organisms below specified sizes caught within the District's waters.

The byelaw contains two schedules of species with specified sizes. Schedule 1 applies to all persons fishing in the North Western Inshore Fisheries Committee District's waters. Schedule 2 also applies to all persons fishing in the District's waters, unless fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or devolved UK fishery administration.

*The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway lobster (*Nephrops norvegicus*), where tails may be landed.*

The byelaw includes methods of measurement according to the anatomy of the named species at Schedule 3.

The byelaw contains an exception for the landing of herring for those fishing for whitebait under the authority of a North Western Sea Fisheries Committee Byelaw 26 permit.

*Minimum sizes for Cockle (*Cerastoderma edule*), and Mussels (*Mytilus edulis*) can be found in the North Western Inshore Fisheries and Conservation Authority "BYELAW 3-PERMIT TO FISH FOR COCKLES (*Cerastoderma edule*) AND MUSSELS.*

The byelaw revokes North Western Sea Fisheries Committee BYELAW 19 "SPECIFIED FISH SIZES" and also CSFC Byelaw 9 "Skate fishery".

The byelaw amends Cumbria Sea Fisheries Committee BYELAW 7 "WINKLES – METHOD OF FISHING AND MINIMUM SIZE" by removing the minimum size for winkles from that byelaw.

SCHEDULE 1

NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY SPECIFIED MINIMUM CONSERVATION REFERENCE SIZES FOR SPECIES NOT SUBJECT TO THE LANDING OBLIGATION

Named Fish species	Minimum Conservation Reference Size
Black seabream (<i>Spondyllosoma cantharus</i>)	230 millimetres
Brill (<i>Scophthalmus rhombus</i>)	300 millimetres
Conger eel (<i>Conger conger</i>)	580 millimetres
Dab (<i>Limanda limanda</i>)	150 millimetres
Flounder (<i>Platichthys flesus</i>)	250 millimetres
Thick-lip grey mullet (<i>Chelon labrosus</i>)	200 millimetres
Lemon sole (<i>Microstomus kitt</i>)	250 millimetres
Red mullet (<i>Mullus surmuletus</i>)	150 millimetres
Any skate or ray	
Between wing tips	450 millimetres
Sole (<i>Solea solea</i>)	240 millimetres
Turbot (<i>Psetta maxima</i>)	300 millimetres
Witch flounder (<i>Glyptocephalus cynoglossus</i>)	280 millimetres

Named Mollusc Species

Winkle (<i>Littorina littorea</i>)	must not pass through a gauge having a square aperture of 16 millimetres on each side.
--------------------------------------	--

SCHEDULE 2

SPECIFIED SPECIES MINIMUM CONSERVATION REFERENCE SIZES

Named Fish species	Minimum Conservation Reference Size
Bass (<i>Dicentrarchus labrax</i>)	420 millimetres
Blue ling (<i>Molva dypterygia</i>)	700 millimetres
Cod (<i>Gadus morhua</i>)	350 millimetres
Haddock (<i>Melanogrammus aeglefinus</i>)	300 millimetres
Hake (<i>Merluccius merluccius</i>)	270 millimetres
Herring (<i>Clupea harengus</i>)	200 millimetres
Horse mackerel (<i>Trachurus trachurus</i>)	150 millimetres
Ling (<i>Molva molva</i>)	630 millimetres
Mackerel (<i>Scomber scombrus</i>)	200 millimetres
Megrim (<i>Lepidorhombus</i> spp.)	200 millimetres
Plaice (<i>Pleuronectes platessa</i>)	270 millimetres
Pollack (<i>Pollachius pollachius</i>)	300 millimetres
Red seabream (<i>Pagellus bogaraveo</i>)	330 millimetres
Saithe (<i>Pollachius virens</i>)	350 millimetres
Whiting (<i>Merlangius merlangus</i>)	270 millimetres

Named Mollusc species	Minimum Conservation Reference Size
Bean solen (<i>Pharus legumen</i>)	65 millimetres
Carpet shell (<i>Venerupis corrugata</i>)	38 millimetres
Warty venus (<i>Venus verrucosa</i>)	40 millimetres
Donax clam (<i>Donax</i> spp.)	25 millimetres
Hard clam (<i>Callista chione</i>)	60 millimetres
Queen scallop (<i>Aequipecten</i> spp.)	40 millimetres
Razor clam (<i>Ensis</i> spp.)	100 millimetres
Scallop (<i>Pecten maximus</i>)	110 millimetres
Short necked clam (<i>Venerupis philippinarum</i>)	40 millimetres
Surf clam (<i>Spisula solida</i>)	25 millimetres
Octopus (<i>Octopus vulgaris</i>)	750 grams

Named Crustacea species	Minimum Conservation Reference Size
--------------------------------	--

a) Named Crustacea Species

European lobster (<i>Homarus gammarus</i>)	87 millimetres
Crawfish (<i>Palinurus</i> spp.)	95 millimetres
Norway lobster (<i>Nephrops norvegicus</i>)	

Total length
Carapace length

70 millimetres
20 millimetres

SCHEDULE 3

Measurement of the size of a marine organism

1. The size of any fish must be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster (*Nephrops norvegicus*) must be measured, as shown in Figure 2 for illustrative purposes:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.
3. The size of a European lobster (*Homarus gammarus*) must be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of an edible crab (*Cancer pagurus*) must be measured, as shown in Figure 4 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
5. The size of any bivalve mollusc must be measured, as shown in Figure 5 for illustrative purposes, across the longest part of the shell.
6. The size of a winkle (*Littorina littorea*) is measured by not being able to pass through a 16mm square hole in a flat gauge.
7. The size of a crawfish (*Palinurus* spp.) must be measured, as shown in Figure 6 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.

Figure 1

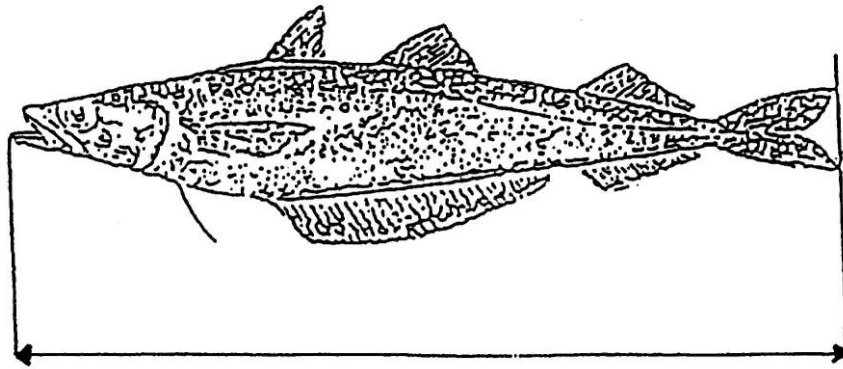


Figure 2

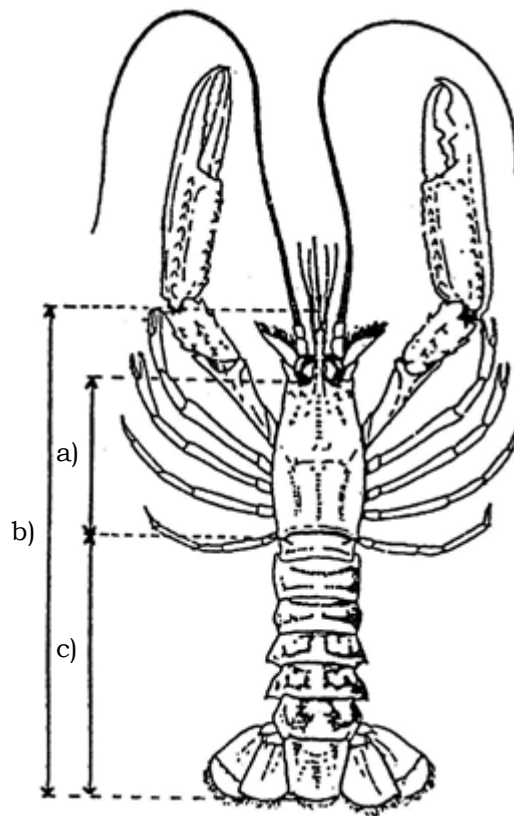


Figure 3

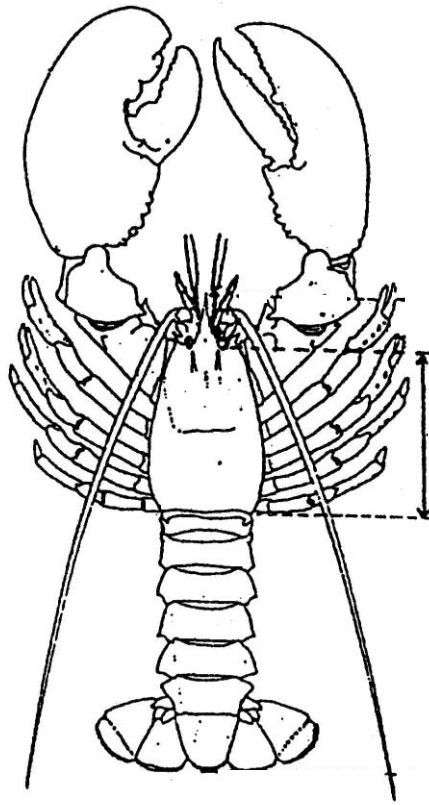


Figure 4

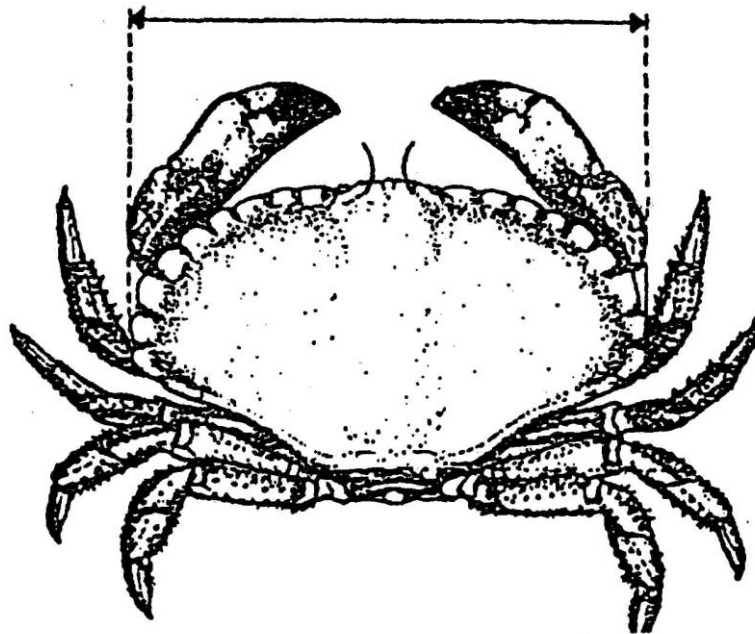


Figure 5

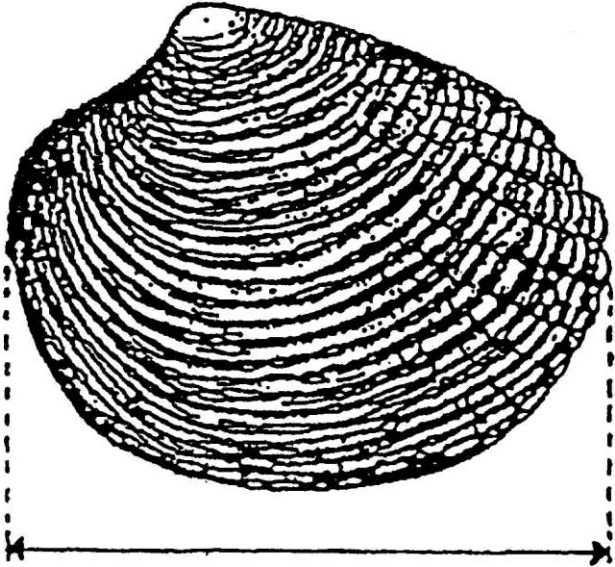


Figure 6

