

NWIFCA Potting Permit Byelaw 2019

Guidance (v2)

This document is produced as a guide to simplify understanding of the byelaw. ***It must be read in conjunction with the byelaw*** and does not contain all the measures and information within the byelaw.

1. The Potting Permit Byelaw applies to all fishing with pots and traps within the NWIFCA District.
2. It applies to both commercial pot fishing, and recreational (hobby) potting and fishing from the shore for certain specified species.
3. It applies to all of the following species:

lobster, edible crab, nephrops, whelk, prawns, shrimps, cuttlefish, spider crab, velvet swimming crab.
4. Initially permits will only be issued for lobster, edible crab, nephrops and whelks. The other species have been included to 'future proof' the byelaw and allow the permitting of potting for other species more readily should the need arise.
5. All permits will be subject to the same conditions under the Prohibitions and Restrictions (paras 2 to 7), the General Permit Conditions (paras. 29 to 39) and the Flexible Permit Conditions (Annex A).
6. There are other separate conditions applying to only Commercial potting permits (paras 40 to 43) or Recreational potting permits (paras 44 to 48).
7. There are separate application forms and administration fees for Commercial (paras 11 to 20) and Recreational (paras 21 to 28) permits.
8. The administration of both permits and the General Permit Conditions are set in the byelaw and can only be changed subject to review of the byelaw or under situations as defined in the byelaw.
9. Flexible Permit Conditions can be changed during the life of the byelaw, following the process as defined in the byelaw (paras 49 to 51) which gives the NWIFCA the flexibility required to manage fisheries sustainably, and to react to changing circumstances.
10. A failure to comply with a:
 - a) general permit condition;
 - b) Commercial Permit condition;
 - c) Recreational Permit condition; or
 - d) flexible permit conditionconstitutes a contravention of this byelaw.

11. Prohibitions and Restrictions

i. No person shall remove or retain from a fishery within the District:

- (a) a V-notched lobster;
- (b) a mutilated lobster;
- (c) any 'crippled' female lobster (missing one or both claws);
- (d) a berried lobster or crab;
- (e) when fishing with the use of a pot a berried nephrops,

and you must return any such crab, lobster, whelk or nephrops immediately to the fishery without further injury.

12. The maximum number of animals you may remove or retain from a fishery within the District in any one calendar day, unless fishing from a licensed registered fishing boat is shown in the table below:

Specified Species	Maximum Daily Quantity	
Lobster	1 individual	and
Edible crab Spider crab Velvet crab	Combined total of 5 individuals	and
Prawn	30 individuals	and
Whelk	50 individuals	and
Nephrops	10 individuals	

- 13. You must not use a pot to fish for a specified species unless you have a valid permit.
- 14. You must not carry a pot on board a vessel unless the pot is stored in such a way that it cannot readily be used for fishing unless you have a valid potting permit.
- 15. You must not use any keep pot, container or other device to store specified species in the sea or in an estuary unless you have a valid Commercial Permit.
- 16. When fishing with a Recreational permit you must land any specified species within 24 hours of capture.
- 17. You must not haul any other person's pots without the prior written permission of the Authority.

Commercial Potting Permit:

- 18. You can apply for separate permits for each specified species – the administration fee for each permit is £25 (for one year) up to a maximum of £100.
- 19. One permit will be issued for edible crab and lobster combined (ie. £25 for both species).
- 20. You will need to say when you apply for the permit how many tags you require. Tags

are required on each string of pots set, attached to the end marker of each string.

21. Tags will be issued with the permit number and tag number.
22. Replacements for lost (or additional) tags can be requested at a cost of 15p per tag with a £3.00 administration fee.
23. The permit holder or the nominated representative of the permit holder must be present on board the vessel during the permitted activity to use the permit.
24. The certificate disc must be clearly displayed at all times on the vessel named on the permit.
25. Detached tails of nephrops must be in a condition where they can be measured in accordance with EU Minimum Landing Size regulations.

Recreational Potting Permit:

26. You can apply for one permit for all the specified species – the administration fee for the permit is £10 per year.
27. You will be issued with five tags each with the permit number and tag number on.
28. Replacements for lost tags can be requested at a cost of 15p per tag with a £2.00 administration fee.
29. You must be present during the permitted activity to use the permit.
30. You cannot use more than five pots to fish for the specified species.
31. You must not set a pot that:
 - (f) is not fitted with a tag issued by the Authority; or
 - (g) is fitted with a tag that has previously been notified to the Authority as lost.
32. You can only land whole lobsters, edible crabs, prawns and nephrops, not parts of or mutilated animals.
33. If you are accompanied on a fishing trip in a vessel by anyone else you can only remove from the fishery or retain on board a total of animals as in the table above.

General Permit Conditions – apply to all

34. You can only use pots for fishing for edible crab, lobster, nephrops and whelks as defined in the Flexible Permit Conditions.
35. You must mark all potting gear at each end by a red, yellow or orange flag on a pole, or a red, yellow or orange buoy of minimum A2 size and to be maintained so long as the pots remain in position. The flag or buoy shall be legibly marked with the permit number of the owner of such pot or the registered number of the permitted vessel.

36. You must not use any species as bait whilst fishing for any specified species unless it meets the minimum landing sizes set out in EU, national or regional legislation, subject to Landings Obligations.
37. You must not obstruct an IFC officer.
38. You must send in fishing returns as required by the Authority providing such data as dates, times and locations of fishing and the quantity of specified species taken.
Returns including nil returns may be required for all months for which permits are valid.
39. Your permit may be suspended until outstanding returns have been filed. If you fish during this time you will be in breach of this byelaw.
40. You must write in to the Authority for a replacement for a lost tag.
41. If you then find the lost tag you must return it within 48 hours to the Authority, and not use it again on any pots.
42. You must notify the Authority of any change in the information provided to obtain a permit during the period when the permit is valid.

Flexible Conditions (apply to all):

43. Minimum Landing Sizes

Lobster = 87mm carapace length;
Edible crab = 130mm carapace length;
Nephrops = 20mm carapace length or overall length 70mm;
Whelks = 45mm shell length.

44. Gear Restrictions

(a) Pots for crab or lobster must have rigid unobstructed escape gaps in the lowest part of the external wall of each chamber;

(b) The escape gap for crab and lobster pots must be of sufficient size so that a rigid box shaped gauge 80 millimetres wide by 45 millimetres high and 100 millimetres long may be passed through the gap;

(c) Pots for whelks must be fitted with at least four unobstructed rigid escape holes located in the lowest part of the pot;

(d) The escape holes for whelk pots must be of a minimum size of 25mm diameter each;

(e) Pots and creels for nephrops must be of a 'D' shape design and fitted with at least one hard eye entrance hole of maximum 45 mm diameter, and an unobstructed rigid escape panel of minimum 22mm width fitted in the lowest part of each chamber of the pot.

45. The Authority may introduce, remove or vary a flexible permit condition, subject to the process laid out in the byelaw, which falls within one or more of the following

categories:

- (a) catch restrictions;
- (b) bait restrictions;
- (c) technical measures and gear restrictions;
- (d) spatial restrictions;
- (e) time restrictions;
- (f) vessel length restrictions;
- (g) number of permits issued.

NB. It is your responsibility to make sure you understand your obligations in the byelaw. If you have any queries about these then please contact a NWIFCA officer either in person during patrols, or via the Whitehaven or Carnforth offices.

September 2018