

**NWIFCA Annual Meeting  
12<sup>th</sup> June 2015: 11:00 a.m.**

**AGENDA  
ITEM NO.  
10**

**BYELAW 8: PROHIBITION OF FOUL HOOKING**

Officers have made further progress on the byelaw review and are in a position to put Byelaw 8 to members for making at the June full Authority meeting.

**Recommendations:**

1. **That the proposed Byelaw 8 at Annex A be ‘made’ at the Authority meeting.**

**Background**

1. Four officers have been working together in progressing the byelaw review- Head of Enforcement Officer Andy Deary, IFCO Steve Brown, Senior Scientist Mandy Knott and Science Officer Sarah Temple.
2. This byelaw extends a long standing prohibition of foul hooking that existed in the NWSFC and Cumbria SFC districts and incorporates both areas’ historic byelaws – Cumbria byelaw 17 and NW byelaw 18 – into a single byelaw in line with the byelaw review process.
3. The byelaw and Regulatory Impact Assessment are attached at Annex A and B. The structure and content of these documents have been checked and approved by MMO.
4. Members should be aware that Byelaw 6 within the group of byelaws that were inherited from the Environment Agency during the formation of IFCA’s has not been revoked in this new byelaw. It is the intention to revoke this byelaw on completion of the netting byelaws when this whole suite of byelaws can be revoked together to ensure there is regulation still in place.

**Sarah Temple  
Science Officer  
21<sup>st</sup> May 2015**



**Chief Executive:**  
**STEPHEN ATKINS, PhD**

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## **ANNEX A**

### **MARINE AND COASTAL ACCESS ACT 2009**

#### **NWIFCA BYELAW 8**

#### **PROHIBITION OF FOUL HOOKING**

The Authority for the North Western Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 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 2010 (SI 2010 No. 2200);**
  - b) **'the District' means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200).**

##### **Prohibitions**

2. A person must not use any instrument for the exploitation of sea fisheries resources to intentionally foul hook a sea fish.

##### **Exception**

3. This byelaw shall not apply to any 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, management, stocking or breeding purposes.

##### **Revocations**

4. The byelaw with the title "Byelaw 18: Foul Hooking of Sea Fish" made by the North Western and North Wales Sea Fisheries Committee on the 9<sup>th</sup> of July 1985 is revoked.

5. The byelaw with the title "Byelaw 17 Taking of fish other than by hooking them in the mouth" made by the Cumbria Sea Fisheries Committee on the 21<sup>st</sup> of April 2004 is revoked.

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

*This byelaw is designed to prevent unnecessary injury to sea fish by prohibiting the practice of foul hooking sea fish.*

I hereby certify that the above byelaw was made by the Authority at the meeting on 12<sup>th</sup> June 2015

STEPHEN ATKINS .....

Chief Executive to the 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 power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Byelaw 8 Prohibition of Foul Hooking made by the North Western Inshore Fisheries and Conservation Authority on 12<sup>th</sup> June 2015

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

Date .....

<b>Title:</b> <b>North Western Inshore Fisheries and Conservation Authority Byelaw 8: Prohibition of Foul Hooking</b>  <b>IA No:</b> NWIFCA / BL8  <b>Lead department or agency:</b> NWIFCA  <b>Other departments or agencies:</b> MMO, Natural England, Defra	<b>Impact Assessment (IA)</b>					
	<b>Date:</b> 01/06/15					
	<b>Stage:</b> Consultation					
	<b>Source of intervention:</b> Domestic					
	<b>Type of measure:</b> Secondary legislation					
<b>Contact for enquiries:</b> Stephen Atkins, Head of Service NWIFCA, 1 Preston Street, Carnforth, Lancashire, LA5 9BY, 01524 727970. (s.atkins@nw-ifca.gov.uk)						
<b>Summary: Intervention and Options</b>					<b>RPC Opinion:</b> N/A	

Cost of Preferred (or more likely) Option					
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as	
£m	£	N/A	No	N/A	
<b>What is the problem under consideration? Why is government intervention necessary?</b> <p>Both the North-West Sea Fisheries Committee (NWSFC) and Cumbria Sea Fisheries Committee (CSFC) parts of the district have byelaws in place prohibiting foul hooking for sea fish, in addition to foul hooking byelaws inherited from the Environment Agency. IFCA's are required to review legacy byelaws as part of Defra's high level objectives for IFCA's formed under the Marine and Coastal Access Act 2009. A new IFCA byelaw is required to consolidate these regulations and reduce legislation, while continuing to prevent unnecessary injury to sea-fish in the NWIFCA district.</p> <p>Continued government intervention is required to redress market failure in the marine environment by implementing appropriate management measures (e.g. this byelaw) to conserve features to ensure negative externalities are reduced or suitably mitigated. Implementing this byelaw will support continued provision of public goods in the marine environment.</p>					

<b>What are the policy objectives and the intended effects?</b>  <ol style="list-style-type: none"> <li>1. To establish a single byelaw prohibiting foul hooking for sea fish.</li> <li>2. To avoid unnecessary injury to sea fish in the district and promote sustainable exploitation.</li> <li>3. To standardise and reduce current legislation allowing consistent regulation across the district, easing understanding of legislation by stakeholders and helping improve compliance.</li> <li>4. Meet IFCA High Level Objectives set by Defra.</li> </ol>
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<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b>  <p><b>Option 0:</b> Do nothing, no new byelaw- retain the current NWSFC, CSFC and EA byelaws.  <b>Option 1:</b> (Preferred option) - Introduce a new IFCA byelaw consolidating current legislation and prohibiting foul hooking for sea fish in the NWIFCA district.  <b>Option 2:</b> Revoke existing foul hooking byelaws without making a replacement byelaw. This could lead to unnecessary injury to seafish and would not meet the IFCA duty in promoting sustainable exploitation.</p> <p>All options are compared to option 0. Option 1 is the preferred option for regulating foul hooking in the NWIFCA district. The new byelaw will continue to regulate in the same way as previously, and is in line with the IFCA requirements to promote sustainable fisheries and reduce legislation.</p>
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<b>Will the policy be reviewed?</b> It will be reviewed		<b>If applicable, set review date:</b> 6 years				
<b>Does implementation go beyond minimum EU requirements?</b>			No			
<b>Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.</b>		<b>Micro Yes</b>	<b>&lt; 20 Yes</b>	<b>Small Yes</b>	<b>Medium Yes</b>	<b>Large Yes</b>

What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	Traded: N/A	Non-traded: N/A
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***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible SELECT SIGNATORY: \_\_\_\_\_ Date: \_\_\_\_\_

# Summary: Analysis & Evidence

# Policy Option 1

## Description:

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

#### Description and scale of key monetised costs by 'main affected groups'

There is no change to the current legislative regime; therefore there are no additional quantifiable costs to the fishing industry or NWIFCA.

#### Other key non-monetised costs by 'main affected groups'

There is no change to the current legislative regime; therefore there are no non-quantifiable costs to the fishing industry or NWIFCA. There will be a certain small administrative cost in drafting and communicating the byelaw and producing the IA but it will not impose any greater cost in enforcement than is already expended in enforcing the current byelaws.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

#### Description and scale of key monetised benefits by 'main affected groups'

There is no change to the current legislative regime; therefore there are no additional monetised benefits to the fishing industry or the NWIFCA.

#### Other key non-monetised benefits by 'main affected groups'

The new byelaw will standardise and simplify the current legislative regime and help reduce NWIFCA legislation, while helping to ensure no unnecessary injury to seafish, sustainable fishing effort and the continued protection of the marine environment.

#### Key assumptions/sensitivities/risks

Discount rate (%)

Regulation would continue under a new consolidated byelaw.

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

# Evidence Base

## 1. Problem under consideration;

At present the NWIFCA has four inherited byelaws in place prohibiting foul hooking for sea fish. As part of the IFCA byelaw review process to reduce legislation whilst seeking to ensure sustainable exploitation of fish stocks, these byelaws should be consolidated into one workable byelaw covering the entire NWIFCA district.

## 2. Rationale for intervention;

Inshore Fisheries and Conservation Authorities (IFCAs) were set up in April 2011 under the Marine and Coastal Access Act (2009) with duties to ensure that fish stocks are exploited in a sustainable manner, and that any impacts from that exploitation in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures (e.g. this byelaw). Foul hooking can cause unnecessary injury to sea fish. Consolidating this foul hooking legislation into a new NWIFCA byelaw will help meet IFCA duties in seeking to ensure that the exploitation of sea fisheries resources is carried out in a sustainable manner (MaCAA s153(2)(a)) and that the marine environment is suitably protected. Consolidation of this legislation would also support part of the high level objectives set for IFCAs to review legacy byelaws in order to update older SFC byelaws to cover the new IFCA districts and reduce the number of byelaws in place.

## 3. Policy objectives and intended effects;

The objective of this policy is to merge existing byelaws into a single NWIFCA byelaw prohibiting foul hooking, helping to ensure there is sustainable exploitation of fisheries with no unnecessary injury to sea fish caused through fishing activities. The intended effects are that fisheries will be exploited sustainably, assisting the NWIFCA in delivering this and other success criteria.

## 4. Background

The North Western Inshore Fisheries and Conservation Authority (NWIFCA) has inherited legacy byelaws from the Cumbria Sea Fisheries Committee (CSFC), the North-West Sea Fisheries Committee (NWSFC) and the Environment Agency prohibiting foul hooking for sea fish. These byelaws should be consolidated into one workable byelaw covering the entire NWIFCA district prohibiting foul hooking to help ensure no unnecessary injury to sea fish.

## 5. Description of options considered (including do nothing);

**Option 0:** Do nothing, keep legacy byelaws and continue to enforce them. This option would not meet the IFCA high level objectives to review and reduce inherited legislation.

**Option 1 (preferred option):** Introduce a new NWIFCA byelaw prohibiting foul hooking for sea fish in the NWIFCA district. Currently both the NWSFC, CSFC and EA byelaws in place already prohibit this fishing method; therefore there is no change to the current regime and simply a reduction in legislative measures.

**Option 2:** Revoke existing foul hooking byelaws without making a replacement byelaw. There would be no legislation prohibiting foul hooking in the district.

## 6. Analysis of costs and benefits (including administrative burden);

**Option 0:** There are no benefits to doing nothing other than a certain stability that it provides; however to do nothing would be in breach of the high level objectives set by Defra for IFCAs which include the review and update of legacy byelaws over a five year period.

**Option 1 (preferred option):** This option would not involve any change from the current legislative regime therefore is not expected to impose any costs to the fishing industry or NWIFCA. There will be a certain small administrative cost in drafting and communicating the byelaw and producing the IA but

it will not impose any greater cost in enforcement than is already expended enforcing the current byelaws. This option achieves all of the main policy objectives to simplify regulation, update and consolidate IFCA byelaws. To simplify the byelaw review process, the inherited Environment Agency foul hooking restrictions will be revoked later along with other EA byelaws (including netting) once they are all reviewed. The new management measure will be advertised on the Authority's website. The measure is designed to prevent unnecessary injury to sea fish through a prohibition against the taking of fish intentionally by foul hooking, which will help to ensure sustainable fisheries in the NWIFCA district.

**Option 2:** Revoke existing foul hooking byelaws without making a replacement byelaw. This could lead to unnecessary injury to sea fish and would not meet the IFCA duty in promoting sustainable exploitation in the district.

### **Rationale and evidence that justify the level of analysis used in the IA (proportionality approach);**

Foul hooking is the catching of fish without the fish having to take the bait with their mouth. The prohibition included in this new NWIFCA byelaw reflects current restrictions in place in the CSFC and NWSFC areas, simply consolidating them into one overall regulation for the district to prevent foul hooking of sea fish in order to prevent unnecessary injury to them and help to ensure sustainable fishing in the district.

### **Risks and assumptions;**

There are no significant risks and assumptions other than that the byelaw will be enforced.

### **One In Two Out (OITO)**

OITO is not applicable for byelaws implemented for MPA management as they are local government byelaws introducing local regulation and therefore not subject to central government processes. However, in implementing this new byelaw, North-West SFC Byelaw 18 and Cumbria SFC Byelaw 17 can be revoked. This complies with the Defra high level objectives set for IFCA's to consolidate and simplify legislation through the byelaw review, and the government red-tape challenge

### **Small firms impact test and competition assessment**

No firms are exempt from this byelaw as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

### **Wider impacts;**

There will be no change to the current legislative regime and therefore little direct impact of the measure other than a consolidation of legislation.

## **7. Conclusion: Summary and preferred option with description of implementation plan.**

The NWIFCA will introduce a byelaw prohibiting foul hooking for sea fish and revoke two previous SFC byelaws. Inherited Environment Agency byelaws cover foul hooking, along with additional byelaws, and cannot be revoked until other corresponding byelaws are also reviewed to ensure there is regulation still in place. Stakeholders will be made aware of the proposal as part of the statutory consultation period. Once the Byelaw is made the Authority will advertise the change in legislation on the NWIFCA website. The new byelaw will also be included in the NWIFCA byelaw booklets, available to download online from the NWIFCA website. The byelaw will be reviewed in 2021 for any potential adverse impacts.