

NWIFCA Technical, Science and Byelaw Sub-Committee

10th February 2015: 10:00 a.m.

AGENDA
ITEM NO.

7

BYELAW REVIEW

Officers have made further progress on the byelaw review and are in position to put 2 drafted byelaws to TSB members.

Recommendations:

1. The draft Byelaw 2 at Annex A be presented and 'made' at the March meeting of the Authority.
2. The draft Byelaw 8 at Annex C be presented and 'made' at the March meeting of the Authority.

Byelaw 2 Vessel and Gear Restrictions

1. As members will be aware a number of versions of the proposed Byelaw 2 (Vessel and gear restrictions) have been put to the TSB members over the last 18 months. The latest version was discussed at the TSB on the 15th August with no resolution as to whether the byelaw should be put to the full authority for making.
2. This version had technical comments given by the Marine Management Organisation (MMO) in June and minor amendments agreed by the TSB on the 2nd May incorporated into it.
3. The basic ethos of the byelaw – the restructuring of the fleet without an excessive impact on the current fleet in order to protect inshore fishing grounds while simultaneously regulating gear types that can be used – has been maintained.

Current Version for Members

4. The latest version for discussion is attached at Annex A. The rationale of the byelaw remains the same as previous versions with the main regulations contained in it being follows:

Vessel Restrictions	Gear Restrictions
<ul style="list-style-type: none">• Vessels of over 15m Length Over All (LOA) will be restricted to the 3-6nm limit• Vessels of over 10m LOA will be restricted to 0-3nm limit• Vessels with an engine power exceeding 221kw (300hp) will be prohibited from the whole district	<ul style="list-style-type: none">• Single trawls or seine nets with single cod ends only• Single beam trawls• Two beams or nets when fishing for shrimp or prawn

5. An unchanged historic access rights clause will remain applied to the lifetime of any vessel that can meet the evidence requirements set out in paragraph 11.
6. This byelaw will consolidate 4 byelaws into one that applies to the whole district:

<ul style="list-style-type: none"> • NW Byelaw 9 “Mechanically propelled vessels – maximum length -15m inside 6nm • Cumbria byelaw 3 ”Size limit of boats allowed inside the district” -13.72m 0-3nm and 21.34m 3-6nm 	New vessel size restrictions using 15m at the 6nm limit but adopting the banded inshore approach of the Cumbria byelaw
<ul style="list-style-type: none"> • Cumbria byelaw 13 “multi-rigged trawling gear” 	Extends the “twin rig” prohibition from the Cumbria district to the whole district
<ul style="list-style-type: none"> • Cumbria byelaw 15 “Vessels with a registered engine power >221kw” 	Extends the current 221kw prohibition in the upper Solway firth to the whole district

7. Annex B lays out the basic rationale for each paragraph of the byelaw.

Changes to 15th August version

8. Officers have removed paragraphs 10, 11, 12 and 13 which pertained to regulating bivalve mollusc dredge fisheries such as the South America seed mussel fishery.
9. During internal discussion amongst officers it was concluded that the regulation of such fisheries should be done with a separate dedicated byelaw and not within the new byelaw 2 that regulates vessel size and gear.
10. Informing this rationale is the following:
 - The decision by TSB not pursue a Hybrid Order for Morecambe bay
 - The lack of hierarchical legislation around such a fishery in comparison to other fisheries such as Nephrops or Lobster fisheries, thus the byelaw being the only regulatory mechanism
 - As an example of above there are no EU Technical conservation regulations such as minimum nets sizes or gear dimensions, UK quotas or statutory instruments pertaining to mussel fisheries
 - The general basis that the complexity of the fisheries and future proofing means regulation in a few paragraphs of a byelaw is inappropriate
11. The working title of the separate byelaw is regulation of bivalve mollusc fisheries byelaw and officers may be in a position to update members on the progress of this at the TSB meeting.

Byelaw 8 – Prohibition of Foul Hooking

1. This byelaw extends a long standing prohibition of foul hooking that existed in the NW and Cumbria districts and incorporates both areas historic byelaws – Cumbria byelaw 17 and NW byelaw 18 – into a single byelaw.
2. A draft of the byelaw is attached at Annex C.
3. Members should be aware that Byelaw 5 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.

Head of Enforcement
29th January 2015