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# Netting Byelaw

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The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under section 155 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 Northumberland Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Northumberland Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2197);
- (b) 'The District' means the Northumberland Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Northumberland Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2197);
- (c) 'Exempt gear' means, landing nets, push nets, crab nets, or hand nets, being used for a recreational activity.
- (d) 'Fixed engine' means:
  - (i) a stake net, bag net, putt or putcher;
  - (ii) a fixed implement or engine for taking or facilitating the taking of fish;
  - (iii) a net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way; or
  - (iv) an unattended net placed or suspended in tidal waters, and any engine, device, machine or contrivance, (whether floating or otherwise), for placing or suspending such a net or maintaining it in working order or making it stationary.
- (e) 'J' net' means a net in the shape of a letter 'J' which:
  - (i) is comprised of plain unarmoured sheets of netting without bags, pockets or monks;
  - (ii) does not exceed 370 metres in total length measured along the headropes;
  - (iii) is laid along the ground at low water;
  - (iv) is maintained in a stationary position by anchors or weights; and
  - (v) is suspended in the water by floats.

- (f) 'Net' means a trammel, gill, tangle or other enmeshing net used for the catching of sea fish other than by trawling.
- (g) 'Overall length' means the length of a vessel measured in a straight line from the foremost part of the bow to the aftermost part of the stern as shown in the vessel's registration documents;
- (h) 'Pot' means a pot, creel, trap or cage used for catching sea fisheries resources;
- (i) 'Relevant fishing vessel' means a fishing boat registered in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act, and holding a fishing licence issued by an appropriate national authority at the time of the application for a permit.
- (j) 'River Tweed' means "the river" as defined by the Scotland Act 1998 (River Tweed) Order 2006 and any byelaw amending that definition;
- (k) 'Sea fisheries resources' means any animals or plants, other than fish named below, that habitually live in the sea, including those that are cultivated in the sea
  - (i) salmon, trout, eels, lampreys, smelt and shad;
  - (ii) any other fish of a kind which migrates from fresh to salt water or from salt to fresh water in order to spawn;
  - (iii) any freshwater fish;where "eels", "freshwater fish", "salmon", "smelt" and "trout" have the same meanings as in Salmon and Freshwater Fisheries Act 1975 (c.51);
- (l) "'T' net' means a net in the shape of a letter 'T' which:
  - (i) is comprised of plain unarmoured sheets of netting having one or more bags, pockets or monks;
  - (ii) consists of a headpiece not exceeding 92 metres in length and a tailpiece not exceeding 230 metres in length;
  - (iii) is laid along the ground at low water;
  - (iv) is maintained in a stationary position by anchor or weights; and
  - (v) is suspended in the water by floats.
- (m) 'trawling' means towing a net with a vessel for the purpose of taking sea fisheries resources.

## Prohibitions

2. A person must not fish for sea fisheries resources using a net or fixed engine within the District.
3. Paragraph 2 does not apply to
  - (a) A person fishing from a vessel using a net or fixed engine in accordance with a NIFCA netting permit and any conditions attached to that permit.
  - (b) A vessel trawling in accordance with a NIFCA Trawl permit, and any permit conditions attached to that permit.
  - (c) The use of pots to fish for or take sea fish.
  - (d) Fishing for sea fisheries resources using exempt gear.
  - (e) Using 'T' or 'J' nets which have been authorized for use by the Environment Agency.
  - (f) Using nets authorised by the Tweed Commission within the river Tweed.

## Permits

4. A person may apply to the Authority for a permit to fish in the District using a net or fixed engine.
5. An application for a permit must be made using the prescribed form. The prescribed form may be obtained from the Authority's office and website.
6. A person may only apply for a permit in respect of a relevant fishing vessel for which they are the registered owner.
7. The Authority may issue a permit to an applicant.
8. A permit:
  - (a) may only be issued by the Authority to a named person ("the permit holder") in respect of a named relevant fishing vessel ("the permitted vessel");
  - (b) is not transferable:
    - i. from the permit holder to another person; or
    - ii. from the permitted vessel to another vessel; and
  - (c) must be surrendered to the Authority immediately upon the request of the Authority or if the permit is no longer required.
9. A permit is valid from the date specified on the permit to the 31 December of that year.

## **Permit Conditions**

### **Qualifying Conditions**

10. The following mandatory conditions will be attached to all permits issued by the Authority:
  - (a) A permit holder must pay a fee of £50 per permit before the permit is used.
  - (b) A permit holder must display their permit card on the permitted vessel when using that vessel to engage in netting or setting fixed engines within the District.
11. A person may only apply for a permit in respect of a relevant fishing vessel which does not exceed 12 metres overall length

### **Spatial Conditions**

12. A permit holder must not fish for sea fisheries resources using a net or fixed engine within the that part of the District that lies in the River Tweed, and which is in waters that are less than 7 metres of depth and where the headline is less than 4 metres below the surface of the water at any state of the tide.
13. A permit holder must not fish for sea fisheries resources using a net or fixed engine landward of a straight line drawn between the seaward end of the piers of the River Tyne or the seaward end of the piers of the River Blyth.

### **Seasonal Conditions**

14. From the 1<sup>st</sup> of November to the 25<sup>th</sup> of March no permit holder shall fish for sea fisheries resources with a net or fixed engine where the headline is less than 4 metres below the surface of the water at any state of the tide.
15. From the 26<sup>th</sup> of March to the 31<sup>st</sup> of October no permit holder shall fish for sea fisheries resources using a net or fixed engine in waters less than 7 metres of depth and where the headline is less than 4 metres below the surface of the water at any state of the tide.

### **Gear Conditions**

16. A permit holder must not fish for sea fisheries resources using a net or fixed engine unless both ends of the device are attached with surface makers complying with NIFCA's Gear Marking Byelaw and stating that a net or fixed engine has been set.

### **Permit Returns**

17. A permit holder must send a monthly return to the Authority ("a monthly return").

18. A monthly return must be submitted for each calendar month, or each part of a calendar month, in which the permit holder holds a permit. A monthly return must be submitted even if the permit holder has not fished within the District during that month.
19. A monthly return must be submitted in the specified form. The specified form can be obtained from the Authority's office or website.
20. A monthly return for any given month must be submitted before the end of the following calendar month.

### **Other Conditions**

21. The Authority may attach such conditions to a permit as the Authority deems reasonably necessary for the purpose of performing its statutory duties.
22. The Authority may:
  - (a) attach conditions to a permit;
  - (b) vary or remove conditions attached to a permit; or
  - (c) vary or increase the cost of the permit;in accordance with the review procedure in paragraphs 22 to 24.
23. Contravention of a permit condition constitutes a contravention of this byelaw.

### **Review Procedure**

24. The Authority will review the permit conditions no less than once every three years.
25. In carrying out a review the Authority will:
  - (a) consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the persons whose interests are likely to be substantially affected by the proposed future management options; and
  - (b) decide whether to attach, vary or remove any permit conditions based on the consultation responses obtained in accordance with sub-paragraph (a) and the information listed in paragraph 26; and
  - (c) notify permit holders in writing of the Authority's decision and amend their permits as necessary at no cost to the permit holder.
26. For the purpose of sub-paragraph 25(b), the information includes any one or more of the following:

- (a) data collected from permit holders;
- (b) scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
- (c) advice provided by Centre for Environment Fisheries and Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks appropriate to provide such advice.
- (d) an impact assessment of any proposed changes;
- (e) advice given by Natural England or such other bodies, organisations, or persons as the Authority thinks appropriate to provide such advice; or
- (f) information from any other relevant source.

### **Scientific Exemption**

- 27.** This byelaw does not apply to any person performing an act which would otherwise constitute an offence against that byelaw, if that act was carried out in accordance with a written permission issued at the discretion of the Authority.

### **Revocations**

The byelaw with the title 'Fixed Engines' which was made by the Northumberland Inshore Fisheries and Conservation Authority and was in force immediately before the making of this byelaw is revoked.