

Trawling

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 1983 baselines' means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25 January 1983 in accordance with the Territorial Waters Order in Council 1964¹;
- (b) '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 2010/2197);
- (c) 'cod-end' means the end of a towed net where the catch collects;
- (d) '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;
- (e) 'Inner Area' means the part of the District to the landward side of a line drawn three nautical miles seaward from the 1983 baseline;
- (f) 'bottom towed fishing gear' means any dredge, trawl or device designed to be towed or pushed to take sea fisheries resources from the seabed;
- (g) 'otter boards' mean a pair of boards or trawl doors which are towed through the water at an angle and keep open an attached net;
- (h) 'Outer Area' means the part of the District to the seaward side of a line drawn three nautical miles seaward from the 1983 baseline;
- (i) '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;

¹ The Territorial Waters Order in Council 1964: Statutory Instruments 1965 III p.6452A; HMSO, 1966, amended by the Territorial Waters (Amendment) Order in Council: Statutory Instruments 1979 III p.2866; HMSO, 1980; and revoked by SI 2014/1353.

- (j) '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;
- (k) 'Scottish or Danish seine netting' means using long lengths of seine rope to herd fish into the path of the net as the gear is hauled;
- (l) 'specified area' means the Coquet to St Mary's Marine Conservation Zone as defined in Schedule 1;
- (m) 'specified gear' means a single trawl fitted with a single cod-end and one pair of otter boards rigged for fine ground fishing using either:
 - (i) grass rope with lead rings;
 - (ii) light single chain ground gear, with a chain link diameter of less than or equal to 10 millimetres; or
 - (iii) rubber leg ground gear with rubber discs less than 70 millimetres in diameter.

2. Co-ordinates used in this byelaw are measured from WGS 84 datum. WGS 84 means the World Geodetic System as revised in 1984 and 2004.

Prohibitions

- 3. A person must not fish for sea fish using a trawl or other net towed by a vessel.
- 4. Paragraph 3 does not apply to fishing for sea fish in accordance with any of the following exceptions:
 - (a) fishing outside the specified area using a trawl or other net towed by a vessel which is less than 12 metres in overall length and in accordance with a permit;
 - (b) fishing within the Outer Area using a trawl or other net towed by a vessel which is less than 18.3 metres in overall length and in accordance with a permit;
 - (c) fishing outside the specified area using Scottish or Danish seine netting; or
 - (d) fishing within the specified area using specified gear and in accordance with an exemption.
- 5. A person must not fish for sea fish using:
 - (a) more than a single trawl fitted with a single cod-end and one pair of otter boards;
 - (b) a trawl or other type of towed net towed simultaneously by more than one vessel; or
 - (c) a purse seine net or any form of curtain netting used to encircle a school of fish which can be closed at one end to prevent fish from escaping from it.

- (d) bottom towed fishing gear within the 'specified area' except in accordance with paragraphs 25-37.
6. A relevant fishing vessel transiting through, but not fishing within, the specified area, must have all mobile gear inboard, lashed and stowed, except a vessel holding an exemption in accordance with paragraphs 25-37.

Permits

7. A person may apply to the Authority for a permit to fish in the District using a trawl or other net towed by a vessel.
8. 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.
9. A person may only apply for a permit in respect of a relevant fishing vessel for which they are the registered owner.
10. The Authority may issue a permit to an applicant.
11. 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.
12. A permit is valid from the date specified on the permit to the 31 December of that year.

13. A permit holder must send a monthly return to the Authority (“a monthly return”) containing the following accurate information:
 - (a) the effort;
 - (b) the catch;
 - (c) the area fished; and
 - (d) such other information as the Authority may require.
14. 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.
15. A monthly return must be submitted in the specified form. The specified form can be obtained from the Authority’s office or website.
16. A monthly return for any given month must be submitted before the end of the following calendar month.
17. Failure to provide a monthly return constitutes a contravention of this byelaw.

Permit Conditions

18. The Authority may attach such conditions to a permit as the Authority deems reasonably necessary for the purpose of performing of its statutory duties.
19. 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.
20. The following mandatory conditions will be attached to all permits issued by the Authority:

Condition A

A permit holder must pay a fee of £50 per permit before the permit is used.

Condition B

A permit holder must display their permit card on the permitted vessel when using that vessel to engage in trawling within the District.

21. Contravention of a permit condition constitutes a contravention of this byelaw.

Review Procedure

22. The Authority will review the permit conditions no less than once every three years.
23. 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;
 - (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 24; 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.
24. For the purpose of sub-paragraph 23(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.

Exemptions

25. A person may apply to the Authority for an exemption to fish for sea fish using specified gear in the specified area.
26. An application for an exemption must be made in writing and must contain the prescribed information. The prescribed information may be obtained from the Authority's office or website.
27. An application for an exemption may only be made by a person who has been issued with a permit in accordance with paragraph 10.
28. An application for an exemption may only be made in respect of a vessel which is of less than 12 metres in overall length.

29. The Authority may issue an exemption to an applicant.
30. An exemption:
 - (a) may only be issued by the Authority to a named person (“the exemption holder”) and in respect of a named relevant fishing vessel (“the exempted vessel”);
 - (b) is not transferable:
 - (i) from the exemption holder to another person; or
 - (ii) from the exempted vessel to another vessel;
 - (c) must be surrendered to the Authority immediately upon the request of the Authority or if the exemption is no longer required.
31. An exemption holder must send a monthly return to the Authority (“a monthly return”) containing the following accurate information:
 - (a) the effort;
 - (b) the catch;
 - (c) the area fished; and
 - (d) such other information as the Authority may require.
32. A monthly return must be submitted for each calendar month, or each part of a calendar month, in which the exemption holder holds an exemption. A monthly return must be submitted even if the exemption holder has not fished within the specified area during that month.
33. A monthly return must be submitted in the specified form. The specified form can be obtained from the Authority’s office or website.
34. A monthly return for any given month must be submitted before the end of the following calendar month.
35. Failure to provide a monthly return constitutes a contravention of this byelaw.
36. An exemption is valid from the date specified on the exemption to the 31 December of that year.
37. The Authority may revoke an exemption at any time where the Authority considers that revocation is reasonably necessary for the purpose of performing the Authority’s statutory duties.

Scientific Exemption

38. This byelaw does 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, stocking or breeding purposes.

Revocation

39. The byelaw with the title 'Trawling' made by the Northumberland Inshore Fisheries and Conservation Authority on 28 October 2014 in exercise of its powers under section 155 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 25 November 2015 and in force immediately before the making of this byelaw is hereby revoked.

Explanatory note

(This is not part of the byelaw)

This Byelaw prohibits trawling within the District otherwise than by using a single trawl. It makes provision for fishing using a trawl or other net towed by a vessel to be undertaken within the Inner or Outer Areas of the District depending upon vessel size.

The byelaw also sets out the requirements for obtaining a permit, the conditions that may be attached to a permit and a procedure by which additional permit conditions may be attached to a permit and which conditions may be varied or removed by the Authority.

This byelaw prohibits the use of bottom towed fishing gear within the Coquet to St Mary's, Marine Conservation Zone, except using specified gear in accordance with an exemption from the Authority.

Schedule 1

Definition of the specified area being the Coquet to St Mary's Marine Conservation Zone

The 'Coquet to St Mary's Marine Conservation Zone' means the sea area enclosed by a line drawn between the following points (Figure 1).

Point A $55^{\circ} 23.39'N$ $001^{\circ}36.27'W$ to

Point B $55^{\circ} 23.37'N$ $001^{\circ}28.98'W$ to

Point C $55^{\circ} 16.48'N$ $001^{\circ}28.20'W$ to

Point D $55^{\circ}16.36'N$ $001^{\circ}30.32'W$ to

Point E $55^{\circ} 05.42'N$ $001^{\circ}26.27'W$ to

Point F $55^{\circ} 05.73'N$ $001^{\circ}23.65'W$ to

Point G $55^{\circ} 05.36'N$ $001^{\circ}23.46'W$ to

Point H $55^{\circ} 05.11'N$ $001^{\circ}21.73'W$ to

Point I $55^{\circ} 02.98'N$ $001^{\circ}20.47'W$ to

Point J $55^{\circ} 02.65'N$ $001^{\circ}26.37'W$ to

Point K $55^{\circ} 06.64'N$ $001^{\circ}29.90'W$ to

Point L $55^{\circ} 06.64'N$ $001^{\circ}29.63'W$ to

Point M $55^{\circ} 06.50'N$ $001^{\circ}29.53'W$ to

Point N $55^{\circ} 06.00'N$ $001^{\circ}28.10'W$ to

Point O $55^{\circ} 06.97'N$ $001^{\circ}28.08'W$ to

Point P $55^{\circ} 08.27'N$ $001^{\circ}30.61'W$ to

Point Q $55^{\circ} 09.48'N$ $001^{\circ}31.48'W$ to

Point R $55^{\circ} 09.76'N$ $001^{\circ}31.50'W$ to

Point S $55^{\circ} 20.33'N$ $001^{\circ}34.24'W$ to

Point T $55^{\circ} 20.38'N$ $001^{\circ}34.22'W$ to

Point U $55^{\circ} 23.06'N$ $001^{\circ}36.82'W$ to

Point V $55^{\circ} 23.15'N$ $001^{\circ}36.85'W$ and returning to Point A.

The landward boundary between points J and K, P, Q, R, S, T, U, V, and A, follows Ordnance Survey Master Map mean high water and is therefore liable to change. The seaward boundary between points B and C and H and I follow the three nautical mile limit, as defined by the UK Hydrographic Office Law of the Sea Unit.

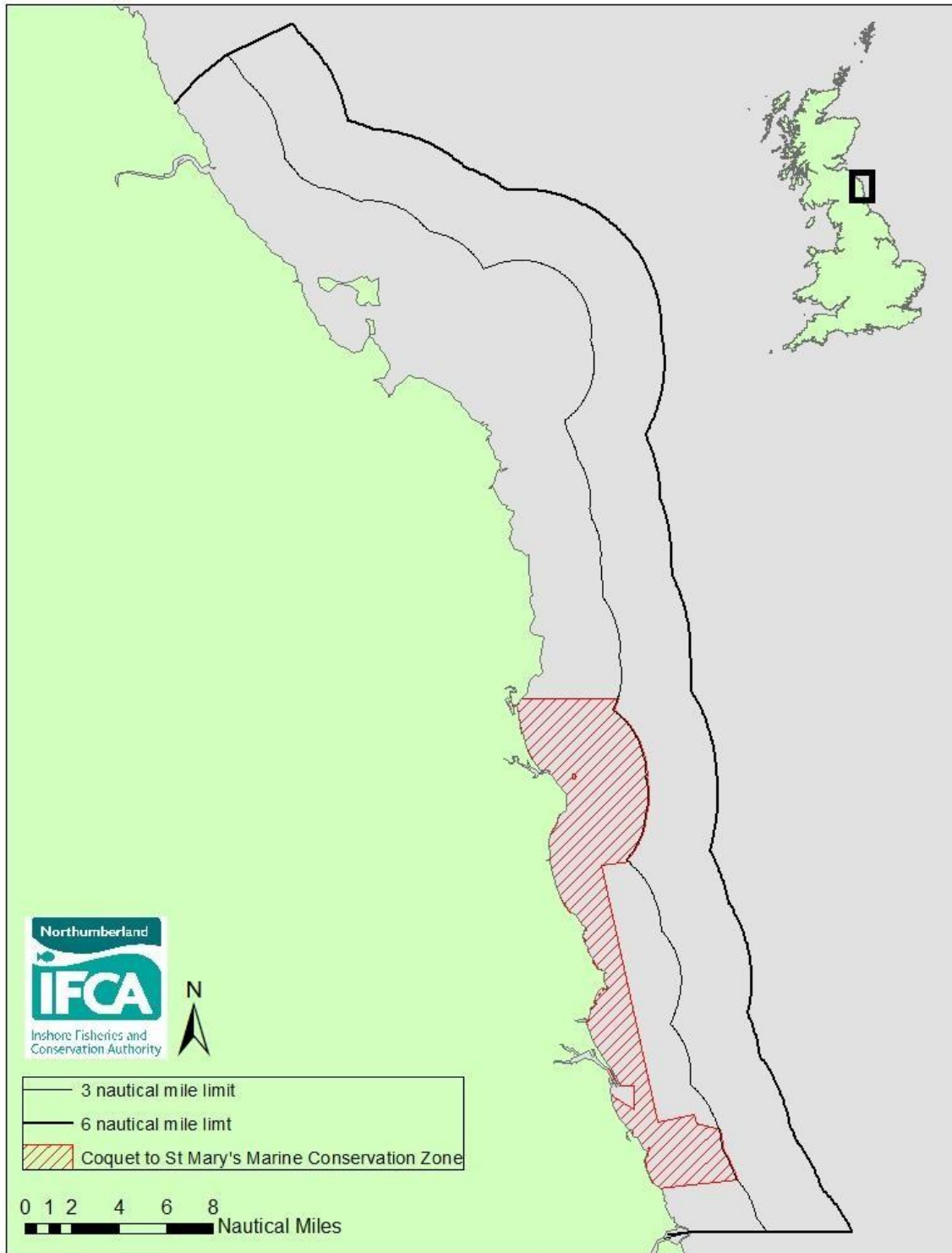


Figure 1 Coquet to St Mary's Marine Conservation Zone, as outlined by the above points, in relation to the Northumberland Inshore Fisheries and Conservation District.