

Minimum Sizes Byelaw

The Authority for the Northumberland Inshore Fisheries and Conservation District, in exercise of the power conferred by section 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 Northumberland Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Northumberland Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2197);
 - 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;
 - c) "live bait" means fish that are:
 - i) used only as a hook bait for the capture of other fish;
 - ii) retained within a receptacle;
 - iii) released alive into the fishery when no longer required; and
 - iv) not landed or removed from the fishery.
 - d) "tranship" means the transfer of fisheries products from one ship or other form of transport to another.

Catch Prohibitions and Restrictions

2. A person fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration, who catches a species listed in column 1 of Schedule 1, subject to paragraph 10, must:
 - a) not tranship that species if it measures less than the size specified in column 2 of Schedule 1; and
 - b) return it immediately to the sea.
3. A person must:
 - a) not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board their vessel any species listed in column 1 of Schedule 1 if:
 - i) it measures less than the size specified in column 2 of Schedule 1; and

- ii) it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration.
 - b) Any seafish falling under paragraphs 3(a)(i) and 3(a)(ii) must be immediately returned to the sea.
4. A person fishing other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration, who catches any edible crab (*Cancer pagurus*) that measures less than 130 millimetres, subject to paragraph 10 must:
- a) not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board any such edible crab; and
 - b) return any such edible crab immediately to the sea.
5. The marine organisms specified in column 1 of Schedule 1 shall be measured in accordance with Schedule 2.
6. Named crustaceans and named molluscs for which a size is specified in paragraph 4 and column 2 of Schedule 1 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster (*Nephrops norvegicus*).
7. The following named species below the minimum conservation reference size specified in column 2 of Schedule 1 may be used as live bait:
- a) Herring (*Clupea harengus*);
 - b) Horse mackerel (*Trachurus trachurus*);
 - c) Mackerel (*Scomber scombrus*); and
 - d) Sardine (*Sardina pilchardus*).

Exemptions

8. Paragraphs 2 and 3 do not apply to: herring, horse mackerel, mackerel or sardine, within a limit of 10% by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel, mackerel or sardine shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10% must not be exceeded during transhipment, landing, transportation, storage, display or sale.
9. Paragraph 4 does not apply to edible crabs caught in pots or creels, where a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. The limit of 1% must not be exceeded during transhipment, landing, transportation, storage, display or sale. For edible crabs caught with any other fishing gear, a maximum of 75 kilograms of detached crab claws may be landed. The limit of 75 kilograms must not be exceeded during transhipment, landing, transportation, storage, display or sale.
10. 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.

Revocations

11. The byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by the Authority on the 13 August 2019 in exercise of its power under section 157 of the Marine and Coastal Access Act and which was in force immediately before making this byelaw is revoked.

I hereby certify that the above byelaw was made by Northumberland Inshore Fisheries and Conservation Authority at their meeting on 27 January 2020.

Explanatory Note

(This note is not part of the byelaw)

This byelaw prohibits the removal from the fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes by any person within the Northumberland IFC District. The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway lobster.

The byelaw includes method of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live herring, horse mackerel, mackerel or sardine below the minimum conservation reference size that may be used as live bait when fishing for predatory fish species.

The byelaw also contains provisions for retaining 10% undersize catch in relation to herring, horse mackerel, mackerel or sardine.

The byelaw also contains provisions for retaining 1% by weight, of the total catch of edible crab, detached crab claws for crabs caught in pots and creels.

The byelaw also contains provisions for landing a maximum of 75 kilograms of detached crab claws when fishing with any other fishing gear.

The byelaw replaces the emergency byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by the Authority on the 13 August 2019.

Schedule 1

Species and specified minimum conservation reference sizes:

Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 centimetres
Cod (<i>Gadus morhua</i>)	35 centimetres
Dover sole (<i>Solea solea</i>)	24 centimetres
Haddock (<i>Melanogrammus aeglefinus</i>)	30 centimetres
Hake (<i>Merluccius merluccius</i>)	27 centimetres
Herring (<i>Clupea harengus</i>)	20 centimetres
Horse mackerel (<i>Trachurus trachurus</i>)	15 centimetres
Ling (<i>Molva molva</i>)	63 centimetres
Mackerel (<i>Scomber scombrus</i>) caught within North Sea	30 centimetres
Plaice (<i>Pleuronectes platessa</i>)	27 centimetres
Pollack (<i>Pollachius pollachius</i>)	30 centimetres
Saithe (Coalfish) (<i>Pollachius virens</i>)	35 centimetres
Sardine (<i>Sardina pilchardus</i>)	11 centimetres
Whiting (<i>Merlangius merlangus</i>)	27 centimetres

Named Mollusc Species

Octopus (<i>Octopus vulgaris</i>)	750 grams
Queen scallop (<i>Chlamys spp.</i>)	40 millimetres
Razor clam (<i>Ensis spp.</i>)	100 millimetres
Whelk (<i>Buccinum undatum</i>)	45 millimetres
King scallop (<i>Pecten maximus</i>)	100 millimetres

Named Crustacea Species

European lobster (<i>Homarus gammarus</i>)	87 millimetres
Norway lobster (<i>Nephrops norvegicus</i>)	whole - 85 millimetres carapace - 25 millimetres tail - 46 millimetres

Schedule 2

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster shall be measured as shown in Figure 2 for illustrative purposes:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace; and/or,
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae; and/or,
 - c. in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a European lobster shall be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of an edible crab shall be measured, as shown in Figure 4 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
5. The size of any bivalve mollusc shall be measured, as shown in Figure 5 for illustrative purposes, across the longest part of the shell.
6. The size of a whelk shall be measured, as shown in Figure 6 for illustrative purposes, as the length of the shell.

Figure 1

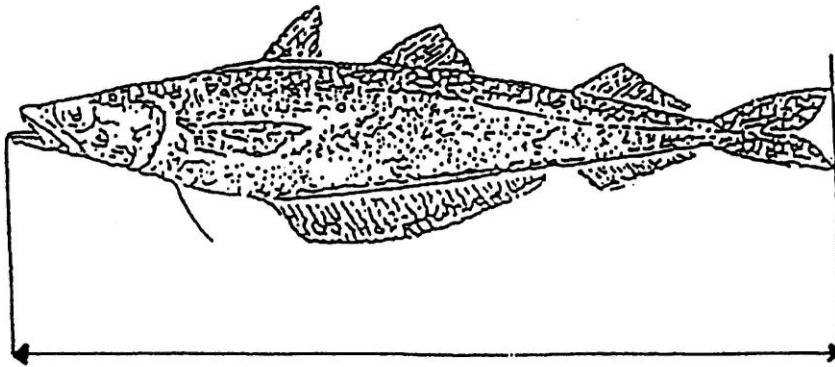


Figure 2

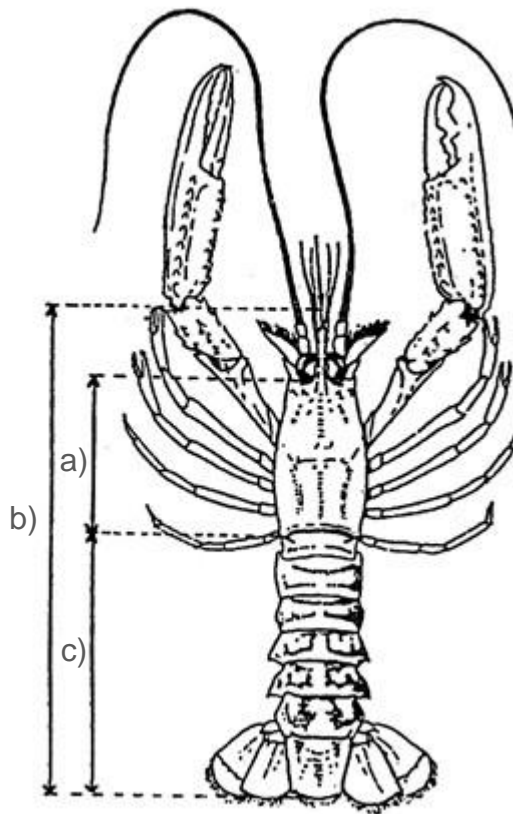


Figure 3

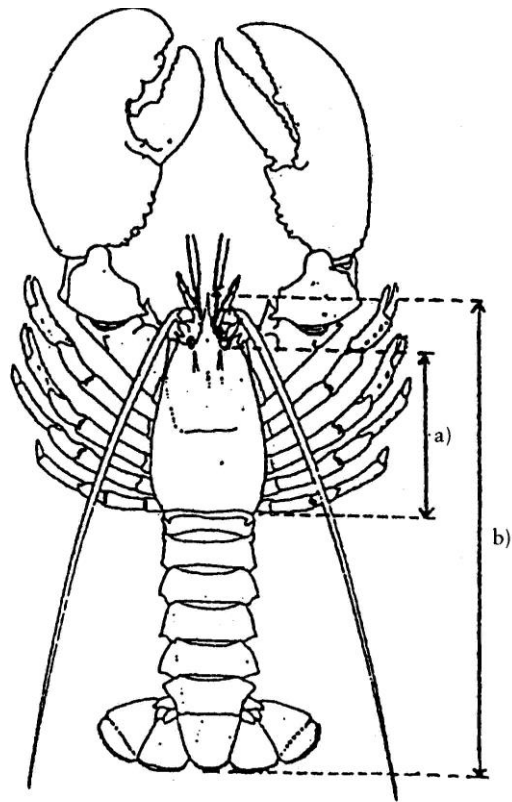


Figure 4

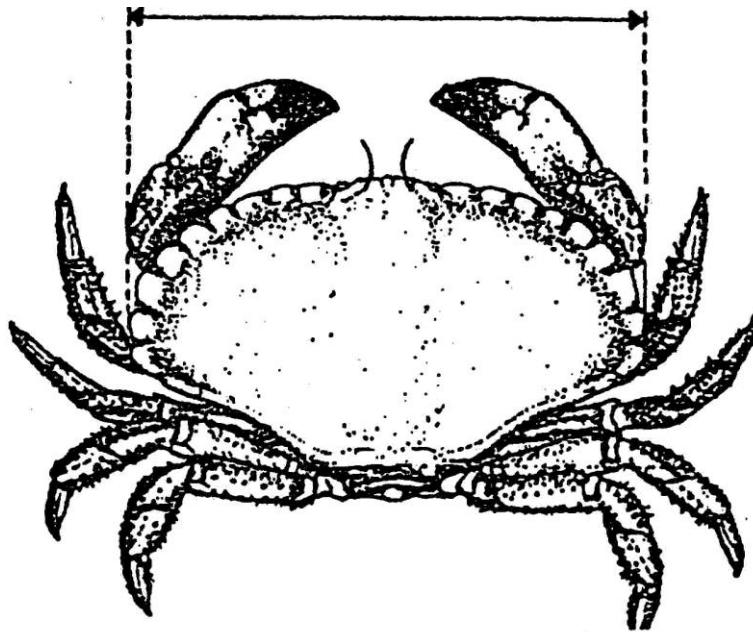


Figure 5

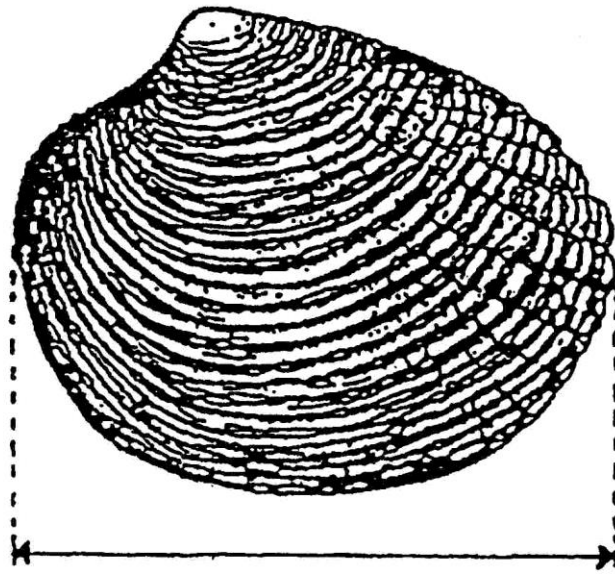


Figure 6

