

## Marking of Fishing Gear and Keep Boxes

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under 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 (SI 2010 No. 2197);
- (b) 'dahn' means a pole with a float, weight and flag attached;
- (c) '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);
- (d) 'keep box' means a container used to store sea fish in the sea;
- (e) 'marker buoy' includes any type of surface marker float which will identify the location of fishing gear;
- (f) 'pot' means any pot, creel, trap or cage used for the catching of sea fish;
- (g) 'passive gear' means;
  - (i) longlines; or
  - (ii) gill nets, entangling nets, trammel nets, or drifting gill nets, which may consist of one or more separate nets which are rigged with top, bottom and connecting ropes, and may be equipped with anchoring, floating and navigational gear;
- (h) '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;
- (i) 'sea fish' means fish that habitually live in the sea but does not include:
  - (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).

### Prohibitions

2. A person must not fish for or store sea fish using a pot, keep box or passive gear unless:
  - (a) the marker buoy or dahn is clearly visible on the surface of the water; and
  - (b) where a string of no more than 5 pots is used, a marker buoy or dahn is attached to one end of the string; or
  - (c) where subparagraph 2(b) does not apply, a marker buoy or dahn is fixed to both ends of the pot, keep box or passive gear.
3. A marker buoy or dahn used in accordance with paragraph 2 must display the following information:
  - (a) where the marker buoy or dahn is placed from a relevant fishing vessel, the name, port letters and numbers of that relevant fishing vessel;
  - (b) where the marker buoy or dahn is not placed from a relevant fishing vessel, the owner’s name and telephone number.

### Scientific Exemption

4. This byelaw does not apply to any person performing an act which would otherwise constitute an offence under 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

5. The byelaw with the title ‘Marking of Fishing Gear and Keep Boxes’, which was made by the Northumberland Sea Fisheries Committee and was in force immediately before the making of this byelaw is revoked.

*Explanatory note: (this is not part of the byelaw)*

*The byelaw prohibits the use of pots, keep boxes and passive gear and fishing gear which are not marked in accordance with the provisions of the byelaw. These requirements are broadly similar to those contained in Commission Regulation (EC) No. 356/2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls (OJL 56, 2.3.2005, p. 8) and under The Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) (England) Order 2006 (SI 2006/1549).*