

Fixed Engines

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) '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) 'edible crab' means a crab of the species *Cancer pagurus*;
- (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 inland or 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 either shot from a boat manned by less than four persons or 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) 'lobster' means a lobster of the species *Homarus gammarus*;
- (g) 'pot' means a pot, creel, trap or cage used for catching sea fish;
- (h) 'restricted areas' means "Coquet Conservation Area", "Tyne Conservation Area" and "Wansbeck Conservation Area" as defined in the Schedule;
- (i) 'river Tweed' means "the river" as defined in the Tweed Fisheries (Amendment) Act 1859 and any byelaw amending that definition;
- (j) '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);
- (k) "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 either shot from a boat manned by less than four persons or 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.

Prohibitions

2. A person must not use a fixed engine to fish for or take sea fish within that part of the District as lies within the River Tweed.
3. A person must not use a fixed engine to fish for or take sea fish at any time during the period 26th March to 31st October inclusive within:

- (a) the area of the District west of an imaginary line drawn between the seaward end of the south pier at South Shields and Marsden Point;
 - (b) the area of the District west of an imaginary line drawn from Hauxley Point and Coquet Island Light House, thence on a bearing 355° to a point 3 nautical miles and 622 metres distant and thence due north-west to Seaton.
4. A person must not use a fixed engine to fish for or take sea fish at any time during the period 26th March to 31st October inclusive:
- (a) in waters that are less than 7 metres in depth, unless those waters are separated from the shore by waters deeper than 7 metres at any state of the tide; or
 - (b) where the headline of the fixed engine is less than 4 metres below the surface of the water at any state of the tide.
5. A person must not use a fixed engine to fish for or take sea fish at any time during the period 1st November to 25th March inclusive in the restricted areas where the headline of the fixed engine is less than 4 metres below the surface of the water at any state of the tide.
6. Paragraphs 3 to 5 do not apply to the use of 'T' nets or 'J' nets which have been authorised for use by the Environment Agency.
7. Paragraphs 2 to 5 do not apply to the use of pots to fish for or take sea fish.

Scientific Exemption

8. 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 by the Authority permitting that act for scientific, stocking or breeding purposes.

Revocations

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

Schedule

Definitions of Coquet Conservation Area, Tyne Conservation Area and Wansbeck Conservation Area

Coquet Conservation Area

The area bounded by the following unbroken lines;

- (a) on the north by an imaginary line drawn from point 55°20.07' North, 001°35.22' West (the point at which the boundary between the Parishes of Amble and Birling crosses high water mark on Warkworth Sand, which is approximately 823 metres North West of the North breakwater of Amble Harbour, measured along high water mark) in an Easterly direction to point 55°21.14' North 001°32.03' West (a point 2076 metres due North of Coquet Island Lighthouse);
- (b) On the east by an imaginary line from the Eastern extremity referred to in (a) above due South to point 55°20.15' North 001°32.03' west (Coquet Island Lighthouse);
- (c) On the south by an imaginary line drawn in a westerly direction from Coquet Island Lighthouse to a point 55°20.21' North 001°33.46' West (which lies 792 metres South Easterly from the Beacon of the North breakwater of Amble Harbour and 902 metres south westerly from the Pan Bush Buoy), thence an imaginary line drawn westerly to a point 55°20.04' North, 001°34.02' West (15 metres south of the north corner of Amble Cemetery).

Tyne Conservation Area

The area bounded by the following unbroken lines:

- (a) on the north by an imaginary line one nautical mile in length drawn 090° True from point 55°02.25' North, 001°25.68' West (Marconi Point, Cullercoats, also known as Browns Point);
- (b) on the south by an imaginary line one nautical mile in length drawn bearing 090° True from a point 54°57.47' North, 001°21.01' West (Souter Point);
- (c) on the east by an imaginary line joining the Eastern extremities of the northern and southern boundary lines;

but excluding:

- (a) those tidal waters or parts of the sea within an area bounded on the East by an imaginary line drawn between the South Pier Lighthouse, South Shields and Cleadon Hill Water Tower and on the North by the South Pier;
- (b) the tidal waters of the River Tyne upstream of an imaginary line drawn between the seaward ends of the North and South Piers at North and South Shields respectively.

Wansbeck Conservation Area

The area of sea west of an imaginary line drawn between:

- (a) Point A (55°10.16' North, 001°31.20' West); and
- (b) Point B (55°08.57' North, 001°31.40' West).

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

This byelaw regulates the use of fixed engine nets used to fish for or take sea fish within the District by prohibiting or restricting the use of fixed engine nets within specified areas.