

Northumberland IFCA Byelaw Review Procedure

1. Purpose

This procedure sets out the internal process for reviewing NIFCA byelaws and associated permit conditions. It ensures that:

- Statutory review requirements are met.
- Reviews are undertaken consistently and proportionately.
- Decisions are evidence-based.
- Regulation remains necessary and effective.
- The process is transparent and documented.

This procedure applies to all NIFCA byelaws currently in force, including replacement or successor byelaws (e.g. Netting Permit Byelaw).

2. Scope

This procedure applies to:

- Full byelaw reviews where a statutory review period is specified.
- Reviews of permit conditions where required by the byelaw.
- Non-statutory best practice reviews of byelaws without a defined review period.

All byelaws will be reviewed no less than once every three years.

3. Byelaw Review Categories

3.1 Byelaws with Statutory Full Review (minimum every 3 years)

- Dredges
- Crustacea Conservation

3.2 Byelaws with Statutory Review of Permit Conditions Only

- Trawling
- Crustacea and Molluscs Permitting and Pot Limitation
- Netting Permit (once in force)

3.3 Byelaws with No Statutory Review Period (Best Practice Review)

- Minimum Sizes
- Marking of Fishing Gear and Keep Boxes
- Prohibition of the Use of Mobile Fishing Gear
- Seagrass Protection

4. Review Frequency and Prioritisation

All byelaws will be reviewed at least once every three years.

Where multiple reviews fall due simultaneously, prioritisation will be based on:

- Statutory deadlines
- Resource availability
- Known compliance or operational issues
- Alignment with Fisheries Management Plans (FMPs)
- Risk to sustainability or conservation objectives

5. Stage 1 – Initiating a Review

The Lead Officer will:

1. Confirm the review type (statutory full / statutory permit conditions / non-statutory).
2. Confirm the date of the last review.
3. Confirm statutory deadlines (if applicable).
4. Notify SMT that the review has commenced.

6. Stage 2 – Internal Officer Review (Defined Scope)

An internal review of the byelaw and, where applicable, associated permit conditions will be undertaken by officers.

The internal review will include **only** the following considerations:

1. Identification of any omissions, inconsistencies or errors that have arisen since the last byelaw change.
2. Consideration of information or data collected from permit holders.
3. Consideration of any scientific or survey data available.
4. Consideration of advice from Cefas or any other appropriate organisation.
5. Consideration of information from any other relevant source.
6. Consideration of economic impacts, including (where applicable) a De Minimis assessment or Impact Assessment.
7. Consideration of the objectives of relevant Fisheries Management Plans (FMPs).

No additional review criteria will be introduced unless required by legislative change or directed by the Authority.

7. Core Review Questions

Each review must explicitly answer the following three questions:

1. **Is there still a need for this byelaw?**
2. **Is this need regulatory in nature?**
3. **Is the regulation achieving its intended purpose?**

If the answer to any question is no, the officer must:

- Clearly explain why;
- Identify what is not working;
- Assess whether change would be proportionate.

8. Stage 3 – Review Outcome Report

The Lead Officer must produce a written Review Report including:

- Summary of evidence considered
- Assessment against the three core questions
- Consideration of economic impacts
- Clear recommendation:

- a) No change required
- b) Minor amendment required
- c) Full byelaw amendment required
- d) Revocation required

9. Governance and Decision-Making

9.1 Where No Change is Required

- Report presented to Technical & Scientific (T&S) Sub-Committee.
- If agreed, review cycle resets (next review in 3 years).
- Review outcome recorded and published on the NIFCA website.

9.2 Where Changes Are Required

- T&S Sub-Committee considers recommendations.
- If supported, matter referred to Full Authority.
- Formal byelaw-making process initiated in accordance with Defra Byelaw Making Guidance (2011).

10. Consultation and Transparency

Where changes are proposed:

1. Informal stakeholder engagement will be undertaken prior to formal drafting.
2. A formal public consultation will be conducted.
3. Documentation will be published on the NIFCA website.

Transparency must be maintained throughout the process.

11. Record Keeping

Officers must retain:

- Review timetable
- Evidence log
- Review report
- Committee decisions
- Consultation documentation (if applicable)

All records must be stored in the designated governance folder.