Crustacea and Molluscs Permitting and Pot Limitation

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);

(aa) 'berried lobster' means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster or is in such a condition as to show that at the time of capture it had eggs or spawn so attached;

(b) 'commercial permit' means a permit issued by the Authority in accordance with paragraphs 4 to 10;

(c) 'commercial permit holder' means a person named on a commercial permit;

(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 (SI 2010 No. 2197);

(e) 'edible crab' means a crab of the species *Cancer pagurus*;

(ee) 'escape gap' means a rigid plastic gauge with an opening measuring no less than 80 millimetres wide by 46 millimetres high;

(f) 'keep box' means any container used to store sea fish in the sea;

(g) 'lobster' means a lobster of the species *Homarus gammarus*;

(h) 'net' means a trammel, gill, tangle or other enmeshing net used for the catching of sea fish;

(i) 'overall length' of a vessel means the overall length as shown in the vessel's registration documents;

(ii) 'parlour' means a separate compartment within a pot;

(j) ‘pot’ means any pot, creel, trap or cage used to catch sea fish;

(k) ‘prawn’ means a prawn of the species *Nephrops norvegicus*;

(l) ‘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 in respect of which a fishing licence which allows the fishing boat to fish for specified shellfish has been issued by an appropriate national authority at the time of the application for a permit;

(m) ‘recreational permit’ means a permit issued by the Authority in accordance with paragraphs 17 to 21;

(n) ‘recreational permit holder’ means a person named on a recreational permit;

(o) ‘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;

(p) ‘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 the Salmon and Freshwater Fisheries Act 1975 (c.51);

(q) ‘specified shellfish’ means edible crab, lobster, velvet crab, prawn and whelks;

(r) ‘tag’ means a tag with a serial number issued by the Authority;

(s) ‘trawling’ means towing a net with a vessel for the purpose of catching sea fish;

(t) ‘velvet crab’ means a crab of the species *Liocarcinus puber;*

(u) ‘whelk’ means a whelk of the species *Buccinum undatum*.

Prohibition

2. A person must not fish for or take any specified shellfish except where:

(a) specified shellfish are taken as a by-catch of trawling or Scottish or Danish seine netting;

(b) that person is using a pot in accordance with a commercial permit and any permit conditions attached to that permit;

(c) that person is using a pot in accordance with a recreational permit and any permit conditions attached to that permit;

(d) that person is:

(i) gathering shellfish from the shore;

(ii) fishing for or taking specified shellfish by diving; or

(iii) fishing for or taking specified shellfish involving the use of a vessel by means other than with a pot;

and they do not take more than 1 lobster, 5 edible crabs or velvet crabs, 20 whelks or 5 prawns in any one day.

3. A person must not haul another person's pots without the prior agreement of the Authority.

Commercial Permits

4. A person may only apply for a commercial permit in respect of a relevant fishing vessel for which that person is the owner and which does not exceed 12 metres overall length.

5. An application for a commercial permit and up to 800 tags must be made using the printed forms available from the Authority's office and website.

6. A fee of £180 for a commercial permit is payable prior to use.

7. A commercial permit is valid from the date of issue until the 31st December of the same year.

8. A commercial permit and tags:

(a) are issued to a named person ("the commercial permit holder") in respect of a named relevant fishing vessel ("the named vessel");

(b) are not transferable:

(i) from the commercial permit holder to another person; or

(ii) from the named vessel to another vessel;

(c) must be surrendered to the Authority immediately if no longer required by the commercial permit holder.

9. Tags will be reissued every 3rd year in changing colours.

10. The Authority will only issue a replacement tag or tags to a commercial permit holder who can provide written confirmation of the loss of or damage to a tag or tags and who pays a fee of 10p to the Authority for each replacement tag or tags.

Commercial Permit Conditions

11. A commercial permit holder must not fish from a named vessel for specified shellfish with more than 800 pots at any one time.

12. A commercial permit holder must not fish for specified shellfish using a pot unless a tag issued to the commercial permit holder and named vessel in the current colour being issued by the Authority is affixed to the pot.

12A. A commercial permit holder must not retain or carry berried lobsters on board any vessel.

12B. A commercial permit holder must not retain or carry a lobster with a minimum conservation reference size (MCRS) below 88mm on board any vessel.

13. A commercial permit holder must send to the Authority by the last day of every calendar month on the appropriate form supplied by the Authority accurate information regarding:

(a) the weight in kilograms of specified shellfish taken from the District during the preceding calendar month;

(b) the types and number of fishing gear employed;

(c) the area fished; and

(d) any other information which the Authority may require.

14. A commercial permit holder must display their permit number on the named vessel when using that vessel to fish for specified shellfish.

15. The Authority may:

(a) attach additional permit conditions to a commercial permit;

(b) vary or revoke any additional permit conditions attached to a commercial permit;

in accordance with the procedure outlined at paragraphs 28 and 29.

16. Contravention of a condition of a commercial permit or an additional permit condition attached in accordance with paragraph 15 constitutes a contravention of this byelaw.

Recreational Permits

17. A person may apply for a recreational permit and up to 5 tags using the application form available from the Authority office and website.

18. A fee of £10 for a recreational permit is payable prior to use.

19. A recreational permit is valid from the date of issue until the 31st December of the same year.

20. A recreational permit and tags:

    (a) are issued to a named person ("the recreational permit holder");

    (b) are not transferable from the recreational permit holder to another person;

    (c) must be surrendered to the Authority immediately if no longer required by the recreational permit holder.

21. The Authority will only issue a replacement tag to a recreational permit holder who can provide the serial number of the lost tag and who pays a fee of 10p to the Authority for each replacement tag.

Recreational Permit Conditions

22. A recreational permit holder must not fish for any specified shellfish with more than 5 pots at any one time.

23. A recreational permit holder must not fish for any specified shellfish using a pot unless a tag issued to recreational permit holder is affixed to the pot.

23A. A recreational permit holder must not use a pot for the purpose of fishing for crustacea or specified shellfish unless the pot is fitted with an escape gap. Any escape gap must:

    (a) be located unobstructed in the exterior wall of the pot;

    (b) be so designed and constructed and so sufficient size that there may be easily passed through it a rigid box shaped gauge which measures 80 millimetres wide by 46 millimetres high, and

    (c) be fitted in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour or pot as is practically possible, other than in the bottom.

24. A recreational permit holder may not take more than 2 lobsters, 5 edible or velvet crabs, 20 whelks or 5 prawns in any one day.

25. A recreational permit holder may not keep, store or retain any specified shellfish in a keep box for landing on any day other than the day that specified shellfish was taken.

26. The Authority may:

    (a) attach additional permit conditions to a recreational permit;

    (b) vary or revoke any additional permit conditions attached to a recreational permit;

    in accordance with the procedure outlined at paragraphs 28 and 29.

27. Contravention of a condition of a recreational permit or an additional permit condition attached in accordance with paragraph 26 constitutes a contravention of this byelaw.

Review Procedure

28. The Authority will review an additional permit condition no less than once every three years as follows:

    (a) the Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;

    (b) the Authority will make a decision whether to introduce, remove or vary an additional permit condition based upon the consultation at paragraph 28 (a) and the information listed in paragraph 29;

    (c) following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.

29. 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 CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;

(d) an Impact Assessment of any proposed changes;

(e) advice given by Natural England or such other bodies, organisations, or persons as the Authority shall think fit;

(f) information from any other relevant source.

Scientific Exemption

30. 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

31. The byelaws with the titles:

'Permit to Fish for and Sell Lobsters, Crabs, Velvet Crabs, Whelks and Prawns'; and

'Pot Limitations';

which were made by the Northumberland Sea Fisheries Committee and were in force immediately before the making of this byelaw are revoked.

Explanatory note

(This is not part of the byelaw)

This byelaw prohibits fishing for or taking specified shellfish (see paragraph 2) within the District unless certain exceptions apply. In particular, the fishing for or taking of specified shellfish using pots is prohibited without a Commercial or Recreational permit issued by the Authority.

The byelaw also outlines the requirements for obtaining a commercial or recreational permit; the conditions relating to each type or permit; and the procedure by which the Authority may attach, vary or remove additional permit conditions.

CRUSTACEA AND MOLLUSC PERMITTING AND POT LIMITATION BYELAW

Schedule of Commercial and Recreational Permit Condition amendments

In accordance with the procedure outlined at paragraphs 28 and 29 (Review Procedure) the following Commercial and Recreational Permit Conditions are amended as follows:

Interpretation

Insert new paragraph 1(aa) 'berried lobster' means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster or is in such a condition as to show that at the time of capture it had eggs or spawn so attached;

Insert new paragraph 1(ee) 'escape gap' means a rigid plastic gauge with an opening measuring no less than 80 millimetres wide by 46 millimetres high;

Insert new paragraph 1(ii) 'parlour' means a separate compartment within a pot;

Commercial Permit Conditions

Paragraph 11 is amended as follows, after the word "fish" insert "from a named vessel".

Paragraph 12 is amended as follows, after the word "holder" insert "and named vessel in the current colour being issued by the Authority".

Insert new paragraph 12A "A commercial permit holder must not retain or carry berried lobsters on board any vessel".

Insert new paragraph 12B "A commercial permit holder must not retain or carry a lobster with a minimum conservation reference size (MCRS) below 88mm on board any vessel".

Recreational Permit Conditions

Insert new paragraph 23A "A recreational permit holder must not use a pot for the purpose of fishing for crustacea or specified shellfish unless the pot is fitted with an escape gap. Any escape gap must:

(a) be located unobstructed in the exterior wall of the pot;

(b) be so designed and constructed and so sufficient size that there may be easily passed through it a rigid box shaped gauge which measures 80 millimetres wide by 46 millimetres high, and

(c) be fitted in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour or pot as is practically possible, other than in the bottom".

Paragraph 24 Delete "1 lobster" and insert "2 lobsters".