



# **NORTHUMBERLAND INSHORE FISHERIES & CONSERVATION AUTHORITY**

## **BYELAWS BOOKLET**

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**NORTHUMBERLAND INSHORE FISHERIES & CONSERVATION  
AUTHORITY**

**BYELAWS BOOKLET**

**Introduction**

**(N.B the text of this introduction is not part of a byelaw)**

Unless expressly stated to the contrary, the byelaws contained within this booklet apply to the whole of the Northumberland Inshore Fisheries and Conservation District.

The Northumberland Inshore Fisheries & Conservation District was created under the Marine and Coastal Access Act 2009 and by virtue of the Northumberland Inshore Fisheries and Conservation Order 2010 (SI2010/2197), the Marine and Coastal Access Act (Transitional and Savings Provision) Order 2011 (SI 2011/603), and the Marine and Coastal Access Act 2009 (Commencement No. 5, Consequential and Transitional Provisions) Order 2011 (SI 2011/556).

The Northumberland Inshore Fisheries and Conservation District is defined in Articles 2 and 3 of the Northumberland Inshore Fisheries and Conservation Order 2010 (SI 2010/2197). Article 3 states:

*(1) The district is the area that consists of—*

*(a) the combined areas of the relevant councils (the “basic area” of the district); and*

*(b) the adjacent area of sea (see paragraph (3)).*

*(2) The “relevant councils” are—*

*Northumberland County Council;*

*North Tyneside Metropolitan Borough Council.*

*(3) The “adjacent area of sea” is so much of the sea adjacent to the basic area of the district as lies—*

*(a) within the boundaries specified in the schedule: and*

*(b) to a distance of 6 nautical miles from the 1983 baselines.*

*(4) In this article—*

(a) “the 1983 baselines” means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964(I);

(b) “co-ordinate” means a co-ordinate of latitude and longitude on the World Geodetic System 1984; and

(c) “nautical mile” means an international nautical mile of 1,852 metres.

The Schedule to the Northumberland Inshore Fisheries and Conservation Order 2010 is as follows:

## **SCHEDULE**

### *Co-ordinates*

#### *PART 1*

#### *The northern boundary of the district*

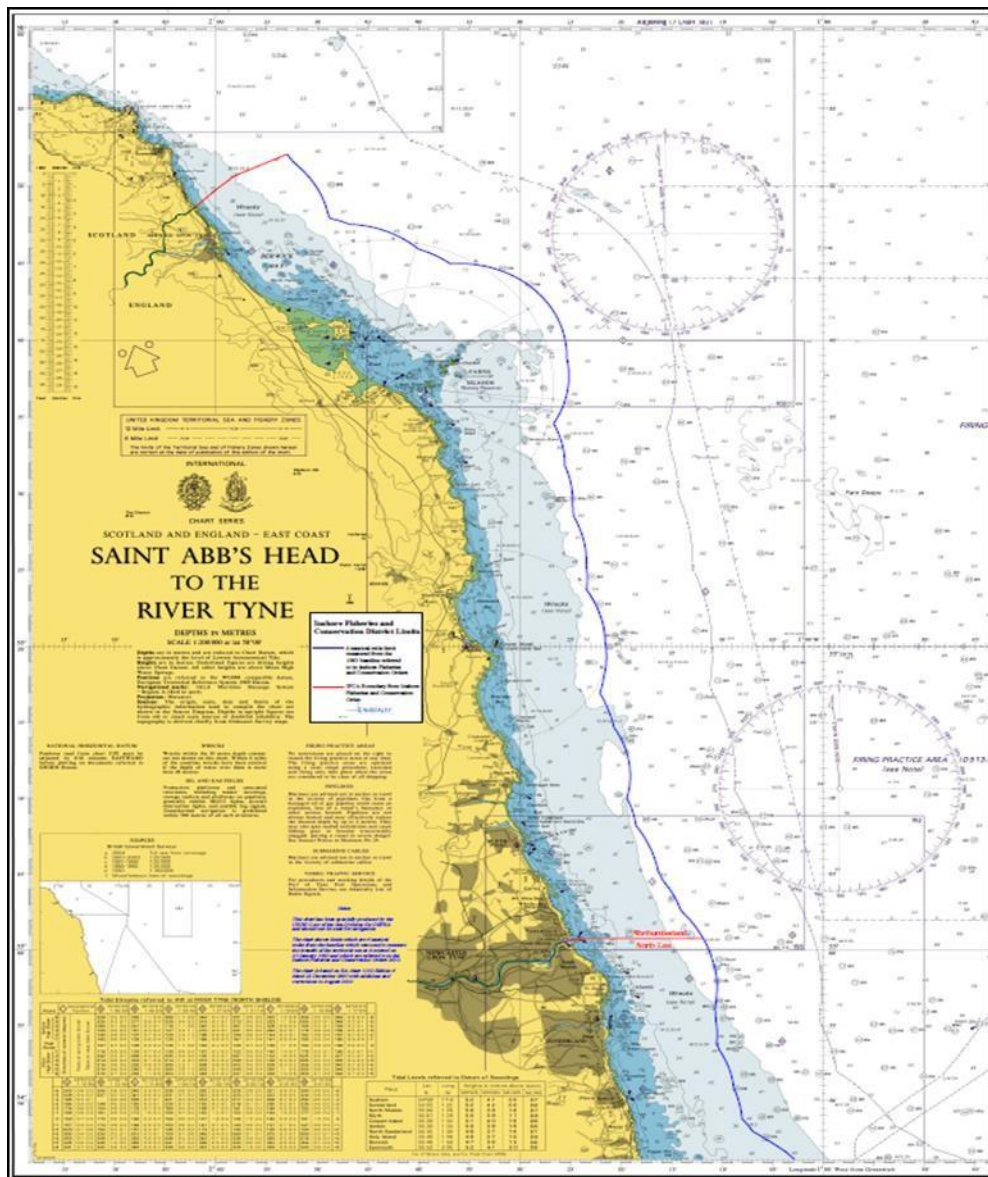
<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
<i>1</i>	<i>55°48.7`N</i>	<i>2°02.0`W</i>
<i>2</i>	<i>55°49.78`N</i>	<i>2°00.06`W</i>
<i>3</i>	<i>55°50.67`N</i>	<i>1°58.25`W</i>
<i>4</i>	<i>55°50.73`N</i>	<i>1°58.01`W</i>
<i>5</i>	<i>55°52.07`N</i>	<i>1°53.06`W</i>

#### *PART 2*

#### *The southern boundary of the district*

<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
<i>1</i>	<i>55°00.49`N</i>	<i>1°25.87`W</i>
<i>2</i>	<i>55°00.75`N</i>	<i>1°24.1`W</i>
<i>3</i>	<i>55°00.75`N</i>	<i>1°11.97`W</i>

# CHART



# **1. TRAWLING**

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 1983 baselines' means the baselines for the measurement of the breath of the territorial sea of the United Kingdom as they existed at 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964;
- (b) '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);
- (c) 'cod-end' means the end of a towed net where the catch collects;
- (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) 'Inner Area' means the part of the District to the landward side of an imaginary line drawn three nautical miles seaward from the 1983 baseline;
- (f) 'otter boards' mean a pair of boards or trawl doors which are towed through the water at an angle and keep open an attached net;
- (g) 'Outer Area' means the part of the District to the seaward side of an imaginary line drawn three nautical miles seaward from the 1983 baseline;
- (h) 'overall length' means the overall length of a vessel as shown in the vessel's registration documents;
- (i) 'permit' means a permit issued in accordance with paragraphs 9 to 13 by the Authority;
- (j) 'purse seine net' means a net used to encircle fish where the bottom of the net is drawn closed by a line;

- (k) '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;
- (l) '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;
- (m) '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;
  - (ii) 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. Subject to paragraphs 3 to 6, a person must not fish for sea fish using a trawl or other net towed by a vessel.
- 3. Paragraph 2 does not apply where:
  - (a) the vessel is less than 12 metres in overall length;
  - (b) the use is within the Inner Area; and
  - (c) the use is in accordance with a permit and any conditions attached to that permit.
- 4. Paragraph 2 does not apply where:
  - (a) the vessel is less than 18.3 metres in overall length; and
  - (b) the use is within the Outer Area.
- 5. Paragraph 2 does not apply to a person using a single trawl fitted with a single cod- end and one pair of otter boards.

6. Paragraph 2 does not apply to a person using a Scottish or Danish seine net.
7. A person must not fish for sea fish using a trawl or other type of towed net towed simultaneously by more than one vessel.
8. A person must not fish for sea fish using a purse seine net, or other similar net.

### Permits

9. A person may only apply for a permit in respect of a relevant fishing vessel for which the person is the owner.
10. An application for a permit shall be made using the forms available from the Authority's office and website.
11. A fee of £50 is payable for each permit prior to use.
12. A permit is valid from the date specified on the permit to the 31<sup>st</sup> December of that year.
13. A permit:
  - (a) is issued by the Authority to a named person ("the permit holder") in respect of a named relevant fishing vessel ("the named vessel");
  - (b) is not transferable:
    - (i) from the permit holder to another person; or
    - (ii) from the relevant fishing vessel named in the permit to another vessel.
  - (c) must be surrendered to the Authority immediately if no longer required.

### Permit Conditions

14. A permit holder must send to the Authority by the last day of every calendar month (for the preceding month) on the appropriate form supplied by the Authority accurate information regarding:
  - (a) the gear type, (smooth or rough ground);
  - (b) the area fished;

- (c) number of days fished; and
- (d) any other information which the Authority may require.

15. A permit holder must display their permit number on the named vessel when using that vessel to engage in trawling within the Inner Area.
16. The Authority may:
  - (a) attach conditions to a permit; or
  - (b) vary or remove conditions attached to a permit;in accordance with the review procedure in paragraphs 18 and 19.
17. Contravention of a permit condition constitutes a contravention of this byelaw.

#### Review Procedure

18. The Authority will review the permit conditions 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 attach, vary or remove any permit conditions based on the consultation responses obtained in accordance with sub- paragraph 16 (a) and the information listed in paragraph 17.
  - (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.
19. 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

20. 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

21. The byelaws with the titles:

‘Application and Saving for Scientific

Purposes’; ‘Trawling and Size of

Vessels’;

‘Purse Seine Net’;

‘Multi-rigging, Pair Trawling and Pair Seining’;

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 trawling in the District except:

by vessels under 12m overall length within the Inner Area (as specified in paragraph 1) and in accordance with a permit issued by the Authority;

by vessel under 18.3m within the Outer Area (as specified in paragraph 1) in accordance with specifications set in this byelaw;

by a vessel using a single trawl fitted with a single cod-end and single set of

otter boards;

by a vessel using a Scottish Seine or Danish Seine net.

The byelaw also prohibits trawling where more than one vessel uses the same net and the use of purse seine nets.

The byelaw also outlines the requirements for obtaining a permit, the conditions of a permit and a procedure by which additional permit conditions may be attached to a permit or varied or removed by the Authority.

## **2. DREDGES**

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under sections 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) 'dredge' means a rigid structure towed on the seabed in order to collect a targeted species;
- (d) 'permit' means a permit issued by the Authority in accordance with paragraphs 5 to 9;
- (e) '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 sea fisheries resources has been issued by an appropriate national authority at the time of the application for a permit.

## Prohibition

2. A person must not use a dredge for the exploitation of sea fisheries resources unless:
  - (a) used from a relevant fishing vessel; and
  - (b) in accordance with a permit.
3. A person must not use a dredge with a mouth exceeding 75cm in width for the exploitation of sea fisheries resources.
4. A person must not use more than 10 dredges for the exploitation of sea fisheries resources at any one time.

## Permits

5. A person may only apply for a permit in respect of a relevant fishing vessel for which the person is the owner.
6. An application for a permit must be made using the forms available from the Authority's office and website.
7. A fee of £150 is payable for each permit prior to use upon application.
8. A permit is valid from the date specified on the permit to the 31<sup>st</sup> December of that year.
9. A permit:
  - (a) is issued by the Authority to a named person ("the permit holder") in respect of a named relevant fishing vessel ("the named vessel");
  - (b) is not transferable:
    - (i) from the permit holder to another person; or
    - (ii) from the relevant fishing vessel named in the permit to another vessel;
  - (c) must be surrendered to the Authority immediately if no longer required.

## Permit Conditions

10. A permit holder must send to the Authority by the last day of every calendar month (for the preceding month) on the appropriate form supplied by the Authority accurate information regarding:
  - (a) the gear type, (total number of dredges);
  - (b) the area fished;
  - (c) number of days fished; and
  - (d) any other information which the Authority may require.
  
11. A permit holder must display their permit number on the named vessel when using that vessel to engage in dredging within the NIFCA District.
  
12. The Authority may:
  - (a) attach conditions to a permit; or
  - (b) vary or remove conditions attached to a permit in accordance with the review procedure in paragraphs 14 and 15.
  
13. Contravention of a permit condition constitutes a contravention of this byelaw.

## Review Procedure

14. The Authority will review the permit conditions 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 attach, vary or remove any permit conditions based on the consultation responses obtained in accordance with paragraph 12 (a) and the information listed in paragraph 13;
  - (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.

15. 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

16. This byelaw does not apply to a person performing an act which would otherwise constitute an offence, 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

17. The byelaw with the title 'Dredges', 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)

This byelaw prohibits the use of dredges for fishing within the District without a permit, as well as the use of a dredge with a mouth in excess of 75cm in width and using more than 10 dredges simultaneously per vessel.

The byelaw also outlines the requirements for obtaining a permit, the conditions of a permit

and a procedure by which additional permit conditions may be attached to a permit or varied or removed by the Authority.

### 3. Crustacea Conservation

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

#### Interpretation

a. In this byelaw:

- i. ‘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);
- ii. ‘berried crab’ means an edible crab with eggs or spawn attached to the tail or other exterior part of the crab, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- iii. ‘cooked crab offal’ means edible crab which has been cooked;
- iv. ‘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);
- v. ‘edible crab’ means a crab of the species *Cancer pagurus*;
- vi. ‘gill net’ means a single wall of netting which can either be fixed or allowed to drift;
- vii. ‘length’ in relation to a lobster, means the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
- viii. ‘lobster’ means a lobster of the species *Homarus gammarus*;
- ix. ‘mutilated lobster’ means a lobster which is mutilated in such a manner as to obscure a ‘v’-notch;
- x. ‘soft shelled crab’ means an edible crab which has recently cast its shell;
- xi. ‘soft shelled lobster’ means a lobster which has recently cast its shell;
- xii. ‘statutory minimum landing size’ means the minimum landing size of a species as prescribed by European or national

- legislation;
- xiii. 'tangle net' means a net with large meshes set on the sea bed;
  - xiv. 'trammel net' is a net which consists of three parallel panels with different mesh sizes;
  - xv. "'v' notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5mm in at least one of the inner flaps of the tail fan either side of the main tail flap, with the apex of the 'v' positioned inward from the edge of the flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
  - xvi. 'velvet crab' means a crab of the species *Liocarcinus puber*;

#### Prohibitions relating to Lobsters

- b. A person must not fish for, remove, take, retain, store, carry, transport, land or offer for sale:
  - i. a 'v' notched lobster;
  - ii. a mutilated lobster;
  - iii. a soft shelled lobster; or
  - iv. a detached part of a lobster which cannot be measured in accordance with Annex XIII of Council Regulation (EC) 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

#### Prohibitions relating to Edible Crabs

- c. A person must not fish for, remove, take, retain, store, carry, transport, land or offer for sale
  - i. a soft shelled crab; or
  - ii. a berried crab.
- d. A person must not fish for, remove, take, retain, store, carry, transport or land an edible crab or a detached part of an edible crab, which cannot be measured in accordance with Schedule 1 of the Undersize Edible Crabs Order 2000 (SI 2000/ 2029)
- e. Paragraph 4 does not apply to a detached part of an edible crab contained in any by-catch where:
  - i. the total weight of any detached parts of edible crabs is not more than 10% of the total weight of all species subject to a statutory

- minimum landing size other than edible crab, landed by the same person on one occasion; and
  - ii. the edible crab was caught in a trammel net, gill net, tangle net or other similar net and the part became detached from the crab in the course of clearing the net.
- f. A person must not use edible crab for bait except for:
  - i. the use of cooked crab offal as bait; or
  - ii. the use of edible crab as bait for recreational rod fishing, where the edible crab used is above the statutory minimum landings size.

#### Prohibitions relating to Velvet Crabs

- g. A person must not fish for, remove, take, retain, store, carry, transport or land a detached part of a velvet crab which cannot be measured in accordance with the Undersize Velvet Crabs Order 1989 (SI 1989 / 919).

#### Redepositing of Shellfish

- h. A person who takes or removes an edible crab, velvet crab or lobster from a fishery, the taking or removal of which is prohibited by any of the provisions of this byelaw, or the possession or sale of which is prohibited by any Act of Parliament or Statutory Instrument, must re-deposit the same without injury immediately in the sea, as near as possible to the place from which it was taken, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires it to be landed.

#### Scientific Exemption

- i. 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

- j. The byelaws with the titles:
  - ‘Protection of ‘V’ Notched Lobsters’;
  - ‘Berried (Egg Bearing) or Soft Shelled Crab (*Cancer pagurus*) or Lobster (*Homarus gammarus*)’;
  - ‘Parts of Shellfish’;
  - ‘Prohibition on Use of Edible Crab (*Cancer Pagurus*) for Bait’; and
  - ‘Redepositing of Shellfish’;

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 the fishing for, taking, storage, carriage, transportation, landing and offering for sale of certain lobsters, edible crabs and velvet crabs based upon their physical condition.

The byelaw also prohibits the use of edible crab as bait, subject to specific exceptions.

#### **4. CRUSTACEA AND MOLLUSCS PERMITTING AND POT LIMITATION 2018**

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 make 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) ‘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*;
- (f) ‘escape gap’ means a rigid plastic gauge with an opening measuring no less than measures 80 millimetres wide by 46 millimetres high;
- (g) ‘keep box’ means any container used to store sea fish in the sea;
- (h) ‘lobster’ means a lobster of the species *Homarus gammarus*;
- (i) ‘net’ means a trammel, gill, tangle or other enmeshing net used for the catching of sea fish;
- (j) ‘overall length’ of a vessel means the overall length as shown in the vessel’s registration documents;

- (k) ‘parlour’ means a separate compartment within a pot;
- (l) ‘pot’ means any pot, creel, trap or cage used to catch sea fish;
- (m) ‘prawn’ means a prawn of the species *Nephrops norvegicus*;
- (n) ‘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;
- (o) ‘recreational permit’ means a permit issued by the Authority in accordance with paragraphs 17 to 21;
- (p) ‘recreational permit holder’ means a person named on a recreational permit;
- (q) ‘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;
- (r) ‘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;
  - (ii) 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);

- (s) ‘specified shellfish’ means edible crab, lobster, velvet crab, prawn and whelks;
- (t) ‘tag’ means a tag with a serial number issued by the Authority;
- (u) ‘trawling’ means towing a net with a vessel for the purpose of catching sea fish;
- (v) ‘velvet crab’ means a crab of the species *Liocarcinus puber*;
- (w) ‘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 31<sup>st</sup> 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;
    - (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 3<sup>rd</sup> 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 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 is affixed to the pot.
- 13. A commercial permit holder must send to the Authority by the last day of every calendar month on the appropriate forms 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 outline 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 31<sup>st</sup> 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 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.
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.
  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 outline 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 byelaw with the title:

‘Crustacea and Molluscs Permitting and Pot Limitation’,

which was made by the Northumberland Inshore Fisheries and Conservation Authority and was in force immediately before the making of this byelaw is revoked.

### Explanatory note

(This is not part of the byelaw)

This byelaw prohibits fishing for or taking specified shellfish (see paragraph 1) 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 purpose of including the requirement to have Escape Gaps fitted to all Recreational pots in the Recreational Permit Condition is to reduce undersize by-catch, damage associated with discards and the illegal retention of juveniles within the Authority’s District. This will enhance the spawning stock biomass and reduce discard mortality rates for crustacea species within the district.

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.

## **Emergency Byelaw**

### **Berried Lobsters**

In accordance with section 157(2)(a) of the Marine and Coastal Access Act 2009 (“the

Act”), the Authority for the Northumberland Inshore Fisheries and Conservation District considers that there is an urgent need for this byelaw.

In accordance with section 157(2)(b) of the Act the need to make the byelaw could not have been reasonably foreseen.

Accordingly, the Authority, in exercise of the powers conferred by sections 155, 156 and 157 of the Act, makes the following byelaw for the 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) ‘berried lobster’ means an lobster with eggs or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so 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;
- (d) ‘first point of sale’ means the first time a lobster from a vessel is sold;
- (e) ‘lobster’ means a lobster of the species *Homarus gammarus*.

### Prohibitions relating to lobsters

- 2. A person must not fish for, remove, take, retain or land a berried lobster.
- 3. A person must not store, carry, or transport any berried lobster in the District before first point of sale.

### Redepositing of Shellfish

- 4. A person who takes or removes an berried lobster from a fishery, the taking or removal of which is prohibited by any of the provisions of this byelaw, or the possession of which is prohibited by any Act of Parliament or Statutory Instrument, must re-deposit the same without injury immediately in the sea, as near as possible to the place from which it was taken.

### Exemption

- 5. This byelaw does not apply to any person performing an act which carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

### Explanatory note



(This is not part of the byelaw)

This byelaw prohibits the fishing for, taking, storage, carriage, transportation, and landing of berried lobsters.

The Northumberland Inshore Fisheries and Conservation Authority have introduced this byelaw to ensure effective enforcement of the provisions contained within Statutory Instrument (SI) 2017 No. 899, the Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017.

Redepositing of any egg bearing lobsters back to the sea is crucial to their survivability of both the lobster and its eggs. It is also important to have within the byelaw provisions for an exemption, especially due to the newly open lobster hatchery

## 5. Marking of fishing gear and keep boxes

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under sections 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 the 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).

## 6. 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' mean "Coquet Playground", "Tyne Playground" and "Wansbeck Playground" 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 26<sup>th</sup> March to 31<sup>st</sup> 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 26<sup>th</sup> March to 31<sup>st</sup> 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;
  - (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 1<sup>st</sup> November to 25<sup>th</sup> 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 in an imaginary line 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 engines within specified areas.

**7. Prohibition of the use of Mobile Fishing gear within the English section of the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC)**

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

**Interpretation**

1. In this Byelaw-

- (a) ‘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) ‘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) ‘Specified Area’ means the area defined in the Schedule to this Byelaw.
- (d) ‘Mobile Fishing Gear’ means any dredge, trawl or similar device that is designed to be towed or pushed to take any Sea Fisheries Resources on the seabed.
- (e) ‘Using’ in the context of mobile fishing gear shall for the purposes of this Byelaw include any one or more of the following:-
  - i). moving, towing, pushing or dragging it on the seabed;
  - ii). moving, towing, pushing or dragging it above the seabed;
  - iii). moving, towing, pushing or dragging it on the surface of the sea;
  - iv). anchoring it on the seabed;
  - v). leaving it on the seabed;



and in all of the above cases with or without the intention to take Sea Fisheries Resources and “use” and “used” shall be construed accordingly.

- (f) ‘Inboard, lashed and stowed’ means that the mobile fishing gear is stored in such a way that use cannot readily be made of it for any purpose;

### Co-ordinates

2. In this Byelaw co-ordinates are based on WGS 84 datum. The WGS 84 means the World Geodetic System, revised in 1984 and further revised in 2004.

### Prohibition

3. No person shall operate any vessel using mobile fishing gear which is designed to be in contact with the seabed, within the specified area. Any vessel transiting or steaming through the specified area must have all mobile gear inboard, lashed and stowed.

### Scientific Exemption

4. This byelaw shall 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.

### Schedule

‘Specified Area’ means the area:-

Including ‘Buffer Area’

Point 1	55°23.290'N	1°36.277'W
Point 2	55°23.296'N	1°27.862'W
Point 3	55°39.894'N	1°26.762'W
Point 4	55°45.936'N	1°53.942'W
Point 5	55°50.335'N	1°58.929'W
Point 6	55°49.780'N	2°00.060'W
Point 7	55°48.700'N	2°02.0'W

### *Explanatory note*

(This is not part of the byelaw)

This Byelaw prohibits the use of mobile fishing gear in a specified area within the Berwickshire & North Northumberland Coast Special Area of Conservation / European Marine Site (EMS) and therefore prevents damage or deterioration to designated conservation features namely, Rocky Reefs, Cobble Reefs and Seagrass. To do this effectively a ‘no fishing’ buffer zone has been established when establishing the perimeter of the specified area

## 8. Seagrass Protection Byelaw within the English section of the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC)

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

### Interpretation

#### 1. In this Byelaw-

- (a) ‘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) ‘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) ‘Specified Area’ means the area defined in the Schedule to this byelaw.
- (d) ‘Seagrass’ means, Genus (*Zostera spp*) a flowering plant with long and narrow leaves which grows in marine and fully saline environments.

‘Co-ordinates’

2. In this Byelaw co-ordinates are based on WGS 84 datum. The WGS 84 means the World Geodetic System, revised in 1984 and further revised in 2004.

Prohibition

3. No person shall dig for, fish for or take any sea fisheries resources in or from the Specified Area where Seagrass is situated.

Exceptions

4. The prohibition in paragraph 3 shall not apply to the fishing for or taking of sea fisheries resources
  - a) by means of a net;
  - b) by means of a rod and line;
  - c) by means of a hook and line and
  - (d) in respect of fishing for or taking of sea fisheries resources from a vessel the prohibition shall not apply provided that no part of the vessel or its fishing gear is in contact with the seabed where Seagrass is situated.

Scientific Exemption

5. This byelaw shall 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.

Schedule

‘Specified Area’ means the area:-

Point 1	55°23.399'N	1°36.277'W
Point 2	55°23.374'N	1°27.996'W
Point 3	55°39.819'N	1°26.900'W
Point 4	55°45.861'N	1°54.079'W
Point 5	55°50.264'N	1°59.074'W

Point 6      55°49.780'N      2°00.060'W

Point 7      55°48.700'N      2°02.0'W

*Explanatory note*

(This is not part of the byelaw)

This Byelaw prohibits the exploitation of Sea Fisheries Resources where Seagrass is situated within the Berwickshire & North Northumberland Coast Special Area of Conservation / European Marine Site (EMS), therefore preventing damage or deterioration to the designated conservation feature, namely Seagrass.

Pictures of Seagrass to aid recognition can be seen on the Authority website or are available from the Authority Office.