



Byelaws Booklet August 2021

Northumberland Inshore Fisheries & Conservation Authority (NIFCA)

"Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

Northumberland



Inshore Fisheries and
Conservation Authority



Northumberland Inshore Fisheries and 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 and 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(1);

(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

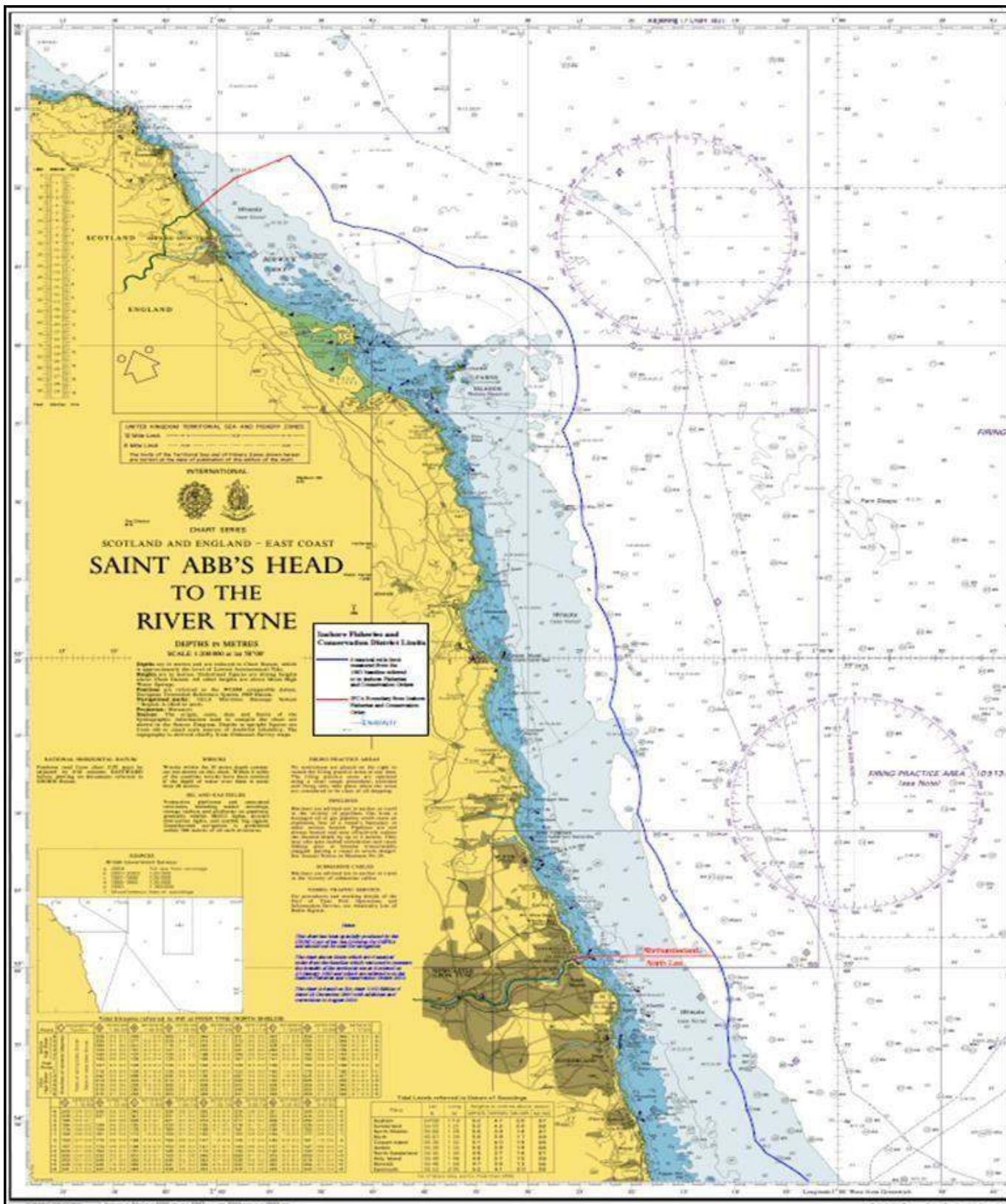
<i>Points</i>	<i>Latitude</i>	<i>Longitude</i>
1	55°48.7`N	2°02.0`W
2	55°49.78`N	2°00.06`W
3	55°50.67`N	1°58.25`W
4	55°50.73`N	1°58.01`W
5	55°52.07`N	1°53.06`W

PART 2

The southern boundary of the district

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

CHART



1. Trawling

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under section 155 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 January 1983 in accordance with the Territorial Waters Order in Council 1964¹;
- (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 2010/2197);
- (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;
- (e) 'Inner Area' means the part of the District to the landward side of a line drawn three nautical miles seaward from the 1983 baseline;
- (f) 'bottom towed fishing gear' means any dredge, trawl or device designed to be towed or pushed to take sea fisheries resources from the seabed;
- (g) '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;
- (h) 'Outer Area' means the part of the District to the seaward side of a line drawn three nautical miles seaward from the 1983 baseline;
- (i) 'overall length' means the length of a vessel measured in a straight line from the foremost part of the bow to the aftermost part of the stern as shown in the vessel's registration documents;

¹ The Territorial Waters Order in Council 1964: Statutory Instruments 1965 III p.6452A; HMSO, 1966, amended by the Territorial Waters (Amendment) Order in Council: Statutory Instruments 1979 III p.2866; HMSO, 1980; and revoked by SI 2014/1353.

- (j) '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;
- (k) '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;
- (l) 'specified area' means the Coquet to St Mary's Marine Conservation Zone as defined in Schedule 1;
- (m) 'specified gear' means a single trawl fitted with a single cod-end and one pair of otter boards rigged for fine ground fishing using either:
 - (i) grass rope with lead rings;
 - (ii) light single chain ground gear, with a chain link diameter of less than or equal to 10 millimetres; or
 - (iii) rubber leg ground gear with rubber discs less than 70 millimetres in diameter.

2. Co-ordinates used in this byelaw are measured from WGS 84 datum. WGS 84 means the World Geodetic System as revised in 1984 and 2004.

Prohibitions

- 3. A person must not fish for sea fish using a trawl or other net towed by a vessel.
- 4. Paragraph 3 does not apply to fishing for sea fish in accordance with any of the following exceptions:
 - (a) fishing outside the specified area using a trawl or other net towed by a vessel which is less than 12 metres in overall length and in accordance with a permit;
 - (b) fishing within the Outer Area using a trawl or other net towed by a vessel which is less than 18.3 metres in overall length and in accordance with a permit;
 - (c) fishing outside the specified area using Scottish or Danish seine netting; or
 - (d) fishing within the specified area using specified gear and in accordance with an exemption.
- 5. A person must not fish for sea fish using:
 - (a) more than a single trawl fitted with a single cod-end and one pair of otter boards;
 - (b) a trawl or other type of towed net towed simultaneously by more than one vessel; or

- (c) a purse seine net or any form of curtain netting used to encircle a school of fish which can be closed at one end to prevent fish from escaping from it.
 - (d) bottom towed fishing gear within the 'specified area' except in accordance with paragraphs 25-37.
6. A relevant fishing vessel transiting through, but not fishing within, the specified area, must have all mobile gear inboard, lashed and stowed, except a vessel holding an exemption in accordance with paragraphs 25-37.

Permits

7. A person may apply to the Authority for a permit to fish in the District using a trawl or other net towed by a vessel.
8. An application for a permit must be made using the prescribed form. The prescribed form may be obtained from the Authority's office and website.
9. A person may only apply for a permit in respect of a relevant fishing vessel for which they are the registered owner.
10. The Authority may issue a permit to an applicant.
11. A permit:
- (a) may only be issued by the Authority to a named person ("the permit holder") in respect of a named relevant fishing vessel ("the permitted vessel");
 - (b) is not transferable:
 - (i) from the permit holder to another person; or
 - (ii) from the permitted vessel to another vessel; and
 - (c) must be surrendered to the Authority immediately upon the request of the Authority or if the permit is no longer required.
12. A permit is valid from the date specified on the permit to the 31 December of that year.

13. A permit holder must send a monthly return to the Authority (“a monthly return”) containing the following accurate information:
 - (a) the effort;
 - (b) the catch;
 - (c) the area fished; and
 - (d) such other information as the Authority may require.
14. A monthly return must be submitted for each calendar month, or each part of a calendar month, in which the permit holder holds a permit. A monthly return must be submitted even if the permit holder has not fished within the District during that month.
15. A monthly return must be submitted in the specified form. The specified form can be obtained from the Authority’s office or website.
16. A monthly return for any given month must be submitted before the end of the following calendar month.
17. Failure to provide a monthly return constitutes a contravention of this byelaw.

Permit Conditions

18. The Authority may attach such conditions to a permit as the Authority deems reasonably necessary for the purpose of performing of its statutory duties.
19. The Authority may:
 - (a) attach conditions to a permit;
 - (b) vary or remove conditions attached to a permit; or
 - (c) vary or increase the cost of the permit;in accordance with the review procedure in paragraphs 22 to 24.
20. The following mandatory conditions will be attached to all permits issued by the Authority:

Condition A

A permit holder must pay a fee of £50 per permit before the permit is used.

Condition B

A permit holder must display their permit card on the permitted vessel when using that vessel to engage in trawling within the District.

21. Contravention of a permit condition constitutes a contravention of this byelaw.

Review Procedure

22. The Authority will review the permit conditions no less than once every three years.
23. In carrying out a review the Authority will:
 - (a) consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the persons whose interests are likely to be substantially affected by the proposed future management options;
 - (b) decide whether to attach, vary or remove any permit conditions based on the consultation responses obtained in accordance with sub-paragraph (a) and the information listed in paragraph 24; and
 - (c) notify permit holders in writing of the Authority's decision and amend their permits as necessary at no cost to the permit holder.
24. For the purpose of sub-paragraph 23(b), 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 Centre for Environment Fisheries and Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks appropriate to provide such advice;
 - (d) an impact assessment of any proposed changes;
 - (e) advice given by Natural England or such other bodies, organisations, or persons as the Authority thinks appropriate to provide such advice; or
 - (f) information from any other relevant source.

Exemptions

25. A person may apply to the Authority for an exemption to fish for sea fish using specified gear in the specified area.
26. An application for an exemption must be made in writing and must contain the prescribed information. The prescribed information may be obtained from the Authority's office or website.
27. An application for an exemption may only be made by a person who has been issued with a permit in accordance with paragraph 10.

28. An application for an exemption may only be made in respect of a vessel which is of less than 12 metres in overall length.
29. The Authority may issue an exemption to an applicant.
30. An exemption:
 - (a) may only be issued by the Authority to a named person (“the exemption holder”) and in respect of a named relevant fishing vessel (“the exempted vessel”);
 - (b) is not transferable:
 - (i) from the exemption holder to another person; or
 - (ii) from the exempted vessel to another vessel;
 - (c) must be surrendered to the Authority immediately upon the request of the Authority or if the exemption is no longer required.
31. An exemption holder must send a monthly return to the Authority (“a monthly return”) containing the following accurate information:
 - (a) the effort;
 - (b) the catch;
 - (c) the area fished; and
 - (d) such other information as the Authority may require.
32. A monthly return must be submitted for each calendar month, or each part of a calendar month, in which the exemption holder holds an exemption. A monthly return must be submitted even if the exemption holder has not fished within the specified area during that month.
33. A monthly return must be submitted in the specified form. The specified form can be obtained from the Authority’s office or website.
34. A monthly return for any given month must be submitted before the end of the following calendar month.
35. Failure to provide a monthly return constitutes a contravention of this byelaw.
36. An exemption is valid from the date specified on the exemption to the 31 December of that year.
37. The Authority may revoke an exemption at any time where the Authority considers that revocation is reasonably necessary for the purpose of performing the Authority’s statutory duties.

Scientific Exemption

38. 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.

Revocation

39. The byelaw with the title 'Trawling' made by the Northumberland Inshore Fisheries and Conservation Authority on 28 October 2014 in exercise of its powers under section 155 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 25 November 2015 and in force immediately before the making of this byelaw is hereby revoked.

Explanatory note

(This is not part of the byelaw)

This Byelaw prohibits trawling within the District otherwise than by using a single trawl. It makes provision for fishing using a trawl or other net towed by a vessel to be undertaken within the Inner or Outer Areas of the District depending upon vessel size.

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

This byelaw prohibits the use of bottom towed fishing gear within the Coquet to St Mary's, Marine Conservation Zone, except using specified gear in accordance with an exemption from the Authority.

Schedule 1

Definition of the specified area being the Coquet to St Mary's Marine Conservation Zone

The 'Coquet to St Mary's Marine Conservation Zone' means the sea area enclosed by a line drawn between the following points (Figure 1).

Point A 55° 23.39'N 001°36.27'W to

Point B 55° 23.37'N 001°28.98'W to

Point C 55° 16.48'N 001°28.20'W to

Point D 55°16.36'N 001°30.32'W to

Point E 55° 05.42'N 001°26.27'W to

Point F 55° 05.73'N 001°23.65'W to

Point G 55° 05.36'N 001°23.46'W to

Point H 55° 05.11'N 001°21.73'W to

Point I 55° 02.98'N 001°20.47'W to

Point J 55° 02.65'N 001°26.37'W to

Point K 55° 06.64'N 001°29.90'W to

Point L 55° 06.64'N 001°29.63'W to

Point M 55° 06.50'N 001°29.53'W to

Point N 55° 06.00'N 001°28.10'W to

Point O 55° 06.97'N 001°28.08'W to

Point P 55° 08.27'N 001°30.61'W to

Point Q 55° 09.48'N 001°31.48'W to

Point R 55° 09.76'N 001°31.50'W to

Point S 55° 20.33'N 001°34.24'W to

Point T 55° 20.38'N 001°34.22'W to

Point U 55° 23.06'N 001°36.82'W to

Point V 55° 23.15'N 001°36.85'W and returning to Point A.

The landward boundary between points J and K, P, Q, R, S, T, U, V, and A, follows Ordnance Survey Master Map mean high water and is therefore liable to change. The seaward boundary between points B and C and H and I follow the three nautical mile limit, as defined by the UK Hydrographic Office Law of the Sea Unit.

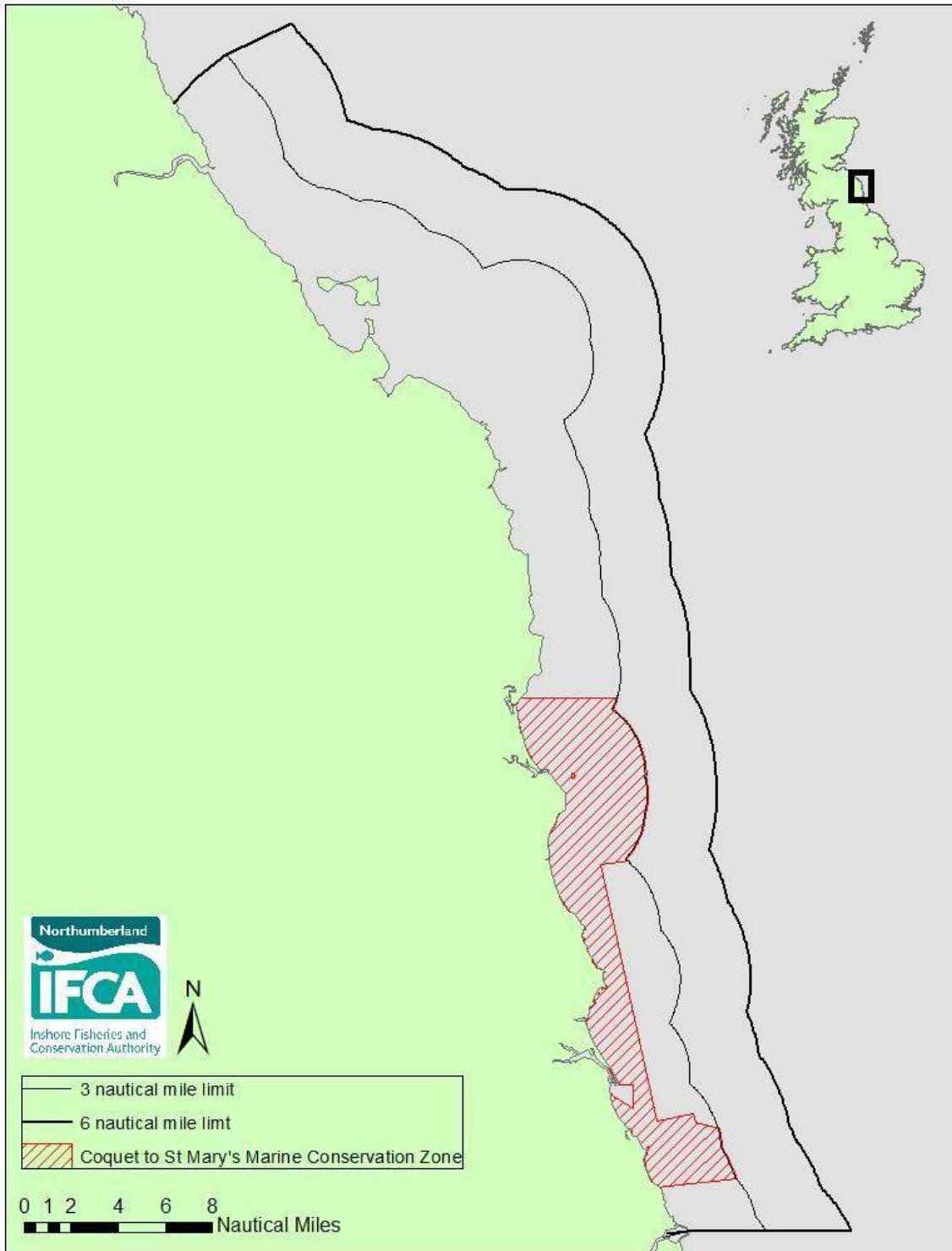


Figure 1 Coquet to St Mary's Marine Conservation Zone, as outlined by the above points, in relation to the Northumberland Inshore Fisheries and Conservation District.

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 31st 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 14 (a) and the information listed in paragraph 15;
- (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 2019

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) '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;

'berried lobster' means a lobster which is carrying eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;
- (c) "Council Regulation (EC) No 850/98" means Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms
- (d) 'detached part of an edible crab' means an edible crab which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (e) 'detached part of a lobster' means a lobster which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (f) 'detached part of a velvet crab' means a velvet crab which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (g) '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;
- (h) 'edible crab' means a crab of the species *Cancer pagurus*;
- (i) 'fishing boat' has the meaning given to it in section 22(1) of the Sea Fish (Conservation) Act 1967;
- (j) 'lobster' means a lobster of the species *Homarus gammarus*;
- (k) 'minimum conservation reference sizes' means the minimum landing size of a species as prescribed in UK waters and in accordance with Articles 17 to 19 and Annexes XII to XIII of Council Regulation (EC) No 850/98;

- (l) 'mutilated lobster' means a lobster which is mutilated in such a manner as to obscure a 'v'-notch;
- (m) 'soft shelled crab' means an edible crab which has recently cast its shell;
- (n) 'soft shelled lobster' means a lobster which has recently cast its shell;
- (o) "'v' notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm 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';
- (p) 'velvet crab' means a crab of the species *Liocarcinus puber*.

Prohibitions relating to lobster

2. A person who is not fishing by fishing boat must not fish for, remove, take, land or offer for sale:
 - (a) a 'v' notched lobster; or
 - (b) a mutilated lobster; or
 - (c) a berried lobster before the first point of sale.
3. A person must not fish for, remove, take, land or offer for sale:
 - (a) a soft-shelled lobster; or
 - (b) detached part of a lobster.

Prohibitions relating to edible crab

4. A person must not fish for, remove, take, land or offer for sale:
 - (a) a soft-shelled crab; or
 - (b) a berried crab; or
 - (c) a detached part of an edible crab.
5. Paragraph 4(c) does not apply where the total weight of detached parts of edible crab forms less than 10% of the total weight of species subject to a minimum conservation reference landing size (other than edible crab) in a single landing.
6. A person must not use edible crab for bait except for:
 - (a) the use of cooked edible crab offal as bait; or
 - (b) the use of edible crab as bait for recreational rod fishing, where the edible crab used is above the minimum conservation reference landings size.

Prohibitions relating to Velvet Crab

7. A person must not fish for, remove, take, land or offer for sale a detached part of a velvet crab.

Redepositing of Shellfish

8. 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, as listed in the ANNEX numbered I below, 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 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy requires it to be landed.

Scientific Exemption

9. 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

10. The byelaw titled 'Crustacea Conservation' which was made under section 155 and 156 of the Marine and Coastal Access Act 2009 by the Northumberland Inshore Fisheries and Conservation Authority on 25th November 2015 and was in force immediately before the making of this byelaw is revoked.
11. The Emergency byelaw titled 'Berried Lobsters' first signed by the minister on 29th September 2017 and extended on 28th September 2018 is revoked.

Review

12. The Authority must review this byelaw no less than once every 3 years.

Explanatory note

(This is not part of the byelaw)

This byelaw prohibits fishing for, removing, taking, landing or offering for sale lobsters, edible crabs and velvet crabs based upon their physical condition. This byelaw also prohibits the use of edible crab as bait, subject to specific exceptions.

ANNEX I

COUNCIL REGULATION (EC) No.850/98 OF 30 MARCH 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

STATUTORY INSTRUMENT 1989 No. 919 SEA FISHERIES CONSERVATION OF SEA FISH The Undersized Velvet Crabs Order 1989

STATUTORY INSTRUMENT 2000 No. 2029 SEA FISHERIES, ENGLAND SEA FISHERIES, NORTHERN IRELAND CONSERVATION OF SEA FISH The Undersized Edible Crabs Order 2000

STATUTORY INSTRUMENT 2000 No. 874 SEA FISHERIES, ENGLAND SEA FISHERIES, NORTHERN IRELAND CONSERVATION OF SEA FISH The Lobsters and Crawfish (prohibition of Fishing and Landing) Order 2000 as amended by STATUTORY INSTRUMENT 2017 No. 899 SEA FISHERIES, ENGLAND CONSERVATION OF SEA FISH The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017

FOR INFORMATION (not part of the above Byelaw)

ANNEX II to Byelaw 3 Crustacea Conservation 2019 shows the version of the above byelaw originally made by NIFCA on 23rd July 2018 with modifications by Defra in blue before the byelaw was finalised (as can be seen on pages 44 to 46 of the byelaw booklet)

Minimum Sizes Byelaw

The Authority for the Northumberland Inshore Fisheries and Conservation District, in exercise of the power conferred by 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 (S.I. 2010/2197);
 - 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;
 - c) "live bait" means fish that are:
 - i) used only as a hook bait for the capture of other fish;
 - ii) retained within a receptacle;
 - iii) released alive into the fishery when no longer required; and
 - iv) not landed or removed from the fishery.
 - d) "tranship" means the transfer of fisheries products from one ship or other form of transport to another.

Catch Prohibitions and Restrictions

2. A person fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration, who catches a species listed in column 1 of Schedule 1, subject to paragraph 10, must:
 - a) not tranship that species if it measures less than the size specified in column 2 of Schedule 1; and
 - b) return it immediately to the sea.
3. A person must:
 - a) not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board their vessel any species listed in column 1 of Schedule 1 if:
 - i) it measures less than the size specified in column 2 of Schedule 1; and

- ii) it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration.
 - b) Any seafish falling under paragraphs 3(a)(i) and 3(a)(ii) must be immediately returned to the sea.
4. A person fishing other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration, who catches any edible crab (*Cancer pagurus*) that measures less than 130 millimetres, subject to paragraph 10 must:
 - a) not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board any such edible crab; and
 - b) return any such edible crab immediately to the sea.
 5. The marine organisms specified in column 1 of Schedule 1 shall be measured in accordance with Schedule 2.
 6. Named crustaceans and named molluscs for which a size is specified in paragraph 4 and column 2 of Schedule 1 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster (*Nephrops norvegicus*).
 7. The following named species below the minimum conservation reference size specified in column 2 of Schedule 1 may be used as live bait:
 - a) Herring (*Clupea harengus*);
 - b) Horse mackerel (*Trachurus trachurus*);
 - c) Mackerel (*Scomber scombrus*); and
 - d) Sardine (*Sardina pilchardus*).

Exemptions

8. Paragraphs 2 and 3 do not apply to: herring, horse mackerel, mackerel or sardine, within a limit of 10% by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel, mackerel or sardine shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10% must not be exceeded during transhipment, landing, transportation, storage, display or sale.
9. Paragraph 4 does not apply to edible crabs caught in pots or creels, where a maximum of 1% by weight of the total catch of edible crab may consist of detached claws. The limit of 1% must not be exceeded during transhipment, landing, transportation, storage, display or sale. For edible crabs caught with any other fishing gear, a maximum of 75 kilograms of detached crab claws may be landed. The limit of 75 kilograms must not be exceeded during transhipment, landing, transportation, storage, display or sale.
10. 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

11. The byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by the Authority on the 13 August 2019 in exercise of its power under section 157 of the Marine and Coastal Access Act and which was in force immediately before making this byelaw is revoked.

I hereby certify that the above byelaw was made by Northumberland Inshore Fisheries and Conservation Authority at their meeting on 27 January 2020.

Explanatory Note

(This note is not part of the byelaw)

This byelaw prohibits the removal from the fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes by any person within the Northumberland IFC District. The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway lobster.

The byelaw includes method of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live herring, horse mackerel, mackerel or sardine below the minimum conservation reference size that may be used as live bait when fishing for predatory fish species.

The byelaw also contains provisions for retaining 10% undersize catch in relation to herring, horse mackerel, mackerel or sardine.

The byelaw also contains provisions for retaining 1% by weight, of the total catch of edible crab, detached crab claws for crabs caught in pots and creels.

The byelaw also contains provisions for landing a maximum of 75 kilograms of detached crab claws when fishing with any other fishing gear.

The byelaw replaces the emergency byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by the Authority on the 13 August 2019.

Schedule 1

Species and specified minimum conservation reference sizes:

Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 centimetres
Cod (<i>Gadus morhua</i>)	35 centimetres
Dover sole (<i>Solea solea</i>)	24 centimetres
Haddock (<i>Melanogrammus aeglefinus</i>)	30 centimetres
Hake (<i>Merluccius merluccius</i>)	27 centimetres
Herring (<i>Clupea harengus</i>)	20 centimetres
Horse mackerel (<i>Trachurus trachurus</i>)	15 centimetres
Ling (<i>Molva molva</i>)	63 centimetres
Mackerel (<i>Scomber scombrus</i>) caught within North Sea	30 centimetres
Plaice (<i>Pleuronectes platessa</i>)	27 centimetres
Pollack (<i>Pollachius pollachius</i>)	30 centimetres
Saithe (Coalfish) (<i>Pollachius virens</i>)	35 centimetres
Sardine (<i>Sardina pilchardus</i>)	11 centimetres
Whiting (<i>Merlangius merlangus</i>)	27 centimetres

Named Mollusc Species

Octopus (<i>Octopus vulgaris</i>)	750 grams
Queen scallop (<i>Chlamys spp.</i>)	40 millimetres
Razor clam (<i>Ensis spp.</i>)	100 millimetres
Whelk (<i>Buccinum undatum</i>)	45 millimetres
King scallop (<i>Pecten maximus</i>)	100 millimetres

Named Crustacea Species

European lobster (<i>Homarus gammarus</i>)	87 millimetres
Norway lobster (<i>Nephrops norvegicus</i>)	whole - 85 millimetres carapace - 25 millimetres tail - 46 millimetres

Schedule 2

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster shall be measured as shown in Figure 2 for illustrative purposes:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace; and/or,
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae; and/or,
 - c. in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a European lobster shall be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of an edible crab shall be measured, as shown in Figure 4 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
5. The size of any bivalve mollusc shall be measured, as shown in Figure 5 for illustrative purposes, across the longest part of the shell.
6. The size of a whelk shall be measured, as shown in Figure 6 for illustrative purposes, as the length of the shell.

Figure 1

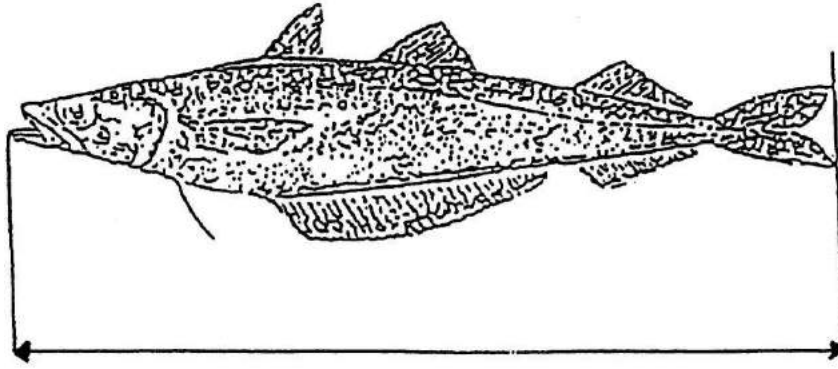


Figure 2

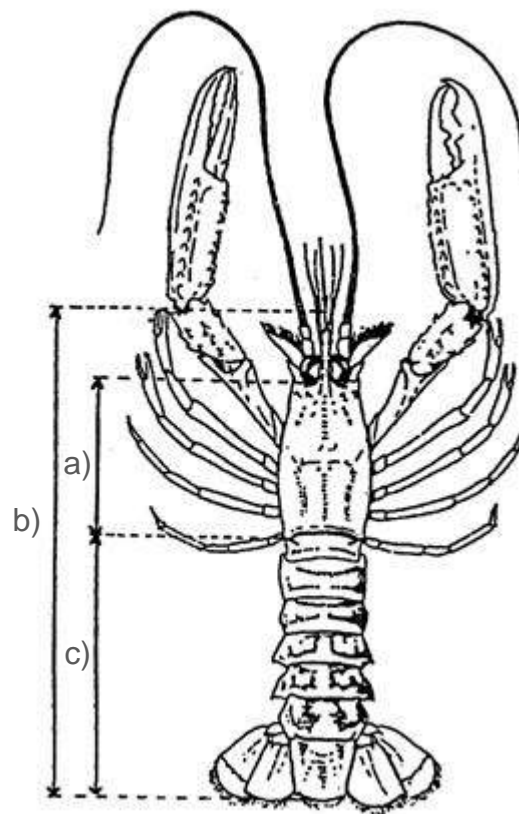


Figure 3

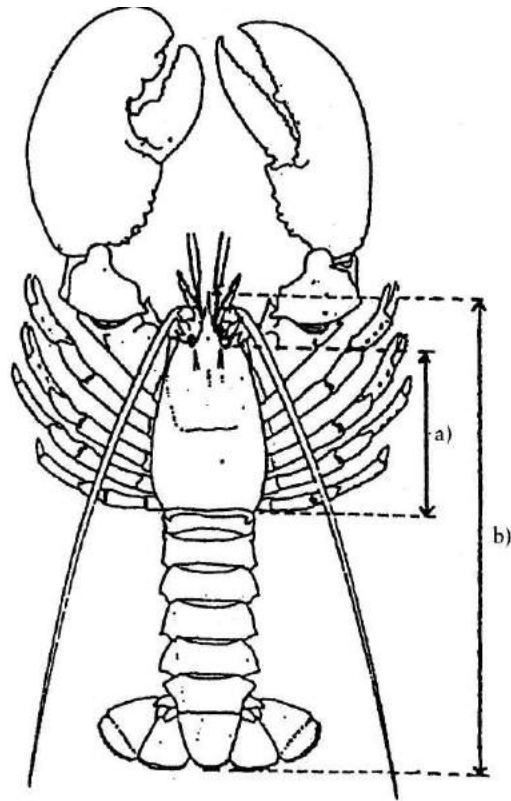


Figure 4

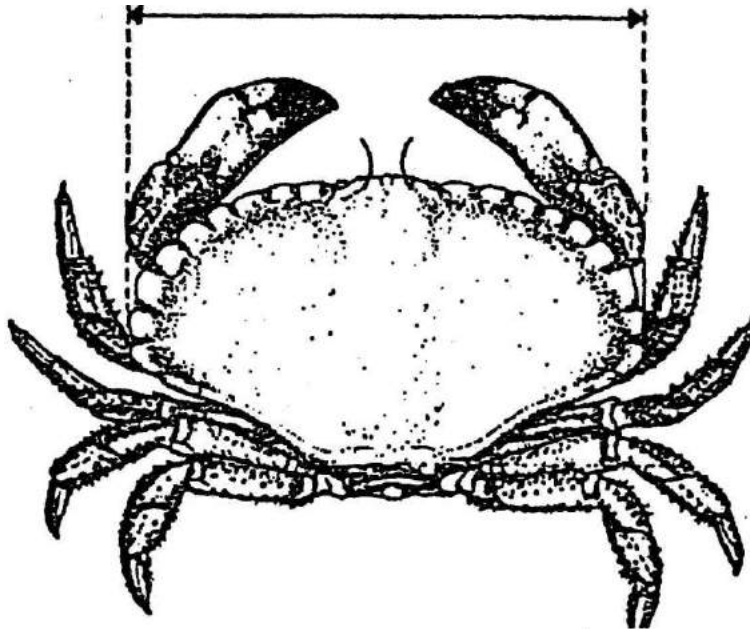


Figure 3

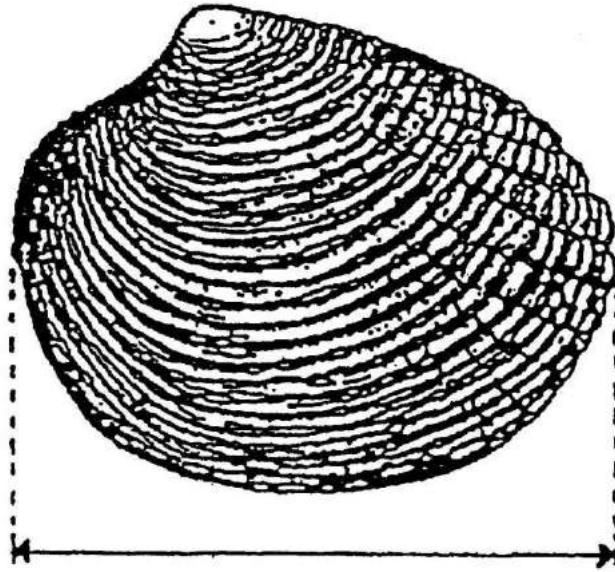
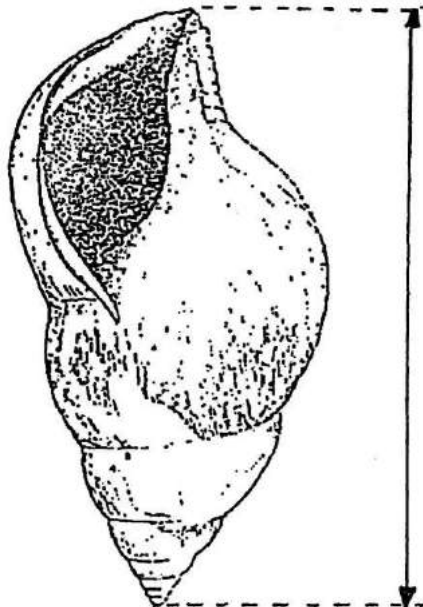


Figure 6



4. 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);
- (b) '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;
- (c) 'commercial permit' means a permit issued by the Authority in accordance with paragraphs 4 to 10;
- (d) 'commercial permit holder' means a person named on a commercial permit;
- (e) '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);
- (f) 'edible crab' means a crab of the species *Cancer pagurus*;
- (g) 'escape gap' means a rigid plastic gauge with an opening measuring no less than measures 80 millimetres wide by 46 millimetres high;
- (h) 'keep box' means any container used to store sea fish in the sea;
- (i) 'lobster' means a lobster of the species *Homarus gammarus*;
- (j) 'net' means a trammel, gill, tangle or other enmeshing net used for the catching of sea fish;
- (k) 'overall length' of a vessel means the overall length as shown in the vessel's registration documents;
- (l) 'parlour' means a separate compartment within a pot;
- (m) 'pot' means any pot, creel, trap or cage used to catch sea fish;
- (n) 'prawn' means a prawn of the species *Nephrops norvegicus*;
- (o) '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;

- (p) 'recreational permit' means a permit issued by the Authority in accordance with paragraphs 18 to 22;
- (q) 'recreational permit holder' means a person named on a recreational permit;
- (r) '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;
- (s) '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);

- (t) 'specified shellfish' means edible crab, lobster, velvet crab, prawn and whelks;
- (u) 'tag' means a tag with a serial number issued by the Authority;
- (v) 'trawling' means towing a net with a vessel for the purpose of catching sea fish;
- (w) 'velvet crab' means a crab of the species *Liocarcinus puber*;
- (x) '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;
 - (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 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 not retain or carry berried lobsters on board any vessel.

14. 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.
15. A commercial permit holder must display their permit number on the named vessel when using that vessel to fish for specified shellfish.
16. 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 29 and 30.
17. 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

18. A person may apply for a recreational permit and up to 5 tags using the application form available from the Authority office and website.
19. A fee of £10 for a recreational permit is payable prior to use.
20. A recreational permit is valid from the date of issue until the 31st December of the same year.
21. 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.
22. 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

23. A recreational permit holder must not fish for any specified shellfish with more than 5 pots at any one time.
24. 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.
25. 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.
 26. 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.
 27. A recreational permit holder must not retain or carry berried lobsters on board any vessel.
 28. 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.
 29. 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 31 and 32.
 30. 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

31. 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 31 (a) and the information listed in paragraph 32.
- (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.

32. 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

33. 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

34. 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.

35. The emergency byelaw with the title:

‘Emergency Byelaw, March 2020’,

which was made by the Northumberland Inshore Fisheries and Conservation Authority and was in force immediately before the making of the revisions to 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.

5. 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).

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' 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.

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) all coordinates are derived from the World Geodetic System 1984 datum;
- (b) '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) '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;
- (e) 'English section of the Berwickshire and North Northumberland Coast Special Area of Conservation' means the area defined in Schedule 1;
- (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;
- (g) 'mobile fishing gear' means any dredge, trawl or similar device that is designed to be towed or pushed to take any sea fisheries resources from the seabed;
- (h) '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;
- (i) 'relevant fishing vessel' means a fishing boat registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) and the regulations made under that Act, and holding a fishing vessel licence issued by an appropriate national authority at the time of the application for a permit;
- (j) 'specified areas' means the areas defined in Schedule 2;

- (k) 'specified gear' means a single trawl fitted with a single cod-end and one pair of otter boards rigged for fine ground fishing using either:
 - (i) grass rope with lead rings;
 - (ii) light chain ground gear; or,
 - (iii) rubber leg ground gear with rubber discs less than 70mm in diameter;

- (l) 'trawling permit' means a permit issued in accordance with paragraphs 9 to 13 of the byelaw with the title 'Trawling' made by the Northumberland Inshore Fisheries and Conservation Authority, on 25th November 2015.

Prohibition

- 2. A person must not operate a relevant fishing vessel using mobile fishing gear, within the English section of the Berwickshire and North Northumberland Coast Special Area of Conservation, except within any of the specified areas and only with the written authorisation by the Authority in accordance with paragraph 5.

- 3. A relevant fishing vessel transiting through the specified areas, except vessels fishing in accordance with an authorisation issued under paragraph 5, must have all mobile gear inboard, lashed and stowed.

Exemption

- 4. The Authority may, on application in writing to the authority, issue an authorisation for the use of specified gear in one or more of the specified areas, provided that it is used in accordance with a trawling permit and any conditions attached to that permit. The Authority will publish details on how to apply for a trawling permit on the Authority's website.

Scientific Exemption

- 5. Paragraphs 3 and 4 do 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.

Revocation

- 6. The byelaw with the title 'Prohibition of the use of Mobile Fishing Gear within the English Section of the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC)', which was made by the Authority on 20th December 2013 and was in force immediately before the making of this byelaw, is revoked.

Schedule 1

Definition of the English Section of the Berwickshire and North Northumberland Coast Special Area of Conservation

The 'English Section of the Berwickshire and North Northumberland Coast Special Area of Conservation' means the sea area enclosed by a line drawn between the following points:

Including 'Buffer Area'

- Point 1 *55°23.290'N 001°36.277'W* to
- Point 2 *55°23.296'N 001°27.862'W* to
- Point 3 *55°39.894'N 001°26.762'W* to
- Point 4 *55°45.936'N 001°53.942'W* to
- Point 5 *55°50.335'N 001°58.929'W* to
- Point 6 *55°49.780'N 002°00.060'W* to
- Point 7 *55°48.700'N 002°02.000'W*.

Schedule 2

Definition of Specified Areas

'Specified areas' means the following areas:

Amble Hoop means the area enclosed by a line drawn between the following points:

- Point 1 *55°24.14'N 001°31.65'W* to
- Point 2 *55°24.14'N 001°31.00'W* to
- Point 3 *55°23.37'N 001°30.51'W* to
- Point 4 *55°23.29'N 001°29.97'W* to
- Point 5 *55°23.29'N 001°32.65'W* to
- Point 6 *55°23.59'N 001°31.69'W*.

Craster Smooth means the area enclosed by a line drawn between the following points:

- Point 1 *55°27.46'N 001°32.85'W* to
- Point 2 *55°27.33 'N 001°31.49'W* to
- Point 3 *55°27.12'N 001°31.33'W* to
- Point 4 *55°26.93'N 001°30.80'W* to

Point 5 55°26.70'N 001°30.90'W to
Point 6 55°26.74'N 001°31.35'W to
Point 7 55°26.40'N 001°31.29'W to
Point 8 55°26.39'N 001°31.72'W to
Point 9 55°26.95'N 001°31.97'W to
Point 10 55°27.07'N 001°32.91'W.

Farne Ground means the area enclosed by a line drawn between the following points:

Point 1 55°36.99'N 001°37.69'W to
Point 2 55°36.62'N 001°37.19'W to
Point 3 55°36.39'N 001°37.49'W to
Point 4 55°36.63'N 001°37.75'W to
Point 5 55°36.64'N 001°37.88'W to
Point 6 55°36.41'N 001°37.95'W to
Point 7 55°35.89'N 001°37.40'W to
Point 8 55°36.58'N 001°39.67'W to
Point 9 55°36.82'N 001°38.16'W.

Explanatory note

(This is not part of the byelaw)

This byelaw prohibits the use of mobile fishing gear within the English section of the Berwickshire North Northumberland Coast Special Area of Conservation, except in specified areas in accordance with an authorisation from the Authority.

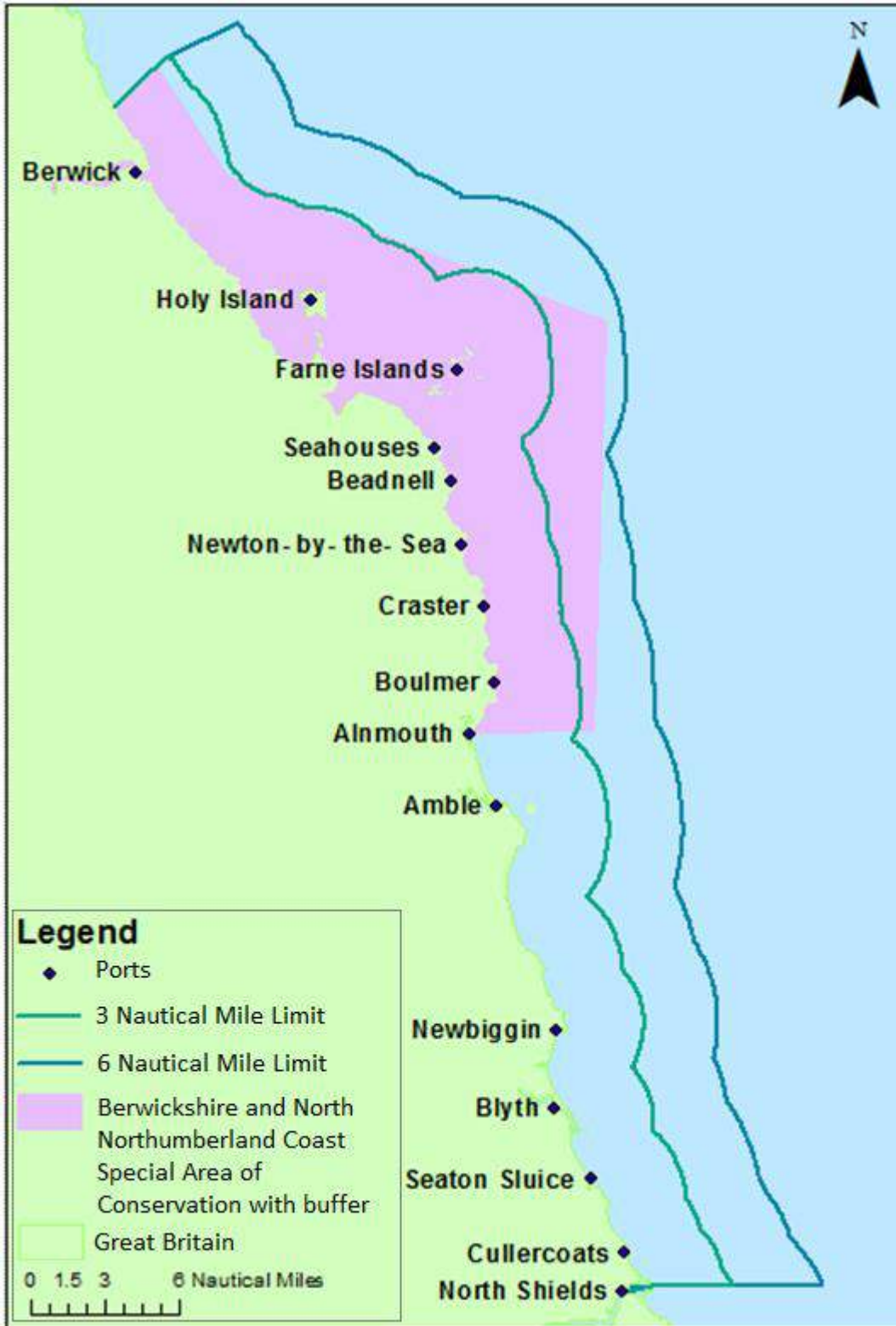


Fig 1. Chart showing the specified area of the Berwickshire North Northumberland Coast Special Area of Conservation.

Amble Houp

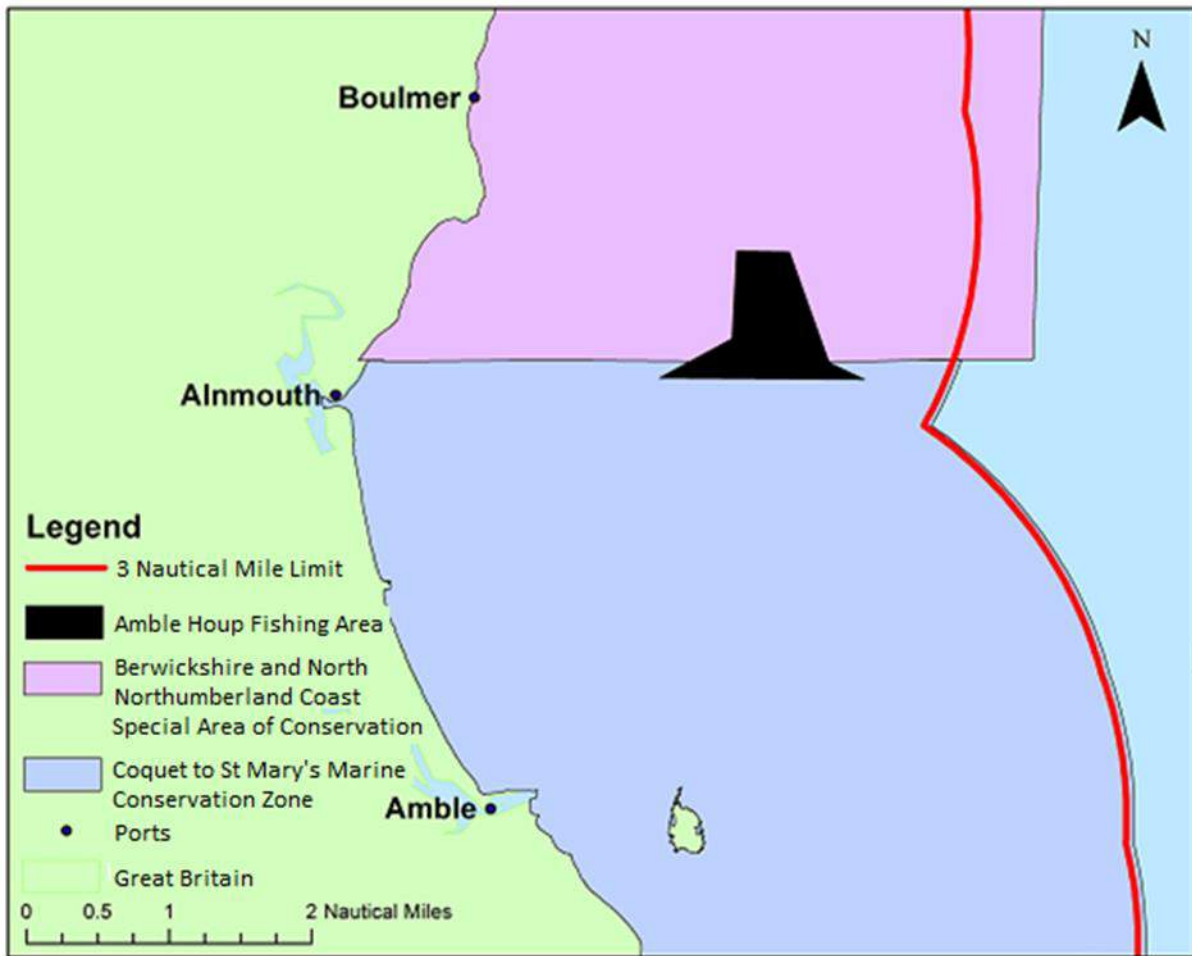


Fig 2. Chart showing the specified area of Amble Houp.

Craster Smooth

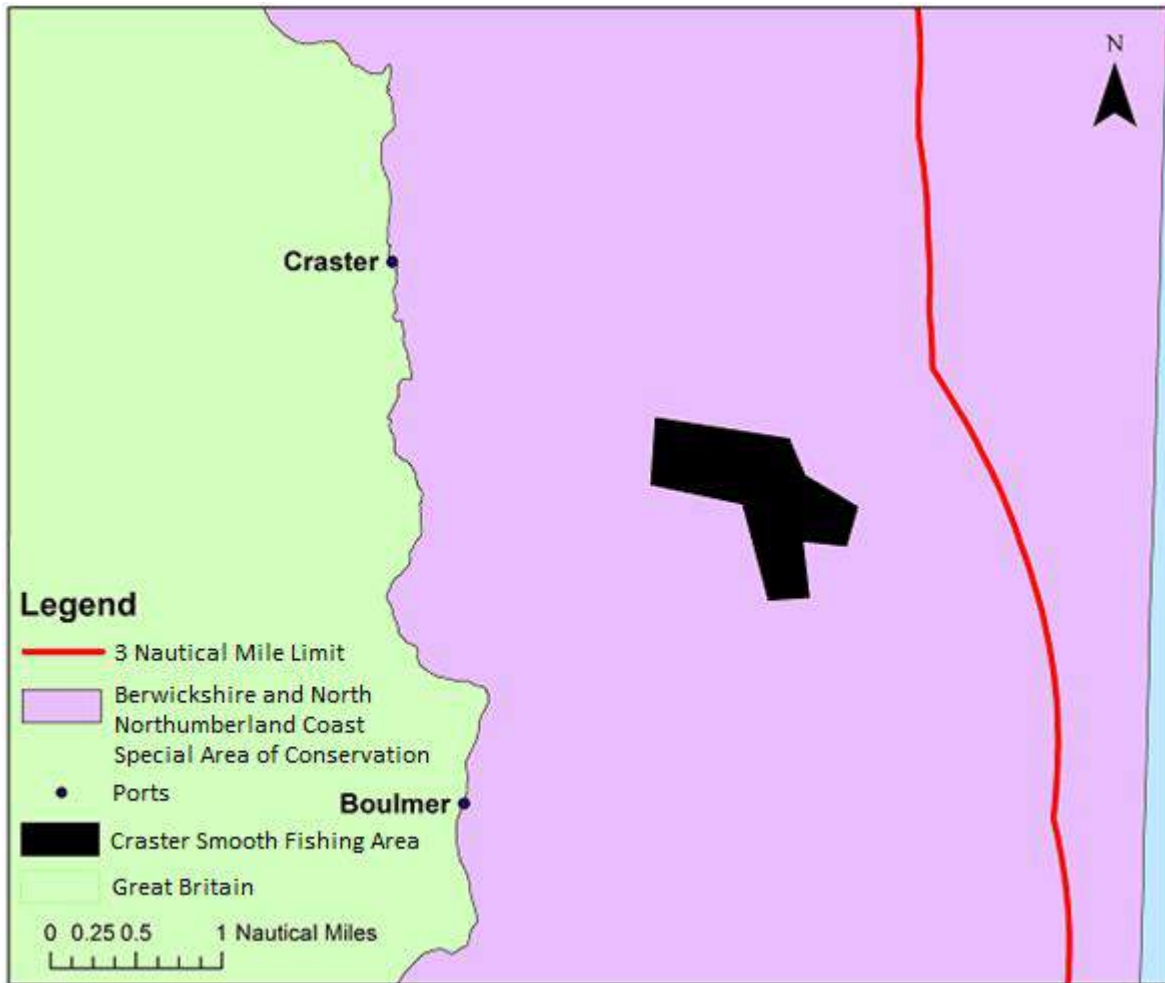


Fig 3. Chart showing the specified area of Craster Smooth.

Farne Ground

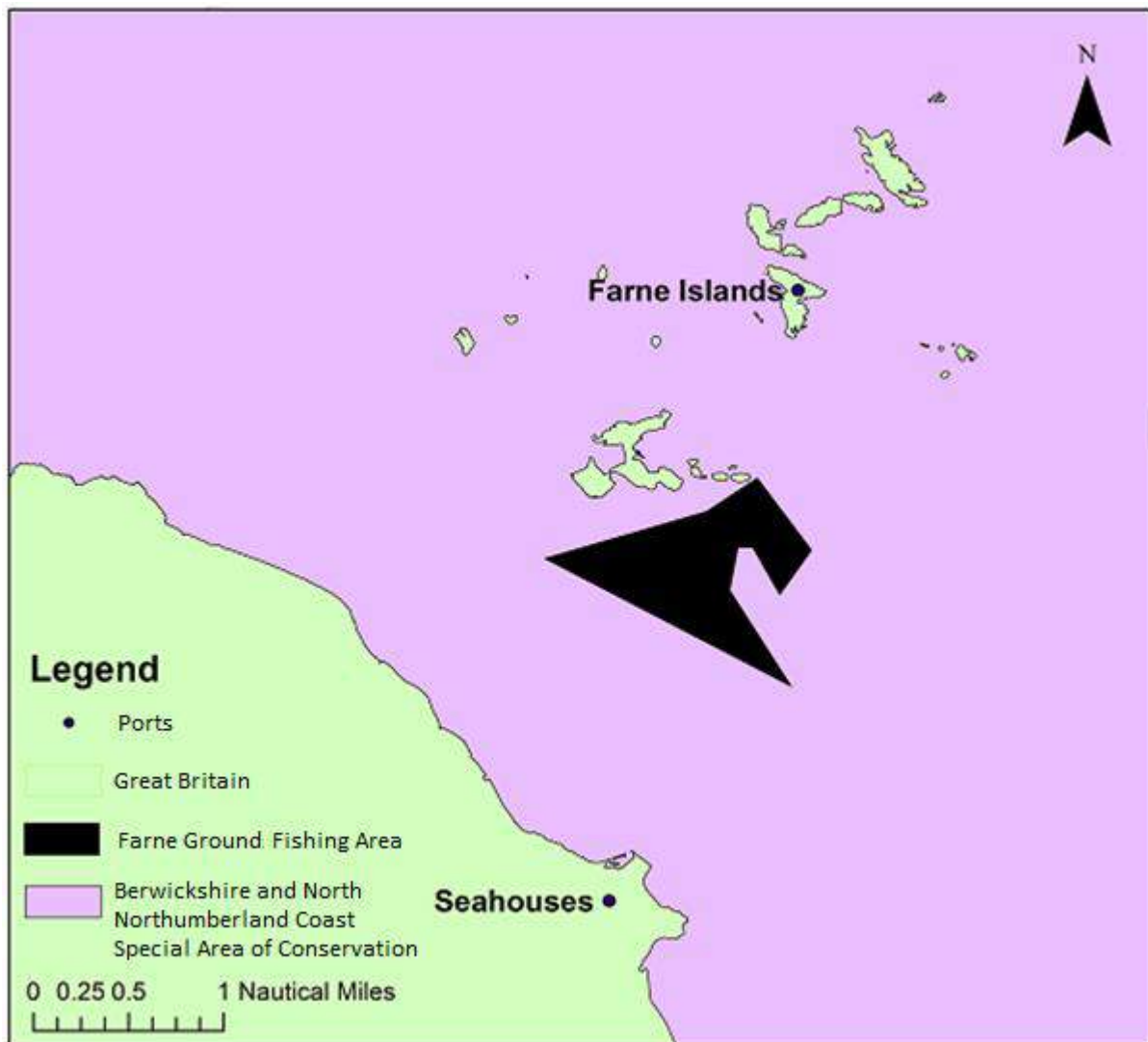


Fig 4. Chart showing the specified area of Farne Ground.

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 001°36.277'W
Point 2	55°23.374'N 001°27.996'W
Point 3	55°39.819'N 001°26.900'W
Point 4	55°45.861'N 001°54.079'W
Point 5	55°50.264'N 001°59.074'W
Point 6	55°49.780'N 002°00.060'W
Point 7	55°48.700'N 002°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.

ANNEX II to CRUSTACEA CONSERVATION 2018

Crustacea Conservation Byelaw 2018 with agreed modifications made pursuant to section 155(4) Marine and Coastal Access Act 2009 shown [\[in blue type\]](#)

CRUSTACEA CONSERVATION 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 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) '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;
- ~~(c)~~ 'berried lobster' means a lobster which is carrying eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;
- ~~(d)~~(c) "Council Regulation (EC) No 850/98" means [Council Regulation \(EC\) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms](#) ~~'cooked crab offal' means edible crab which has been cooked;~~
- ~~(e)~~(d) 'detached part of an edible crab' means an edible crab which cannot be measured in accordance with Article 18~~7~~(3) [and](#), Annex XIII of Council Regulation (EC) No 850/98;
- ~~(f)~~(e) 'detached part of a lobster' means a lobster which cannot be measured in accordance with Article 18~~7~~(3) [and](#), Annex XIII of Council Regulation (EC) No 850/98;
- ~~(g)~~(f) 'detached part of a velvet crab' means a velvet crab which cannot be measured in accordance with Article 18~~7~~(3) [and](#), Annex XIII of Council Regulation (EC) No 850/98;
- ~~(h)~~(g) '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;
- ~~(i)~~(h) 'edible crab' means a crab of the species *Cancer pagurus*; (i)
- ~~(j)~~ 'fishing boat' has the meaning given to it in section 22(1) of the Sea Fish (Conservation) Act 1967; ~~'gill net' means a single wall of netting which can either be fixed or allowed to drift;~~
- ~~(k)~~(j) 'lobster' means a lobster of the species *Homarus gammarus*; ~~(k)~~(k) 'minimum conservation reference sizes' means the minimum landing size of a species as prescribed in UK waters and in accordance with Articles 17 to 19~~b~~ [and](#), Annexes XII to XIII of Council Regulation (EC) No 850/98;

- ~~(m)~~(l) 'mutilated lobster' means a lobster which is mutilated in such a manner as to obscure a 'v'-notch;
- ~~(n)~~(m) 'soft shelled crab' means an edible crab which has recently cast its shell;
- ~~(o)~~(n) 'soft shelled lobster' means a lobster which has recently cast its shell;
- ~~(p)~~ 'minimum conservation reference sizes' means the minimum landing size of a species as prescribed in UK waters and in accordance with Articles 17 to 19b, Annexes XII to XIII of Council Regulation (EC);
- ~~(q)~~ 'tangle net' means a net with large meshes set on the sea bed;
- ~~(r)~~ 'trammel net' is a net which consists of three parallel panels with different mesh sizes;
- ~~(s)~~(o) "v' notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm 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';
- ~~(t)~~(p) 'velvet crab' means a crab of the species *Liocarcinus puber*.

Prohibitions relating to lobster

2. A person who is not fishing by fishing boat must not fish for, remove, take, ~~retain, store, carry, transport~~, land or offer for sale:
- (a) a 'v' notched lobster; or
 - (b) a mutilated lobster; or ~~a soft-shelled lobster; or~~
 - (c) a berried lobster before the first point of sale; ~~or a detached part of a lobster.~~
3. A person must not fish for, remove, take, land or offer for sale:
- (a) a soft-shelled lobster; or ~~(a)(b) detached part of a lobster.~~

Prohibitions relating to edible crab

- 3.4. A person must not fish for, remove, take, ~~retain, store, carry, transport~~, land or offer for sale:
- (a) a soft-shelled crab; or
 - (b) a berried crab; or
 - (c) a detached part of an edible crab.
- 4.5. Paragraph 43(c) does not apply where the total weight of detached parts of edible crab forms less than 10% of the total weight of species subject to a minimum conservation reference landing size (other than edible crab) in a single landing.
- 5.6. A person must not use edible crab for bait except for:

- (a) the use of cooked [edible](#) crab offal as bait; or
- (b) the use of edible crab as bait for recreational rod fishing, where the edible crab used is above the minimum conservation reference landings size.

Prohibitions relating to Velvet Crab

~~6.7.~~ A person must not fish for, remove, take, ~~retain, store, carry, transport~~, land or offer for sale a detached part of a velvet crab.

Redepositing of Shellfish

~~7.8.~~ 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 [of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy](#) requires it to be landed.

Scientific Exemption

~~8.9.~~ 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

~~9.10.~~ The byelaw titled 'Crustacea Conservation' which was made under section 155 and 156 of the Marine and Coastal Access Act 2009 by the Northumberland Inshore Fisheries and Conservation Authority 25th November 2015 was in force immediately before the making of this byelaw is revoked.

11. The Emergency byelaw titled 'Berried Lobsters' first signed by the minister on 29th September 2017 and extended 28th September 2018 is revoked.

Review

12. [The Authority must review this byelaw no less than once every \[_____ \] years.](#)

Explanatory note

(This is not part of the byelaw)

This ~~b~~Byelaw prohibits ~~the~~ fishing for, removing, taking, ~~retaining, storing, carrying, transporting,~~ landing or offering for sale lobsters, edible crabs and velvet crabs based upon their physical condition. This byelaw also prohibits the use of edible crab as bait, subject to specific exceptions.



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