
O R D E R

2015

ENVIRONMENTAL PROTECTION, ENGLAND

MARINE MANAGEMENT, ENGLAND

**The Inshore Fisheries and Conservation Authority
(Miscellaneous Byelaw Amendments) (England) Order 2015**

Made - - - - *20th November 2015*

Coming into force - - *30th November 2015*

The Secretary of State is satisfied that certain provisions made by each of the byelaws referred to in this Order are unnecessary, inadequate or disproportionate and, in accordance with section 159(2) of the Marine and Coastal Access Act 2009(a), the Secretary of State has—

- (a) notified the inshore fisheries and conservation authority by whom the byelaw is to be treated as having been made(b), and
- (b) considered any objection made by that authority.

The Secretary of State makes this Order in exercise of the powers conferred by section 159(1) of the Marine and Coastal Access Act 2009.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Inshore Fisheries and Conservation Authority (Miscellaneous Byelaw Amendments) (England) Order 2015 and comes into force on 30th November 2015.

(2) In this Order, “Regulation (EU) 1380/2013” means Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy(c).

Byelaws treated as made by the Cornwall Inshore Fisheries and Conservation Authority: amendment and revocations

2.—(1) The Cornwall Sea Fisheries District Specified Fish Sizes Byelaw 2000(d) is amended as described in paragraph (2).

(a) 2009 c.23.

(b) By virtue of articles 6 and 7 of S.I. 2011/603, certain byelaws made by a local fisheries committee in relation to an area all or part of which is comprised in an IFC district, or made by the Environment Agency exercising the powers of a local fisheries committee in relation to an area of river, stream or estuary all or part of which is comprised in an IFC district, and that were in force immediately before 1st April 2011, now have effect as if comprised in byelaws made by an inshore fisheries and conservation authority relating to that IFC district. The expression “IFC district” is defined by sections 149(2) and 186(1) of the Marine and Coastal Access Act 2009.

(c) OJ No. L 354, 28.12.2013, p. 22, as last amended by Regulation (EU) 2015/812 (OJ No. L 133, 29.5.2015, p. 1).

(d) Made by the Committee for the Cornwall Sea Fisheries District on 14th April 2000 and confirmed by the Minister of Agriculture, Fisheries and Food on 16th May 2001.

(2) At the end of paragraph 2, insert “, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed”.

(3) The Environment Agency Byelaws for the Regulation of Bass Size in the Cornish Estuaries 2002(a) are revoked.

(4) The Cornwall Sea Fisheries District Bass Fishery Byelaw 2011(b) is revoked.

Byelaw treated as made by the Kent and Essex Inshore Fisheries and Conservation Authority: amendment

3.—(1) The Kent and Essex Sea Fisheries District Byelaw relating to Minimum Sizes for Grey Mullet, Skates and Rays(c) is amended as described in paragraph (2).

(2) After the third paragraph insert—

“This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed.”

Byelaws treated as made by the North Western Inshore Fisheries and Conservation Authority: amendments

4.—(1) The North Western and North Wales Sea Fisheries District Joint Committee Byelaw 6: Shrimps and Prawns – Restrictions on Fishing(d) is amended, insofar as it applies in relation to the North Western Inshore Fisheries and Conservation District, as described in paragraph (2).

(2) At the end of paragraph (e), insert “, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed”.

(3) The Cumbria Sea Fisheries Committee Byelaw 9: Skate Fishery(e) is amended as described in paragraph (4).

(4) After sub-paragraph (ii), insert—

“This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed.”

(5) The Cumbria Sea Fisheries Committee Byelaw 14: Shrimps or prawns(f) is amended as described in paragraph (6).

(6) At the end of sub-paragraph (d), insert “, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed”.

(7) The North Western and North Wales Sea Fisheries District Joint Committee Byelaw 19: Specified Fish Sizes(g) is amended, insofar as it applies in relation to the North Western Inshore Fisheries and Conservation District, as follows—

(a) at the end of paragraph (2), insert “, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed”; and

(b) in paragraph (3), in the Fish Species table, in the entry relating to Bass (*Dicentrarchus labrax*), for “360” substitute “420”.

(a) Made by the Environment Agency on 14th June 2002, sealed on 8th July 2002, and confirmed by the Secretary of State for Environment, Food and Rural Affairs on 6th November 2002.

(b) Made by the Committee for the Cornwall Sea Fisheries District on 26th June 2009 and confirmed by the Secretary of State for Environment, Food and Rural Affairs on 23rd March 2011.

(c) Made by the Local Fisheries Committee for the Kent and Essex Sea Fisheries District on 30th April 1997 and confirmed by the Minister of Agriculture, Fisheries and Food on 17th October 1997.

(d) Made by the Joint Committee for the North Western and North Wales Sea Fisheries District on 28th January 2000 and confirmed (in relation to England) by the Minister of Agriculture, Fisheries and Food on 26th March 2001.

(e) Made by the Cumbria Sea Fisheries Committee on 11th September 1992 and confirmed by the Minister of Agriculture, Fisheries and Food on 16th April 1993.

(f) Made by the Cumbria Sea Fisheries Committee on 3rd September 2004 and confirmed by the Secretary of State for Environment, Food and Rural Affairs on 21st October 2004.

(g) Made by the Joint Committee for the North Western and North Wales Sea Fisheries District on 12th September 2008 and confirmed (in relation to England) by the Secretary of State for Environment, Food and Rural Affairs on 24th July 2009.

(8) The Environment Agency Sea Fisheries Byelaw^(a) is amended, insofar as it applies in relation to the North Western Inshore Fisheries and Conservation District, as described in paragraph (9).

(9) At the end of sub-paragraph (b) of the paragraph headed “Restrictions on Fishing”, insert “, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed”.

Byelaw treated as made by the Southern Inshore Fisheries and Conservation Authority: amendment

5.—(1) The Southern Sea Fisheries District Skates and Rays – Minimum Size Byelaw^(b) is amended as described in paragraph (2).

(2) After the second paragraph, insert—

“This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013 requires the fish to be landed.”.

20th November 2015

George Eustice
Minister of State
Department for Environment, Food and Rural Affairs

(a) Made by the Environment Agency on 18th May 1999 in pursuance of a recommendation of the Regional Fisheries Advisory Committee dated 18th May 1993 and confirmed by the Minister of Agriculture, Fisheries and Food on 24th November 1998.

(b) Made by the Committee for the Southern Sea Fisheries District on 20th October 1994 and confirmed by the Minister of Agriculture, Fisheries and Food on 27th February 1995.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the byelaws of four inshore fisheries and conservation authorities (IFCAs) to ensure there is no conflict between byelaws which prohibit the removal of specified fish from certain English fisheries and the landing obligation (the discard ban) contained in Article 15 of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (OJ No. L 354, 28.12.2013, p. 22).

This Order also revokes two byelaws of the Cornwall IFCA and amends one byelaw of the North Western IFCA which prescribe minimum sizes for bass, as these provisions have been superseded by stricter EU minimum conservation reference sizes for bass.

An impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.