

# Proposed Hand Gathering Byelaw, Statutory Consultation

## Overview and FAQs



**The proposed Hand Gathering Byelaw 2021 within the Sussex Inshore Fisheries & Conservation Authority District**

### Introduction

Sussex Inshore Fisheries and Conservation Authority (Sussex IFCA) is responsible for managing inshore marine fisheries within Sussex, from Chichester Harbour in West Sussex to Rye Bay in East Sussex. Marine fisheries include any commercial or recreational activities that remove marine species from their natural environment. This includes all fishing methods and the gathering of marine species from the shore by hand.

In accordance with its duties, the Authority is developing better management for the hand gathering of marine fauna and flora from within the district. A new Hand Gathering Byelaw is proposed, and a public consultation on the proposed new regulation provides an opportunity for anyone to be involved and have their say.

### What is Hand Gathering?

Hand gathering within Sussex's intertidal areas is extensive and takes many forms, including: the gathering of mollusc shellfish (such as bivalve cockles and clams), crustacea (mainly crabs and occasionally lobster), marine worms (lug and ragworm species) and some plants (seaweeds and glassworts).

Species of animals and plants may be gathered for different reasons, but the most common are either for human consumption or for use as sea angling bait. Sometimes seaweed is gathered for use in gardening as a compost and a natural fertiliser.

Methods of hand gathering vary depending upon the species being collected. Often some form of hand implement is used such as a rake, fork or manual bait pump. Sometimes objects are laid on the seabed to attract a species, this is common with the collection of crabs for fishing bait. Typically, most species are hidden and require some form of hand tool to help find and remove them.

### Protecting the Marine Environment

The Sussex IFCA understands that hand gathering takes place and wants to ensure that both legitimate and sustainable activity can continue into the future. It is important that these activities are managed without causing excessive impact on the environment and damage to sensitive habitats and species. This is particularly important in terms of protecting designated features within Marine Protected Areas or Sites and designated by government for their conservation importance. In Sussex this includes a number of areas such as parts of tidal rivers and natural harbours.

The potential impacts of hand gathering that need consideration include:

- The disturbance of coastal birds that may be feeding, breeding or roosting.
- The disturbance of intertidal habitats (e.g. sediment substrates) and associated fauna and flora that live there, this includes particularly important declining species such as sea grass.
- The disturbance of locally important seal haul out areas.
- Depleting local concentrations and populations of those species taken by hand gathering.

### Reducing Pollution

By managing the activity of hand gathering the Authority can also control any unsuitable materials and equipment, so reducing the risk of pollution in sensitive locations. For example, we can ensure objects made of plastic, oil-based rubber or asbestos are not placed in intertidal areas when collecting crabs.

### Reducing Health Risks from Shellfish

Unfortunately, due to continuing poor water quality in coastal harbours and tidal rivers there are risks that bivalve shellfish may be gathered from unsuitable areas, and then sold for human consumption. Shellfish entering the human food

chain should only be harvested from shellfish beds which have been tested and designated by the Food Standards Agency, as approved beds for harvesting live bivalve shellfish.

The Authority intends to minimise the risk to the public from such shellfish, by ensuring it cannot be legally gathered in commercial quantities from beds that are not suitably designated. These measures will help us work with Local Authority Environmental Health Officers to protect the public.

### **Coordinated gathering by groups and modern day slavery**

Coordinated commercial hand gathering by organised gangs supplying a single person or business is known to occur within the Sussex IFCA District. In some instances, these activities may involve the illegal exploitation of people for personal or commercial gain. The Authority's Byelaw can help support the work of the Gangmasters & Labour Abuse Authority to prevent and detect such illegal activity.

### **Understanding Hand Gathering Activities**

The Sussex IFCA has gathered information on hand gathering to help develop management proposals. This includes an informal online consultation in 2021, and examining our records and reports of hand gathering activity. In respect to Chichester Harbour, the Authority commissioned modelling of data and a report using innovative research by Portsmouth University. The analysis used aerial images of Chichester Harbour to identify areas showing disturbance of intertidal sediments caused by hand gathering.

Despite existing work, due to the scale, complexity and the cost of monitoring, it is not practically possible for the Sussex IFCA to understand the entire extent of hand gathering activities and the condition of species populations that are gathered.

By establishing new management and in future gaining information from permit holders that hand gather large quantities, we expect to develop a better understanding of the activities and populations of species being gathered.

The current proposed measures are therefore established with a precautionary approach, in particular with regards to ensuring no adverse effect on MPA site integrity. Ensuring that activities can continue with sensible balanced restrictions to reduce likely risks to the environment and public.

## **The Proposed Hand Gathering Byelaw**

The proposed new management measures contained within the byelaw are summarised as follows:

### **Methods and Equipment**

The byelaw describes the methods and approved hand-held equipment or instruments that can be used for taking species from the marine environment. The use of any powered machinery, such as electric pumps is prohibited.

### **Does it Include Angling?**

The byelaw does not include any management of angling; the use of hooks and lines used in conjunction with a fishing rod is unaffected. The byelaw does manage the collection of angling bait such as bait digging and crab tiling.

### **What Can Be Hand Gathered?**

Subject to the proposed byelaw conditions with respect to bag limits, the following fauna and flora can be gathered:

- a) lobsters
- b) crabs
- d) mollusc shellfish (except those specified in the paragraph below)
- e) prawns or shrimps
- f) marine worms
- g) seaweeds
- h) glasswort
- i) sea-blite

### **Species Not to Be Taken**

Due to either their scarcity, importance or declining populations several named species must not be hand gathered, these are:

- Piddock (*Pholadidae*)
- Blue mussels (*Mytilus edulis*)
- Native oyster (*Ostrea edulis*)
- Sea or eel grass (*Zostera*)

### **Where Can Hand Gathering Occur?**

The byelaw maintains any person's existing rights to hand gather over the vast majority of the Sussex IFCA district within the intertidal and nearshore zone.

### **Chichester Harbour**

To protect the environment in Chichester Harbour, one of Sussex's most sensitive designated Marine Protected Areas (MPAs), no hand gathering will be allowed in certain parts of the harbour. In general, these areas are some of the least accessible where little if any activity currently occurs. These areas

are mapped and described in the proposed byelaw.

### **Rights to Hand Gather**

The proposed byelaw does not give any right to a person to hand gather on any intertidal area without the appropriate permission of the owner of that land, or any party who has resource rights over that land. This is particularly relevant in tidal rivers and natural harbours.

### **Other Regulations**

The Byelaw does not give any person the right to gather sea fisheries resources where further regulations exist prohibiting or restricting such activities. Examples include restrictions by Harbour Authorities and the Environment Agency to protect flood defences.

### **Hand Gathering Crabs**

The activity of placing an object such as a tile or section of drainage pipe in the intertidal shore to attract crabs is well known.

The byelaw defines these objects as 'Marine Organism Aggregation Devices' (MOADs).

Given the nature of the locations it is proposed that in seven defined areas with conservation designations the Authority will not allow the use of any MOADS being placed on the intertidal areas.

These areas are as follows:

1. Chichester Harbour
2. Medmerry and Bracklesham Bay SSSI
3. Selsey Bill & the Hounds MCZ
4. Pagham Harbour
5. Adur Estuary SSSI
6. Beachy Head West MCZ and Beachy Head East MCZ, including Cuckmere Estuary.
7. Dungeness and Pett Levels MPA, including Camber Sands

### **How Much Can be Taken**

The Sussex IFCA has defined maximum limits on the amounts of animals and plants that can be taken in any one calendar day by a person gathering for their personal needs and not for sale.

The proposed limits are:

- a) 2 lobsters
- b) 5 edible crabs (*Cancer pagurus*);
- c) 20 crabs other than *Cancer pagurus*;
- d) 5 kg of mollusc shellfish (except prohibited species)
- e) 1 kg of prawns or shrimps;
- f) either, 1 kg, 1 litre or 100 marine worms

- \* (see clarification paragraph below)
- g) 5 kg of intertidal attached seaweed (unattached windblown no limit)
  - h) 0.5kg of Glasswort (*Salicornia Species*)
  - i) 0.5kg of Sea-blite (*Suaeda Species*)

\* *In respect to marine worms; providing any person hand gathering complies with any one of the 3 measurements described, it will be acceptable and no permit will be required.*

### **Permits to Hand Gather**

If any person or company gathers more than these limits in a single calendar day, they will need to have a 'Hand Gathering Permit' issued by the Authority.

The permit will enable any person or company to gather either commercial or large quantities of marine animals and plants above the limits shown above.

To monitor and manage the coordination of gangs of hand gatherers, a permit is also required if you are a person or company who receives for the purpose of sale, quantities of animals or plants above the daily limits described that have been gathered within the Sussex IFCA District.

For example, if you buy live angling bait (e.g. rag or lug worms) from persons who hand gather in Sussex and then sell on to the public you will require a permit. This may include the owners of angling shops who sell bait.

Any person or company can apply for a permit and it will be possible for the application process to be completed online.

Permits will be subject to specific restrictions in named areas. No Permit can be used in conjunction with hand gathering in the following areas:

Area 2, Medmerry and Bracklesham Bay SSSI;  
Area 3, Selsey Bill & the Hounds;  
Area 4, Pagham Harbour;  
Area 5, Adur Estuary SSSI; and  
Area 6, Beachy Head West MCZ and Beachy Head East MCZ, including Cuckmere Estuary.

### **Cost of Permit**

A charge of £100 for an annual permit will be made. The charge both covers the administration of the application and processing of return data.

### **Period of Permit**

The permit will last for one year from the date of issue.

## Permit Return Information

Permit holders will be required to complete 'Hand Gathering Catch Return' providing details of where they have been hand gathering and what was taken. The Authority will provide suitable forms to enable and support the process.

## Frequently Asked Questions

Does the proposed byelaw cover both commercial and recreational hand gathering within Sussex?

*Yes, all hand gathering from the shore is covered by the byelaw*

Can I still gather the species I've always gathered for fishing bait?

*Almost certainly, the Byelaw lists the species that can be gathered, it includes all those that are typically gathered.*

Is there any species I cannot take?

*Yes, you cannot take a very limited number of species due to their conservation importance. They are named in the byelaw.*

Can I hand gather anywhere I like?

*No, not anywhere, there are already some restrictions introduced by other organisations (e.g. Environment Agency and Port Authorities) as to where you can't hand gather.*

*The Sussex IFCA Byelaw introduces some new areas in Chichester Harbour. The Byelaw also restricts 'crab tiles' from being laid in some conservation areas. The byelaw provides maps and describes those areas.*

Do I need a permit to hand gather for my own needs?

*We don't expect that you will. Providing you do not gather amounts above the daily limits you will not require a permit.*

Do I need a permit if I gather and sell fishing bait above the daily limits in the Byelaw?

*Yes, you will need to buy an annual permit issued by the Sussex IFCA*

## How can you enforce the Byelaw?

*The Authority's Inshore Fisheries and Conservation Officers may inspect you when you are hand gathering. They have the legal powers to do this. If you are not familiar with the Byelaw management, officers will advise you on what you can and can't do.*

*It is intended that there will be an educational period when the Byelaw is introduced. The Authority will promote and make available to hand gathers information and guidance on the Byelaw.*

Does the proposed byelaw mean that animals and plants I collect could be seized?

*Yes. If an Inshore Fisheries and Conservation Officer carries out an inspection, and you are found to not comply with the Byelaw the animals and plants can be seized under the proposed byelaw. If possible, they will be returned to the marine environment alive. Other enforcement sanctions may also be applied.*

## How to participate in the consultation

**The proposed Byelaw and associated documentation with details of the consultation process can be found on the Sussex IFCA website:**

[www.sussex-ifca.gov.uk/live-consultations](http://www.sussex-ifca.gov.uk/live-consultations)

Any person wishing to object or comment on the confirmation of the above byelaw must do so in writing before 16<sup>th</sup> April 2022 to:

**Marine Conservation and Byelaw Team  
Marine Management Organisation  
Lancaster House  
Hampshire Court  
Newcastle Upon Tyne  
NE4 7YH**

**Email: [ifcabyelaws@marinemanagement.org.uk](mailto:ifcabyelaws@marinemanagement.org.uk)**

**AND**

**send a copy of this representation to:**

**Sussex IFCA – Byelaw Consultation  
12a Riverside Business Centre,  
Shoreham-by-Sea,  
BN43 6RE  
Email: [admin@sussex-ifca.gov.uk](mailto:admin@sussex-ifca.gov.uk)**