HAND GATHERING INTRODUCTORY GUIDANCE

Management of Hand Gathering within the District
Hand Gathering (Restrictions and Permitting) Byelaw 2021

Introduction

The Sussex Inshore Fisheries and Conservation Authority (Sussex IFCA) was established in 2010 with legal duties to help protect the marine environment in Sussex. The Authority manages activities which involve the removal of marine organisms from their natural environment. This includes commercial and recreational fishing and hand gathering within the Sussex IFC District.

Hand gathering from the intertidal zone has taken place since humans inhabited the local coastline, nowadays most hand gathering is for sea angling bait with some foraging for free, wild sourced food.

The Sussex IFCA has Byelaws (Hand Gathering Byelaw 2021 & Marine Protected Areas Byelaw 2017) to manage what can and cannot be gathered, limits on quantities and allowable methods of gathering. This introductory guidance briefly describes the regulations, who it applies to, and where to find more detailed information.

Hand gathering

For management "Hand Gathering" means collecting marine animals or plants by hand, or with the use of handheld implements, between the highest astronomical tide line to 500 metres below the lowest astronomical tide line. It does not include fishing with hooks and lines used with a fishing rod, handlines, or spearfishing in the sea.

Scope of the Sussex IFCA hand gathering regulations

The regulations are intended to encompass all persons undertaking marine hand gathering activities within the Sussex IFC District including commercial and recreational activities. The Byelaws cover both marine animals and plants collected from the shoreline. This guidance is intended for users who go, or intend to go, hand gathering. If you think this guidance is relevant, please check the rules here: Hand Gathering Regulations Link. It is the responsibility of hand gatherers to understand the rules before undertaking the activity.

Impact on existing hand gatherers

For most people who already hand gather, the regulations mean they can continue as before. However, there are certain mollusc species and marine protected areas that need greater protection due their national conservation importance.

Equipment and methods that can be used to hand gather

Handheld implements including push, scoop and drop nets can all be used providing they are not powered mechanically. Chemicals (e.g. detergents) or electrical devices must not be used to recover marine worms or shellfish deep in sediments.

Species of animals and plants that can and cannot be gathered

The regulations list all the groups of animals and plants that can and cannot be gathered. Some are named by species and some in broader taxonomic groups. Hand gatherers should know

what they are intentionally gathering and be able to identify the animal or plant before removing it from its natural environment.

What can be hand gathered

Animals

- Lobster (*Homarus gammarus*)
- Crabs
- Mollusc shellfish (except piddock and native oyster)
- Prawns or shrimps
- Marine worms *(Annelida)*
- Sand eels *(Ammodytidae)*
- Stranded dead fish of any species

Plants

- Seaweeds (macro algae), except *Laminaria digitata* and *Sacchorina latissimi*
- Glasswort (*Salicornia* species) this includes marsh samphire
- Sea-blite (*Suaeda* species).

What cannot be hand gathered

Animals

- Piddock *(Pholadidae)*
- Native oyster *(Ostrea edulis)*

Plants

- Kelps *(Laminaria digitata* and *Sacchorina latissimi)*

***Important:* Lobster and named species of crab and molluscs must also be of a minimum size or above before they can be removed from the marine environment. More information on the Minimum Size (Fish, Crustacea and Mollusc) Byelaw 2021 can be found here: *Minimum Size Regulations Link*.**

Quantities that can be hand gathered

The regulations define the maximum quantities of animals or plants that can be removed in a single day without a valid Hand Gathering Permit. The amounts may vary according to the species and location when gathering within specific marine protected areas with additional restrictions; additional guidance for six specific management areas is detailed in the subsequent paragraph 'Marine Protected Area Management'.

For the majority of the Sussex IFCA District not in the named marine protected areas the limit is:

- 2 lobsters *(Homarus gammarus)*
- 5 edible crabs *(Cancer pagurus)*
- 30 crabs in total of any species other than *Cancer pagurus*
- 5 kg of mollusc shellfish
- 1 kg of prawns or shrimps

- a quantity of marine worms *(Annelida)* exceeding all of the following alternative limits, specified as 1.5 kg, 1.5 litres and 150 individual animals
- 5 kg of intertidal seaweed *(algae)*
- 0.5kg of Glasswort *(Salicornia species)* this includes Marsh Samphire
- 0.5kg of Sea-blite *(Suaeda species)*

A summary of animal and plant species that can be gathered, maximum quantities (bag limits) and minimum sizes is available here: Hand Gathering Quick Reference Guide.

Gathering small quantities of fauna or flora for personal needs

If gathering small quantities for personal needs individuals should still and check it is allowed. There are some areas within marine protected areas in which gathering cannot take place and some protected species that must not be collected.

Hand Gathering Permits – Gathering large quantities for commercial needs

The Hand Gathering Byelaw creates provisions that enable and require relevant hand gatherers to apply for and hold a valid Hand Gathering Permit.

Hand gathering above specified quantities at commercial levels which may support a business will require a permit from the Authority.

Hand Gathering Permit holders are required to comply with the flexible conditions of the permit. Permit conditions can include:

(a) Catch restrictions – the quantities of species that can be removed

(b) Gear restrictions – Equipment that can be used (beyond those already specified)

(c) Spatial restrictions – Areas where hand gathering cannot occur (beyond those already specified)

(d) Time restrictions – Periods during which hand gathering cannot take place

Gathering of Shellfish by Permit Holders

Permits that enable the gathering of bivalve molluscs can only be used for gathering species within a bivalve mollusc production area designated in accordance with current shellfish hygiene regulations classification of either A or B.

Cost and duration of a Hand Gathering Permits

A Hand Gathering Permit lasts one year from the time of issue and costs £75.

Application guidance for those requiring a Hand Gathering Permit is available here: Hand Gathering Permit Guidance.

Marine Protected Area Management

Sussex is fortunate to have a diverse and rich marine environment and coastal environment, consequently it has many nationally designated marine protected areas.

Within both the Hand Gathering Byelaw and Marine Protected Area Byelaw the Authority has identified six marine protected areas in which specific management for Hand Gathering is required beyond those areas of the District outside Marine Protected Areas.

Details of the six management areas and the area specific hand gathering management measures that apply can be found at the following links:

Area 1, Chichester Harbour (part of Solent Maritime SAC and Chichester and Langstone Harbours SPA)

Area 2, Medmerry and Bracklesham Bay SSSI

Area 3, Pagham Harbour MCZ/SPA

Area 4, Adur Estuary SSSI

Area 5, Beachy Head West MCZ and Beachy Head East MCZ west of Holywell, including part of the Cuckmere Estuary within Seaford to Beachy Head SSSI

Area 6, Dungeness and Pett Levels MPA, including Camber Sands

Offences and penalties

A failure to comply with a byelaw:

- General conditions
- Prohibitions and restrictions
- Permit conditions

constitutes a contravention of the Byelaw.

Section 163 of the Marine and Coastal Access Act 2009 provides that a person who contravenes a byelaw is guilty of an offence. A person who is guilty of contravening a byelaw is liable on summary conviction to a fine.

No conferred rights

The Byelaw regulations do not confer any right to a person to hand gather sea fisheries resources on any intertidal area or otherwise within the district without permission of the owner of that land or any party who has relevant resource rights over that land.

Further non-IFCA regulations controlling hand gathering activities

The Byelaw does not confer upon any person the right to gather sea fisheries resources where further regulations exist prohibiting or restricting such activities. For example, other regulations may exist for flood defence, conservation or navigational needs.

Exemptions if acting under a Marine Licence

This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a marine licence issued by the Marine Management Organisation or in accordance with a written permission issued by the Authority permitting the act for scientific, stocking or breeding purposes.

Hand Gathering Code of Conduct

When harvesting animals or plants from the shoreline please comply with the Sussex IFCA's **Hand Gathering Code of Conduct.** The code of conduct is intended to help sustain hand gathering opportunities into the future.