



Sussex Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009

Hand Gathering (Restrictions and Permitting) Byelaw 2021

The Sussex Inshore Fisheries and Conservation Authority in exercise of the powers conferred by section 155(1) of the Marine and Coastal Access Act 2009 (c.23), hereby makes the following byelaw for that District.

Interpretation

1. In this byelaw:

- (a) “approved methods” means non-mechanical hand gathering methods;
- (b) “the Authority” means the Sussex Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Sussex Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2199);
- (c) “coordinate” means a geographic position provided in degrees and decimal minutes to two decimal places. All coordinates are provided for use in World Geodetic System 1984 chart and European Terrestrial Reference System 1989 map projections;
- (d) “designated shellfish beds” means a bivalve mollusc production area designated for human consumption in accordance with shellfish hygiene regulations and with a current classification of either A or B in accordance with the retained EU law version of Commission Regulation 854/2004, Annex II, Chapter II;
- (e) “the District” means the Sussex Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Sussex Inshore Fisheries and Conservation Order 2010;
- (f) “edible crab” means a crab of the species *Cancer pagurus*;
- (g) “hand gathering” means the removal of sea fisheries resources from their natural environment, by approved methods, but not including:
 - (i) hooks and lines used conjunction with a fishing rod;
 - (ii) handlines; or
 - (iii) spearfishing;

- (h) “intertidal area” means the area of shoreline from the highest astronomical tide line to 500 metres below the lowest astronomical tide line;
- (i) “lobster” means a lobster of the species *Homarus gammarus*;
- (j) “marine organism aggregation device” means a structure, device or object intended to attract any specified species, but not including:
 - (i) drop nets;
 - (ii) crab, lobster, prawn pots and traps constructed from any netted frame when used outside the boundaries of tidal rivers or harbours; or
 - (iii) any fishing equipment deployed from a vessel operating under a shellfish or oyster permit issued pursuant of other Authority permitting byelaws;
- (k) “permit” means a Hand Gathering Permit issued under paragraph 4;
- (l) “polluting chemicals, materials and substances” means asbestos, rubber tyres, plastics, detergents and other polluting chemicals and materials;
- (m) “sea fisheries resources” means any animals, plants, or macroalgae, that habitually live in the sea, excluding:
 - (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; and
 - (iii) any freshwater fish;
- (n) “specified species” means any of the following species:
 - (i) crabs of any species other than *Cancer pagurus*;
 - (ii) edible crab (*Cancer pagurus*);
 - (iii) glassworts (*Salicornia species*);
 - (iv) lobster (*Homarus gammarus*);
 - (v) marine worms (*Annelida*);
 - (vi) mollusc shellfish except piddocks (*Pholadidae*) or native oyster (*Ostrea edulis*);
 - (vii) prawns (*Penaeidae*) or shrimps (*Crangonidae*);
 - (viii) sand eels (*Ammodytidae*);
 - (ix) sea-blites (*Suaeda species*); or
 - (x) seaweeds (macro algae), not including the kelps (*Laminaria digitata* and *Sacchorina latissimi*) and wind-blown seaweed.

Commencement

2. This byelaw comes into force on the date on which it is confirmed by the Secretary of State.

Prohibitions and Restrictions

3. The following are the prohibitions and restrictions applicable to hand gathering in the District;
- (a) A person must only use approved methods for the hand gathering of sea fisheries resources.
 - (b) A person must not hand gather the following species of shellfish:
 - (i) piddocks; and
 - (ii) native oyster.
 - (c) A person must not knowingly remove, harm, kill or destroy eel grass (*Zostera species*) or intertidal kelp species (*Laminaria digitata* and *Sacchorina latissimi*) during the exploitation of fisheries in the District.
 - (d) A person must not remove marine organisms from the intertidal shore within the District other than specified species and stranded dead fish of any species.
 - (e) A person using hand gathering methods must not remove from a fishery within the District in any calendar day more than:
 - (i) 2 lobsters;
 - (ii) 5 edible crabs;
 - (iii) 30 crabs in total of any species other than *Cancer pagurus*;
 - (iv) 5 kilogrammes of mollusc shellfish other than those defined in paragraph 3(b);
 - (v) 1 kilogramme of prawns or shrimps;
 - (vi) a quantity of marine worms exceeding all of the following alternative limits, specified as 1.5 kilogrammes, 1.5 litres and 150 individual animals;
 - (vii) 5 kilogrammes of intertidal seaweed;
 - (viii) 0.5 kilogrammes of glasswort; or
 - (ix) 0.5 kilogrammes of sea-blite.
 - (f) Paragraph 3(e) does not apply to a person acting in accordance with a permit.
 - (g) Additional restrictions apply in Management Areas 1 to 6, as defined in schedules 1 to 6.
 - (h) Polluting chemicals, materials and substances must not be deposited when hand gathering.
 - (i) During hand gathering for the exploitation of sea fisheries resources within the District any specified species held are deemed to have been taken from a fishery within the District.

General Permit Conditions

4. The Authority may issue a Hand Gathering Permit with the following general permit conditions:
 - a) a permit is valid for the period of one year from the date of issue;
 - b) a permit is issued to an individual (the holder);
 - c) a permit is not transferrable;
 - d) a permit must be surrendered to the Authority immediately if no longer required;
and
 - e) the Authority may attach flexible permit conditions to a permit.

Fees

5. The Authority may issue a permit upon payment of the relevant fee.
 - (a) A permit fee of £75 is payable on application.
 - (b) A fee of £20 (replacement fee) is payable for the replacement of a lost or destroyed permit.
 - (c) Before varying either the permit fee or the replacement fee the Authority must consult current permit holders in writing.
 - (d) Before varying either the permit fee or the replacement fee the Authority must have regard to:
 - (i) the responses from the consultation;
 - (ii) any regulatory impact assessments associated with this byelaw;
 - (ii) the costs to the authority of administering the permits;
 - (iii) the costs to the authority of processing permit holder data; and
 - (iv) the costs to the authority of any survey activities that support the implementation of permits.
 - (e) A new permit fee will not be changed for any permit already issued.
 - (f) A new replacement fee will not be charged for a permit which has already been reported lost or destroyed.
 - (g) If the Authority decides to vary the permit fee or the replacement fee or both the permit and replacement fees, the Authority cannot increase the fee by more than 15%.

- (h) The Authority must not vary a fee more than once a year.

Conditions

- 6. Use of a permit issued by the authority is subject to the following conditions:
 - (a) A permit holder is permitted to hand gather the species specified in the permit in the quantities specified in the permit.
 - (b) Unless otherwise specified in the permit, the holder is permitted to hand gather from the shore in accordance with the schedules to this byelaw.
 - (c) Permit holders must be in possession of a legible copy of the permit and photographic identification documentation whilst hand gathering within the fishery.
 - (d) A permit that permits the gathering of bivalve molluscs may only be used to hand gather species within designated shellfish beds which have been classified as A or B and suitable for human consumption.
 - (e) A Hand Gathering Permit holder must provide the Authority with any relevant fishery information (as set out at paragraph 9 of this byelaw) requested by the Authority.

Flexible Permit Conditions

- 7. The Authority may introduce, remove or vary a flexible permit condition which falls within one or more of the following categories:
 - (a) catch restrictions;
 - (b) gear restrictions;
 - (c) spatial restrictions;
 - (d) time restrictions;
- 8. The Authority may introduce, remove, or vary a flexible permit condition in accordance with the review procedure set out in paragraph 10;
- 9. The flexible permit conditions that apply to a permit until the first review pursuant to paragraph 6 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.

Review Procedure

10. The Authority will review a flexible permit condition 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 a flexible permit condition based upon responses received from the consultation under paragraph (a) and fishery information;
 - (c) following a decision being made by the Authority, permit holders will be notified in writing and permits will be re-issued.

Fishery Information

11. For the purpose of paragraph 6(e) fishery 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 thinks fit;
 - (c) scientific advice provided by Centre for Environment Fisheries and Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks 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 thinks fit; and
 - (f) information from any other relevant source.

Offences

12. Failure to comply with the following constitutes an offence under s.163 the Marine and Coastal Access Act 2009 and is liable on summary conviction to a fine:
- (a) Prohibitions and restrictions within paragraph 3 (a) to (i);
 - (b) General permit conditions within paragraph 4 (a) to (e);
 - (c) Conditions within paragraph 6 (a) to (e);

- (d) Flexible permit conditions within paragraph 7 (a) to (d);
- (e) Management Area prohibitions and restrictions within Part 1 of schedules 1 to 6.

Existing Rights and Regulations

13. This byelaw does not confer:
- (a) 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;
 - (b) upon any person the right to hand gather sea fisheries resources where there are pre-existing prohibitions or restrictions on such activities.

Exemptions

14. A person does not contravene this byelaw if they are acting 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.

Amendments

15. The byelaw “Fishing Instruments Byelaw” made by the Sussex Sea Fisheries Committee on 18 April 1996 and confirmed on 17 October 1997 in exercise of its power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 (c.38) and in force immediately before the making of this byelaw is hereby amended as follows:
- a) for paragraph 2 (Fishing Instruments), substitute:

No person shall fish for sea fish or hand gather marine organisms except by one or more of the following methods and subject to any conditions set out in this byelaw.
 - b) In paragraph 2 after (ix) insert:
 - (x) hand gathering for:
 - (a) crustacean species;
 - (b) mollusc shellfish except piddock (*Pholadidae*) or native oyster (*Ostrea edulis*);;
 - (c) marine worms (*Annelida species*);
 - (d) glasswort (*Salicornia species*) or sea-blite (*Suaeda species*) and intertidal seaweed (macro algae) not including the named kelp species (*Laminaria digitata* and *Sacchorina latissimi*).

- (xi) Hand held instruments including push, scoop and drop nets used in the gathering of intertidal species, providing they are not of a powered mechanical nature, but only in those parts of the district designated by the Hand Gathering Byelaw.

I certify that the above byelaw was made by the Sussex Inshore Fisheries and Conservation Authority at their meeting on the 28 October 2021.



Date: 28 October 2021

Timothy Dapling
Chief Fisheries & Conservation Officer to the Sussex Inshore Fisheries and Conservation Authority
Sussex IFCA
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West Sussex
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The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Hand Gathering (Restrictions and Permitting) Byelaw made by Sussex Inshore Fisheries and Conservation Authority on 28 October 2021.



Anne Freeman, A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date: 11 December 2024

Schedule 1

Management Area 1

Chichester Harbour (part of Solent Maritime Special Area of Conservation and Chichester and Langstone Harbours Special Protected Area)

Part 1 Prohibitions and restrictions in Management Area 1

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 1.
- (b) Hand gathering is prohibited outside the following zones of Chichester Harbour (tables 1 and 2 provide adjoining line descriptions and referenced coordinates):
 - (i) The intertidal area in Emsworth Channel, due north of a geodesic line between point 1 and point 2;
 - (ii) The intertidal area in Thorney Channel, due north of a geodesic line between point 3 and point 4;
 - (iii) The intertidal area in Bosham Channel, due north-east of a geodesic line between point 5 and point 6; and
 - (iv) The intertidal area in Chichester Channel due east of a geodesic line between point 7 and point 8, a mid-channel geodesic line between point 8 and point 9, due east of a geodesic line between point 9 and point 10, due south of a geodesic line between point 11 and point 12.

Part 2 Description, coordinates and map of Management Area 1

- (a) The area is the intertidal area due north of a geodesic line between co-ordinates 50 degrees 46.62 minutes north 000 degrees 56.28 minutes west (the western entrance of Chichester Harbour) and 50 degrees 46.71 minutes north 000 degrees 54.81 minutes west, including the entirety of Chichester Harbour within the District.
- (b) An indicative map is shown in Figure 1 of this Schedule and boundary lines and coordinates specified in Tables 1 and 2 of this Schedule.

Figure 1 Management Area 1 map, not suitable for navigation

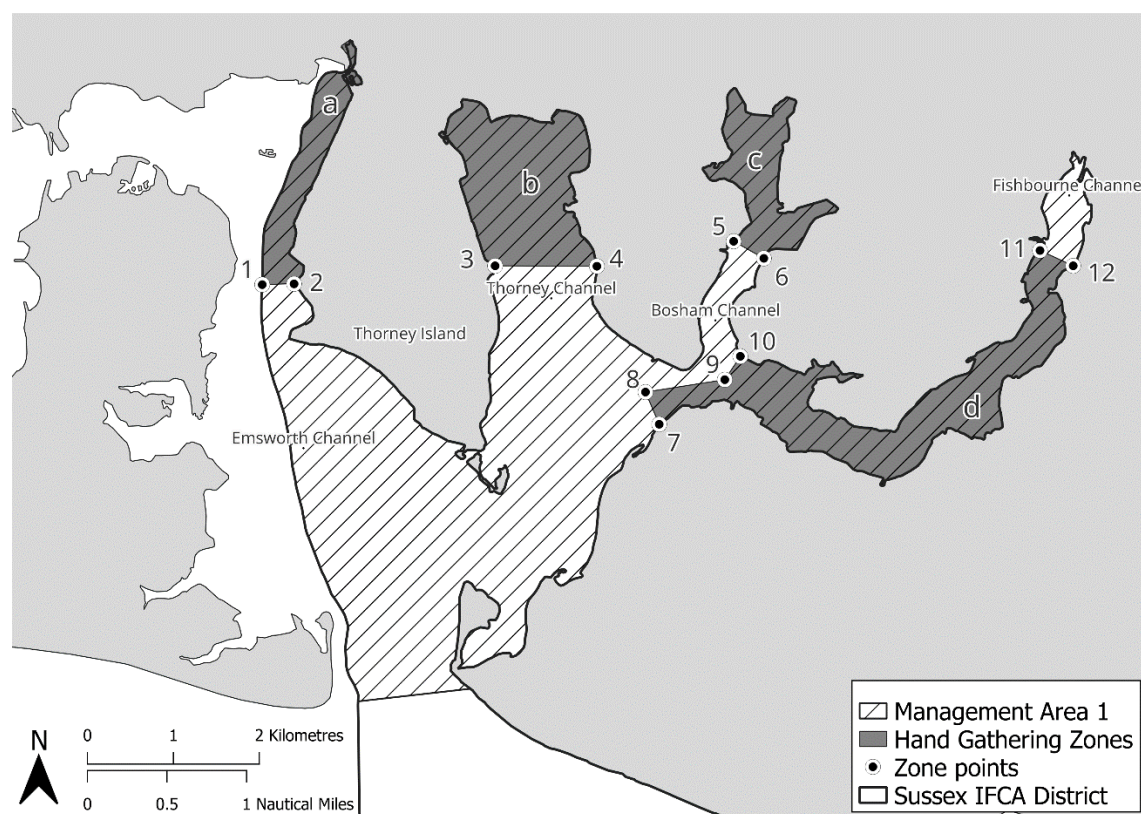


Table 1 Description of boundaries and coordinate reference numbers

<i>Set of coordinates of points which boundary line joins</i>	<i>Topographical description of boundary line</i>
1,2	Sussex IFC District
2,1	Geodesic line
3,4	Sussex IFC District
4,3	Geodesic line
5,6	Sussex IFC District
6,5	Geodesic line
7,8	Geodesic line
8,9	Geodesic line
9,10	Geodesic line
10,11	Sussex IFC District
11,12	Geodesic line
12, 7	Sussex IFC District

Table 2 Coordinates of boundary reference numbers

Coordinate	Latitude			Longitude		
1	50°	49.26'	N	0°	56.81'	W
2	50°	49.27'	N	0°	56.49'	W
3	50°	49.36'	N	0°	54.50'	W
4	50°	49.35'	N	0°	53.49'	W
5	50°	49.51'	N	0°	52.19'	W
6	50°	49.36'	N	0°	51.81'	W
7	50°	48.39'	N	0°	52.79'	W
8	50°	48.56'	N	0°	53.03'	W
9	50°	48.63'	N	0°	52.24'	W
10	50°	48.74'	N	0°	51.97'	W
11	50°	49.42'	N	0°	49.14'	W
12	50°	49.31'	N	0°	48.76'	W

Schedule 2

Management Area 2

Medmerry and Bracklesham Bay Site of Special Scientific Interest

Part 1 Prohibitions and restrictions in Management Area 2

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 2.

Part 2 Description and map of Management Area 2

- (a) The Area is the intertidal area within Bracklesham Bay Site of Special Scientific Interest, including the tidal reaches of Medmerry.
- (b) An indicative map is shown in Figure 2 of this Schedule.

Figure 2 Management Area 2 map, not suitable for navigation



Schedule 3

Management Area 3

Pagham Harbour Marine Conservation Zone

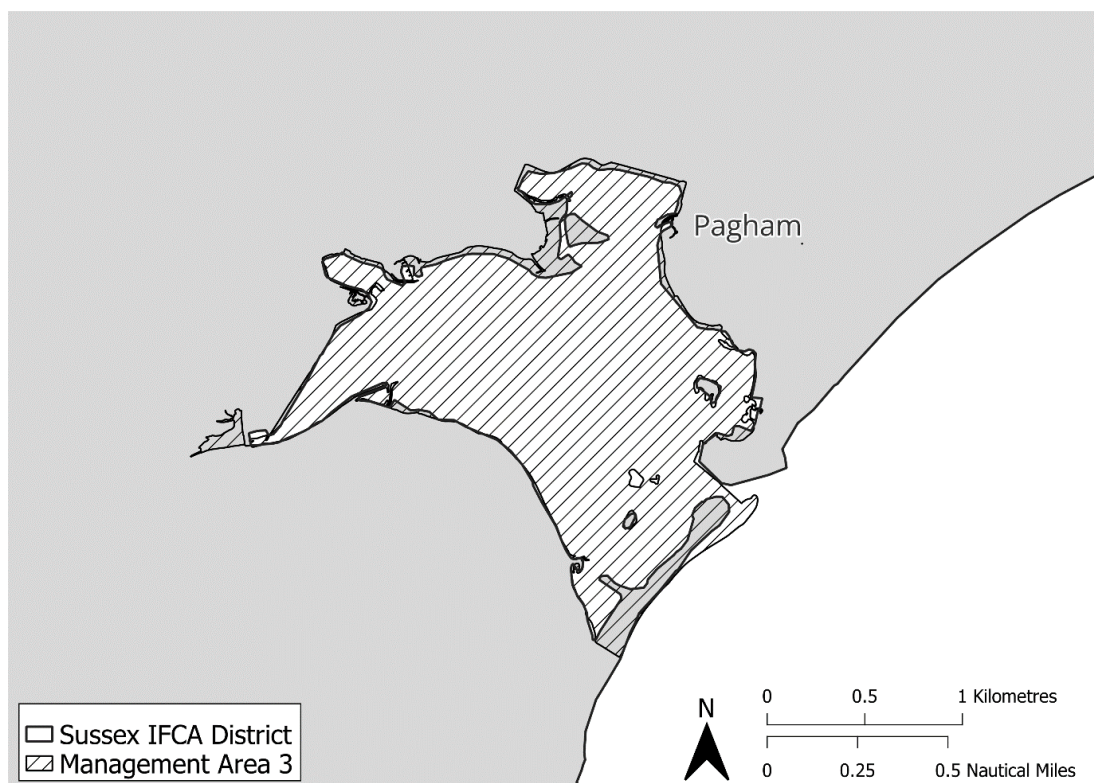
Part 1 Prohibitions and restrictions in Management Area 3

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 3.
- (b) It is prohibited to remove from the shore from any part of Management Area 3 in a single calendar day more than:
 - (i) 20 crabs in total of any species other than *Cancer pagurus*;
 - (ii) 1 kilogramme of mollusc shellfish;
 - (iii) 1 kilogramme of marine worms (Annelida); or
 - (iv) 2 kilogrammes of intertidal seaweed (macro algae).

Part 2 Description and map of Management Area 3

- (a) The area is the intertidal area within the boundary of Pagham Harbour Marine Conservation Zone.
- (b) An indicative map is shown in Figure 3 of this Schedule.

Figure 3 Management Area 3 map, not suitable for navigation



Schedule 4

Management Area 4

Adur Estuary Site of Special Scientific Interest

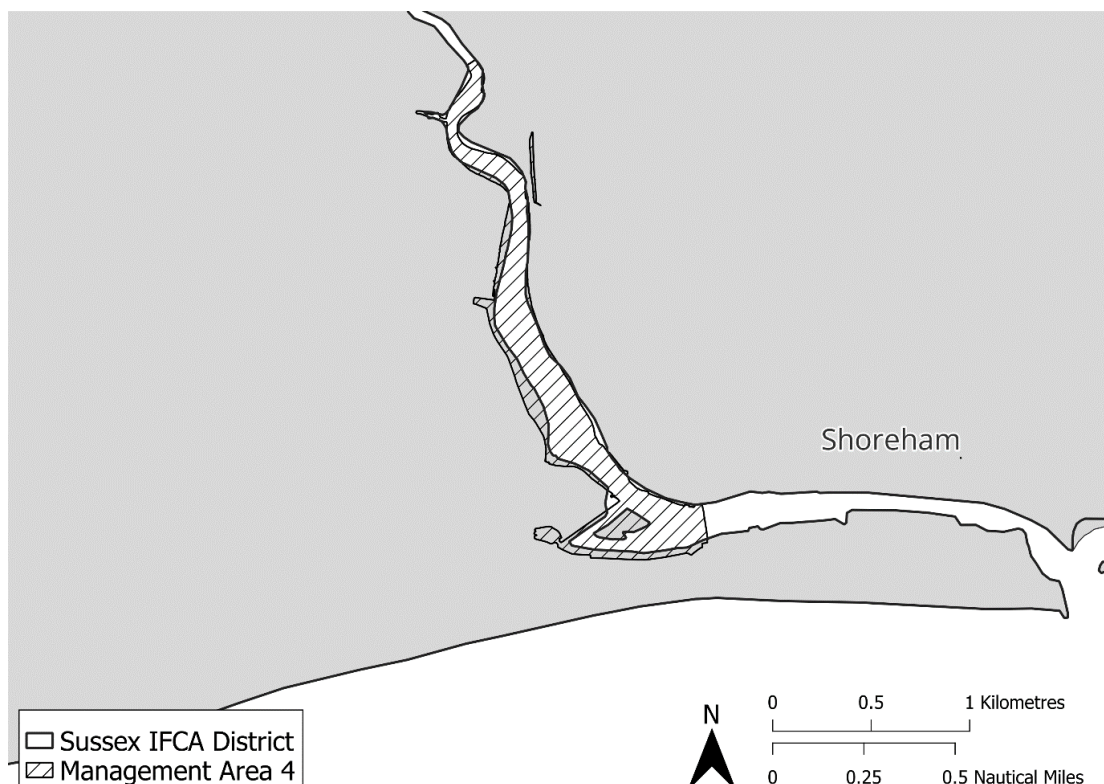
Part 1 Prohibitions and restrictions in Management Area 4

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 4.

Part 2 Description and map of Management Area 4

- (a) The area is the intertidal area of the Adur, from the Adur Ferry Bridge to the upper tidal Site of Special Scientific Interest boundary.
- (b) An indicative map is shown in Figure 4 of this Schedule.

Figure 4 Management Area 4, not suitable for navigation



Schedule 5

Management Area 5

Beachy Head West Marine Conservation Zone and Beachy Head East Marine Conservation Zone west of Holywell, including part of the Cuckmere Estuary within Seaford to Beachy Head Site of Special Scientific Interest

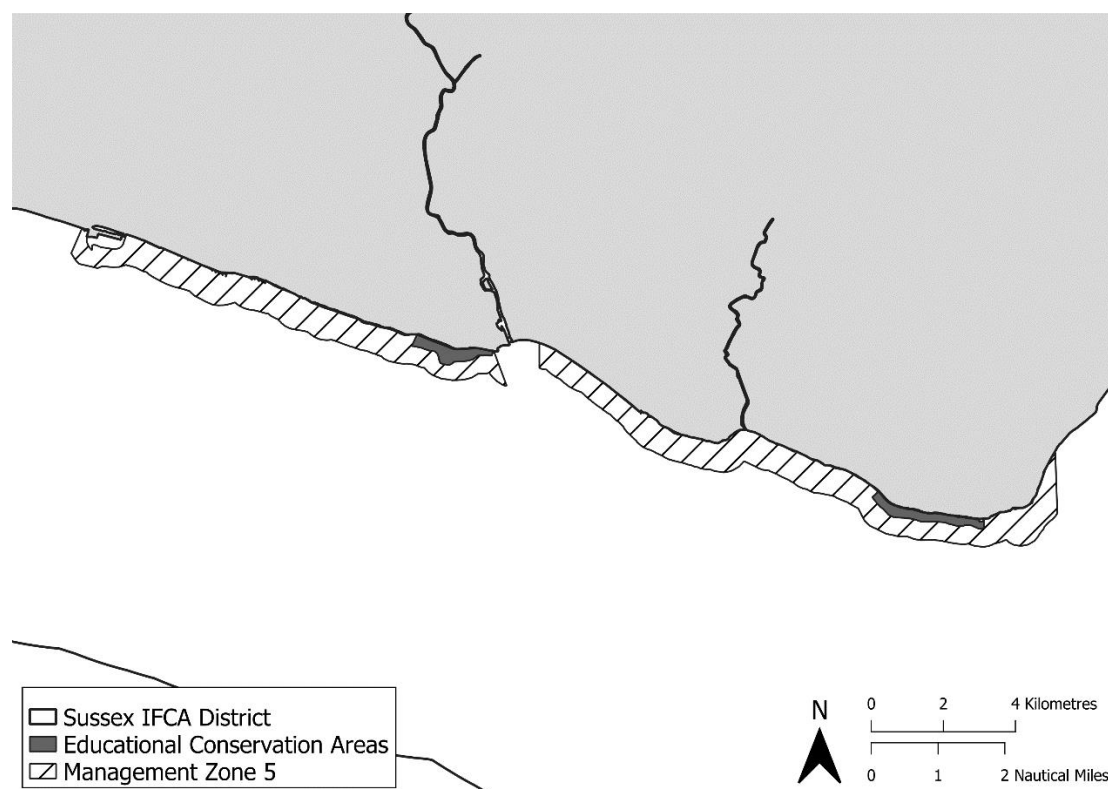
Part 1 Prohibitions and restrictions in Management Area 5

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 5.
- (b) It is prohibited to remove from the shore from any part of Management Area 5 except the Educational Conservation Areas, in Beachy Head West Marine Conservation Zone as defined in the Marine Protected Area Byelaw 2017, and any area lying west of Holywell within Beachy Head East Marine Conservation Zone in a single calendar day more than:
 - (i) 20 crabs in total of any species other than *Cancer pagurus*;
 - (ii) 1 kilogramme of mollusc shellfish except blue mussels (*Mytilus edulis*);
 - (iii) 1 kilogramme of marine worms (*Annelida*);
 - (iv) or 2 kilogrammes of intertidal seaweed (algae).
- (c) It is prohibited to remove from the shore from any part of Beachy Head West Marine Conservation Zone Educational Conservation Areas any marine organism.

Part 2 Description and map of Management Area 5

- (a) The area is the intertidal area within Beachy Head West Marine Conservation Zone, that part of Beachy Head East Marine Conservation Zone lying west of Holywell (position 50 degrees 45.07 minutes north and 000 degrees 16.22 minutes east) and the Cuckmere Estuary up to Exceat Bridge, 50 degrees 46.43 minutes north 000 degrees 8.78 minutes east.
- (b) An indicative map is shown in Figure 5 of this Schedule.

Figure 5 Management Area 5, not suitable for navigation



Schedule 6

Management Area 6

Dungeness, Romney Marsh and Rye Bay Special Protection Area

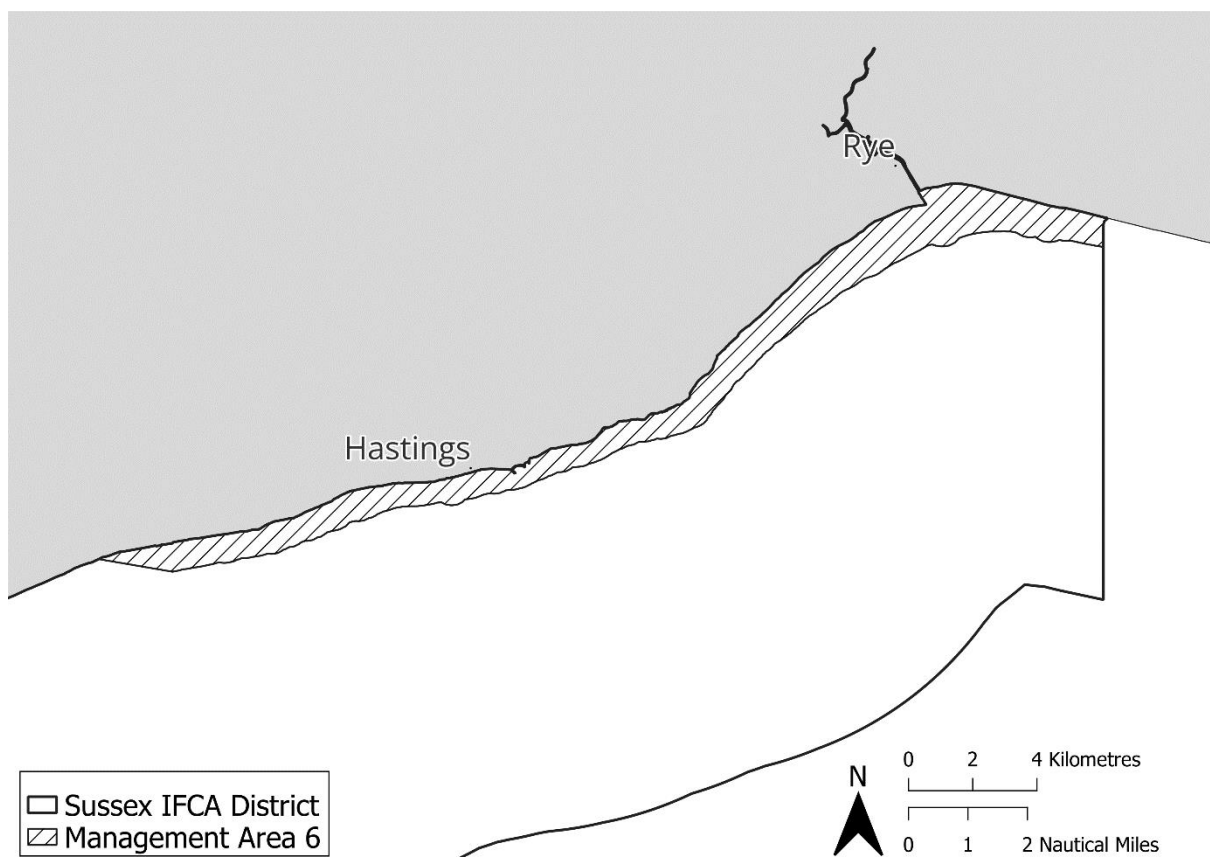
Part 1 Prohibitions and restrictions in Management Area 6

- (a) A person must not deposit or use any marine organism aggregation device in Management Area 6.

Part 2 Description and map of Management Area 6

- (a) The area is the intertidal area within the Dungeness, Romney Marsh and Rye Bay Special Protected Area.
- (b) An indicative map is shown in Figure 6 of this Schedule.

Figure 6 Management Area 6, not suitable for navigation



Explanatory Note

(This note is not part of the byelaw)

The Hand Gathering (Restrictions and Permitting) Byelaw 2021 introduces proportionate management for the harvesting and collection of plants and animals that are exposed by the tide. Intertidal species are accessible and vulnerable to hand collection and over exploitation.

The byelaw defines acceptable methods of gathering and materials that must not be used to attract species. Species that must not be removed and management areas in which certain activities are restricted for conservation needs are also defined.

Limits on the species and quantities of animals, plants and seaweeds that can be collected by any individual in one day are defined. A permit-based system is established for the exploitation of named species by hand gathering above the defined daily limits.

Permits can be purchased from the Authority and last a period of one year from the date of issue. Permits may have associated conditions including areas in which collection can occur, limits on quantities that can be collected and the requirement to submit returns data.

The use of permits and flexible permit conditions support adaptive management based on evidence derived from permit holders. The byelaw will support sustainable exploitation of marine animals, plants and seaweeds that live and grow in the intertidal environment. The byelaw's provisions will support the Authority in delivering its conservation duties within designated conservation areas.

The byelaw should be read in conjunction with its associated flexible permit conditions and byelaw guidance material.