

Sussex Inshore Fisheries and Conservation Authority

Minimum Size (Fish, Crustacea and Mollusca) Byelaw 2021

Technical Guidance

Introduction

This document provides guidance for the intended Sussex IFCA's Minimum Size Byelaw 2021, The Byelaw was made on the 22nd April and currently subject to a statutory consultation (13th May to 17th June 2021). The Byelaw has not been confirmed by Defra and the provisions **do not** currently apply.

The guidance includes information on:

- **Definitions**
- **Catch Prohibitions, Restrictions**
- **Exemptions**
- **Dispensations**

For the purpose of any clarification and legal interpretation, the original proposed byelaw should be referred to. The Authority recommends that the information be read with reference to the full byelaw where a comprehensive understanding of the regulations is necessary.

Paragraph 1

Definitions

Relevant definitions are provided for those words and terms used in the Byelaw.

Definitions included those provided for:

- "Live bait"
- "Minimum size", including the dimensions and method of measurement.
- "Whole" including the provision to allow a fish to be gutted.

Paragraphs 2 to 6

Catch Prohibitions, Restrictions

2. When fishing inside the Sussex IFCA district any person fishing, whether commercial or recreational must not "remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale" any fish, mollusc or crustacean species caught within the district as specified in Schedule 1a and measures less than the defined minimum size. Any fish, mollusc or crustacean below the minimum size must be returned to the sea immediately. The species in schedule 1a are not subject to the 'landing obligation' to which licenced commercial fishers must comply.

3. When fishing inside the Sussex IFCA district **any person not fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration** must not “remove from the fishery, retain on board, tranship or land” any fish, mollusc or crustacean species as specified schedule 1b if less than the minimum size. Any such fish, mollusc or crustacean must be returned to the sea immediately. This provision applies to any named fish, mollusc or crustacean species caught within the district.

Those persons fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration are required to comply with separate national legislation, in which both the Landing Obligation and Minimum Conservation Reference Sizes requirement are provided.

4. This provision seeks to ensure that, if named crustacea or molluscs are retained illegally (in respect to existing UK legislation), below the specified minimum size in schedule 1b, and subsequently landed, that the Authority has the ability to prevent them from being transported, stored and offered for sale within the landward part of the District.

This provision also addresses the needs of active recreational shellfish permits issued by the Sussex IFCA, which entitles permit holders to take numbers of lobster, crab and whelk in accordance with the permit conditions. The present IFCA Shellfish Permit Byelaw does not specify a minimum size for those species, and subsequently there is no regulation to prevent them landing below the present MCRS in UK legislation (which does not apply to recreational fishing).

5. This paragraph defines the method of measurement for species named marine organisms as provided in schedule 2. with supporting diagrams.
6. This paragraph requires that all named fish, crustacea and molluscs in schedule 1a and 1b must only be retained on board whole and may only be landed whole. Mutilation, decapitation, removal of the tail and filleting are not allowed. The exception is any species of skate or ray (*Rajidae spp.*) of which wings can be landed without the skin removed.

Paragraphs 7 to 9

Exemptions

Exemptions have been provided as described:

Proportions of undersize fish for named pelagic species caught commercially within the District. Existing commercial activity takes place from licenced keddle nets (set from the shore) within the east of the district targeting such species.

A provision for the landing of crab claws is included, recognising the difficulty in removing crabs from nets whole. This provision recognises that presently limited

commercial netting takes place, other than from commercial vessels within the District.

The use of named fish species below the specified minimum size, for the purpose of live bait to fish for predatory fish, notably bass.

Paragraph 10

Dispensations

A dispensation may be issued by the Authority in respect to the Byelaw for scientific, stocking, educational or breeding purposes.

Date of guidance: May 2021.