



North Eastern Inshore Fisheries and Conservation Authority
MARINE AND COASTAL ACCESS ACT 2009 (c. 23)

XXXIII BEAM TRAWLING BYELAW 2024

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power under section 155 (1) of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Commencement

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

Interpretation

1. In this byelaw and associated flexible permit conditions-

- a) "the Authority" has the meaning given by Article 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010, No. 2193);
- b) "beam trawl permit" means a permit to use a beam trawl issued in accordance with paragraphs 3 to 8 of this byelaw.
- c) "the district" has the meaning given by Article 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- d) "beam trawl" means any towed trawl or device in which the mouth of the trawl is held open by a beam or similar device, irrespectively of whether they are supported or not when dragged along the seabed;
- e) "fishing operation" means all activities in connection with searching for sea fisheries resources, the shooting, towing, hauling of active gears and taking sea fisheries resources aboard a relevant fishing vessel;
- f) "Flexible permit conditions" means the conditions listed in Annex 1 made, (and or varied), under one or more of the categories listed within paragraph 20, in accordance with the procedures laid out within paragraphs 30 to 32;

- g) “fully functioning Automatic Identification System” means an operational transceiver of Class A or Class B design that transmits accurate information including the ships identity, type, position, course, speed and can exchange information with shore-based facilities;
- h) “registered fishing vessel” means a vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c. 21) and the Merchant Shipping (Registration of Ships) Regulations 1993, and in respect of which there is a valid fishing licence issued under the Fisheries Act 2020;
- i) “scallops” means means an animal of the species *Pecten maximus* or *Aequipecten opercularis*;
- j) “trawl permit” means a permit to trawl within the district issued by the Authority in accordance with paragraph 2 of Byelaw III ‘Trawling:Prohibitions:Exceptions”
- k) “the vessel’s engine power” means the engine power as recorded on the vessel's Certificate of Registry, issued by the Registrar of Shipping and Seamen;
- l) “relevant vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

Prohibitions

2. The following prohibitions and exceptions apply to all fishing vessels engaged in fishing operations within the district:-
 - (a) A person must not use a beam trawl for the exploitation of sea fisheries resources within the district other than in accordance with a beam trawl permit;
 - (b) A person must not use a vessel within the district which is carrying a beam trawl unless:
 - i. the beam trawl is stored on board the vessel in such a way that it cannot be readily used or
 - ii. the beam trawl is being used for fishing in accordance with a beam trawl permit.

- (c) Subject to complying with the provisions contained within Byelaw XXIX 'Humber Fishing Byelaw 2016', paragraphs 2(a) and 2(b) do not apply within that part of the district known as the Humber Estuary as defined within Annex 2 Schedule 1.

Permits

3. The Authority may authorise the use of a beam trawl within the district from a named relevant fishing vessel by issuing a beam trawl permit to the owner of that vessel.
4. The Authority may limit the number of beam trawl permits issued in any one calendar year.
5. The owner of a vessel meeting the following criteria may make an application to the Authority for a beam trawling permit in respect of that vessel:
 - (a) The vessel's engine power does not exceed 150KW;
 - (b) The vessel has held a trawl permit issued by the Authority to trawl within the district for three years prior to the date of making of this byelaw on 6 June 2024.
6. Beam trawl permits will be issued in accordance with the following process:
 - (a) if the number of applicants does not exceed the maximum number of available beam trawl permits, at any one time, then each eligible applicant will be issued with a beam trawl permit, subject to the provisions of this byelaw;
 - (b) once the maximum number of available beam trawl permits has been met then unsuccessful applicants will be placed on a waiting list for the next available beam trawl;
 - (c) the Authority retains the right to refuse to issue a beam trawl permit until such time as the applicant makes available any outstanding information required for the issue of that beam trawl permit or outstanding information from a previous year including any mandatory information required by an Authority byelaw regulation.
7. An application for a beam trawl permit must be made using the printed forms available from the Authority's office and website, or through the online application process on the Authority's website. In the first year, priority will be given to all existing trawl permit holders who held a dispensation to beam trawl within the district prior to the date of the making of this byelaw on 6 June 2024.
8. The permit holder shall pay a fee of £200 to the Authority on application or renewal of a beam trawling permit.

8. A beam trawl permit and permit card:
 - (a) are issued to the owner of a relevant fishing vessel or a named person;
 - (b) in the case of shared ownership of a relevant fishing vessel shall be jointly issued to all owners of that vessel;
 - (c) are valid for the dates specified in the beam trawl permit;
 - (d) must be surrendered to the Authority if no longer required;
 - (e) are not transferable between the permit holder and another person.

Permit Transfer

9. The transfer of a beam trawl permit will be permitted in the following circumstances:
 - (a) the donor vessel is lost or replaced;
 - (b) the recipient vessel is of an equal or smaller overall length and engine power than the donor vessel.
10. An application to transfer a beam trawl permit from a donor vessel to a recipient vessel must be made within one month of the sale or loss of the donor vessel.
11. For the purpose of paragraph 9, it is the seller's responsibility to inform the purchaser of the vessel of their intention to transfer the Permit.
12. A beam trawling permit expires on 1 January of the year following the date of issue unless the Authority notifies the beam trawl permit holder otherwise.
13. The permit holder shall pay a fee to the Authority on application or renewal of a beam trawl permit.

Permit Conditions

14. A named vessel in a beam trawl permit must be a relevant fishing vessel for the beam trawl permit to remain valid.
15. Permit card must be displayed in a clear and prominent position on the vessel, available upon request by an officer of the Authority.
16. Permit holders shall provide any relevant fisheries information required by the Authority for the discharge of the Authority's function.
17. All registered fishing vessels issued with a beam trawl permit must maintain a fully functioning remotely-accessed electronic reporting device which transmits the vessel's position course and speed.

18. All relevant fishing vessels issued with a beam trawl permit must maintain a fully functioning Automatic Identification System.

Flexible Permit Conditions

19. The Authority may introduce flexible beam trawl permit conditions which fall within one or more of the categories listed in paragraph 20.
20. The categories referred to in paragraph 20 are:
 - (a) Catch restrictions;
 - (b) Gear restrictions;
 - (c) Vessel restrictions;
 - (d) Spatial restrictions;
 - (e) Temporal restrictions;
 - (f) Fishery information.
21. The Authority may introduce, remove or vary any flexible beam trawl permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 30 to 32.
22. The flexible beam trawl permit conditions specified within Appendix 1 apply until they are reviewed pursuant to paragraphs 30 to 32 and are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.
23. Failure to comply with a flexible beam trawl permit condition constitutes a contravention of this byelaw.

Offences

24. A person who contravenes this byelaw is guilty of an offence under Section 163 of the Marine and Coastal Access Act 2009

Permit suspensions

25. A beam trawl permit may be suspended or permanently withdrawn by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw or byelaw conditions subject to the considerations in paragraph 26.
26. In deciding whether to suspend or withdraw a permit, the Authority may consider:
 - (a) all available scientific and survey data;

- (b) internal scientific advice from within its membership;
 - (c) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (d) advice provided by the Department for the Environment, Food and Rural Affairs;
 - (e) advice provided by the Marine Management Organisation;
 - (f) advice provided by Natural England;
 - (g) advice provided by the Environment Agency;
 - (h) advice provided by other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (i) representations from fishing permit holders;
 - (j) information from any other relevant source.
27. Prior notice of beam trawl permit suspension or withdrawal will be provided in writing to the permit holder at least fourteen calendar days prior to any suspension or withdrawal taking effect.
28. Any representations must be lodged in writing to the Authority within ten calendar days of the date of the original notice sent to the permit holder.
29. Notification of the final decision will be made in writing to the permit holder within ten calendar days of the final decision being made.

Review Procedure

30. The Authority must review the flexible beam trawl permit conditions at least once every five years, beginning with the date on which this byelaw comes into force.
31. A review of the flexible beam trawl permit conditions shall be undertaken as follows:
- (a) The Authority shall consult in writing with beam trawl 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 any flexible beam trawl permit conditions based upon the consultation set out in paragraph 31 (a) and the information gathered from the beam trawl permit holders and the processes listed in paragraph 30 to 32;

- (c) Following any such decision by the Authority to change the flexible beam trawl permit conditions, beam trawl permit holders will be notified in writing and beam trawl permits will be amended as necessary at no cost to the permit holder.
32. The information referred to in paragraph 31 (b) includes any one or more of the following:
- (a) Data collected from beam trawl 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 shall think fit;
 - (c) Scientific advice provided by CEFAS or such other bodies, organisations or persons as the Authority shall think fit;
 - (d) Advice given by Natural England or such other bodies, organisations or persons as the Authority shall think fit;
 - (e) An Impact Assessment of any proposed changes;
 - (f) Information from any other relevant source.

Revocations

33. The emergency byelaw with the title 'Emergency Beam Trawl Byelaw 2023' made by North Eastern Inshore Fisheries and Conservation Authority on 17 July 2023 in exercise of its power under section 157 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

Appendix 1: Flexible Permit Conditions

As provided by paragraph 20 of the North Eastern IFCA Beam Trawling Permit Byelaw 2024, the following permit conditions apply:

1. Interpretation

Subject to prior notice and consent before leaving port, the provisions listed at paragraphs 4(a) and 5(b) do not apply when a beam trawl permit holder or named representative are exclusively targeting finfish species. When engaged in such activity, all scallops caught during such operations must be returned immediately back to the sea.

2. Gear restrictions

As provided by paragraph 20 (b) of the North Eastern IFCA Beam Trawling Permit Byelaw, the following beam trawl permit conditions apply:

- (a) A beam trawl permit holder must not use any beam trawl at any time, for any purpose, within any specified areas within the flexible beam trawl permit conditions or any other area prohibited to trawling within the district.
- (b) A maximum of two beam trawls are permitted per vessel
- (c) Aggregate beam length must not exceed 7 metres.
- (d) No modifications or adaptations are permitted to the fishing gear deployed under this written derogation without prior consent from NEIFCA.

3. Vessel restrictions

As provided by paragraph 20 (c) of the North Eastern IFCA Beam Trawling Permit Byelaw, the following beam trawl permit conditions apply:

- (a) All registered fishing vessels must not carry or use a beam trawl within the district unless they maintain a fully functioning remotely-accessed electronic reporting device which transmits the vessel's position course and speed.
- (b) All relevant fishing vessels must not carry or use a beam trawl within the district unless they are operating a fully functioning Automatic Identification System (AIS).

4. Spatial restrictions

As provided by paragraph 20 (d) of the North Eastern IFCA Beam Trawling Permit Byelaw, the following beam trawl permit conditions apply:

- (a) A permit holder must not use any beam trawl within 4 nautical miles of the coast when targeting King Scallops.
- (b) A beam trawl permit holder must not use any beam in any other prohibited area designated under any other Authority byelaw regulation

5. Temporal restrictions

As provided by paragraph 20 (e) of the North Eastern IFCA Beam Trawling Permit Byelaw, the following beam trawl permit conditions apply:

- (a) A permit holder must not use any beam trawl on any day before 06:00 hours or after 19:00 hours.
- (b) A permit holder must not use any beam trawl for more than 5 days in any week (Monday to Sunday).

6. Fishery information

As provided by paragraph 20 (f) of the North Eastern IFCA Beam Trawling Permit Byelaw, the following beam trawl permit conditions apply:

- (a) The holder of a scallop dredging permit must, by no later than the fifth day of each month, submit to the Authority information on catch of scallops in kilograms or tonnes (live weight) and active fishing time in hours for the previous month and any other information that the Authority deems necessary.
- (b) A permit holder or named representative must permit access by NEIFCA staff to their named vessels at any time including hosting observer trips as and when requested.

Annex 2 Schedule Definition of areas

1. The 'Humber Estuary' means those tidal waters and parts of the sea bounded by the following lines:
 - (a) to the north by a line drawn true east from Spurn Head Lighthouse (position $53^{\circ} 34.490'$ North, $000^{\circ} 06.650'$ East) to the three nautical mile limit line;
 - (b) to the east by the three nautical mile limit line;
 - (c) to the south by the boundary of the District.

Humber Estuary Area as defined within this byelaw

