

## FLEXIBLE RECREATIONAL PERMIT CONDITIONS

As provided by paragraph 35 of Byelaw XXVIII Shellfish Permit Byelaw 2022<sup>1</sup>, the following permit conditions apply:

### I. Interpretation

#### In the following 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<sup>2</sup>;
- (b) 'berried lobster' means a lobster with egg or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- (c) 'carapace width' means the width of the shell measured across the widest point;
- (d) 'clawless lobster' means any lobster which is displaying the total absence of all fully formed and functioning claws or chelae, where functioning means the ability to open and close the claw;
- (e) 'cooked edible crab offal' means edible crab which has been previously cooked and processed;
- (f) 'crustacea' means any species of lobster, edible crab, velvet crab or Norway lobster;
- (g) 'detached part' of an edible crab means the legs and or claws;
- (h) 'detached part' of a lobster means the tail and or claw(s);
- (i) 'the District' has the meaning given by Article 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (j) 'escape gap' is a rigid opening fixed into the outer wall of a pot;
- (k) 'fishing' means searching for or taking specified shellfish species, shooting, setting, towing, or hauling of fishing gear and taking specified shellfish species aboard a vessel;;
- (l) 'fixed net' means any net that is secured to the seabed by methods such as weights, anchors, or stakes, ensuring it remains in place and does not drift or shift due to currents;;
- (m) 'flap' in relation to the tail of a lobster means any part of the central three flaps of the tail fan of the lobster including the telson with anus and left and right uropod immediately adjacent to the telson;
- (n) 'fleet' means a continuous collection of individual pots connected by rope, rigging or any other method;
- (o) 'floating marker' means a buoy, dahn or other buoyant device which remains on the surface of the sea at all times;
- (p) 'maximum pot size' means a pot not exceeding 50 centimetres high, 60 centimetres wide and 110 centimetres long;
- (q) 'mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopods on a female lobster;
- (r) 'mutilated tail' means a tail of a lobster with any damage likely to obscure a 'v' notch' or absence of either one or both inner flaps of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of these permit conditions;
- (s) 'overall length' means the overall length of the vessel as detailed on its Certificate of Registry issued by the UK Ship Register<sup>3</sup>;
- (t) 'permit' means a Recreational Permit;

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<sup>1</sup> Byelaw XXVIII Shellfish Permit Byelaw 2022 made by the Authority on 1<sup>st</sup> December 2022 for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009.

<sup>2</sup> S.I. 2010, No. 2193.

<sup>3</sup> The UK Ship Register is part of the Maritime and Coastguard Agency (MCA).  
<https://ukshipregister.co.uk/about-us>

- (u) 'pleopod' means the small abdominal leg of a female lobster attached to the abdomen used for swimming and brooding eggs;
- (v) 'pot' means a pot, creel or trap, set or used to catch specified shellfish species;
- (w) 'Recreational Permit' means a permit issued in accordance with paragraphs 23 to 33 of Byelaw XXVIII Shellfish Permit Byelaw 2022;
- (x) 'recreational permit holder' means a person named on a Recreational Permit;
- (y) 'soft-shelled lobster' means a lobster which has recently cast its shell and is malleable under manual pressure;
- (z) 'specified shellfish species' means the following species:
  - (i) European lobster (*Homarus gammarus*);
  - (ii) edible crab (*Cancer pagurus*);
  - (iii) European green crab (*Carcinus maenas*);
  - (iv) velvet crab (*Necora puber*);
  - (v) mussel (*Mytilus edulis*);
  - (vi) Norway lobster (*Nephrops norvegicus*);
  - (vii) common periwinkle (*Littorina littorea*);
  - (viii) razor clam (*Ensis spp*);
  - (ix) scallops (*Pecten maximus* and *Aequipecten opercularis*);
  - (x) pullet carpet shell (*Venerupis corrugata*);
  - (xi) whelk (*Buccinum undatum*);
- (aa) 'three-nautical-mile limit' means the three-nautical-mile line as measured from the baselines as they existed on 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964;
- (bb) 'v-notch' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
- (cc) 'WGS 1984 datum' means the World Geodetic System as revised in 1984 and 2004.

## 2 FLEXIBLE RECREATIONAL PERMIT CONDITIONS

### 2.1 CATCH RESRICTIONS

As provided by paragraph 35(a) of Byelaw XXVIII Shellfish Permit Byelaw 2022 the following permit conditions apply:

- 2.1.1 A recreational permit holder must not remove any edible crab that has a carapace width of less than 140 millimetres, or any detached part of an edible crab unless:
  - (a) the total weight of the detached parts is not more than 10% of the total weight of all species subject to a minimum landing size, other than crustacea, landed by the same person on one occasion; and
  - (b) the edible crab was caught in a fixed net and the part became detached from the crab when clearing the net.
  - (c) Any edible crab caught that has a carapace width of less than 140 millimetres must be returned immediately in a position as near as possible to the area of the sea from which it was taken.
- 2.1.2 A recreational permit holder must not remove any detached part of a lobster.
- 2.1.3 A recreational permit holder must not remove any clawless lobster, soft-shelled lobster, or lobster displaying mutilated pleopods and if caught, that lobster must be returned immediately in a position as near as possible to the area of the sea from which it was taken.
- 2.1.4 Further to paragraphs 2.1.1 to 2.1.3 when not fishing from a vessel, a recreational permit holder must not remove:
  - (a) any lobster with a 'v'-notch';
  - (b) any lobster with a mutilated tail; or
  - (c) any berried lobster;
- 2.1.5 Any animal described in paragraph 2.1.4 of these conditions must be returned immediately in a position as near as possible to the area of the sea from which it was taken.

## Daily Catch Limits

- 2.1.6 In one calendar day, a recreational permit holder may fish a maximum of:
- a) 2 lobsters;
  - b) a combined total of 10 edible crabs and velvet crabs; and
  - c) 30 whelks.
- 2.1.7 Any of the specified shellfish species caught over the daily limits prescribed in paragraph 2.1.6 of these conditions must not be landed, retained or stored but shall be returned immediately to the sea in a position as near as possible to that part of the sea from which they were taken.

## 2.2 GEAR RESRICTIONS

As provided by paragraph 35(b) of Byelaw XXVIII Shellfish Permit Byelaw 2022 the following permit conditions apply:

- 2.2.1 A recreational permit holder must not use a pot within Area A or Area C as defined in paragraph 2.4, for the purpose of fishing for specified shellfish species unless the following criteria have been met:
- (a) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot, each individual chamber has an unobstructed escape gap located in its exterior wall;
  - (b) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 millimetres wide, 46 millimetres high and 100 millimetres long; and
  - (c) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible and within 50 millimetres of the base.
- 2.2.2 A recreational permit holder must not use any pot exceeding the maximum pot size.

### Gear Marking

- 2.2.3 A recreational permit holder must not use any pots within the District unless all individual pots or each fleet of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these floating markers must be clearly marked with the Recreational Permit number.
- 2.2.4 Each pot must be individually tagged with a tag issued by the Authority.
- 2.2.5 A fixed net must be clearly visible with a floating marker (buoy or dahn) that is marked with the recreational permit holders permit number.
- 2.2.6 Any lost or damaged tag(s) must be reported to the Authority immediately.
- 2.2.7 A replacement tag and permit will be issued upon receipt of a new permit application and will be subject to the same permit fee, unless varied in accordance with paragraph 10 of the XXVIII Shellfish Permit Byelaw 2022..

### Crab for Bait

- 2.2.8 A permit holder must not use any edible crab or velvet crab for bait, with the exception of the following:
- (a) the use of any cooked edible crab offal as bait; and
  - (b) the use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing; or
  - (c) the use of velvet crab, above the statutory minimum landing size as bait.

### Pot & Net Limitation

- 2.2.9 A recreational permit holder must only use up to a maximum number of 5 pots.
- 2.2.10 A recreational permit holder must only use a single fixed net, up to a maximum length of 100 metres per vessel, in one calendar day, to fish for specified shellfish species.
- 2.2.11 A recreational permit holder must not fish for specified shellfish species using both fixed nets and pots on the same calendar day.

2.2.12 A recreational permit holder must not use any keep box or similar device to store specified shellfish species in the sea or in any estuary, harbour or marina within the District.

### 3.0 SPATIAL INFORMATION

As provided by paragraph 35(d) of the Byelaw XXVIII Shellfish Permit Byelaw 2022, the following fishing areas, specified within the flexible permit conditions, are defined and depicted in Figure 1:

3.1.1 Area A means those tidal waters and parts of the sea bounded by the following:

to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three-nautical-mile limit and to the East by the three-nautical-mile limit.

3.1.2 Area B means those tidal waters and parts of the sea bounded by the following:

to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three-nautical-mile limit and to the East by the three-nautical-mile limit.

3.1.3 Area C means those tidal waters and parts of the sea bounded by the following:

to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District.

3.1.4 All coordinates are derived from WGS 1984 datum.



