



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

Method and Area of Fishing (Fixed Netting) Byelaw XVIII 2016

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District:

1. Interpretation

In this byelaw:

- (a) all dates shown are inclusive;
- (b) 'Area A', 'Area B', 'Area C' and 'Area D' are defined in the schedule;;
- (c) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (d) 'the baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (e) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (f) 'fixed net' means any type of gill or trammel net which is fixed or anchored in location to catch sea fish;
- (g) 'intertidal' means landward of mean low water spring mark and seaward of the mean high water spring mark;

- (h) 'intertidal permit' means a permit issued by the Authority in accordance with paragraph 3(a);
- (i) 'permit' means an intertidal permit or a subtidal permit;
- (j) 'registered fishing vessel' means a fishing vessel registered in accordance with the Merchant Shipping Act 1995 (c.21) or registered in the Channel Islands or the Isle of Man, and which holds a current fishing licence issued by the appropriate UK fisheries department;
- (k) 'salmonid' means a fish of the species *Salmo salar* or *Salmo trutta*;
- (l) 'subtidal' means seaward of the mean low water spring mark;
- (m) 'subtidal permit' means a permit issued by the Authority in accordance with paragraph 3(b);
- (n) 'surface marker' means a pole fitted with a flotation device and held upright in the water by a weight, with a minimum height of 1.5 metres from the water surface carrying at least one flag with the dimensions of 30 centimetres by 30 centimetres;
- (o) 'three nautical mile limit line' means a line drawn three nautical miles seaward of and running parallel to the baselines.

2. Prohibitions

- (a) A person must not fish or place fixed nets within Area A or Area B.
- (b) A person must not fish or place fixed nets within Area C, unless that person holds a permit and is complying with the conditions set out in paragraphs 5 and 6.
- (c) A person must not fish or place fixed nets within Area D between 1 March and 30 September.
- (d) A person must not fish or place fixed nets within the District outside of Area A, Area B, Area C and Area D unless that person complies with the conditions detailed in paragraph 4.

3. Permits

- (a) The Authority may issue an intertidal permit to a person to authorise fishing or placing of fixed nets in the intertidal part of Area C.
- (b) The Authority may issue a subtidal permit to a person to authorise fishing or placing of fixed nets in the subtidal part of Area C.

4. Conditions — General

- (a) A fixed net must be checked and cleared at least once every 24 hours.
- (b) A fixed net must be clearly marked at each end by a surface marker, displaying the port letters and numbers of the vessel from which it was deployed.
- (c) A fixed net must not be placed unless there is a minimum head rope clearance of 4 metres or deeper at any state of tide.
- (d) A fixed net must not be placed in any waters less than 5 metres deep at any state of the tide between 1 November and 25 March
- (e) A fixed net must not be placed in any waters less than 10 metres deep at any state of the tide between 26 March and 31 October
- (f) Paragraph (e) does not apply between 1 April and 31 August providing:
 - (i) the net is placed by a registered fishing vessel;

- (ii) the net is constructed of a single sheet of unarmoured netting;
- (iii) the net has mesh size equal to or greater than 100 millimetres;
- (iv) the net is no taller than 1 metre in height;
- (v) the net is fixed to the sea bed and set in such a way that the foot rope is in permanent contact with the sea bed along its entire length;
- (vi) the net is placed at least 50 metres from any other net or trap;
- (vii) the combined length of nets is a maximum of 500 metres; and,
- (viii) each end of the net is identified with surface markers.

(g) A person using a vessel other than a registered fishing vessel shall not use more than 100 metres of net.

5. Area C - Conditions

- (a) A fixed net placed in Area C must display a tag issued by the Authority.
- (b) Permit holders must report all salmonid, cetacean or bird mortalities, caused by their fixed nets, to the Authority, within 24 hours.
- (c) A fixed net placed within Area C between 1 October and 30 April must comply with the following conditions:
 - (i) the net is constructed of a single sheet of unarmoured netting;
 - (ii) the net has a mesh size equal to or greater than 100 millimetres;
 - (iii) for intertidal permit holders a maximum of 3 nets may be fished, up to a combined length of 250 metres;
 - (iv) for sub-tidal permit holders a maximum of 4 nets may be fished,

up to a combined length of 400 metres.

- (d) A fixed net placed within Area C between 1 May and 30 June must comply with the following conditions:
 - (i) only a single net may be fished
 - (ii) the net is constructed of a single sheet of unarmoured netting;
 - (iii) the net is no longer than 100 metres length;
 - (iv) the net has mesh size equal to or greater than 100 millimetres;
 - (v) the net is no taller than 1 metre in height;
 - (vi) the net is fixed to the sea bed and set in such a way that the foot rope is in permanent contact with the sea bed along its entire length;
 - (vii) the net is placed at least 50 metres from any other net or trap.

- (e) A person must not fish or place any fixed net within Area C between 1 July and 30 September.

- (f) A person must not fish under the authorisation of a subtidal permit from a registered vessel of 10 metres overall length or more.

- (g) Permits are not transferable between individuals.

6. Area C - Permit Applications

- (a) An applicant may only apply for one type of permit
- (b) Applicants must apply using a form obtained from the Authority website.
- (c) A maximum of five intertidal permits and five sub-tidal permits will be issued per calendar year.
- (d) If the number of applicants for a permit type does not exceed the maximum number of available permits of that permit type then each eligible applicant will be issued with the permit they applied for;
- (e) If the number of applicants for a permit type exceed the number of available permits of that permit type then applications will be assessed against the following criteria in order of priority:
 - (i) the applicant has previously held a valid fishing permit to fish in Area C;
 - (ii) the applicant can demonstrate a historical track record and knowledge of fishing within Area C;
 - (iii) the applicant can demonstrate a historical track record of catching fish using fixed nets.
- (f) The outcome of each application will be confirmed in writing to the respective applicant and unsuccessful applicants will be given the opportunity to appeal the decision.

- (g) All appeals must be received by the Authority, in writing, with supporting evidence, within 21 days of the date of the letter confirming the original decision.
- (h) Appeals will be considered by the Authority's Executive Committee who will notify the applicant of the outcome within 7 days of the respective hearing.
- (i) The appeal process will only consider the content of the written evidence provided by the applicant and whether the correct procedure has been applied.
- (j) The decision of the Authority's Executive Committee is final.
- (k) Permits are valid from 1 October to 30 June.
- (l) A fee of £500 will be charged by the Authority for each permit.
- (m) The Authority retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding application information required for the issue of that permit, or outstanding catch information from a previous year or receipt of the permit fee required by paragraph 6(1).

Area permit Suspension

- (a) A permit may be suspended by the Authority for the purposes of environmental protection, fisheries conservation and non-compliance with the provisions of the byelaw;
- (b) In deciding whether to suspend a permit the Authority may consider:

- (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) representation from the Environment Agency on salmonid by-catch;
 - (iv) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (v) advice provided by the Department for the Environment, Food and Rural Affairs, the Marine Management Organisation or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (vi) information from any other relevant source;
 - (vii) representations from fishing permit holders.
- (c) Prior notice of permit suspension will be provided in writing to the permit holder and through publication on the Authority's website at least ten working days prior to any suspension taking effect.
- (d) Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to the permit holder.
- (e) Notification of the final decision will be made in writing to the permit holder and on the Authority's website within five working days of the final decision.

8. Area C - Emergency Permit Suspension

- (a) Where the Authority considers that there is an urgent need for an immediate permit suspension for the purposes of environmental protection, fisheries conservation or for a breach of this byelaw the Authority may

suspend permits without completing the steps set out in paragraph 7.

- (b) Where an immediate permit suspension is invoked a written notice will be sent to the permit holder 24 hours prior to it taking effect. The notice will explain the reason for and duration of the suspension.

Schedule

Definition of areas

1. Area A means those tidal waters and parts of the sea bounded by the following:
 - (a) on the east by a straight line drawn 327° True direction from Old Nab (position $54^{\circ} 33.480'$ North, $000^{\circ} 46.300'$ West); and on the west by a straight line drawn 036° True direction from Cowbar Nab, near Staithes (position $54^{\circ} 33.650'$ North, $000^{\circ} 47.370'$ West);
 - (b) on the east by a straight line drawn from Whitby Highlight (position $54^{\circ} 28.68'$ North, $000^{\circ} 34.000'$ West) to Whitby Bell Buoy (position $54^{\circ} 30.320'$ North, $000^{\circ} 36.500'$ West); and on the west by a straight line drawn 240° True direction from Whitby Bell Buoy to the land (position $54^{\circ} 29.700'$ North, $000^{\circ} 38.300'$ West);

2. Area B means those tidal waters and parts of the sea bounded by the following:
 - (a) to the north by a line drawn True East from Spurn Head Light House (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; and
 - (c) to the South by the boundary of the District.

3. Area C means those tidal waters and parts of the sea which lie inside the 5 metre depth contour line and between:

- (a) a line drawn True East from Flamborough Head Lighthouse (position 54°07.090' North, 000° 05.100' West); and
- (b) a line drawn True East from Withernsea Light (position 53° 43.880' North, 000° 01.700' East).

4. Area D means the areas bounded by a line drawn between the following points:

- A 54° 14.460' North, 000° 20.890' West;
- B 54° 15.730' North, 000° 19.670' West;
- C 54° 13.640' North, 000° 13.560' West;
- D 54° 12.220' North, 000° 13.440' West;
- E 54° 11.160' North, 000° 13.940' West;
- F 54° 09.030' North, 000° 04.950' West;
- G 54° 07.380' North, 000° 02.460' West;
- H 54° 05.870' North, 000° 02.890' West;
- I 54° 04.960' North, 000° 05.690' West;
- J 54° 05.030' North, 000° 08.360' West;
- K 54° 06.110' North, 000° 09.080' West;

and bounded along the shore between points A and K at the level of mean high water spring (MHWS) tide

5. All coordinates used in this byelaw are derived from World Geodetic System 1984 datum.

Explanatory Note

(This note does not form part of the byelaw)

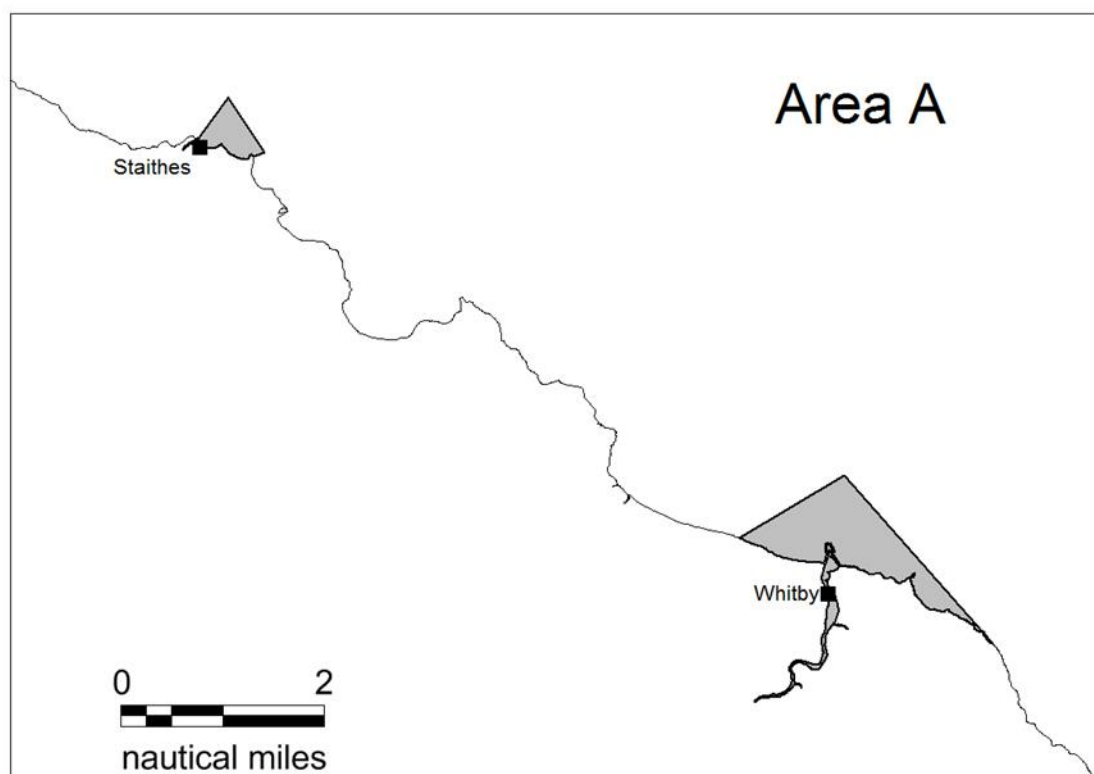
The purpose of this byelaw is to protect both developing sea fish stocks such as sea bass and vulnerable migratory species from overexploitation, through the appropriate management of intertidal and inshore fixed netting activity. The provisions contained within the byelaw will also reduce the risks of salmonids, cetaceans and birds being caught in fixed nets set for sea fish.

This byelaw provides for the designation of management areas, restrictions in the type and period of the year when fixed nets are set and the establishment of a permitting scheme for fixed netting along the Holderness coast of East Yorkshire.

Appended chartlets are for illustrative purposes only and are not to be used for navigation.

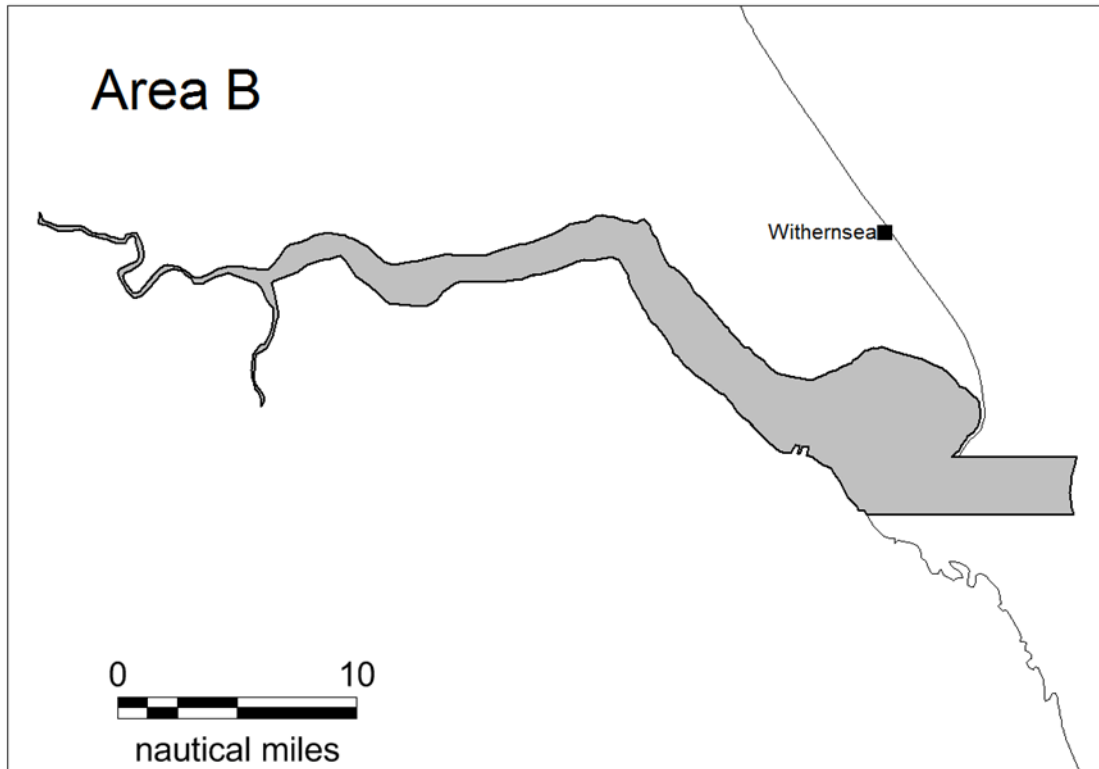
Area A — Staithes & Whitby

All fixed netting is prohibited.



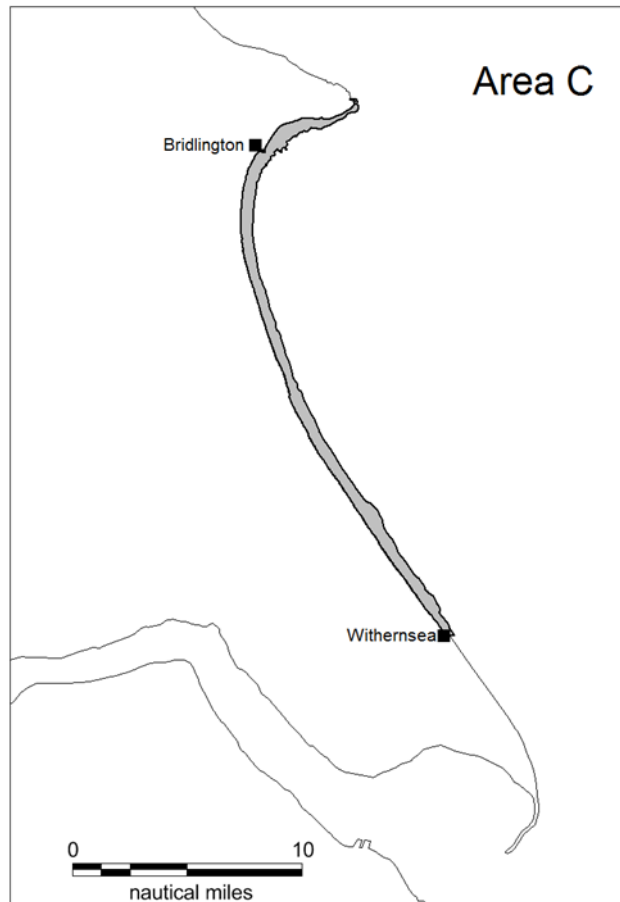
Area B — Humber

All fixed netting is prohibited.



Area C — Holderness

Fixed netting is only permitted under a permit issued by the Authority and in accordance with conditions set out in paragraphs 5 and 6 of the byelaw.



Area D – Flamborough and Filey Coast pSPA

All fixed netting is prohibited from 1 March to 30 September.

