



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

Flamborough Head Fishing Byelaw XXVI

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.

Interpretation

1. In this byelaw:

- (a) '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 (S.I. 2010 No. 2193);
- (b) '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 (S.I. 2010 No. 2193);
- (c) 'Flamborough Head Prohibited Trawling Area' means the area bounded with a line drawn from:

position A (Latitude 54°09.76'N Longitude 000°14.16'W) to
position B (Latitude 54°09.92'N Longitude 000°13.97'W) to
position C (Latitude 54°08.47'N Longitude 000°02.76'W) to
position D (Latitude 54°06.18'N Longitude 000°02.76'W) to
position E (Latitude 54°06.18'N Longitude 000°04.47'W) to
position F (Latitude 54°04.68'N Longitude 000°06.84'W) to
position G (Latitude 54°04.69'N Longitude 000°10.68'W) to
position H (Latitude 54°05.48'N Longitude 000°10.68'W) and then
from position H along the coast at a level of mean high-water spring tide to
position A;

- (d) 'Flamborough Head Permit Area' means the area bounded with a line drawn from:

position C (Latitude 54°08.47'N Longitude 000°02.76'W) to position I (Latitude 54°08.11'N Longitude 000°00.01'E) to position J (Latitude 54°04.67'N Longitude 000°00.13'E) to position F (Latitude 54°04.68'N Longitude 000°06.84'W) to position E (Latitude 54°06.18'N Longitude 000°04.47'W) to position D (Latitude 54°06.18'N Longitude 000°02.76'W) and then from position D back to position C;

- (e) 'Special permit' means a permit, issued in respect of a specified vessel under paragraph 5 of this byelaw dated and signed by the Clerk of the Authority;
- (f) 'trawling activities' means towing a net to catch fish;
- (g) 'beam trawling' means single or multiple vessels engaged in towing a singular or multiple trawl with a beam fixed across the mouth of the associated net; and
- (h) 'multi rig' vessel trawling means single or multiple vessels towing multiple nets to catch fish.

Prohibitions

- 2. No vessel shall engage in any trawling activities within the Flamborough Head Prohibited Trawling Area.
- 3. No vessel shall engage in any trawling activities within the Flamborough Head Permit Area unless that vessel holds a valid special permit.
- 4. Beam and multi-rig vessel trawling are prohibited within the Flamborough Head Permit Area.

Permits

- 5. Special permits will be issued by the Authority to applicants meeting the following criteria:
 - (a) The vessel is registered as a fishing vessel in accordance with Part II of the Merchant Shipping Act 1995 or in the Channel Islands or the Isle of Man and holds a valid current fishing licence issued by the appropriate United Kingdom Fisheries Department at the time the application is made; and
 - (b) The vessel holds a valid special permit to trawl within the Flamborough Head European Marine Site under the byelaw referred to in paragraph 14 at the date of confirmation of this byelaw.
- 6. Special permits will remain valid until a formal change of ownership affects the major shareholding of the vessel to which they were issued. Major shareholding means the

largest allocation of shares in the vessel as detailed on the vessel's Certificate of Registry.

7. Special permits are not transferable except where a change of major shareholding, relating to the vessel, named on the permit, occurs between father and son or father and daughter.
8. Special permits must be immediately surrendered to the Authority if no longer required by the owner or owners of the vessel to which it was issued.

Fishery Closures

9. If the Authority considers it necessary for the purposes of ensuring additional protection to the interest features of the 'Flamborough Head Permit Area' it shall suspend special permits for a specified period. In taking such a decision the Authority will consider:
 - (a) all available and current scientific and survey data;
 - (b) internal scientific advice from within its membership;
 - (c) any advice provided by the Centre for Environment, Fisheries and Aquaculture Sciences;
 - (d) any advice provided by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - (e) information from any other relevant source.

Such a suspension could apply to either the entire Flamborough Head Permit area or part of it.

10. Prior notice of such action will be provided in writing to all special permit holders and through publication on the Authority's website and in local newspapers, at least ten working days prior to any decision being made.
11. Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to special permit holders.
12. Such representations will be considered by the Authority members in combination with the considerations listed in paragraph 9 and a final decision will be made.
13. Notification of the final decision, including suspension of permits will be made in writing to all special permit holders and through publication on the Authority's website and in local newspapers within five working days of the decision being taken.

Revocations

14. The byelaw with the title 'Flamborough Head Fishing Byelaw' made by the Committee for the North Eastern Sea Fisheries District in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966 in force immediately before the making of this byelaw is revoked.

Explanatory note

(This note is not part of the byelaw)

The purpose of this byelaw is to prohibit all trawling, not authorised by a special permit, within the boundaries of the Flamborough Head European Marine Site and to prohibit all types of trawling within a specified area of the site defined as the 'Flamborough Head Prohibited Trawling Area' and detailed within the byelaw (and on the reference chart below). The regulation will protect the interest features of the Flamborough Head European Marine Site and ensure that the Authority is meeting its statutory duties in accordance with the Conservation of Habitats and Species Regulations 2010. (SI.I 2010 No. 490).

Flamborough Head European Marine Site & 'Prohibited Trawling Area'

For illustrative purposes only.

