

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY  
MARINE AND COASTAL ACCESS ACT 2009  
XXVIII SHELLFISH PERMIT BYELAW 2022**

The Authority 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>1</sup>, makes the following byelaw for that District.

**Commencement**

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

**Interpretation**

2. In this byelaw:
  - (a) 'the Act' means the Marine and Coastal Access Act 2009;
  - (b) 'the Authority' has the meaning given by Article 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010<sup>2</sup>;
  - (c) 'Commercial Permit' means a permit issued by the Authority in accordance with the procedure set out within Schedule 1;
  - (d) 'commercial permit holder' means a person named on a Commercial Permit;
  - (e) 'the District' has the meaning given by Article 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
  - (f) 'dredging' means fishing by using any appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops;
  - (g) 'family member' in relation to a vessel owner means a person who is part of the owner's family, either through blood or by marriage including a spouse, partner, son, daughter, parent, sibling, uncle, aunt, grandparent, cousin, niece or nephew;
  - (h) '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;
  - (i) 'fleet' means a continuous collection of individual pots connected by rope, rigging or any other method;
  - (j) 'fishing licence' means a licence to fish granted under Section 15 of the Fisheries Act 2020<sup>3</sup>;

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<sup>1</sup> 2009 c. 23.

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

<sup>3</sup> 2020 c. 22.

- (k) '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;
- (l) 'flexible permit conditions' means the conditions attached to the permit, introduced or varied under paragraphs 34 or 36, in accordance with the procedures set out within Schedule 3;
- (m) 'joint owner' means a person listed as holding a joint share in the ownership of a vessel as recorded on the vessel's Certificate of Registry issued by the UK Ship Register<sup>4</sup>;
- (n) 'monitoring device' means a device capable of transmitting data to the UK VMS hub;
- (o) 'owner' means a person listed as holding a share in the ownership of a vessel as recorded on the vessel's Certificate of Registry issued by the UK Ship Register;
- (p) 'ownership' in relation to a vessel means the ownership details as listed on the vessel's Certificate of Registry issued by the UK Ship Register;
- (q) 'permit' means a Commercial or Recreational Permit;
- (r) 'permit card' means a card issued with the permit which carries the vessel and or the permit holders' details;
- (s) 'permit holder' means a person or persons who are named in a Commercial or Recreational permit;
- (t) 'pot' means a pot, creel or trap, set or used to catch specified shellfish species;
- (u) 'pot type' means a pot specifically designed, rigged and set for the purpose of catching single species or a group of species including, European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*), Norway lobster (*Nephrops norvegicus*), scallops and whelk (*Buccinum undatum*);
- (v) 'recreational catch and release fishing' means collection by hand, or the use of a small hand net, baited line or drop net to catch specified shellfish species that are returned to the sea;
- (w) 'recreational permit' means a permit issued in accordance with paragraphs 23 to 33;
- (x) 'recreational permit holder' means a person named on a recreational permit;
- (y) 'registered fishing vessel' means a vessel registered in accordance with Part II of the Merchant Shipping Act 1995<sup>5</sup> and the Merchant Shipping (Registration

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<sup>4</sup> The UK Ship Register is part of the Maritime and Coastguard Agency (MCA).

<https://ukshipregister.co.uk/about-us>

<sup>5</sup> 1995 c. 21.

of Ships) Regulations 1993<sup>6</sup>, and in respect of which there is a valid fishing licence issued under the Fisheries Act 2020<sup>7</sup>;

- (z) 'scallops' mean the species *Pecten maximus* and *Aequipecten opercularis*;
- (aa) 'sea fisheries resources' has the meaning as in the Act;
- (bb) 'shellfish entitlement' means an entitlement to catch shellfish species attached to a respective fishing licence granted under Section 15 of the Fisheries Act 2020;
- (cc) 'shellfish permit holder' means a person or persons named in a permit issued by the Authority in accordance with Byelaw XXII Permit to fish for lobster, crab, velvet crab and whelk<sup>8</sup>, in force immediately before the confirmation of this byelaw;
- (dd) '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;
  - (x) pullet carpet shell (*Venerupis corrugata*);
  - (xi) whelk (*Buccinum undatum*);
- (ee) 'trawling' means using a net that is towed or dragged on or above the seabed to catch sea fisheries resources; and
- (ff) '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

3. A person must not fish for, take or retain any specified shellfish species from within the District with a vessel unless in accordance with a Commercial Permit and;
  - (a) the vessel is a registered fishing vessel; and
  - (b) the vessel is named on a current fishing licence with a shellfish entitlement.

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<sup>6</sup> S.I. 1993, No. 3138.

<sup>7</sup> 2020 c. 22.

<sup>8</sup> Byelaw XXII Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries District on 31 October 2006 in exercise of its power under section 5 of the Sea Fisheries Regulations Act 1966 (c.38) and confirmed by the Secretary of State on 17 May 2006.

4. Paragraph 3 does not apply to specified shellfish species captured by;
  - (a) registered fishing vessels when trawling or dredging;
  - (b) persons solely engaged in recreational catch and release fishing; or
  - (c) persons solely engaged in fishing in accordance with a Recreational Permit.

## **Permits**

5. The Authority will determine how many permits will be made available each year and publish such number on its website<sup>9</sup>.
6. The Authority may limit the number of pots authorised by a permit.
7. The Authority may specify the number of each pot type authorised by a permit.
8. A permit and permit card:
  - (a) are valid for the dates specified in a permit;
  - (b) must be returned to the Authority if no longer required;
  - (c) are not transferable between the permit holder and another person, otherwise than in accordance with paragraphs 16 to 19; and
  - (d) when used in conjunction with a vessel the permit card must be displayed in a clear and prominent position, otherwise, made available upon request by an officer of the Authority.
9. A fee may be charged for the issue of any replacement tags to a Commercial Permit holder and such fees will be published on the Authority's website.
10. Any fees may be varied or increased in accordance with the review procedure set out within Schedule 3 and will be published on the Authority's website.

## **Commercial Permits**

11. A Commercial Permit and permit card are issued to the owner or joint owners of a registered fishing vessel.
12. Applications for Commercial Permits must be made by completing the printable forms available from the Authority's office<sup>10</sup>, website or by using the online application process on the Authority's website.
13. The Authority will issue Commercial Permits in accordance with the procedure set out in Schedule 1.
14. A registered fishing vessel can only be listed on one Commercial Permit at any one time.

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<sup>9</sup> [www.ne-ifca.gov.uk](http://www.ne-ifca.gov.uk)

<sup>10</sup> NEIFCA, Town Hall, Quay Road, Bridlington, YO16 4LP.

15. The Authority will allocate Commercial Permit pot allocations in accordance with the procedure set out in Schedule 2.

### **Commercial Permits - Transfer**

16. A Commercial Permit is not transferable between owners unless the owner of the vessel listed on the Commercial Permit gives that vessel to a family member of the owner or existing joint owner.
17. A Commercial Permit is not transferrable between vessels unless the owner or joint owners of a vessel listed on the Commercial Permit replaces that vessel with a new vessel.
18. When a Commercial Permit is transferred, the associated pot allocation on the date of transfer will also be transferred.
19. An application to transfer a Commercial Permit in accordance with paragraph 16 or 17 must be made within one calendar month from the date of any such change. In the case of a vessel replacement, the application must be made within one month from the date of change of ownership.

### **Commercial Permit Conditions**

20. A Commercial Permit must not be used in conjunction with any Recreational Permit.
21. Commercial Permit holders must provide any relevant fisheries information required by the Authority.
22. Where any registered fishing vessel has a statutory obligation to have a monitoring device fitted, any additional requirement(s) will be set out in the flexible permit conditions.

### **Recreational Permit Conditions**

23. A Recreational Permit and permit card are issued to a person to fish for specified shellfish species within the District.
24. Applications for Recreational Permits must be made by completing the printable forms available from the Authority's office, website, or by using the online application process on the Authority's website.
25. Only one Recreational Permit may be issued per person.
26. Recreational Permits are not transferable.
27. The Authority will issue a number of tags equal to the maximum number of pots allocated under a Recreational Permit.
28. A Recreational Permit holder must not fish for specified shellfish species using pots with tags attached that have been issued to another Recreational Permit holder.
29. Only one Recreational Permit may be used to fish from any one vessel at any one time.

30. A Recreational Permit expires on 1 May of the next calendar year following the date of issue unless the Authority notifies the permit holder otherwise.
31. Recreational Permit applications will be processed in order of receipt.
32. When all Recreational Permits have been allocated, any unsuccessful applicants will be placed on a waiting list for the next available permit.
33. A fee of £10 will be charged for the issue of a Recreational Permit, payable to the Authority by the applicant on application and renewal.

### **Flexible Permit Conditions**

34. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 35.
35. The categories referred to in paragraph 34 are:
  - (a) catch restrictions;
  - (b) gear restrictions;
  - (c) vessel restrictions;
  - (d) spatial restrictions;
  - (e) temporal restrictions; and
  - (f) fishery information.
36. The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out within Schedule 3.
37. Any flexible permit conditions apply until they are reviewed in accordance with Schedule 3.

### **Permit suspensions**

38. A 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 permit conditions subject to the considerations in paragraph 39.
39. 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 sees fit;

- (i) representations from fishing permit holders; and
  - (j) information from any other relevant source.
40. Written notification of the decision to consider the suspension or withdrawal of a permit will be given to the permit holder and it will also be published on the Authority's website, at least fourteen days before any decision is made.
41. The permit holder has ten days from the date of the notification to submit any written representations to the Authority.
42. The Authority's decision to suspend or withdraw a permit is final and there is no appeal process.
43. Written notification of the final decision to suspend or withdraw a permit, will be given to the permit holder and it will also be published on the Authority's website within seven days of the Authority's decision.
44. The suspension or withdrawal of a permit may apply to all or part of the District.

### **Review Procedure**

45. The Authority will review the flexible permit conditions in accordance with the procedure set out within Schedule 3.

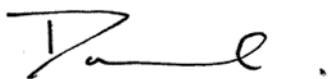
### **Offences**

46. A person who contravenes this byelaw is guilty of an offence under section 163(1) of the Marine and Coastal Access Act 2009.

### **Revocations**

47. Byelaw 'XXII – Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries District on 31 October 2006 is revoked.
48. Byelaw 'XXVIII Crustacea Conservation Byelaw 2018'<sup>11</sup> made by the Authority on 14 June 2018 is revoked.

**I certify that the above Byelaw was made by the Authority at its meeting on 1 December 2022.**

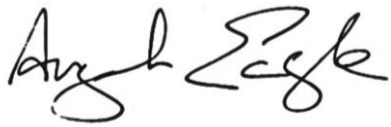


**Darren Stevens**  
Clerk

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<sup>11</sup> 'XXVIII Crustacea Conservation Byelaw 2018' made by North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018 in exercise of its powers under Sections 155 and 156 of the Marine and Coastal Access Act 2009 (c. 23) and confirmed on 08 August 2018.

North Eastern Inshore Fisheries and Conservation Authority  
Town Hall  
Quay Road  
Bridlington  
East Yorkshire

A handwritten signature in black ink, appearing to read 'Angela Eagle', written in a cursive style.

**Dame Angela Eagle DBE MP, The Minister of State for Food Security and Rural Affairs, in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 1 December 2022.**

**Date: 04/03/2026**

## Schedule 1

### Issuing of Commercial Permits

1. The Commercial Permit applicant must pay a fee to the Authority for the issue of the permit which will be payable on application or renewal only. The fee for each Commercial Permit is linked to the respective pot allocation associated with that permit as follows:
  - (a) £50 (1 - 250 pots)
  - (b) £150 (251 – 500 pots)
  - (c) £250 (501 – 750 pots)
  - (d) £350 (751 – 1000 pots)
2. A Commercial Permit expires on 1<sup>st</sup> January of the next calendar year following the date of issue unless the Authority notifies the permit holder otherwise.
3. In year one, all Commercial Permit applications must be received within one month of the date of confirmation of the byelaw and will be processed in priority order with first priority given to those who held a valid shellfish permit issued by the Authority on the date of the making of this byelaw, on 1<sup>st</sup> December 2022. Second priority will then be given to those vessels that previously held a valid shellfish permit, issued by the Authority after the date of the making of the byelaw on 1<sup>st</sup> December 2022. Any remaining, available, Commercial Permits will then be allocated in order of receipt.
4. In subsequent years, all commercial permit holders will be invited to re-apply for their permits prior to the date of expiry of the permit. Such applications must be received by the Authority within one month before the date of expiry of the permit. Any remaining Commercial Permits will be allocated in order of application receipt, including any applications from previous commercial permit holders received after one month of the date of expiry of the said permit, up to the maximum number of available permits.
5. Commercial Permit applications will be processed as follows:
  - (a) if the number of applicants does not exceed the maximum number of available permits, at any one time, then each eligible applicant will be issued with a permit;
  - (b) once the maximum number of available permits has been met then unsuccessful applicants will be placed on a waiting list for the next available permit;
  - (c) the Authority retains the right to refuse to issue a permit until such time as the applicant makes available any outstanding information required for the issue of that permit.

## **Schedule 2**

### **Commercial Permit Pot Allocations**

1. Following the date of confirmation of this byelaw, all existing shellfish permit holders will be invited to make an application for the number of pots that they intend to fish, up to the maximum number specified within the flexible conditions attached to the Commercial Permit.
2. Applicants must also declare the number of fleets of pots they intend to fish and the number of pots per fleet.
3. Applications will be reviewed by the Authority and the number of pots, fleets and number of pots per fleet will be confirmed in writing with each applicant.
4. Any new Commercial Permit applicants will make an application for the number of pots that they intend to fish, up to the maximum number specified within the flexible conditions attached to the Commercial Permit.
5. New Commercial Permit applicants must also declare the number of fleets of pots they intend to fish and the number of pots per fleet.
6. All new applications will be reviewed by the Authority and the number of pots, fleets and number of pots per fleet will be confirmed in writing with each applicant.
7. Commercial permit holders can, at any time, apply to change the number of pots and vary the number of fleets or number of pots per fleet up to the maximum number specified within the flexible conditions attached to the permit.
8. All applications to change the number of pots and or vary the number of fleets or pots per fleet must be submitted to the Authority in writing. Such changes may be subject to an administrative fee to cover the cost of any tags issued.
9. Applications will be considered by the Authority who will notify the applicant of the outcome within 10 days of the date of receipt.

## Schedule 3

### Flexible Permit Conditions Review Procedure

1. The Authority will review the flexible permit conditions at least once every five years beginning with the date on which this byelaw comes into force.
2. A review of the flexible permit conditions shall be undertaken as follows:
  - (a) the Authority shall consult in writing with permit holders and other stakeholders, organisations and persons that are likely to be representative of the interests 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 permit conditions based upon the consultation set out in paragraph 2(a) and the information listed in paragraph 3; and
  - (c) following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and the decision published on the Authority's website and permits will be amended as necessary at no cost to the permit holder.
3. The information referred to in paragraph 2(b) includes any one or more of the following:
  - (a) data collected from 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 sees fit;
  - (c) scientific advice provided by Centre for the Environment Fisheries and Aquaculture Science or such other bodies, organisations or persons as the Authority sees fit;
  - (d) advice given by Natural England or such other bodies, organisations or persons as the Authority sees fit;
  - (e) an impact assessment of any proposed changes; and
  - (f) information from any other relevant source.

**EXPLANATORY NOTE**  
***(This note is not part of the byelaw)***

This byelaw prohibits the fishing for, taking or retention of any of the following specified shellfish species by vessel, from within the District, unless the owner of that vessel holds a Commercial Permit, issued by the Authority:

- (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;
- (x) pullet carpet shell (*Venerupis corrugata*);
- (xi) whelk (*Buccinum undatum*);

Such prohibitions do not apply to vessels engaged in trawling, dredging, recreational catch and release fishing or persons holding a Recreational Permit.

Commercial Permits are subject to a pot limitation which will be allocated, upon application, up to a maximum limit set by the Authority.

Recreational Permits authorise the recreational fishing for, taking and retention of any specified shellfish species. There is a limit of one permit per person, and one permit used per vessel.

Commercial and Recreational Permits are subject to flexible permit conditions which the Authority may amend subject to specific procedure. Such permit conditions can include those relating to the vessel, the fishing gear, the catch, the area or time of fishing and any additional fisheries information required by the Authority. Flexible permit conditions will be reviewed at least once every five years.

Commercial Permits are not transferable unless the owner of a vessel listed on a Commercial Permit replaces that vessel or gives that vessel to a family member or joint owner. Recreational permits are not transferable

Commercial and Recreational Permits can be suspended or withdrawn subject to considerations relating to available data, external advice and representations from permit holders.

Commercial and Recreational Permits will be issued in order of receipt of application and payment of any fees or charges<sup>12</sup>, up to the maximum number of permits made available by the Authority.

The byelaw confirms that any contravention of the prohibitions is an offence under section 163(1) Marine and Coastal Access Act 2009.

The byelaw revokes byelaw 'XXII Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries Committee district on 31

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<sup>12</sup> See paragraph 1 of Schedule 1 & paragraph 33 of XXVIII Shellfish Permit Byelaw 2022.

October 2006 and Byelaw XXVIII Crustacea Conservation Byelaw 2018' made by the Authority on 14 June 2018.