



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

Fish, Mollusc and Crustacea Minimum Size Byelaw XXXII

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power conferred by 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 (SI 2010/2193);
- (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;
- (c) "Live bait" means fish that are:
 - (i) used only as a hook bait for the capture of other fish;
 - (ii) retained on a vessel or within the District's waters;
 - (iii) released alive into the fishery when no longer required; and
 - (iv) not landed or removed from the fishery.
- (d) "tranship" means the unloading of all or any fisheries products on board a vessel to another vessel.

Catch Prohibitions and Restrictions

2. A person fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration who catches a species listed in column 1 of Schedule 1, subject to paragraph 7, must:
 - (a) not tranship that species if it measures less than the size specified in column 2 of Schedule 1; and
 - (b) return it immediately to the sea.

3. A person must:
 - (a) not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board their vessel any species listed in column 1 of Schedule 1 if:
 - (i) it measures less than the size specified in column 2 of Schedule 1; and
 - (ii) it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration.
 - (b) Any seafish falling under paragraphs 3(a)(i) and 3(a)(ii) must be immediately returned to the sea.

4. The marine organisms specified in Schedule 1 shall be measured in accordance with Schedule 2.

5. Named crustaceans and named molluscs for which a minimum size is established in Schedule 1 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster (*Nephrops norvegicus*).

6. The following named species below the minimum sizes specified in Schedule 1 may be used as live bait:
 - (a) Herring (*Clupea harengus*)
 - (b) Horse mackerel (*Trachurus trachurus*)
 - (c) Mackerel (*Scomber scombrus*)

Exemption

7. Paragraphs 2 and 3 shall not apply to herring, horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10% must not be exceeded during transshipment, landing, transportation, storage, display or sale.

Revocations

8. The emergency byelaw with the title 'FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019' made by North Eastern Inshore Fisheries and Conservation Authority on 13 August 2019 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.

Explanatory Note

(This note is not part of the byelaw)

This byelaw prohibits the removal from the fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes. The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole.

Schedule 1 applies to all persons, however the byelaw contains a provision which exempts vessels fishing under a commercial fishing vessel licence issued by the Marine Management Organisation or other devolved administration. Vessels fishing under a commercial fishing vessel licence issued by the Marine Management Organisation or other devolved administration are required to comply with landing obligations and Minimum Conservation Reference Sizes as provided for in other UK legislation, and are only prohibited from transshipping undersized species under the byelaw.

The byelaw includes method of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live herring, horse mackerel or mackerel fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

The byelaw contains provisions for retaining 10% undersize catch in relation to herring, horse mackerel or mackerel.

The byelaw replaces the emergency byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by North Eastern Inshore Fisheries and Conservation Authority on 13 August 2019.

Schedule 1

Species and specified minimum conservation reference sizes

a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 centimetres
Cod (<i>Gadus morhua</i>)	35 centimetres
Haddock (<i>Melanogrammus aeglefinus</i>)	30 centimetres
Hake (<i>Merluccius merluccius</i>)	27 centimetres
Herring (<i>Clupea harengus</i>)	20 centimetres
Horse mackerel (<i>Trachurus</i> spp.)	15 centimetres
Ling (<i>Molva molva</i>)	63 centimetres
Mackerel (<i>Scomber</i> spp.)	30 centimetres
Megrim (<i>Lepidorhombus</i> spp.)	20 centimetres
Plaice (<i>Pleuronectes platessa</i>)	27 centimetres
Pollack (<i>Pollachius pollachius</i>)	30 centimetres
Saithe (<i>Pollachius virens</i>)	35 centimetres
Sole (<i>Solea</i> spp.)	24 centimetres
Whiting (<i>Merlangius merlangus</i>)	27 centimetres

b) Named Mollusc Species

Octopus (<i>Octopus vulgaris</i>)	750 grams
Queen scallop (<i>Aequipecten opercularis</i>)	40 millimetres
Razor clam (<i>Ensis</i> spp.)	100 millimetres
King scallop (<i>Pecten maximus</i>)	100 millimetres
Short-necked clam (<i>Ruditapes philippinarum</i>)	35 millimetres
Whelk (<i>Buccinum undatum</i>)	45 millimetres

c) Named Crustacea Species

Crawfish (<i>Palinurus</i> spp.)	95 millimetres
European lobster (<i>Homarus Gammarus</i>)	87 millimetres
Norway lobster (<i>Nephrops norvegicus</i>)	
Total length	85 millimetres
Carapace length	25 millimetres
Tail	46 millimetres
Female Spinous spider crab (<i>Maja squinado</i>)	120 millimetres

Schedule 2

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a European lobster shall be measured, as shown in Figure 2 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
3. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured, as shown in Figure 3 for illustrative purposes, either:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace;
or
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae; or
 - c. In the case of detached Norway lobster tails; from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
4. The size of a crawfish (*Palinurus* spp.) shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.
5. The size of a spinous spider crab (*Maja squinado*) shall be measured, as shown in Figure 5 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
6. The size of any bivalve mollusc shall be measured, as shown in Figure 6 for illustrative purposes, across the longest part of the shell.
7. The size of a whelk shall be measured, as shown in Figure 7 for illustrative purposes, as the length of the shell.

Figure 1. Fish species

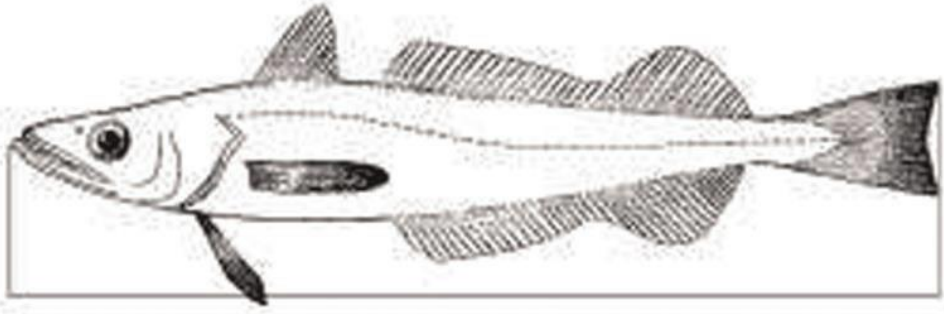


Figure 2. European lobster (*Homarus Gammarus*)

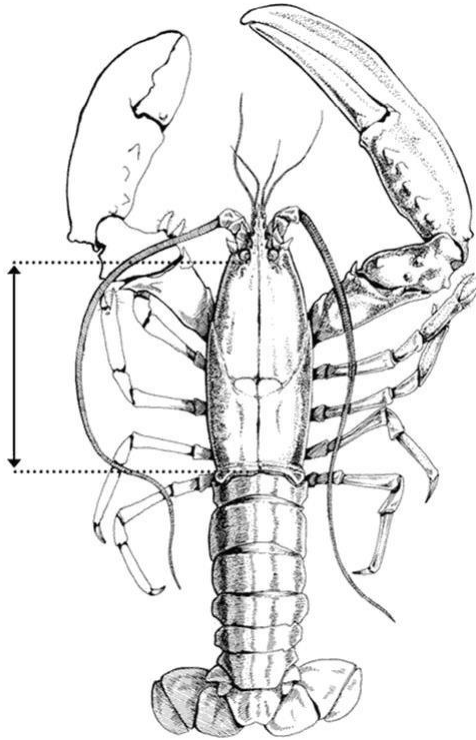


Figure 3. Norway lobster (*Nephrops norvegicus*)

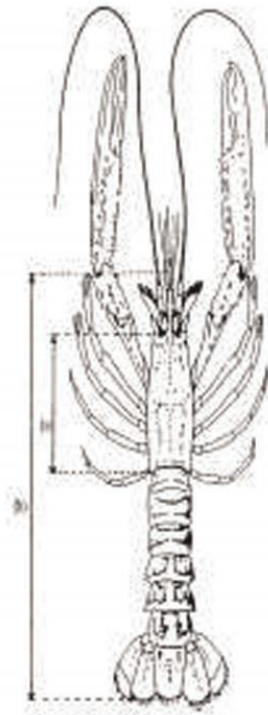


Figure 4. Crawfish (*Palinurus* spp.)

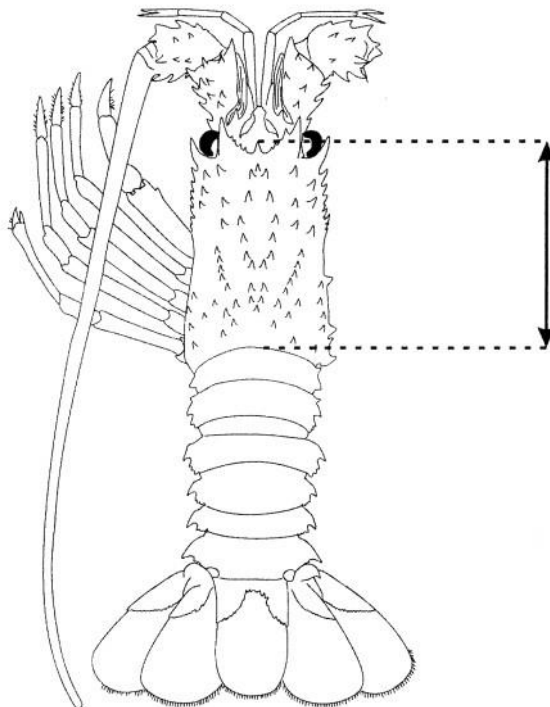


Figure 5. Spinous spider crab (*Maja squinado*)

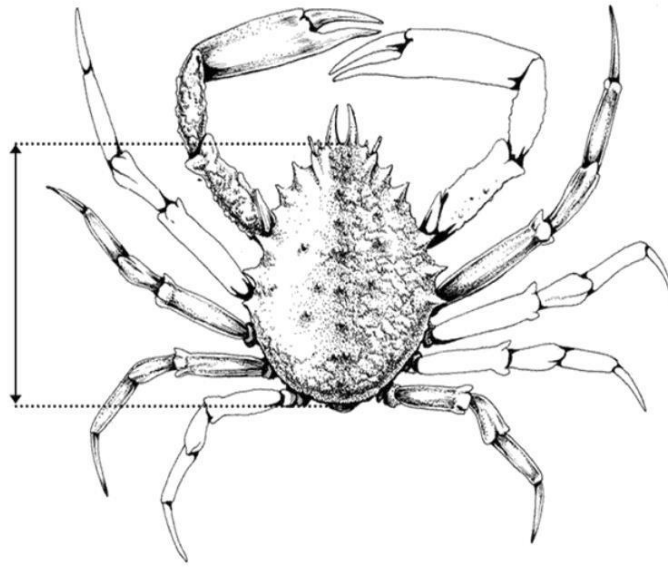


Figure 6. Bivalve molluscs

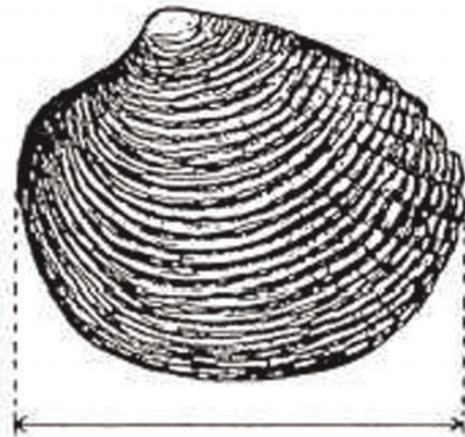


Figure 7. Whelk (*Buccinum undatum*)

