

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY
MARINE AND COASTAL ACCESS ACT 2009
XXXIII BEAM TRAWLING BYELAW 2024**

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power under section 155(1) of the Marine and Coastal Access Act 2009¹ makes the following byelaw for that District.

Commencement

1. This byelaw comes into force on the date in 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 2010²;
 - c) 'beam trawl' means any towed trawl or device in which the mouth of the trawl is held open by a beam or similar device, that is either supported or not supported when dragged along the seabed;
 - d) 'Beam Trawling Permit' means a permit to use a beam trawl issued in accordance with Schedule 2 of this byelaw;
 - e) 'dispensation' means a written authorisation issued by the Authority in accordance with Byelaw II 'Application and Saving for Scientific Purposes'³;
 - f) 'the District' has the meaning given by Article 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
 - g) 'engine power' means the engine power as recorded on the vessel's Certificate of Registry, issued by the UK Ship Register⁴;

¹ 2009 c. 23

² S.I. 2010, No. 2193

³ Byelaw II Application and Saving for Scientific Purposes made by the Committee for the North Eastern Sea Fisheries District in exercise of its powers under the Sea Fisheries Regulation Act 1888

⁴ The UK Ship Register is part of the Maritime and Coastguard Agency (MCA)
<https://ukshipregister.co.uk/about-us>

- h) '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 and includes, a spouse, partner, son, daughter, parent, sibling, uncle, aunt, grandparent, cousin, niece or nephew;
- i) 'fishing' for the purpose of this byelaw includes searching for sea fisheries resources, the shooting, towing or hauling of fishing gear and taking sea fisheries resources aboard a vessel;
- j) 'flexible permit conditions' means conditions in a Beam Trawling Permit, falling under categories listed within paragraph 19, made in accordance with the procedures set out within Schedule 3;
- k) '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;
- l) 'owner' means a person listed as holding a share in the ownership of that vessel as recorded on the vessel's Certificate of Registry issued by the UK Ship Register;
- m) '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;
- n) 'permit card' means a card issued with the Beam Trawling Permit which carries the vessel and or the permit holders' details;
- o) 'permit holder' means a person who is named on a Beam Trawling Permit;
- p) 'registered fishing vessel' means a vessel registered in accordance with Part II of the Merchant Shipping Act 1995⁵ and the Merchant Shipping (Registration of Ships) Regulations 1993⁶, and in respect of which there is a valid fishing licence issued under the Fisheries Act 2020⁷;
- q) 'relevant fisheries information' means any information required for the issue of a Beam Trawling Permit or the flexible permit conditions associated with it;
- r) 'scallops' means an animal of the species *Pecten maximus* or *Aequipecten opercularis*;
- s) 'sea fisheries resources' has the meaning as in the Act;

⁵ 1995 c. 21.

⁶ S.I. 1993, No. 3138

⁷ 2020 c. 22.

- t) 'trawl permit' means a permit issued by the Authority to trawl within the District in accordance with paragraph 2 of Byelaw III 'Trawling: Prohibitions: Exceptions'⁸;
- u) 'WGS 84 datum' means the World Geodetic System revised in 1984 and 2004'; and
- v) '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.

3. Coordinates used in this byelaw are measured from WGS84 datum.

Prohibitions

4. A person must not use a beam trawl within the District, unless in accordance with a Beam Trawling Permit and the vessel:

- (a) is a registered fishing vessel; and
- (b) has held a trawl permit for three consecutive years prior to the date of the making of this byelaw on 6 June 2024.

5. Paragraph 4 does not apply:

- (a) when fishing within the part of the District known as the Humber Estuary, more particularly described within Schedule 1; or
- (b) to the use of a beam trawl used from any vessel, providing the following conditions are met:
 - (i) the owner of the vessel holds a valid trawl permit;
 - (ii) the beam trawl does not exceed 2.5 metres in length; and
 - (iii) all scallops caught are returned to the sea as soon as possible after capture and as close as possible to the initial point of capture.

Permits

6. The owner of a registered fishing vessel can apply for a Beam Trawling Permit following the procedure set out in Schedule 2.

⁸ Byelaw III Trawling: Prohibition: Exceptions made by the Committee for the North Eastern Sea Fisheries District on 30 July 2002 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 7 March 2003.

7. Applications for a Beam Trawling Permit will be assessed in accordance with the procedure set out in Schedule 2.
8. A Beam Trawling Permit expires on 1 January of the year following the date of issue unless the Authority notifies the permit holder otherwise.
9. The Authority will determine how many Beam Trawling Permits will be made available each year and publish such number on its website⁹.
10. The Authority may refuse to issue a Beam Trawling Permit until the applicant makes available any outstanding information required for the issue of that Beam Trawling Permit.
11. A Beam Trawling Permit and permit card:
 - (a) are issued to the owner of a registered fishing vessel;
 - (b) in the case of joint ownership are issued to all the owners of that vessel;
 - (c) must be returned to the Authority if no longer required; and
 - (d) are not transferable between the permit holder and another person, unless in accordance with paragraphs 13 to 15.
12. The Authority can vary the fees charged to issue a Beam Trawling Permit in accordance with the review procedure set out within Schedule 3.

Beam Trawling Permit Transfer

13. A Beam Trawling Permit is only transferable if the following applies:
 - (a) the vessel listed on the Beam Trawling Permit is replaced with a new vessel; and
 - (b) the replacement vessel is of an equal or smaller overall length and engine power; or
 - (c) the ownership of the vessel listed on the Beam Trawling Permit is given to a family member of the owner or an existing joint owner.
14. An application to transfer a Beam Trawling Permit in accordance with paragraph 13 must be made within one month of the date of any such change. In the case of a vessel listed on a Beam Trawling Permit being replaced with a new vessel, the application must be made within one month of the date of change of ownership.

⁹ www.ne-ifca.gov.uk

15. When a vessel named on a Beam Trawling Permit is sold, it is the responsibility of the owner, or joint owners, to inform the buyer that the vessel is no longer listed on that Beam Trawling Permit.

Beam Trawling Permit Conditions

16. The permit card must be displayed in a clear and prominent position on the vessel and available upon request by an officer of the Authority.
17. Permit holders must provide to the Authority any relevant fisheries information required by the Authority.

Flexible Permit Conditions

18. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 19.

19. The categories referred to in paragraph 18 are:

- (a) catch restrictions;
- (b) gear restrictions;
- (c) vessel restrictions;
- (d) spatial restrictions;
- (e) temporal restrictions; and
- (f) fishery information.

20. The Authority may introduce, remove or vary any flexible permit conditions relating to a Beam Trawling Permit, following a review conducted in accordance with the review procedure set out within Schedule 3.

Beam Trawling Permit Suspensions and Withdrawals

21. A Beam Trawling Permit may be suspended or permanently withdrawn by the Authority for the purposes of environmental protection, fisheries conservation or due to non-compliance with the byelaw or flexible permit conditions subject to paragraph 23.

22. In deciding whether to suspend or withdraw a permit, the Authority may consider:

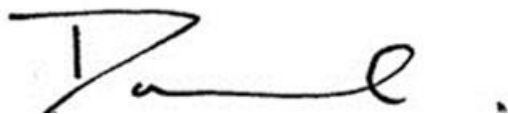
- (a) all available scientific and survey data;
- (b) internal scientific advice from within its membership;
- (c) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
- (d) advice provided by the Department for Environment, Food and Rural Affairs;
- (e) advice provided by 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 permit holders; or
 - (j) information from any other relevant source.
- 23.** Written notification of the decision to consider a suspension or withdrawal of a Beam Trawling Permit will be given to the owner or joint owners listed on that Beam Trawling Permit and it will be published on the Authority's website at least fourteen days before any decision is made.
- 24.** Any written representations from the owner or joint owner in response to a notification of suspension or withdrawal must be received within ten days of the notification referred to in paragraph 23.
- 25.** The Authority's decision to suspend or withdraw a Beam Trawling Permit will be final and there is no appeal process.
- 26.** Written notification of the final decision to suspend or withdraw a Beam Trawling Permit, will be given to the owner or joint owners listed on that Beam Trawling Permit and it will be published on the Authority's website within seven days of the Authority's decision.
- 27.** The suspension or withdrawal of a Beam Trawling Permit may apply to all or part of the District.

Offences

- 28.** A person who contravenes this byelaw is guilty of an offence under Section 163(1) of the Act.

I certify that the above Byelaw was made by the Authority at its meeting on 6 June 2024



Darren Stevens

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall


Quay Road

Bridlington

East Riding of Yorkshire

YO16 4LP

The Secretary of State for Environment, Food 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 6 June 2024.

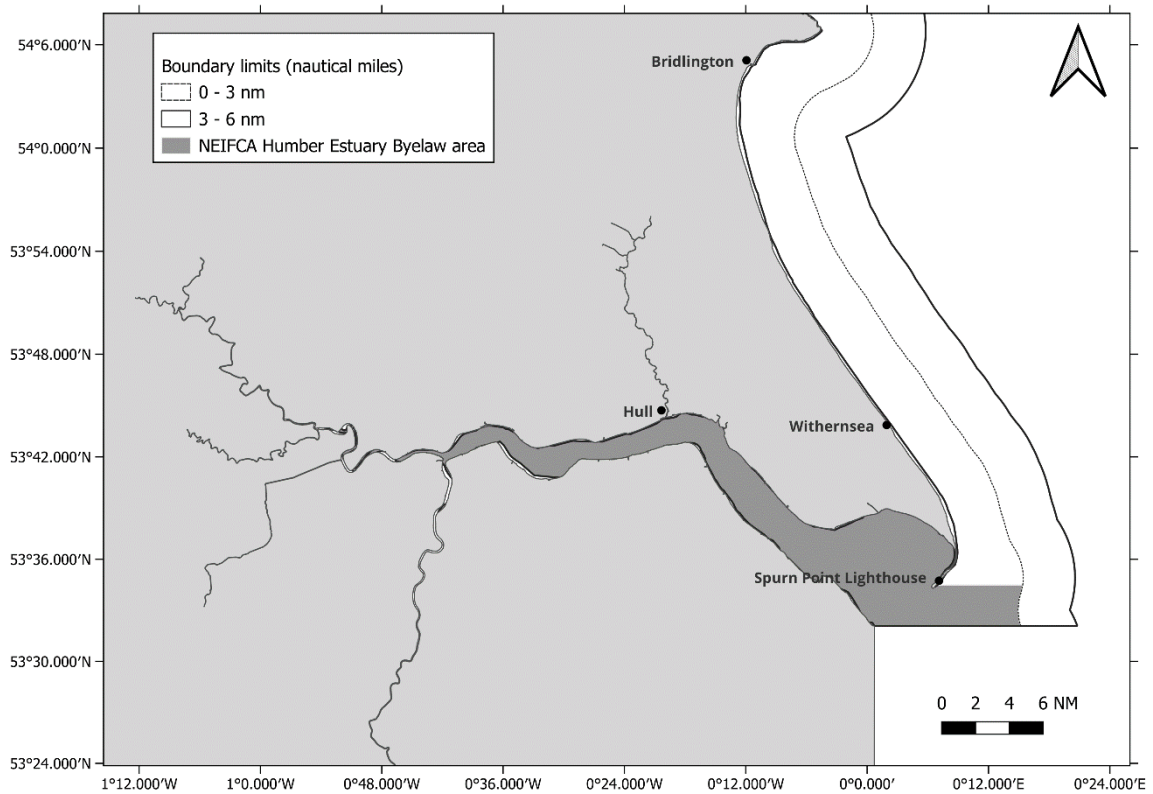
A handwritten signature in black ink, appearing to read 'Daniel Zeichner', is centered on the page. The signature is written in a cursive style with a long horizontal stroke at the end.

Minister Daniel Zeichner, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Schedule 1 Definition of the Humber Estuary

1. The 'Humber Estuary' means the area depicted in Figure 1 bounded by the following lines:
 - (a) to the north by a line drawn true east from Spurn Head Lighthouse (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.

Figure 1: Humber Estuary Area of the NEIFC District



Schedule 2

Application for Beam Trawling Permits

1. An application for a Beam Trawling Permit must be made by completing the printable forms available from the Authority's office¹⁰ and website, or through the online application process on the Authority's website.
2. The Beam Trawling Permit applicant must pay a fee of £200 to the Authority for the issue of the permit which will be payable on application and renewal only.
3. In year one all Beam Trawling 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 vessel owners that previously held a dispensation to beam trawl within the District following the confirmation of the Emergency Beam Trawling Byelaw 2023 and prior to the date of the making of this byelaw on 6 June 2024. Any remaining Beam Trawling Permits will then be allocated in order of application receipt.
4. In year two and subsequent years, all permit holders will be invited to re-apply for their Beam Trawling Permits before the date of expiry of the permit. Such applications must be received by the Authority one month before the date of expiry of that permit. Any remaining Beam Trawling Permits will then be allocated in order of application receipt, including any applications received from previous permit holders received after one month of the date of expiry of the permit, up to the maximum number of available Beam Trawling Permits determined by the Authority.
5. Once the maximum number of available Beam Trawling Permits has been met, unsuccessful applicants will be placed on a waiting list for the next available Beam Trawling Permit.

¹⁰ NEIFCA, Town Hall, Quay Road, Bridlington, East Riding of Yorkshire, YO16 4LP

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 will be undertaken as follows:
 - (a) the Authority must consult in writing, with the owner or joint owners listed on the Beam Trawling Permits and such other stakeholders, organisations and persons that appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
 - (b) the Authority will decide 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, the owner or joint owners of the Beam Trawling Permit will be notified in writing and Beam Trawling Permits will be amended as necessary at no cost to the owner or joint owners listed on the Beam Trawling Permit.
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 use of beam trawls within the District except in accordance with a Beam Trawling Permit, issued by the Authority annually, and the flexible conditions attached to it. The provisions of this byelaw do not apply within the Humber Estuary or to the use of a beam trawl, providing that trawl does not exceed 2.5 metres in length, and all scallops caught are returned back to the sea as soon as possible. Only the owner or joint owners of a registered fishing vessel that held a trawl permit, issued in accordance with the Authority's Byelaw III 'Trawling: Prohibitions: Exceptions', three years prior to 6 June 2024, will be eligible to apply for a Beam Trawling Permit. A fee will be charged for each Beam Trawling Permit. The Authority can limit the number of Beam Trawling Permits that it issues in any one year and withdraw or suspend Beam Trawling Permits. The flexible Beam Trawling Permit conditions can include those relating to the vessel size, vessel engine power, the gear, the catch, the area or time of fishing and any additional information required by the Authority. Such conditions must be reviewed and changed within a time period not exceeding five years.

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

All maps and charts contained within the byelaw are for illustrative purposes only and are not to be used for navigation.