FLEXIBLE COMMERCIAL PERMIT CONDITIONS

As provided by paragraph 35 of Byelaw XXVIII Shellfish Permit Byelaw 2022[1], the following permit conditions apply:

1. Interpretation

In the following Flexible Permit Conditions:

(a) 'the Authority' has the meaning given by Article 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010[2];

(b) 'carapace width' means the width of the shell measured across the widest point;

(c) 'clawless lobster' means any lobster which is displaying the total absence of all fully formed and functioning claws or chelae, where functioning means the ability to open and close the claw;

(d) 'Commercial Permit' means a permit issued by the Authority in accordance with the procedure set out within Schedule 1 of Byelaw XXVIII Shellfish Permit Byelaw 2022;

(e) 'commercial permit holder' means a person named on a Commercial Permit;

(f) 'cooked edible crab offal' means edible crab which has been previously cooked and processed;

(g) 'crustacea' means any species of lobster, edible crab, velvet crab or Norway lobster;

(h) 'detached part' of an edible crab means the legs and or claws;

(i) 'detached part' of a lobster means the tail and or claw(s);

(i) 'the District' has the meaning given by Article 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;

(k) 'escape gap' is a rigid opening fixed into the outer wall of a pot;

(l) 'fishing' includes searching for and taking specified shellfish species, shooting, setting, towing, or hauling of fishing gear and taking specified shellfish species aboard a vessel;

---

[1] Byelaw XXVIII Shellfish Permit Byelaw 2022 made by the Authority on 1st December 2022 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.

[2] S.I. 2010, No. 2193.

(m) ‘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;

(n) ‘flap’ in relation to the tail of a lobster means any part of the central three flaps of the tail fan of the lobster including the telson with anus and left and right uropod immediately adjacent to the telson;

(o) ‘fleet’ means a continuous collection of individual pots connected by rope, rigging or any other method;

(p) ‘floating marker’ means a buoy, dahn or other buoyant device which remains on the surface of the sea at all times;

(q) ‘maximum pot size’ means a pot not exceeding 50 centimetres high, 60 centimetres wide and 110 centimetres long;

(r) ‘mutilated pleopod’ means any visible damage, abrasion, mutilation or absence of any pleopods on a female lobster;

(s) ‘overall length’ means the overall length of the vessel as detailed on its Certificate of Registry issued by the UK Ship Register[3];

(t) ‘permit’ means a Commercial Permit;

(u) ‘pleopod’ means the small abdominal leg of a female lobster attached to the abdomen used for swimming and brooding eggs;

(v) ‘pot’ means a pot, creel or trap, set or used to catch specified shellfish species;

(w) ‘soft-shelled lobster’ means a lobster which has recently cast its shell and is malleable under manual pressure;

(x) ‘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 (*Pecten maximus and Aequipecten opercularis*);
(x) pullet carpet shell *(Venerupis corrugata);*

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

(xi) whelk *(Buccinum undatum);*

(y) 'sunset list' means a list of vessels that possess a track record of fishing for crustacea using pots in 'Area A' or 'Area B' since January 2016 and have registered catches of lobster and crab with the Authority and were placed on the list before February 2019;

(z) 'three-nautical-mile limit' means the three-nautical-mile line as measured from the baselines as they existed on 25th January 1983 in accordance with the Territorial Waters Order in Council 1964;

(aa) 'WGS 1984 datum' means the World Geodetic System as revised in 1984 and 2004.

2. COMMERCIAL PERMIT FLEXIBLE CONDITIONS

2.1 CATCH RESTRICTIONS

As provided by paragraph 35(a) of Byelaw XXVIII Shellfish Permit Byelaw 2022 the following permit conditions apply:

2.1.1 A commercial permit holder must not remove any edible crab that has a carapace width of less than 140 millimetres, or any detached part of an edible crab unless:

(a) the total weight of the detached parts is not more than 10% of the total weight of all species subject to a minimum landing size, other than crustacea, landed by the same person on one occasion; and

(b) the edible crab was caught in a fixed net and the part became detached from the crab when clearing the net.

(c) Any edible crab caught that has a carapace width of less than 140 millimetres must be returned immediately in a position as near as possible to the area of the sea from which it was taken

2.1.2 A commercial permit holder must not remove any lobster that has a carapace length of less than 89 millimetres, or any detached part of a lobster.

2.1.3 A commercial permit holder must not remove any clawless lobster, soft-shelled lobster, or lobster displaying mutilated pleopods and if caught, that lobster must be returned immediately in a position as near as possible to the area of the sea from which it was taken.

2.2 GEAR RESTRICTIONS

As provided by paragraph 35 (b) of Byelaw XXVIII Shellfish Permit Byelaw 2022, the following permit conditions apply:

2.2.1 A commercial permit holder must not fish for specified shellfish species using pots associated with another commercial permit holder.

2.2.2 A commercial permit holder must not use a pot within Area A or Area C as defined in paragraph 2.4 of these conditions for the purpose of fishing for specified shellfish species unless the following criteria have been met:

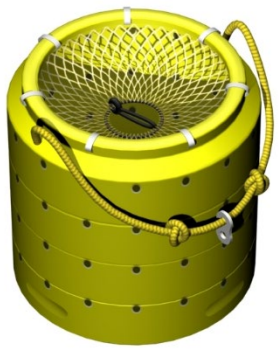
(a) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot, each individual chamber has an unobstructed escape gap located in its exterior wall;

(b) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 millimetres wide, 46 millimetres high and 100 millimetres long; and

(c) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible and within 50 millimetres of the base.

2.2.3 Sections 2.2.2 and 2.2.8 do not apply if the following criteria have been met:

a) The pot is designed only to catch whelk, is similar in design to the image below and is constructed from a solid, weighted, cylindrical container with a netted opening at the top:



2.2.4 A commercial permit holder must not use any pot exceeding the maximum pot size.

Pot Limitation

2.2.5 A commercial permit holder must only use the number of pots allocated on the Commercial Permit up to a maximum of 1000.

Gear Marking

2.2.6 A commercial permit holder must not use any pots, within the District unless all individual pots or each fleet of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these floating markers must be clearly marked with either the registration number (port letters and numbers) of the vessel named on the Commercial Permit or the permit number.

2.2.7 In addition to paragraph 2.2.6, any floating markers attached to pots set specifically for whelk must be marked with the letter 'W'.

2.2.8 Each pot must be tagged with an individual tag issued by the Authority.

Crab for Bait

2.2.9 A commercial permit holder must not use any edible crab or velvet crab for bait with the exception of the following:

(a) the use of any cooked edible crab offal as bait;

(b) the use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing; or

(c) the use of velvet crab, above the statutory minimum landing size as bait.

2.3 VESSEL RESTRICTIONS

As provided by paragraph 35(c) of Byelaw XXVIII Shellfish Permit Byelaw 2022, the following permit conditions apply:

Vessel length

2.3.1 A commercial permit holder must not use a pot from a vessel exceeding 16 metres overall length within the District.

2.3.2 A commercial permit holder must not use a pot from a vessel exceeding 10 metres overall length in Area A or Area B as defined in paragraph 2.4 & Figure 1, unless the vessel is on a sunset list maintained by the Authority.

2.4 SPATIAL INFORMATION

As provided by paragraph 36(d) of Byelaw XXVIII Shellfish Permit Byelaw 2022, the following fishing areas, specified within the flexible permit conditions, are defined and depicted in Figure 1:

2.4.1 Area A means those tidal waters and parts of the sea bounded by the following:

to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three-nautical-mile limit and to the East by the three-nautical-mile limit.

2.4.2 Area B means those tidal waters and parts of the sea bounded by the following:

to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three-nautical-mile limit and to the East by the three-nautical-mile limit.

2.4.3 Area C means those tidal waters and parts of the sea bounded by the following:

to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District;

2.4.4 All coordinates are derived from WGS 1984 datum.

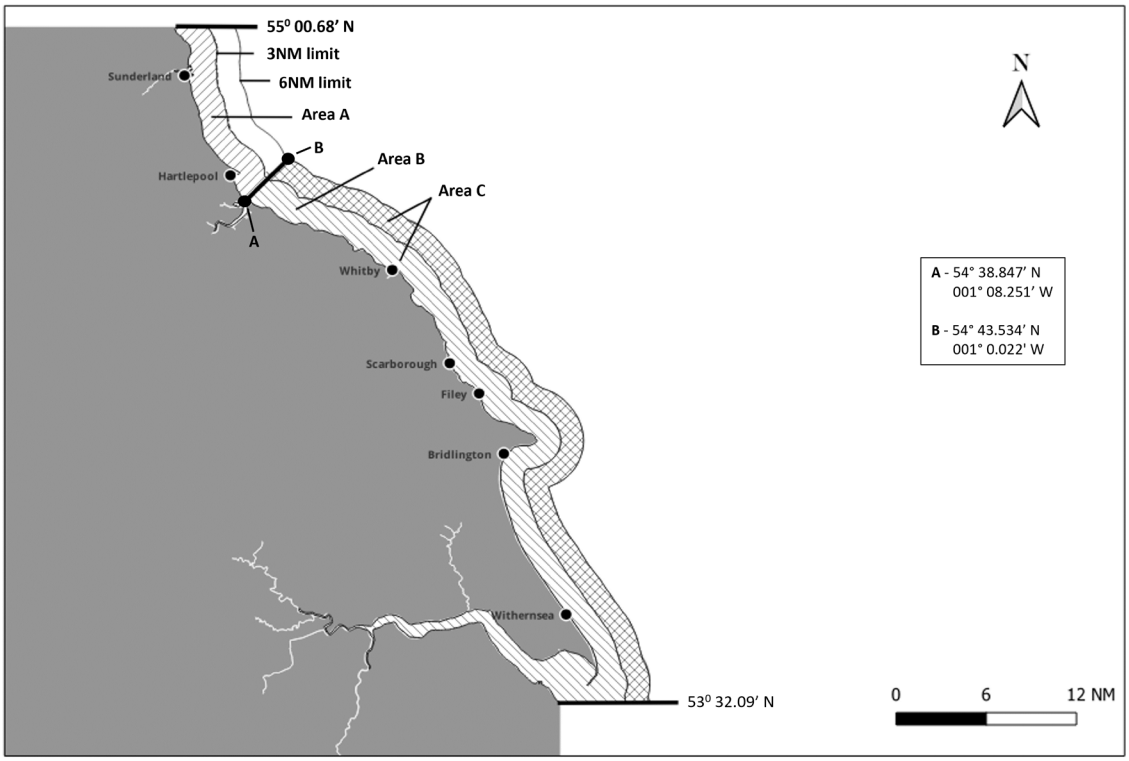


Figure 1: Fishing Areas within the North Eastern Inshore Fisheries and Conservation District