The local Sea Fisheries Committee for the North Eastern Sea Fisheries District in exercise of powers conferred by section 5 of the Sea Fisheries Regulation Act 1966 and Section 37(2) of the Salmon Act 1986 and having obtained the consent of the Environment Agency in accordance with section 37(3) of that Act, hereby revokes byelaw XVIII Fixed Engine (Authorisation) Byelaw and replaces it with the following new byelaw:

XVIII. FIXED ENGINE BYELAW

(1) The placing and use of fixed engines for taking sea fish within the District is prohibited except in those Areas and in the periods and using the instruments and according with the conditions set out in Schedules I and II below, Areas A to D in those schedules being defined in Schedule III.

(2) Interpretation

‘Fixed Engine’ includes a stake net, bag net, putt or putcher. Any fixed implement or engine for taking or facilitating the taking of sea fish. Any net secured by anchors and any net or other implement for taking sea fish fixed to the shore or made stationary in any other way. Any net placed or suspended in any tidal waters unattended by the owner or a person duly authorised by the owner to use it for taking sea fish. Any engine device, machine or contrivance, whether floating or otherwise for placing or suspending such a net or maintaining it in working order to make it stationary.

‘Salmon’ means fish of the species (Salmo salar) and migratory trout means fish of the species (Salmo trutta) which migrate to and from the sea.

‘Sea fish’ means fish of any description found in the sea including shellfish but does not include salmon, eels, smelt, lamprey or freshwater fish.

‘The District’ means the North Eastern Sea Fisheries District as defined in the ‘North Eastern Sea Fisheries District Order 1986 (as amended).

‘Acoustic deterrent device’ means a small purpose made device, which emits a frequency of sound and is designed to prevent the accidental by-catch of cetaceans in nets. The device must conform to specifications laid down in Council Regulation 2004/812/EC.

‘Registered fishing vessel’ – Fishing vessel registered in accordance with the Merchant Shipping Act 1995 and the regulations made thereunder (or any statutory modification or re-enactment thereof), or in the Channel Islands or the Isle of Man, and who holds a current fishing licence issued by the appropriate UK fisheries department.

‘Temporary Closure’ shall mean a total prohibition on the use of gillnets, used under a permit issued in accordance with Schedule II for fishing in the area defined in Area C.

‘Predetermined Level’ shall mean a sum agreed annually between the Committee and the Environment Agency.

‘Intertidal’ – Means landward of the Mean Low Water Spring (MLWS) mark as specified on a Admiralty Chart published by the UK Hydrographic Office.

‘Sub-tidal’ – Means seaward of the Mean Low Water Spring (MLWS) mark as specified on an Admiralty Chart published by the UK Hydrographic Office.
<table>
<thead>
<tr>
<th>A) AREA</th>
<th>B) PERIOD</th>
<th>C) FIXED ENGINE</th>
<th>D) CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The District</td>
<td>1st January to 31st December Inclusive</td>
<td>Crab, Lobster and Whelk Pots</td>
<td>Used only for taking crab, lobsters, whelks and other shellfish species</td>
</tr>
<tr>
<td>The District</td>
<td>1st January to 31st December Inclusive</td>
<td>A longline</td>
<td>Used only for taking sea fish.</td>
</tr>
<tr>
<td>The District (excluding Area A)</td>
<td>1st January to 31st December Inclusive</td>
<td>A Fyke Net</td>
<td>1) Must be licensed by the Environment Agency</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2) Used only for the purpose of taking eels.</td>
</tr>
<tr>
<td>The District (excluding Areas A &amp; B)</td>
<td>1st April to 31st August Inclusive</td>
<td>A net for taking Sole (Solea solea) being a net constructed of a single sheet of un-armoured netting not more than 500 metres in length and not more than 1 metre in height with a minimum mesh size of 100mm (measured in accordance with the rules laid down in the relevant EC legislation from time to time).</td>
<td>1) The net shall be placed seaward of the 5m depth contour line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2) The net must only be placed or used by a registered fishing vessel.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3) Used only between 0800 hours Monday and 2000 hours on Friday following and;</td>
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<td></td>
<td></td>
<td></td>
<td>4) Anchored to the sea bed and set in such a way that the lead line of the net is in permanent contact with the sea bed along the whole of its length;</td>
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<td></td>
<td>5) Not placed within 50 metres of any other net or trap;</td>
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<td></td>
<td>6) The position of all fleets of nets must be clearly marked at each end by a surface marker. That marker must show the vessels port letters and numbers.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>7) Unless otherwise authorised in writing by the Environment Agency the fixed engine is placed parallel to the shore.</td>
</tr>
<tr>
<td>A) AREA</td>
<td>B) PERIOD</td>
<td>C) FIXED ENGINE</td>
<td>D) CONDITIONS</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------------------------</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| The District (excluding Areas A, B, C)          | 1st November to 25th March Inclusive | Any net for taking sea fish | 1) The net shall be placed seaward of the 5m depth contour line.  
2) The Headrope shall not be nearer to the water surface than 4 metres at any state of the tide                                         |
| The District (excluding Areas A, B & D)         | 1st November to 25th March inclusive | A net for taking cod (Gadus morhua) being a net with a minimum mesh size equal to or more than 140 mm (measured in accordance with the rules laid down in the relevant EC legislation from time to time). | 1) The net must only be placed or used by a registered fishing vessel  
2) The position of all fleets of nets must be clearly marked at each end by a surface marker. That marker must show the vessels port letters and numbers. |
| The District (excluding Areas A, B, C)          | 26th March to 31st October Inclusive | Any net for taking sea fish | 1) The net shall be placed seaward of the 10m depth contour line.  
2) The Headrope shall not be nearer to the water surface than 4 metres at any state of the tide.                                                          |
<table>
<thead>
<tr>
<th>Area C</th>
<th>15&lt;sup&gt;th&lt;/sup&gt; October to 30&lt;sup&gt;th&lt;/sup&gt; April Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A net for taking intertidal sea bass (<em>Dicentrarchus labrax</em>) being a net constructed of a single sheet of un-armoured netting with a mesh size equal to or greater than the current requirement for bass net size in EC and national legislation (measured in accordance with the rules laid down in the relevant EC legislation from time to time). The total headline length of net permitted under each permit will not exceed 250 metres.</td>
</tr>
</tbody>
</table>

1) The net must only be placed or used under a permit issued by the Committee and in accordance with the technical provisions detailed below and the administrative provisions set out in Schedule II:
2) The net must be clearly marked with an identification label issued by the Committee.
3) Each net must have an acoustic deterrent device attached
4) Any net used is inspected and cleared at least once in any 24 hour period.

<table>
<thead>
<tr>
<th>15&lt;sup&gt;th&lt;/sup&gt; October to 30&lt;sup&gt;th&lt;/sup&gt; April Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>A net for taking subtidal sea bass (<em>Dicentrarchus labrax</em>) being a net constructed of a single sheet of un-armoured netting with a mesh size equal to or greater than the current requirement for bass net size in EC and national legislation (measured in accordance with the rules laid down in the relevant EC legislation from time to time). The total headline length of net permitted under each permit will</td>
</tr>
</tbody>
</table>

1) The net must only be placed or used by a registered fishing vessel, not exceeding 10m overall length, under a permit issued by the Committee and in accordance with the technical provisions detailed below and the administrative provisions set out in Schedule II:
2) The net must be clearly marked with surface markers detailing the permit number issued to the respective vessel.
3) Each net must have an acoustic deterrent device attached
4) Any net used is inspected and cleared at least once in any 24 hour period.
1st May to 30th June Inclusive

| A net for taking sole (Solea solea) being a net constructed of a single sheet of un-armoured netting not more than 100 metres in length and not more than 1 metre in height with a minimum mesh size of 100mm (measured in accordance with the rules laid down in the relevant EC legislation from time to time). |

| 1) The net must only be placed or used by a sea bass permit holder possessing a valid permit, issued by the Committee, in accordance with provisions detailed in Schedule II between 0800 hours Monday and 2000 hours on Friday following and: |
| 2) Anchored to the sea bed and set in such a way that the lead line of the net is in permanent contact with the sea bed along the whole of its length; |
| 3) Not placed within 50 metres of any other net or trap; |
| 4) The position of all fleets of nets must be clearly marked at each end by a surface marker. That marker must show the permit number of the operator. |
| 5) Unless otherwise authorised in writing by the Environment Agency the fixed engine is placed parallel to the shore. |
Schedule II

1. Intertidal fixed netting

1.1 In Area C it is prohibited to place or use a net for taking intertidal sea fish unless a permit has first been obtained from the Committee and signed by the clerk. A maximum of 5 Permits will be issued in any one calendar year. Permits will be allocated in accordance with Committee guidelines.

1.2 Such permits are not transferable and can only be relied upon by the person named in the permit and whose photograph is attached to the permit.

1.3 The Committee retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding accurate information required for the issue of that permit.

1.4 The permit holder shall send to the Committee, on a pre-printed form supplied by the Committee, a monthly return showing accurate information regarding the number, weight (in kilograms) and type of species caught during the preceding month and any other information, which the Committee regards as necessary. The Committee retains the right to withdraw a permit should any outstanding information required in paragraph 4 not be supplied.

1.5 It shall be the responsibility of the holder of the permit to ensure that such accurate statistical returns, as required by the Committee, are received by the Committee no later than the last day of the month following the period for which the returns are due.

1.6 A maximum of three labels will be issued to each permit holder. Labels are not transferable and must be used by the named permit holder.

2. Closure of Fishery (1st – 30th April)

2.1 During the period 1st – 30th April in any permit year, the fishery can be subject to temporary closure.

2.2 All permit holders are required to report to the Committee within 24 hours of capture, all salmon or migratory trout taken at anytime within the period 1st to 30th April.

2.3 A temporary closure will be implemented by the Clerk of the Committee when the catch rate of salmon and migratory trout as reported by the permit holders or witnessed by fishery officers exceeds a predetermined level over any 3 day consecutive period.

2.4 Once the closure is invoked the fishery will remain closed until the 15th October in the same calendar year.

3. Sub-tidal fixed netting

3.1 In Area C it is prohibited to place or use a net for taking subtidal seafish unless a permit has first been obtained from the Committee and signed by the Clerk. A maximum of 5 permits will be issued in any one calendar year. Permits will be allocated in accordance with Committee guidelines.

3.2 Such permits are not transferable and can only be relied upon by the person named in the permit and whose photograph is attached to the permit.
3.3 The Committee retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding accurate information required for the issue of that permit.

3.4 The permit holder shall send to the Committee, on a pre-printed form supplied by the Committee, a monthly return showing accurate information regarding the number, weight (in kilograms) and type of species caught during the preceding month and any other information, which the Committee regards as necessary. The Committee retains the right to withdraw a permit should any outstanding information required in paragraph 4 not be supplied.

3.5 It shall be the responsibility of the holder of the permit to ensure that such accurate statistical returns, as required by the Committee, are received by the Committee no later than the last day of the month following the period for which the returns are due.

4.0 Closure of Fishery (1st – 30th April)

4.1 During the period 1st – 30th April in any permit year, the fishery can be subject to temporary closure.

4.2 All permit holders are required to report to the Committee within 24 hours of capture, all salmon or migratory trout taken at anytime within the period 1st to 30th April.

4.3 A temporary closure will be implemented by the Clerk of the Committee when the catch rate of salmon and migratory trout as reported by the permit holders or witnessed by fishery officers exceeds a predetermined level over any 3 day consecutive period.

4.4 Once the closure is invoked the fishery will remain closed until the 15th October in the same calendar year.
Schedule III

AREA A

(1) Those tidal waters and parts of the sea in the District bounded as follows:-
     i on the east by a straight line drawn 327° True direction from Old Nab (position 54° 33.48 North, 00° 46.50 West),
     ii on the west by a straight line drawn 036° True direction from Cowbar Nab, near Staithes (position 54° 33.65 North, 00° 47.37 West).

(2) Those tidal waters and parts of the sea in the District bounded as follows:-
     i on the east by a straight line drawn from Whitby Highlight (position 54° 28.68 North, 00° 34.00 West) to Whitby Bell Buoy (position 54° 30.32 North, 00° 36.50 West) and
     ii on the west by a straight line drawn 240° True direction from Whitby Bell Buoy to the land (position 54° 29.70 North, 00° 38.30 West).

AREA B - The Humber

Those tidal waters and parts of the sea in the District within the River Humber upstream of a straight line drawn between Spurn Head Lighthouse (position 53° 34.47 North, 00° 06.75 East) and RAF Donna Nook Control Tower (the Control Tower at RAF Air Gunnery and Bombing Range at Donna Nook), (position 53° 28.48 North, 00° 09.32 East) and within the area bounded by the following unbroken lines:-
     i a line drawn from Spurn Head Lighthouse to RAF Donna Nook Control Tower,
     ii a line drawn from RAF Donna Nook Control Tower to point 53° 33.50 North, 00° 14.33 East ("Spurn Light Float"),
     iii a line drawn from the Spurn Light Float to Spurn Head Lighthouse.

AREA C - The Holderness Coast

Those tidal waters within the District which lie inside the 5 metre depth contour line and between:
     i a line drawn true east from Flamborough Head Lighthouse in position (54° 07.09 North, 000° 05.10 West)
     ii a line drawn true east from Withernsea Light in position (53° 43.88 North, 000° 01.70 East)

AREA D - Tees, Wear & Tyne

Tees Area

Those tidal waters and parts of the sea in the District bounded as follows:-
     i on the north-east by a straight line drawn from position 54° 40.35 North, 01° 12.10 West to the Tees Fairway Buoy (position 54° 40.95 North, 01° 06.37 West),
     ii on the south-east by a straight line drawn from the Tees Fairway Buoy to the North West Chimney (position 54° 37.48 North, 01° 07.97 West) at the British Steel Corporation Plant, Redcar.
Wear Area
Those tidal waters and parts of the sea in the District bounded as follows:-

i on the north by a line one nautical mile in length drawn True east from Souter Point (position 54° 57.40 North, 01° 21.00 West),

ii on the south by a line one nautical mile in length drawn True east from a position 54° 52.90 North, 01° 20.80 West and which said position is situated within a triangular shaped shelf of rocks known as Salterfern Rocks,

iii on the east by a straight line joining the eastern extremities of the said northern and southern boundary.

Tyne Area
Those tidal waters and parts of the sea in the District bounded as follows:-

i on the north by a line drawn True east from the lighthouse at the seaward extremity of the south pier at the southern side of the entrance to the River Tyne (position 55° 00.68 North, 01° 24.00 West) to the point of intersection with a line drawn from a point one nautical mile True east from the leading lights of Cullercoates (position 55° 02.01 North, 01° 25.80 West) to a point one nautical mile True east from Souter Point,

ii on the south by a line one nautical mile in length drawn True east from Souter Point,

iii on the east by a straight line joining the eastern extremities of each of the boundaries described in (i) and (ii) above.

Byelaw XVIII Fixed Engine (Authorisation) Byelaw made by the Committee on 26 July 2005 is revoked

Explanatory Notes
(These notes do not form part of the byelaw)

The purpose of this Byelaw is to protect developing inshore bass (Dicentrarchus labrax) stocks from overexploitation through the management of intertidal or near-shore netting effort. It is also to protect salmon and migratory trout, by prohibiting fishing with nets at times and in places where these species are vulnerable to capture with enmeshing nets and enable legitimate fishing with nets for sea fish and eels in accordance with the above aims.

The Environment Agency is designated as the local Sea Fisheries Committee in those tidal waters inland of the boundaries of the North Eastern Sea Fisheries Committee District (in the estuaries of the Wear, Tees, Esk and Humber). No byelaws have been made to authorise the use of fixed engines in these areas.

All positions relevant to this Byelaw are Satellite derived from WGS84 datum.
I HEREBY CERTIFY THAT Byelaw XVIII was made by the Committee at its meeting on and agreed, as above, at the meeting on 27 April 2010.

Malcolm Sims
Deputy Clerk of the Committee

The Secretary of State for the Environment, Food and Rural Affairs in exercise of the powers conferred on him by Section 7 of the Sea Fisheries Regulation Act 1966 hereby CONFIRMS the foregoing byelaw.

IN WITNESS whereof of the Official Seal of the Secretary of State for Environment, Food and Rural Affairs is hereunto affixed on 22 December 2010.

Gavin Ross
Fishing Industry Management Division

For and on behalf of the Secretary of State for the Department of the Environment, Food and Rural Affairs