

**BYELAW XXII**  
**PERMIT TO FISH FOR LOBSTER, CRAB, VELVET CRAB AND WHELK**

- 1 This Byelaw applies to all of the North Eastern Sea Fisheries Committee District.
- 2 No person shall fish for or take any of the following specified kinds of sea fish: Lobster (*Homarus gammarus*), Crab (*Cancer pagurus*), Velvet Crab (*Liocarcinus puber*), or Whelk (*Buccinum undatum*), within the area of the North Eastern Sea Fisheries Committee District except under a specified permit issued by the Committee and signed by the Clerk of the Committee and in accordance with the following conditions:-

**Shellfish Entitlement Holder Permit**

- 3 A 'Shellfish Entitlement Holder Permit' will be issued, upon application to the Committee, only to the owner or owners of a fishing vessel which does not exceed 16.0 metres overall length and which, at the time the application is made and throughout the duration of the permit, is registered as a fishing vessel in accordance with Part II of 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 with a shellfish entitlement issued by the appropriate UK Fisheries Department at the time the application is made .
  - 3.1 A permit shall be valid until the 31st of December in the year of issue of the permit.
  - 3.2 The permit shall not be transferable and must be surrendered to the Committee immediately if no longer required by the owner or owners to whom it was issued for the vessel named on the permit.
  - 3.3 The holder of the permit shall send to the Committee a monthly return showing accurate information regarding the weight in kilograms of lobster, crab, velvet crab and whelk, taken from within the District during the preceding calendar month, together with information on the types and number of fishing gear employed and the area fished and any other information which the Committee regards as necessary.
  - 3.4 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 not later than the last day of the month following the period for which the returns are due.
  - 3.5 The requirement in section 3.3 and 3.4, referring to the provision of monthly catch returns, shall apply only to vessels over 10 metres in overall length.
  - 3.6 The permit holder must ensure that the position of all fleets of pots, individual pots, keep pots, all nets and fish traps must be clearly marked by a surface marker. That marker must be clearly visible and show the vessel's port letters and numbers.
  - 3.7 Any vessel used in accordance with the permit shall clearly display the number issued with the permit.
  - 3.8 Applications for a 'Shellfish Entitlement Holder Permit' to fish under this Byelaw shall be made using the printed forms available from the Committee. It shall remain the responsibility of the permit holder to make application for any permit renewal.
  - 3.9 The permit to fish shall be invalid if any of the above conditions are not met.

### **Limited Shellfish Permit**

- 4 A 'Limited Shellfish Permit' will be issued, upon application to the Committee, to an individual or owner of a fishing vessel which does not meet the criteria for a 'Shellfish Entitlement Holder Permit' as specified in section 3 of this Byelaw. A 'Limited Shellfish Permit' shall not be transferable and shall be valid until the 31<sup>st</sup> December in the year of issue of the permit.
- 4.1 Subject to section 4.2, the person to whom the permit is issued shall not use more than 10 pots or 100 metres of net to fish for or take not more than 2 lobsters, a combined total of 10 crab of the species specified in paragraph (2) and 30 whelk, which must be landed on the same calendar day on which they were caught and may not be stored in any keep box or similar device.
- 4.2 The allowances set out in section 4.1 apply strictly per vessel regardless of the number of persons on board to whom permits have been issued.
- 4.3 Any person or persons not using a vessel and taking species specified in paragraph (2) of this Byelaw will also be subject to the allowances set out in section 4.1.
- 4.4 The position of all fleets of pots, individual pots, and nets must be clearly visible and marked by a surface marker. That marker must show the relevant permit holder's number issued with the permit.
- 4.5 Any vessel used in accordance with the permit shall clearly display the number issued with the permit, not display more than one permit number, and not be used to haul any pots or nets not marked with that number.
- 4.6 Each permit holder will be issued with 10 pot tags, these must be placed individually on each pot fished. Each tag will bear a unique number issued to the holder and must only be used by the permit holder. Tags will only remain valid during the year of issue of the permit. Replacement tags will be issued, upon application to the Committee, by permit holders, up to a maximum of 10 during the year of issue of the permit.
- 4.7 Applications for a 'Limited Shellfish Permit' shall be made using the printed forms available from the Committee. It shall remain the responsibility of the permit holder to make any application for renewal.
- 4.8 The permit to fish shall be invalid if any of the above conditions are not met.

### **Seizure of Gear**

- 5.0 Any fishing gear used or deployed in contravention of this Byelaw may be seized in accordance with provisions contained in Section 10 of the Sea Fisheries Regulation Act 1966.

### **Application**

- 6.0 This Byelaw shall not apply to vessels which only fish by way of 'trawling'. Any such vessel wishing to catch shellfish within the Committee's District by means of using static gear shall require a permit

**Interpretation**

'North Eastern Sea Fisheries Committee District' means the area as defined in SI 1986 No 647 'North Eastern Sea Fisheries District Order 1986 (as amended by SI 1993 No 2532 'Sea Fisheries Districts (Variation) Order 1993). The landward boundaries fall between the South Pier of the River Tyne and a point South of the Humber Estuary known as 'Donna Nook'. The seaward boundary is defined as the six-mile territorial limit.

'Specified permit' means either a 'Shellfish Entitlement Holder Permit' or a 'Limited Shellfish Permit' issued by the Committee;

'Fishing vessel' means a vessel of whatever size, and in whatever way propelled, for the time being used for, or in connection with, fishing for sea fish.

'Shellfish entitlement' means an additional authorisation specified in a fishing licence which authorises the licence holder to fish for shellfish without restriction; and

'Fishing gear' means any nets, pots, ropes, anchors, surface markers or other instruments used or deployed during fishing operations.

**I HEREBY CERTIFY THAT Byelaw XXII was made by the Committee at its meeting on 25<sup>th</sup> July 2006 and amended, as above, at the meeting on 31<sup>st</sup> October 2006.**

*N. Pearson*

**Nigel Pearson  
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... *17 May* .....2007.

*T. Hutchings*  
TREVOR HUTCHINGS  
~~Anne Sharp~~

**Fishing Industry Management Division**

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