

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (C.23)

XXIX HUMBER ESTUARY FISHING BYELAW 2016

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

1. Interpretation

In this byelaw:

- (a) all coordinates are derived from the World Geodetic System 1984 datum;
- (b) '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 (S.I. 2010 No. 2193);
- (c) 'the baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (d) 'dig' includes the use of any rake, spade, fork, pump or similar device, hand gathering or collecting;
- (e) '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;
- (f) 'existing shareholders' means the shareholders as detailed on a vessel's Certificate of Registry on the date of confirmation of this byelaw;
- (g) 'general trawl permit' means a permit issued by the Authority in accordance with the provisions contained within the byelaw with the title 'Ill Trawling: Prohibition: Exceptions' made by North Eastern Sea Fisheries Committee on 30 July 2002 in exercise of its powers under Section 5 of the Sea Fisheries Regulation Act 1966 (c.38);
- (h) 'Humber Estuary' means the area as defined in the Schedule;
- (i) 'Humber Estuary Trawling Permit' means a permit issued by the Authority in accordance with paragraphs 3 and 4;
- (i) 'registered fishing vessel' means a fishing vessel registered in accordance with the Merchant Shipping Act 1995 (c.21) or registered in

the Channel Islands or the Isle of Man, and which holds a current fishing licence issued by the appropriate UK fisheries department;

- (j) 'separator trawl or sorting grid' means an attachment to the trawl which complies with the provisions contained within Section 3(1) of the Shrimp Fishing Nets Order 2002 (S.I. 2002, No 2870);
- (k) 'Spurn Point Seagrass Area' means the area as defined in the Schedule;
- (l) 'three nautical mile limit line' means a line drawn three nautical miles seaward of and running parallel to the baselines;
- (m) 'track record' means documentary evidence of commercial catch and landings.

2. Prohibitions

- (a) A person must not trawl within the Humber Estuary unless that person holds a valid Humber Estuary Trawling Permit.
- (b) A person must not trawl, dig, or use a pot, trap, net, longline, dredge or similar device within the Spurn Point Seagrass Area.
- (c) A person must not remove sea fisheries resources from the Spurn Point Seagrass Area.
- (d) Paragraph (c) does not apply to a person fishing for or removing sea fisheries resources by means of a rod and line.

3. Humber Estuary Trawling Permits - Applications

- (a) Vessels may apply for a Humber Estuary Trawling Permit up to six months from the date of this byelaw coming into force.
- (b) Applicants must apply using a form obtained from the Authority website.
- (c) Applications will only be accepted from the owner of a vessel meeting the following criteria:
 - (i) the vessel is a registered fishing vessel;
 - (ii) the overall length of the vessel does not exceed 18.3 metres;
 - (iii) the engine power of the vessel does not exceed 400 kilowatts;

- (iv) the vessel holds a valid general trawl permit; and
- (v) the vessel possesses a track record of catching and landing a minimum of 500 kilograms of finfish or shrimp (*Crangon crangon*) from within the Humber Estuary in any three month period between 1 January 2013 and 31 December 2015 (inclusive). It is the responsibility of the applicant to demonstrate the accuracy and validity of such a track record.

4. Humber Estuary Trawling Permits - Conditions

- (a) Humber Estuary Trawling Permits expire on the 31 December each year.
- (b) Humber Estuary Trawling Permit holders may renew their permit for the following year from 1 December each year.
- (c) Humber Estuary Trawling Permit holders must renew their permit within one year of its expiry otherwise the entitlement to renew will be lost.
- (d) A fee of £500 will be charged by the Authority for each Humber Estuary Trawling Permit upon each successful application or renewal.
- (e) Humber Estuary Trawling Permits will no longer be valid if a formal change of ownership affects the major shareholding of the vessel in respect of which they were issued.
- (f) Paragraph (e) does not apply where a change of major shareholding relating to the vessel named on the permit, occurs between parent and child, spouse or civil partner or existing shareholders.
- (g) Humber Estuary Trawling Permits must be immediately surrendered to the Authority if no longer required by the permit holder.

5. Permit Suspensions

- (a) A permit may be suspended by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw;
- (b) In deciding whether to suspend a permit the Authority will consider:
 - (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;

- (iv) advice provided by the Department for the Environment, Food and Rural Affairs, the Marine Management Organisation, Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (v) information from any other relevant source.
- (c) Prior notice of a decision to suspend a Humber Estuary Trawling Permit will be provided in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website, at least ten working days prior to any decision being made.
- (d) Any representations must be lodged, in writing, to the Authority within five working days of the date of the notice referred to in paragraph (c).
- (e) Such representations will be considered by the Authority members and a final decision will be made.
- (f) Notification of the final decision, including suspension of permit, will be made in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website within five working days of the decision being taken.
- (g) The suspension of Humber Estuary Trawling Permit may apply to all or part of the Humber Estuary.

6. Trawl Conditions

- (a) Any person using a trawl within a mesh size range of 16 millimetres to 31 millimetres must lift inboard the cod end of the net, inspect it and empty it at least once within every hour of the trawl being in the water.
- (b) All trawl nets used within a mesh size range of 16 millimetres to 31 millimetres must have a separator trawl or sorting grid installed.

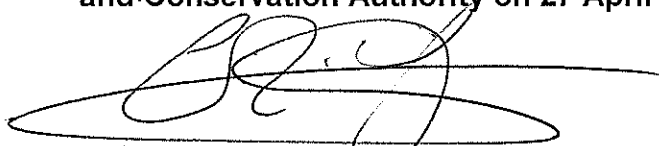
7. Revocations

The byelaw with the title 'XXIX Humber Estuary Fishing Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 12 September 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 27 April 2016.

Caroline Lacey
Clerk
North Eastern Inshore Fisheries and Conservation Authority
Town Hall
Quay Road
Bridlington
East Yorkshire

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 27 April 2016.



A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date:

15/8/19

COLIN FAULKNER.

Schedule
Definition of areas

1. The 'Spurn Point Seagrass Area' means the area within the Humber Estuary enclosed by a line drawn from:
 - (a) Point A (position 53° 35.381' North, 000° 08.073' East);
 - (b) Point B (position 53° 35.477' North, 000° 08.007' East);
 - (c) Point C (position 53° 35.819' North, 000° 08.473' East);
 - (d) Point D (position 53° 35.978' North, 000° 08.570' East);
 - (e) Point E (position 53° 36.400' North, 000° 08.570' East);
 - (f) Point F (position 53° 36.400' North, 000° 08.792' East);
 - (g) Point F along the coast at a level of mean high water spring tide to Point A.

2. The 'Humber Estuary' means those tidal waters and parts of the sea bounded by the following lines:
 - (a) to the north by a line drawn true east from Spurn Head Lighthouse (position 53° 34.490' North, 000° 06.650' East) to the three nautical mile limit line;
 - (b) to the east by the three nautical mile limit line;
 - (c) to the south by the boundary of the District.

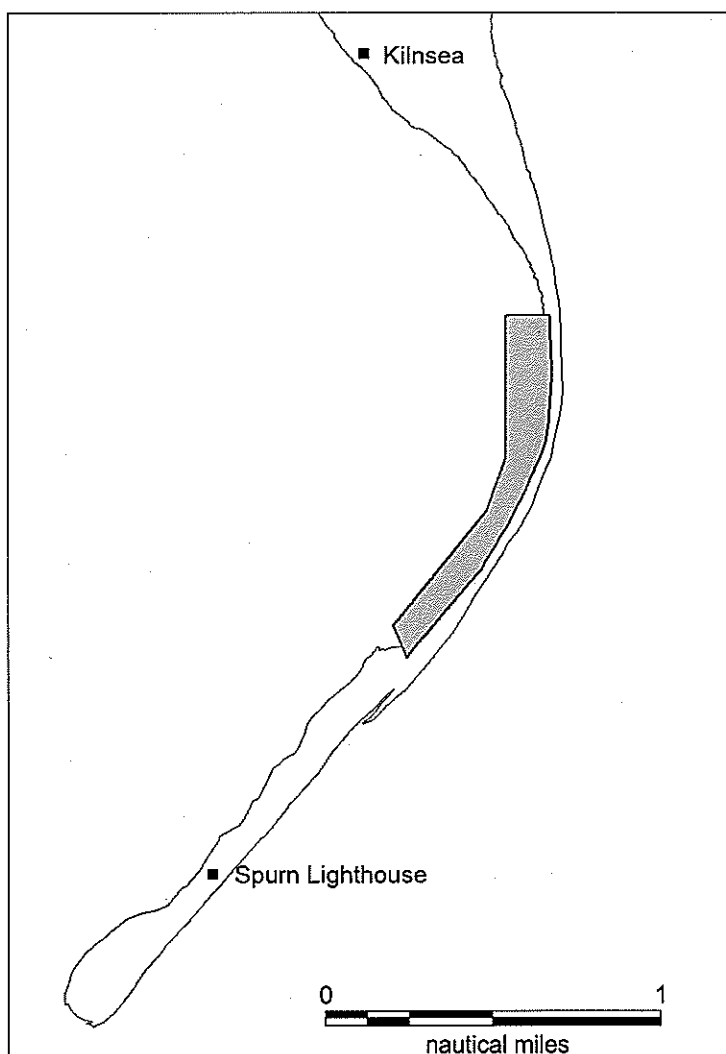
Explanatory note

(This note is not part of the byelaw)

The byelaw prohibits digging, using pots, traps, nets, trawls, dredges or similar devices, or removing sea fisheries resources from within the Spurn Point Seagrass Area defined in the byelaw, and establishes a permit scheme for demersal trawling within the Humber Estuary. The byelaw allows recreational rod fishing throughout the Humber Estuary. The intention of the XXIX Humber Estuary Fishing Byelaw 2016 is to protect important seagrass and sandbanks, protected features and sub-features of the Humber Estuary European Marine Site.

Appended chartlets are for illustrative purposes only and are not to be used for navigation.

Spurn Point Seagrass Area



Humber Estuary area as defined in this byelaw

