

**NWIFCA Quarterly Meeting:
11th March 2016: 11.00 a.m.**

**AGENDA
ITEM NO.
8**

BYELAW REVIEW

Purpose: to report progress with byelaws in preparation

Recommendations

1. Consider and approve draft of new Byelaw 3 Permit to fish for cockle and mussels 2016;
2. Approve conversion of the emergency byelaw into a District wide byelaw to prohibit dredging without a permit.

Update on byelaws under review

1. A new byelaw book dated February 2016 has been published and is on the website. The Clerk has copies available and more will be sent out if needed. Members are invited to access the byelaws via the website where possible to reduce paper use.
2. Additions to this version include the Emergency byelaw: Restrictions on fishing for bivalve molluscs 2016; and the amendments to byelaws inserted by Defra to meet the new CFP landing obligations.
3. Other byelaws are in development as reported in December. Since that meeting byelaw work has focused on developing the new Byelaw 3 Permit to fish for cockle and mussels 2016 and the emergency byelaw prohibiting dredging for bivalve mollusks without a permit.

Byelaw 3 Permit to fish for cockles and mussels 2016

4. Following approval to progress this byelaw at the December meeting a draft of the proposed byelaw was prepared and sent to MMO for comment. MMO agreed that the scope of the byelaw including first sale of shellfish is within IFCA powers and returned extensive drafting comments.
5. A consultation with stakeholders was commenced. The byelaw has been on the website since January. Byelaw 3 permit holders have been notified by text message and other communications. 3 stakeholder meetings are planned: Whitehaven (23rd February), Liverpool (1st March), Heversham (2nd March).
6. The current draft of the byelaw is attached at Annex A.

Next stage

7. Following approval of further work on this byelaw, specialist legal advice will be sought on questions over aspects of the byelaw. Following the advice and any amendments, further approval from MMO will be requested. Consultation with stakeholders will continue.
8. A regulatory impact assessment for the byelaw is also essential and must be completed and sent to MMO for checking and approval before the byelaw can be made.
9. The Authority should ideally have this byelaw in place by early August so that new permits for the year 2016-17 starting 1st September are issued under the new byelaw. However, the timescale will be tight. Final agreement on the wording is needed in time to make the byelaw at the June meeting.

Emergency Byelaw: Restrictions on fishing for bivalve molluscan shellfish 2016

10. This byelaw is now included in the byelaw book. It will remain in force for one year i.e. to 1st February 2017. If the Authority wishes the provisions of the byelaw to continue as is advisable it must have a full byelaw in force by that date.
11. This is now urgent because it is always challenging to complete enactment of a byelaw within 1 year. A draft byelaw is in preparation and is being given a higher priority than others in the byelaw review programme. The new byelaw will be based on the provisions of NWSFC Byelaw 12 but may make use of the increased flexibility now permitted to regulators with the use of regulatory notices. Our aim is to have a working draft in place for the June meeting.

Outline of the byelaw making process

12. For information to new members there is a standard byelaw making process set out in statutory guidance which all byelaws must follow. The following is a summary only:
 - a) A new byelaw must be made by resolution at a full meeting of the Authority.
 - b) It must then be advertised in the press and stand for comments for 1 month.
 - c) Any objections received must be considered and if possible resolved by the Authority.
 - d) Minor amendments may be made without having to repeat the byelaw making process.
 - e) After the consultation, the Authority may submit the byelaw in its final form to MMO whether or not all the objections have been resolved.
 - f) MMO check and 'quality assure' the byelaw is legal, has been properly made and the consultation procedures properly followed.
 - g) They then send the Byelaw to Defra for rechecking and sign off by the Minister.
13. The full byelaw making guidance can be found on the Defra website.

Chief Executive and Head of Enforcement
1st March 2016