

**NWIFCA Quarterly Meeting**  
**26<sup>th</sup> of September 2024: 10:00 a.m.**

**Agenda**  
**Item**  
**11**

**NWIFCA Netting Permit Byelaw**

**Purpose:**

- I. To present a finalised draft of the byelaw;**
- II. To provide guidance explaining the byelaw;**
- III. Present the results of the recommendation from TSB.**

**Recommendations:**

**That the committee agrees:**

- a) Members agree to include addition revocations of historic byelaws;**
- b) Members make the Byelaw titled NWIFCA Netting Permit Byelaw as agreed by TSB.**

**1. Background**

Several years ago, officers were delegated the task of reviewing netting regulations in the NWIFCA District and drafting a district wide byelaw which would rationalise and update regulations as per the byelaw review strategy. The resulting product is the byelaw presented now to members (Annex 1) attached to this report.

**2. Update**

The final draft byelaw (Annex 1), flexible conditions (Annex 2) and Impact Assessment (Annex 3) before members is the product of meetings of the NWIFCA netting byelaw working group, a period of informal stakeholder consultation and recent comments made by members at the TSB committee meeting on the 24<sup>th</sup> of May.

In March and April of this year a four-week period of consultation with stakeholders across the North West took place. This was through four meetings, an online survey as well as email and phone communications with officers. What this allowed was for stakeholders to discuss how they felt regarding both current and future legislation surrounding netting activities. This has then directly shaped drafting which was put before the TSB committee.

In total there were 46 responses to the online survey and 16 attendees to stakeholder meetings.

Where views on management align with officers these have been implemented into the byelaw draft and flexible permit conditions which are annexed to this report. Amending the area of the Mersey estuary so it supports the protection of migratory species and continues to allow fishers to operate in sheltered waters, this was suggestion from a stakeholder meeting. The removal of a specification for three metres of water above a headline was another point where previous legislation is not seen to be effective by officers and stakeholders and has therefore been removed from the current draft.

At a netting byelaw working group meeting earlier this year the group agreed resolutions for some key areas of drafting which was to incorporate the permanently closed areas upstream in rivers for netting and to take out the provision for whitebait nets.

One important update to the attached byelaw is the inclusive of a provision for the ability of permits to be issued for the retention of bass as a bycatch from intertidal commercial net. In the attached byelaw and flexible conditions officers have drafted that a category two, intertidal commercial permit could be issued with the authorisation/entitlement to retain European Seabass from intertidal nets subject to track record.

To issue these in a fair manner it is suggested that a track record system is implemented for prospective fishers with points allocated from various attributes such as holding a previous permit, evidence of retaining bass for commercial sale, ownership of a licenced vessel. All could form part of the process.

The nets would then be subject to flexible conditions as others are but with a limit of one permit fishing for bass at any time. The reason being that NWIFCA has a total cap of 26 nets and the only way we can guarantee this limit is not reached is through a total number of permits. There is no need to issue up to this limit if there is not adequate evidence provided for 26 entitlements, this is just a number that NWIFCA cannot go over.

### **3. Amendments post TSB meeting.**

At the May TSB meeting several recommendations were made by officers regarding the draft of the byelaw. There was significant discussion from members of the issue of permit fees, During the meeting it was agreed that proposed permit fees be reduced to the numbers in the table below.

**Table 1. Proposed permit fees based on limited cost recovery.**

<b>Type of Permit</b>	<b>Annual fee per permit</b>	<b>Includes (if required) under permit or flexible permit conditions</b>
Category 1	£150	One set of gear tags, replacement of one lost or damaged set and a permit sticker.
Category 2	£50	One set of gear tags.
Category 3	£10	One set of gear tags, replacement of one lost or damaged set and a permit sticker

Officers have also adapted the wording around the proposed spatial closure areas in the upper areas of rivers.

A final draft was sent to the TSB committee on the 18<sup>th</sup> of June for a email vote to progress the byelaw to this committee for making.

Following comments made by members at the non-quorate meeting in June several amendments were made.

- Marking of gear byelaws were moved to be amended to remove reference to nets but leave legislation in place for marking of lines.
- The spatial area map for the Dee was altered to show the correct view of the Mersey.

- Wording has been clarified surrounding upstream closures.
- Nil returns required at the discretion of the Authority.
- Paragraph numbers corrected and appropriate references.

#### **4. Inclusion of historic byelaws**

As a part of officers reviewing the NWIFCA Byelaw strategy it is clear there are a number of extant byelaws in the list of legislation NWIFCA can enforce. To revoke a byelaw, it must be included in a proposed management measure under “amendments or revocations”. Therefore, the current netting byelaw under discussion presents an opportunity to remove the historic byelaws.

Included for additional revocation are.

- NWSFC Byelaw 1 – The District
- NWSFC Byelaw 28 – Application of Byelaws
- CSFC Byelaw 1 – Revocation of Byelaws Heretofore In Force
- CSFC Byelaw 2 – Authority to Make Byelaws
- CSFC Byelaw 19 – Application of Byelaws
- NRA Byelaw 1 – Application of Byelaws
- NRA Byelaw 2 – Interpretation
- NRA Byelaw 5 – Use of instruments
- NRA Byelaw 7 Protection of Certain Acts
- NRA Dee Byelaw 1 – Application of Byelaws
- NRA Dee Byelaw 2 – Interpretation
- NRA Dee Byelaw 6 – Shellfishery – Temporary Closure.

There are other byelaws relating to netting which have been included for revocation.

Where highlighted in yellow the legalisation to make NRA and Dee byelaws needs to be clarified.

#### **5. Impact Assessment**

A draft of the impact assessment for the byelaw has been included for members. Please note this is a draft as there will be potential for change after the formal consultation and first comments from MMO, subject to making.

#### **6. Recommendations**

- a) Members approve the inclusion of historic legacy byelaws.
- b) Members approve the making of the byelaw as agreed by TSB.

**Joseph Moulton**

**Head of Enforcement**

**16 September 2024**