

## **ANNEX A – MCRS REPORT**

### **North Western Inshore Fisheries and Conservation Authority**

#### **Marine and Coastal Access Act 2009 (c.23)**

#### **BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES**

The North Western Inshore Fisheries and Conservation Authority, in exercise of the power conferred by section 155 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

#### **Interpretation**

- 1) In this byelaw:-
  - a) “the Authority” means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2200);
  - b) “District” means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010;
  - c) “tranship” means the transfer of fisheries products from one ship or other form of transport to another.

#### **Commencement**

- 2) This byelaw comes into effect the date on which it is confirmed by the Secretary of State.

#### **Prohibitions and Restrictions**

- 3) A person must not remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale from a fishery within the District, any fish, mollusc or crustacean species specified in Schedule 1A which measures less than the minimum conservation reference size specified in Schedule 1A. Any such fish, mollusc or crustacean must be returned to the sea immediately.
- 4) A person must not remove from the fishery, retain on board, tranship or land any fish mollusc or crustacean species specified in Schedule 1B if:
  - a) It measures less than the minimum conservation reference size specified in Schedule 1B; and
  - b) It was caught other than under the authority of a fishing licence issued by the Marine Management Organisation or other devolved UK fishery administration.

Any such fish, mollusc or crustacean must be returned to the sea immediately.

- 5) A person must not transport, store, sell, display or offer for sale any mollusc or crustacean species specified in Schedule 1B which measures less than the minimum conservation reference size specified in Schedule 1B.
- 6) The marine organisms named in schedules 1A and 1B shall be measured in accordance with Schedule 2.
- 7) A person fishing under authority of a fishing licence issued by the Marine Management Organisation or other devolved UK fishery administration must not remove from a fishery in the District, tranship, transport, store, sell, display or offer for sale from a fishery within the District any Edible Crab (*Cancer pagurus*) if it fails to meet the minimum conservation reference size of 130mm.
- 8) A person not under the authority of a fishing licence issued by the Marine Management Organisation or other devolved UK fishery administration must not remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale from a fishery within the District any Edible Crab (*Cancer pagurus*) if it fails to meet the minimum conservation reference size of 130mm.
- 9) Named crustaceans and named molluscs for which a size is specified in schedules 1a and 1b may only be retained on board whole and may only be landed whole.

### Exceptions

- 10) This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
- 11) Paragraph 3 & 4 shall not apply to persons using a relevant fishing vessel to catch: herring, horse mackerel and mackerel, within a limit of 10% by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10% shall not be exceeded during transhipment, landing, transportation, storage, display or sale.
- 12) This byelaw does not apply to those landing Herring (*Clupea harengus*) with a moored whitebait filter net operated in accordance with a permit issued under NWSFC Byelaw 26.
- 13) Paragraph 9 shall not apply to those landing Norway lobster (*Nephrops norvegicus*).
- 14) This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

### Revocation

- 15) The byelaw with the title "BYELAW 19 SPECIFIED FISH SIZES" made by North Western Sea Fisheries Committee on 24 July 2009 in exercise of their power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed on XXXX and in force immediately before making this byelaw is hereby revoked.

- 16) The byelaw with the title Byelaw 9 - Skate Fishery made by Cumbria Sea Fisheries Committee on 16 April 1993 in exercise of their power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed on XXXX and in force immediately before making this byelaw is hereby revoked.

### **Amendment**

- 17) The byelaw with the title "Byelaw 7 Winkles – Method of Fishing and Minimum Size" made by Cumbria Sea Fisheries Committee on XXXX in exercise of their power under sections 5 and 5A of the Sea Fisheries Regulation Act 1966 and confirmed on 21 April 2004 and in force immediately before making this byelaw is hereby amended as follows:
- a) omit Section 2.

I hereby certify that the North Western Inshore Fisheries and Conservation Authority "BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES" was made by the North Western Inshore Fisheries and Conservation Authority at their meeting on 10 December 2020.

Dr Stephen Atkins  
Chief Executive Officer  
North Western Inshore Fisheries and Conservation Authority  
1 Preston Street, Carnforth, Lancashire LA5 9BY

*The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the "BYELAW 1 – MINIMUM CONSERVATION REFERENCE SIZES" made by the North Western Inshore Fisheries and Conservation Authority on 10 December 2020.*

**Explanatory Note** *(This note is not part of the byelaw)*

*This byelaw prohibits the removal from a fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes caught within the District.*

*The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway Lobster.*

*The byelaw provisions shall not apply to any catch that is subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.*

*The byelaw includes methods of measurement according to the anatomy of the named species.*

*The byelaw also contains provisions for retaining 10% undersize catch in relation to, herring, horse mackerel or mackerel by relevant fishing vessels.*

*Minimum sizes for Cockle (*Cerastoderma edule*), and Mussels (*Mytilus edulis*) can be found in the North Western Inshore Fisheries and Conservation Authority Byelaw 3.*

## Schedule 1A

### NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY SPECIFIED MINIMUM CONSERVATION REFERENCE SIZES FOR SPECIES NOT SUBJECT TO THE LANDING OBLIGATION

Black seabream ( <i>Spondylusoma cantharus</i> )	230 millimetres
Bluefin tuna ( <i>Thunnus thynnus</i> )	700 millimetres or 6.4 kilograms
Brill ( <i>Scophthalmus rhombus</i> )	300 millimetres
Conger eel ( <i>Conger conger</i> )	580 millimetres
Dab ( <i>Limanda limanda</i> )	150 millimetres
Flounder ( <i>Platichthys flesus</i> )	250 millimetres
Thick-Lip Grey mullet ( <i>Chelon labrosus</i> )	200 millimetres
Lemon sole ( <i>Microstomus kitt</i> )	250 millimetres
Red mullet ( <i>Mullus surmuletus</i> )	150 millimetres
Any Skate or Ray	
Between wing tips	450 millimetres
Sole ( <i>Solea solea</i> )	240 millimetres
Turbot ( <i>Psetta maxima</i> )	300 millimetres
Witch flounder ( <i>Glyptocephalus cynoglossus</i> )	280 millimetres

a) Named Mollusc Species

Winkle ( <i>Littorina littorea</i> )	must not pass through a gauge having a square aperture of 16 millimetres on each side.
Whelk ( <i>Buccinum undatum</i> )	
Year 1	55 millimetres
Year 2	65 millimetres
Year 3	75 millimetres

## SCHEDULE 1B

### SPECIFIED SPECIES MINIMUM CONSERVATION REFERENCE SIZES

Bass ( <i>Dicentrarchus labrax</i> )	420 millimetres
Blue ling ( <i>Molva dypterygia</i> )	700 millimetres
Cod ( <i>Gadus morhua</i> )	350 millimetres
Haddock ( <i>Melanogrammus aeglefinus</i> )	300 millimetres
Hake ( <i>Merluccius merluccius</i> )	270 millimetres
Herring ( <i>Clupea harengus</i> )	200 millimetres
Horse mackerel ( <i>Trachurus trachurus</i> )	150 millimetres
Ling ( <i>Molva molva</i> )	630 millimetres
Mackerel ( <i>Scomber scombrus</i> )	200 millimetres
Megrim ( <i>Lepidorhombus</i> spp.)	200 millimetres
Plaice ( <i>Pleuronectes platessa</i> )	270 millimetres
Pollack ( <i>Pollachius pollachius</i> )	300 millimetres
Red seabream ( <i>Pagellus bogaraveo</i> )	250 millimetres
Saithe ( <i>Pollachius virens</i> )	350 millimetres
Whiting ( <i>Merlangius merlangus</i> )	270 millimetres

#### Named mollusc species

Bean solen ( <i>Pharus legumen</i> )	65 millimetres
Carpet shell ( <i>Venerupis corrugata</i> )	38 millimetres
Warty venus ( <i>Venus verrucosa</i> )	40 millimetres
Donax clam ( <i>Donax</i> spp.)	25 millimetres
Hard clam ( <i>Callista chione</i> )	60 millimetres
Queen scallop ( <i>Aequipecten</i> spp.)	40 millimetres
Razor clam ( <i>Ensis</i> spp.)	100 millimetres
Scallop ( <i>Pecten maximus</i> )	110 millimetres
Short necked clam ( <i>Venerupis phillipinarum</i> )	40 millimetres
Surf clam ( <i>Spisula solida</i> )	25 millimetres
Octopus ( <i>Octopus vulgaris</i> )	750 grams

#### Named Crustacea species

##### b) Named Crustacea Species

European lobster ( <i>Homarus gammarus</i> )	87 millimetres
Crawfish ( <i>Palinurus</i> spp.)	95 millimetres
Norway lobster ( <i>Nephrops norvegicus</i> )	
Total length	70 millimetres
Carapace length	20 millimetres

## Schedule 2

### Measurement of the size of a marine organism

1. The size of any fish must be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster must be measured as shown in Figure 2 for illustrative purposes:
  - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
  - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae, and/or,
3. The size of a lobster must be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of an edible crab must be measured, as shown in Figure 5 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
5. The size of any bivalve mollusc must be measured, as shown in Figure 7 for illustrative purposes, across the longest part of the shell.
6. The size of a whelk must be measured, as shown in Figure 8 for illustrative purposes, as the length of the shell.
7. The size of a winkle is measured by not being able to pass through a 16mm square hole in a flat gauge.
8. The size of a crawfish must be measured, as shown in Figure 9 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.

Figure 1

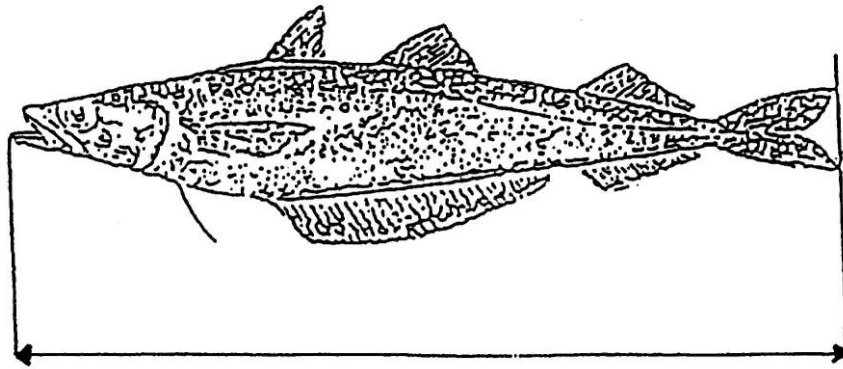


Figure 2

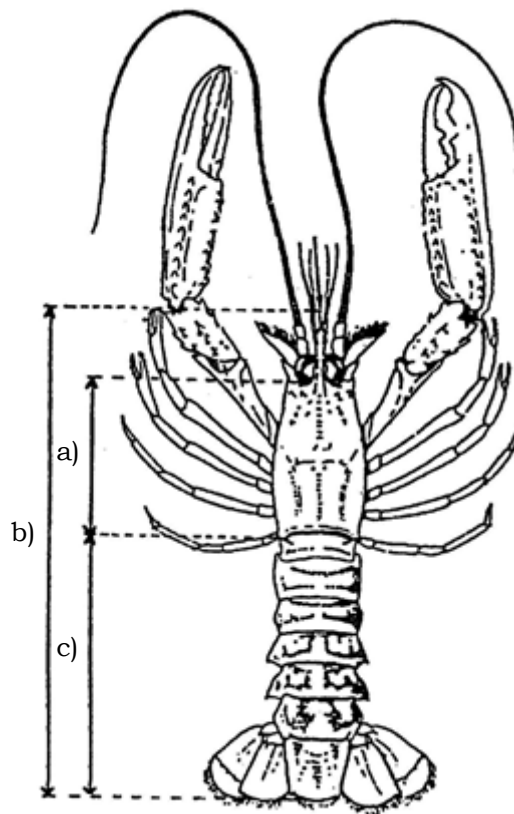




Figure 3

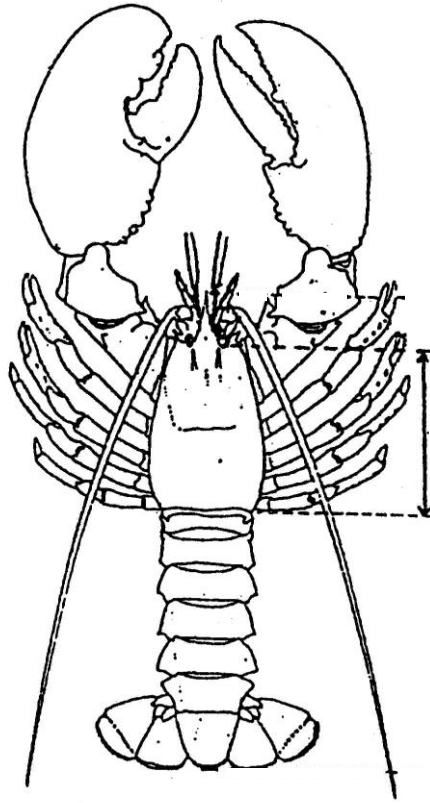


Figure 4

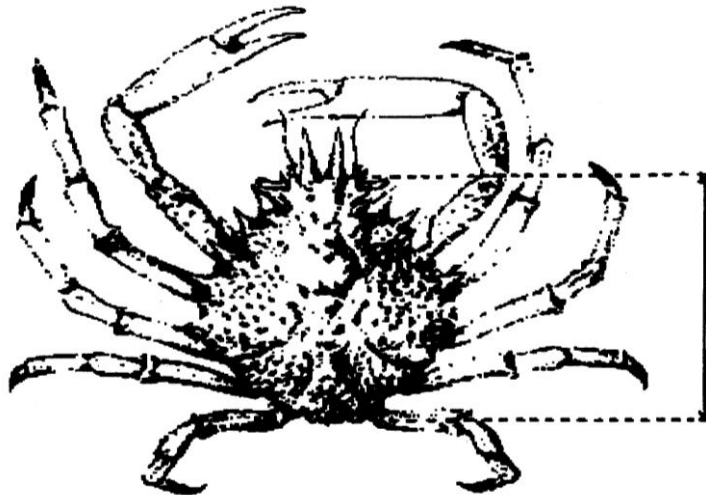


Figure 5

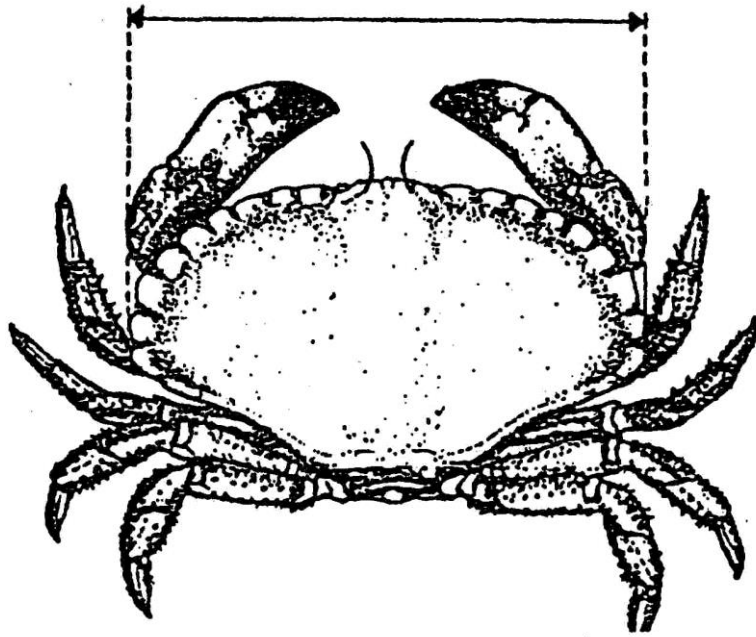


Figure 7



Figure 8

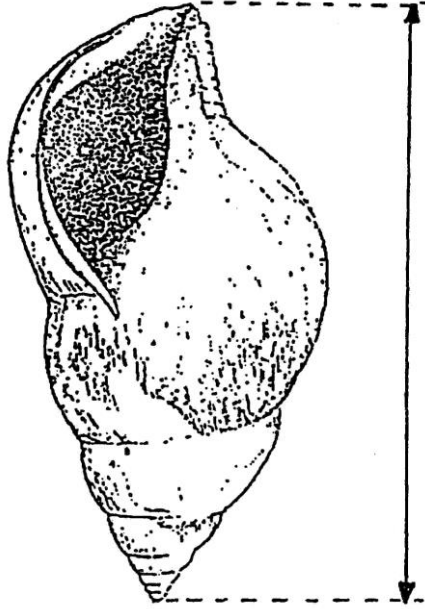


Figure 9

