

# NWIFCA Technical, Science and Byelaw Committee

2<sup>nd</sup> November 2021: 10:00 a.m.

Agenda Item

5a

## NWIFCA Minimum Conservation Reference Size Byelaw

Purpose- Update members on progress of the Byelaw after comments have been received from the MMO Byelaws Team

Recommendations;

1. Members approve the report and continuing of byelaw process
2. Members approve the implementation of Whelk MCRS in this byelaw.

In early autumn officers received the byelaw back from the MMO Byelaw team with a number of significant comments which impact upon the structure and content of the Byelaw. Despite altering the structure, the comments do not impact upon the unique features which are a part of the Byelaw.

The comments mostly centre on the duplication of legislation with where the opinion of the MMO is that the sizes applied nationally cannot also be contained in a local Byelaw. This had led to the restructuring of the Byelaw in line with the East Coast IFCAs and Southern IFCAs which unfortunately were confirmed whilst NWIFCAs was with the MMO.

The new structure has the minimum sizes placed in two schedules. One schedule is for species where a new or higher MCRS is being implemented for the District, where prohibition on all actions listed here can apply. This schedule can be applied to all fishers, whether fishing under the authority of a commercial fishing vessel licence or not. This has been drafted as Schedule 1A and includes species such as Conger Eel which are not listed in Tech Con regulations.

The other schedule should apply to species where the sizes listed in the Tech Con (EU) 2019/1241 are being replicated in the byelaw and should avoid prohibiting the action "retain on board" for fishers operating under the Authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration. All actions can be prohibited for those fishing other than under such a license. This Schedule is 1B and applies the sizes in 2019/1241 to all other fishing stakeholders not using a licenced vessel.

A separate provision has then been included for Edible crab which have a minimum size under UK legislation (SI 2000/2029). Other IFCAs have provisions for velvet crab and spider crab, there are not fishery's for these species within the NWIFCA District hence they have been omitted and IFCOs can enforce the National sizes.

One important point made by the MMO is that there cannot be duplication with the potting permit byelaw with regards to whelk minimum sizes. Therefore in an effort to apply the escalating sizes to all stakeholders in the District and not just those with a potting permit officers recommend it is removed from the flexible permit conditions of the potting byelaw permits and is situated in the MCRS byelaw as drafted.

Other comments were received regarding updating binomial names of species and formatting.

The regulatory impact assessment requires substantial re drafting and is currently being worked on by HoE.