

NWIFCA Technical, Science and Byelaw Committee

2nd November 2021: 10:00 a.m.

Agenda Item
5d

POTTING BYELAW

Purpose: To provide an update on the Potting Byelaw.

Recommendation: Report for information, Receive the report

1. Byelaw, Flexible Permit Conditions and Impact Assessment

The byelaw, flexible permit conditions and impact assessment was first sent to the MMO on 17th July 2020 for Q&A. Since then the byelaw has been sent between the MMO and NWIFCA with slight amendments being made each time.

The latest comments from the MMO were received 31st March 2021. The MMO have raised a number of points regarding duplication of measure with national legislation which will need to be removed from the byelaw. They have also asked for clarification within the impact assessment on how the track record element of the flexible permit conditions will be incorporated.

Further to the Q&A provided on the Potting byelaw, comments from the MMO on the MCRS byelaw have raised an issue with the duplication of the minimum whelk size in the potting byelaw and the MCRS byelaw.

Through the byelaw strategy working group, members and officers have raised questions on the marking of gear and whether this is something that should be in each of the fixed gear byelaws or whether should be a separate gear marking byelaw setting out measures for all fixed gears.

2. Commercial Potting Permit Applications and Whelk Track Record

Commercial crab, lobster and Nephrops potting permit application forms have been available on the NWIFCA website since the end of 2020 in anticipation of the Secretary of State confirming the byelaw. This was to ensure the byelaw could be implemented as swiftly as possible once the byelaw was in place. Unfortunately the Q&A process has caused a delay to confirmation of the byelaw.

Commercial permit applicants must provide documentation as specified in the byelaw.

There was a deadline for submitting applications for commercial whelk permits and whelk track record applications of 6 months from when the byelaw was first sent to the MMO for Q&A. This deadline was 17th February 2021.

All applications received by the deadline were processed. Applicants that were required to provide additional information were contacted. While most have provided the further data some applicants have not yet fully satisfied the information requirements.

The track record application process includes the opportunity for those applicants who fall slightly outside of the track record requirements to appeal to the Authority. Some applications for appeals have been received.

The next stages are to:

- i. check applicants information is complete,
- ii. set up the appeals panel consisting of eligible members,
- iii. provide the panel with information to make decisions.

3. Preparation for Permit Scheme

Suitable pot tags and permits for commercial and recreational pots have been identified for purchase. Tags and permits will be formatted with unique identification numbers.

4. Future Planning

Some delay to this byelaw have been caused by ongoing staff changes and resources and changing survey priorities in 2021. Every effort is being made to restore a full complement of trained and qualified science officers as soon as possible however this is proving to be a greater than usual challenge this year.