

**NWIFCA Technical, Science and Byelaw  
Sub-Committee  
11<sup>th</sup> August 2015: 10:00 a.m.**

**AGENDA  
ITEM NO.  
10**

**BYELAW 2: RESTRICTIONS ON THE SIZE VESSEL PERMITTED TO FISH  
IN THE NWIFCA DISTRICT**

**Purpose: To review measures to be included in a new vessel size byelaw 2**

**Recommendation: Agree measures for inclusion in the byelaw**

**Byelaw 2**

1. The purposes of Byelaw 2 are to:
  - restrict the size of fishing vessel which can operate in the NWIFCA District;
  - reduce the environmental impact of fishing and
  - develop a fair balance of fishing opportunities between sectors.
2. Current limits in SFC byelaws are:
  - NWSFC area, a vessel length of 15m
  - CSFC area, a limit of 13.72m inside 3 miles.
3. The paper attached at Annex A is now approved by members: Seven in favour, none against. As usual members not replying are deemed in favour. Therefore the version of Byelaw 2 made in 2012 is now rescinded.
4. Members have asked that a new byelaw be considered as soon as possible.

**Vessel length**

5. Options under consideration for vessel length restrictions:
  - 15m length inside District. This appears to have general support by industry.
  - 10m length inside 3 miles. Industry concerns expressed at recent consultation in Whitehaven. Reasoning is not clear. The under 10m fishing fleet is a key local fishing sector in England. NWIFCA may wish to carry through effective measures to achieve reduction in fishing effort and reduce access by larger vessels from outside the District.
  - No other other length restrictions have been suggested.
6. The question is asked: Are vessel length restrictions necessary if fishing effort can be adequately restricted by limits on gear or sector?

**Vessel power**

7. A limit on engine power of vessels fishing in the District is an alternative or additional way

of reducing vessel size. 221KW is the EU limit on engine size (850/98 Art 34) for beam trawling inside the 12 mile limit. NWIFCA proposed extending this to all vessels operating in the District.

8. This measure appeared to have general support with comment that static gear vessels could have larger engines with no significant environmental impact.
9. No other options have been suggested for limits on engine power

### **Exceptions**

10. **Possible exception for static gear fishing.** The Authority may wish to permit larger vessels to operate in the District if they are not using towed gear. This could include vessels operating pots, traps, and or mainly static nets (fixed engines, drift nets, encircling nets). The byelaw could include larger size limits or no limit on these vessels.
11. **Possible exception for seed mussel dredging.** The SFC vessel length Byelaw 9 contained a complete exception for seed mussel dredgers allowing large vessels (over 40m) to operate in Morecambe Bay removing so-called ephemeral seed under permit.
12. This activity has is a source of complaint from intertidal handworkers in Morecambe Bay suggesting that extensive removal of seed may reduce long term stocks of seed and adult mussel.
13. **Possible exception for Angling.**

NWSFC and CSFC vessel size byelaws exempted angling vessels from size restrictions. Angling is considered to have little impact on fish stocks or other environmental features. But some angling vessels carry up to 15 fishers who may have several rods each so cannot assume that angling has no impact on stocks.

### **Gear restrictions**

14. CSFC byelaw 13 prohibits the use of multi-rigged trawls in the District. This measure could be extended to the whole of the NWIFCA District.

### **Sunset clause**

15. The NWSFC Byelaw 9 contained a so-called 'sunset' clause which provided for existing vessels to continue fishing in the District under the same ownership until the ownership changed or the vessel was scrapped. This clause ensured that existing fishers were not disadvantaged by the new measures but that new vessels had to comply with the byelaw. A sunset clause may be considered necessary in a new byelaw.

**CEO  
July 2015**

**NWIFCA interim report on failure to progress a byelaw  
restricting vessel length**

**July 2015.**

**VESSEL LENGTH BYELAW 2**  
**MADE AT MEETING OF NWIFCA 30 SEPTEMBER 2011**  
**FULL LEGAL PROCESS NEVER COMPLETED**

**Purpose of Report: To provide urgent clarification on vessel size in the District**

**Recommendations:**

- 1. The report be received**
- 2. The Authority urgently reviews the version of Byelaw 2 in process**
- 3. NWIFCA decides on measures to limit vessel length, engine power and some gear restrictions as soon as possible**

**Background**

1. At NWIFCA meeting on 30 September 2011 Byelaw 2 was made to restrict the sizes of vessel permitted to fish in the District to:
  - A maximum of 10m length inside the 3 mile limit
  - A maximum of 15m length inside the 6 miles limit
  - A sunset clause ensured that no vessels now fishing in the District were excluded
2. However the byelaw did not progress through the full legal process because of industry concerns, especially in Cumbria and other priority work.
3. Later other measures were proposed including an engine power restriction of 221 KW.
4. Delay in implementation of the byelaw is now causing serious problems which need to be addressed urgently.
5. Fishermen wishing to order replacement vessels need to know what size will be legal when Byelaw 2 is completed.
6. A fisherman already has placed an order with deposit on a new potting vessel 12- 13m length and with engine power of 300 KW. Such a vessel would comply with existing regulations but not with the new Byelaw 2 limits. If his order is cancelled, he loses his deposit. He is concerned to have a legal boat.
7. For fairness NWIFCA should clarify the position regarding vessels which may be ordered now but completed after Byelaw 2 has come into full legal force.
8. The position is more complex than just one case, as there is substantial opposition to the limits as set by the current Byelaw 2.

## **Recent Consultations with Fishers**

9. At a recent consultation meeting with fishers in Whitehaven there was:
  - strong opposition to the application of a 10m vessel size restriction to all sectors inside 3 miles.
  - Concerns about a single engine power restriction across all sectors.
10. Previous byelaws provide for a 15m vessel length restriction inside 6 miles south of Haverigg Point (NWSFC Byelaw 9) and a 13.72m length restriction inside 3 miles north of Haverigg Point and 21.34m in a small part of the Solway (CSFC Byelaw 3 in conjunction with CSFC Byelaw 19). Compromise size limits to apply across the District may be achievable in a future byelaw.
11. To implement the advice from consultations in Cumbria, a new vessel size byelaw will be proposed as soon as possible for discussion by the Authority.
12. Alternatives to a single 10m length restriction inside 3 miles could be considered such as:
  - permitting larger potting and pelagic vessels while restricting towed demersal gear vessels
  - different lengths for different parts of the District to take account of variation in fisheries

## **Recommendations**

13. The Authority is asked to take a decision to set aside the version of Byelaw 2 made at the meeting of 30 September 2011 but not progressed to full legal force. Nb: Byelaws made by the Authority do not come into force until signed by the Defra Minister of State.
14. Previous vessel size limits as in paragraph 10 will apply until further notice
15. That this decision be taken as soon as possible by email to remove uncertainty and enable business decisions on replacement vessels to be progressed
16. Please respond by 20 July 2015.
17. As usual, no response will be taken as agreement to the recommendations

**CEO**  
**8 July 2015**

## ANNEX B

### Officer comments on Vessel size restrictions byelaw

Steve Brown

We certainly do need a vessel size Byelaw. Our aim should be 15 meters OAL on the 6 mile limit and 221KW on all fishing vessels other than angling vessels and mussel dredgers.

The under 10 meter sector plays a significant role in the District but not in the context of the proposed vessel length Byelaw. When under 10 meter vessels from the South Coast were brought here to fish the Liverpool bay sole fishery, several were lost with all hands in passage to and from our area. I have experience of fishing the more exposed parts of the District in 12 meters reg length vessels, that was bad enough. 10 meter OAL is too small, even on the 3 mile limit and in my opinion poses a threat to life. The modern 15 meter 221KW is a powerful and sea worthy vessel more than adequate for any (other than mussel gathering) fishery within the District.

I do not agree with the comments on static gear. Vessel size and power is a means of controlling these fisheries we only need to look back at the problems we had in Wales a few years ago. Poorly attended static gear caused significant damage to skate and ray fisheries. Small fast boats put out more gear than they could work or tend effectively during periods of poor weather. Large amounts of fish went to waste and in some parts of the District and still does. KW power is a means of controlling static gear effort. You either work a small fast boat and tend gear properly or lose it to the weather or work a big old boat and tend your gear more efficiently. There must be some science on this somewhere. We must take a longer term view and look to the fishery at least a decade ahead. Because of the growth of wind farms the use static nets will develop. We cannot effectively measure the amount of net in use so we have no option but to restrict the vessel.

Mussel dredgers: We are the guardians of what are some of the most prolific areas of seed mussel production in Europe. The artisanal hand gathered fishery is something we need to preserve but is in reality totally subservient to the demands of the greater market. Good science matched to realistic quotas is what is needed to manage the seed mussel fishery. If you restrict the size of vessel you end up with overloaded vessels. Permit the number of mussel dredgers and the tonnage they take off. The size of the vessel increases the safety of crew and the ability to work to schedules. There should be no need to limit the size of mussel dredgers. If the quotas are economic the operators will work here, if they aren't they won't.

Angling: I see no need to impose length or power restrictions on vessels used for angling. If a person who has a large yacht wishes to anchor up and do a bit of angling what harm are they going to do to the fishery.. Considering the effort involved angling must be about the most inefficient method of catching your dinner there is. Yes as in the N Sea there is the potential for larger vessels to go into charter work such as wreck fishing. Again the social economic and financial effort put in bears no semblance to the amount of fish taken which in most cases is of little consequence.

NWSFC Byelaw 9 removed Eurocutter type beam trawlers from working a large part of Liverpool Bay. By restricting trade in second hand tonnage it was one of the many factors that sealed Fleetwood's fate as a fishing port. A sunset clause provide that the only vessels effected by the new restrictions are those built after the date of the Byelaw. All existing vessels are given a permit to work under the present Byelaw regime.

Gear restrictions: The twin trawl Cumbria Byelaw 13 should be incorporated into an NWIFCA Byelaw or left as a stand-alone; it is an important technical provision.

Steve Brown.