

EMERGENCY BYELAW: RESTRICTIONS ON FISHING FOR BIVALVE MOLLUSCAN SHELLFISH 2016

In accordance with section 157(2)(a) of the Marine and Coastal Access Act 2009 ('the Act'), the Authority for the North Western Inshore and Fisheries Conservation District ('the Authority') considers that there is an urgent need for this byelaw.

In accordance with section 157(2)(b) of the Act the need for this byelaw could not have reasonably been foreseen.

Accordingly, the Authority, in exercise of the powers conferred by sections 155, 156, and 157 of the Act makes the following byelaw for the 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 (SI 2010 No. 2200);
 - b) 'the 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) 'dredge' means a dredge, suction dredge, scoop or similar device and any auxiliary hydraulic equipment that is designed for, or capable of taking any bivalve molluscan shellfish;
 - d) 'permission' means a written permission issued in accordance with paragraph 6 of this byelaw.

Prohibitions

2. A person must not fish for bivalve molluscan shellfish using a dredge.

Exemptions

3. This byelaw does not apply to that part of the District defined as the North Western Sea Fisheries District in articles 1 and 2 of the North Western and North Wales Sea Fisheries District (Consequential and Transitional Provisions) Order 2010 (SI 2010 No. 631).
4. This byelaw does not apply to any person performing an act that would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a permission issued by the Authority.

Procedure

5. The Authority may issue a permission:
 - (a) for the use of a dredge of a pattern approved by the Authority; or
 - (b) for scientific, management, stocking or breeding purposes.

6. Before issuing a permission in accordance with paragraph 5(a) the authority must consider advice from persons who in the opinion of the Authority are suitably qualified to comment on the conservation and environmental implications of issuing the permission.
7. The authority may attach conditions to a permission.

Date

8. This byelaw comes into force on 2nd February 2016 and remains in force unless revoked until 1st February 2017.

Explanatory note
This note is not part of the byelaw

This byelaw prohibits fishing for bivalve molluscs with a dredge, except in accordance with written permission from the Authority. Permissions may be issued for use of a dredge of a pattern approved by the Authority or for scientific, management, stocking or breeding purposes.

This byelaw ensures consistent regulation across the whole North Western Inshore Fisheries and Conservation District ("the District").

This byelaw was made necessary due to an urgent need to ensure protection and prevent over exploitation of sea fisheries resources identified following notification from industry of an intention to dredge for bivalve molluscan shellfish in an un-regulated part of the District.

The emergency byelaw will be reviewed by the North Western IFCA at its meeting on 10th June 2016 and subsequently as required.

The byelaw will be advertised on the North Western IFCA website. The fishing industry will be informed through a letter to fishing associations in the District.

Public notices will be posted at prominent positions throughout the District.