



Kent and Essex Inshore Fisheries and Conservation Authority
MARINE AND COASTAL ACCESS ACT 2009 (c.23)

MINIMUM SIZES BYELAW

The Authority for the Kent and Essex Inshore Fisheries and Conservation District, in exercise of the powers conferred by sections 155 and 156 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 Kent and Essex Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Kent and Essex Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2190);
- b) "District" means the Kent and Essex Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Kent and Essex Inshore Fisheries and Conservation Order 2010;
- c) "the Eastern District" means the Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010/2189);
- d) "Live bait" means fish that are:
 - (i) used only as a hook bait for the capture of other fish;
 - (ii) retained within a receptacle;
 - (iii) released alive into the fishery when no longer required; and
 - (iv) not landed or removed from the fishery;
- e) "ICES" means International Council for the Exploration of the Sea;
- f) "tranship" means the transfer of fisheries products from one ship or other form of transport to another.

Catch Prohibitions and Restrictions

- 2) A person must not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board their vessel, species listed in column 1 of Schedule 1a if it measures less than the size specified in column 2 of Schedule 1a;

but must return it immediately to the sea.

- 3) A person must not remove from the fishery, tranship, transport, store, land, sell, display or offer for sale or retain on board their vessel any species listed in column 1 of Schedule 1b if;
 - a) it measures less than the size specified in column 2 of Schedule 1b; and
 - b) it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration;but must return it immediately to the sea.

- 4) A person fishing under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration who catches a species listed in column 1 of Schedule 1b, subject to paragraph 10, must not tranship that species if it measures less than the size specified in column 2 of Schedule 1b but must return it immediately to the sea.

- 5) A person must not retain on board, tranship, land, transport, store, sell, display or offer for sale any whelk (*Buccinum undatum*) which was caught from outside of the District if;
 - a) it measures less than 45 millimetres; and
 - b) it was caught other than under the authority of a fishing vessel licence issued by the Marine Management Organisation or other devolved UK fishery administration;but must return it immediately to the sea.

- 6) The marine organisms named in schedules 1a and 1b shall be measured in accordance with Schedule 2.

- 7) 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.

- 8) The following named species below the minimum sizes specified in Schedule 1b may be used as live bait:
 - a) Horse mackerel (*Trachurus trachurus*);
 - b) Mackerel (*Scomber scombrus*); and
 - c) Sardine (*Sardina pilchardus*).

Exemptions

- 9) Paragraph 2 to 4 shall not apply to sardine, 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 sardine, herring, horse mackerel and mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The limit of 10% must not be exceeded during transshipment, landing, transportation, storage, display or sale. The percentage may be calculated on the basis of one or more representative samples.

- 10) Paragraph 4 does not apply in respect of any edible crab (*Cancer pagurus*) caught within the Eastern District,

Revocations

- 11) The byelaw with the title "FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019" made on 13 August 2019 by the Authority in exercise of its power under section 157 of the Marine and Coastal Access Act and which was in force immediately before the making of this byelaw is revoked.
- 12) The byelaw with the title "Minimum Fish Sizes for Certain Species: Scallops, Grey Mullet, Skates and Rays" made on 20 July 2009 by the Kent and Essex Sea Fisheries Committee in exercise of its power under sections 5 and 5a of the Sea Fisheries Regulation Act 1966 and which was in force immediately before the making of this byelaw is revoked.
- 13) "Byelaw No. 14. Minimum Size of Grey Mullet" made on 7 January 2009 by the Environment Agency and having effect in relation to the District from 1 April 2011 as byelaws made by the Authority, in accordance with Article 6 of the Marine and Coastal Access Act 2009 (Transitional and Saving Provisions) Order 2011 (S.I. 2011/603), is hereby revoked insofar as it applies to the District.
- 14) The byelaws with the following titles, numbers or purposes made by the Sussex Sea Fisheries Committee on the stated dates and having effect in relation to the District from the 1 April 2011 as byelaws made by the Authority, in accordance with Article 6 of the Marine and Coastal Access Act 2009 (Transitional and Saving Provisions) Order 2011 (S.I. 2011/603), are hereby revoked insofar as they apply to the District:
 - (a) No.3, introducing a closed period for the taking of periwinkles confirmed on 6 February 1962;
 - (b) No. 15, introducing permits for taking lobsters confirmed on 13 October 1982; and
 - (c) "Dredging for, fishing for and taking of oysters & clams and removal of cultch" made on 14 April 1994.
- 15) The byelaws with the following titles made by the Eastern Sea Fisheries Joint Committee on the stated dates, and having effect in relation to the District from 1 April 2011 as byelaws made by the Authority, in accordance with Article 6 of the Marine and Coastal Access Act 2009 (Transitional and Saving Provisions) Order 2011 (SI 2011/603), are hereby revoked insofar as they apply to the District:
 - (a) "Byelaw No. 7. Parts of Shellfish" made on 31 January 1996;
 - (b) "Byelaw No. 10. Whitefooted Edible Crab" made on 29 April 1998; and
 - (c) "Byelaw No. 5. Prohibition on the use of edible crab as bait" made on 31 January 1996.

I hereby certify that the above byelaw was made by the Kent and Essex Inshore Fisheries and Conservation Authority at their meeting on 31 January 2020.



Joel Cook
Clerk to the Kent and Essex Inshore Fisheries and Conservation Authority

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The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (3) and (4) of the Marine and Coastal Access Act 2009 confirms the Minimum Sizes Byelaw made by Kent and Essex Inshore Fisheries and Conservation Authority on 31 January 2020.



Colin Faulkner
Deputy Director,
External Fisheries Negotiations & Trade Policy

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date: 12/02/2021

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

This byelaw prohibits the removal from the fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes. The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole.

The prohibitions are split into two schedules. Schedule 1a applies to all persons, irrespective of whether they are a commercial operator or a recreational operator. These are the species which are not subject to the landing obligation and have a minimum landing size specific to the Kent and Essex IFC District. Schedule 1b applies to all persons but contains a provision which exempts vessels fishing under a commercial fishing vessel licence issued by the Marine Management Organisation or a devolved administration, as these vessels are required to comply with landing obligations and Minimum Conservation Reference Sizes for these are provided for in UK legislation.

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

The byelaw contains provisions for the retention of live mackerel or mackerel named fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

The byelaw contains provisions for retaining 10% undersize catch in relation to sardine, anchovy, herring, horse mackerel or mackerel.

SCHEDULE 1a

Kent and Essex Inshore Fisheries and Conservation Authority specified minimum sizes for species not subject to the landing obligation

Species	Minimum Size
Scallop (<i>Pecten maximus</i>)	110 millimetres
Grey Mullet (<i>Chelon</i> spp.)	30 centimetres

SCHEDULE 1b

Species and specified minimum conservation reference sizes

Species		Minimum Size
Bass (<i>Dicentrarchus labrax</i>)		42 centimetres
Cod (<i>Gadus morhua</i>)		35 centimetres
Haddock (<i>Melanogrammus aeglefinus</i>)		30 centimetres
Hake (<i>Merluccius merluccius</i>)		27 centimetres
Herring (<i>Clupea harengus</i>)		20 centimetres
Horse Mackerel (<i>Trachurus trachurus</i>)		15 centimetres
Ling (<i>Molva molva</i>)		63 centimetres
Mackerel (<i>Scomber scombrus</i>)	<i>ICES sub-area IVc</i>	30 centimetres
	<i>ICES sub-area VIId</i>	20 centimetres
Plaice (<i>Pleuronectes platessa</i>)		27 centimetres
Pollack (<i>Pollachius pollachius</i>)		30 centimetres
Sardine (<i>Sardina pilchardus</i>)		11 centimetres
Sole (<i>Solea</i> spp.)		24 centimetres
Skates and rays (<i>Raja</i> spp.)	<i>whole</i>	40 centimetres
	<i>wing</i>	19 centimetres
Whiting (<i>Merlangius merlangus</i>)		27 centimetres
Carpetshell (<i>Venerupis pullastra</i>)		38 millimetres
Donax clam (<i>Donax</i> spp.)		25 millimetres
Grooved carpetshell (<i>Ruditapes decussatus</i>)		40 millimetres
Octopus (<i>Octopus vulgaris</i>)		750 grams
Queen scallop (<i>Chlamys</i> spp.)		40 millimetres
Razor clam (<i>Ensis</i> spp)		100 millimetres
Short-necked clam (<i>Ruditapes philippinarum</i>)		35 millimetres
Edible crab (<i>Cancer pagurus</i>)	<i>ICES sub-area IVc</i>	130 millimetres
	<i>ICES sub-area VIId</i>	140 millimetres
Lobster (<i>Homarus gammarus</i>)		87 millimetres
Spider crab (<i>Maja squinado</i>)		120 millimetres
Whelk (<i>Buccinum undatum</i>)		45 millimetres

SCHEDULE 2

Measurement of the size of a marine organism

1. The size of any fish other than skates and rays shall be measured, as shown in figure 1, from the tip of the snout to the end of the tail fin.
2. The size of a whole skate or ray shall be measured, as shown in figure 2, from wing tip to wing tip.
3. The size of a skate or ray wing shall be measured, as shown in figure 3, from the wing tip across the wing to the cut edge.
4. The size of a lobster shall be measured, as shown in figure 4, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
5. The size of a spider crab shall be measured, as shown in figure 5, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
6. The size of an edible crab shall be measured, as shown in figure 6, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
7. The size of any bivalve mollusc shall be measured, as shown in figure 7, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in figure 8, as the height of the shell.

Figure 1

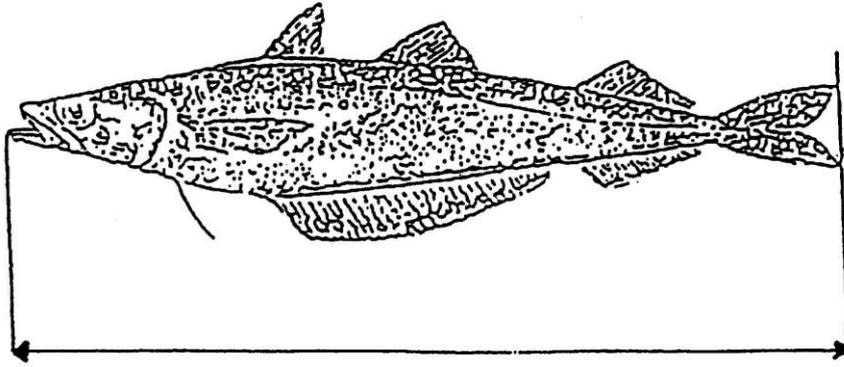


Figure 2

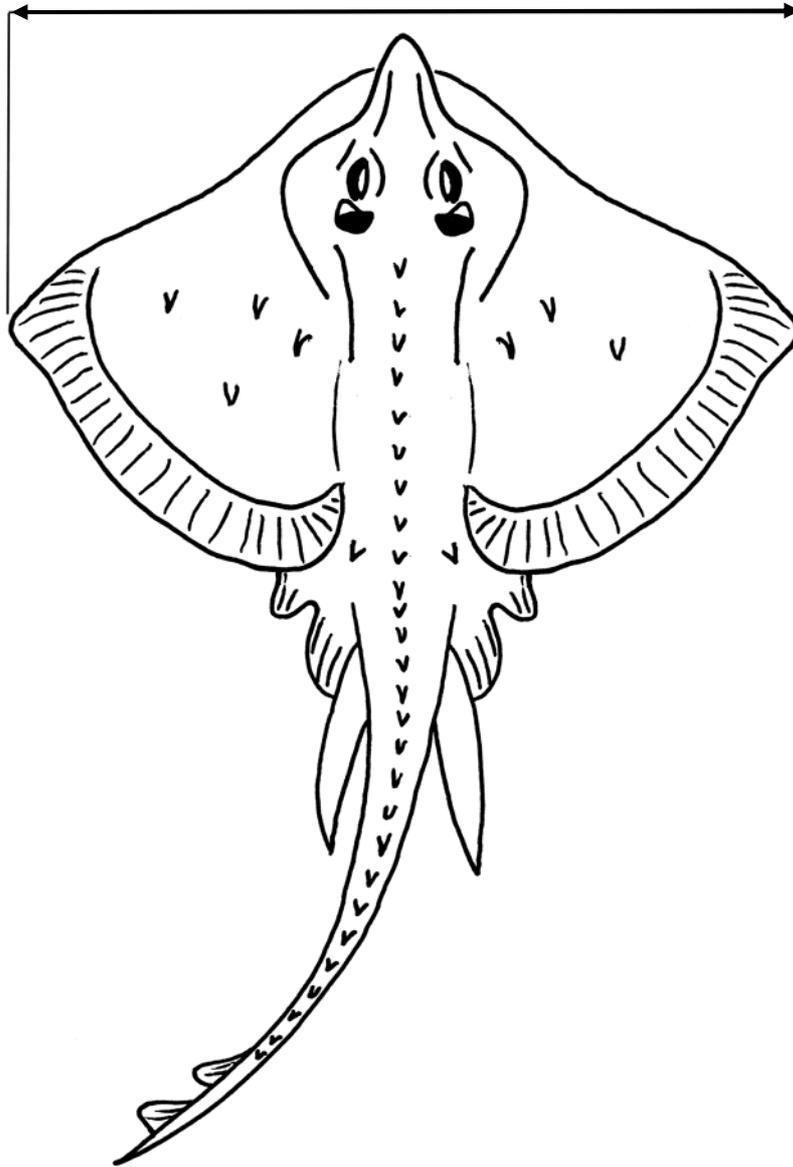


Figure 3

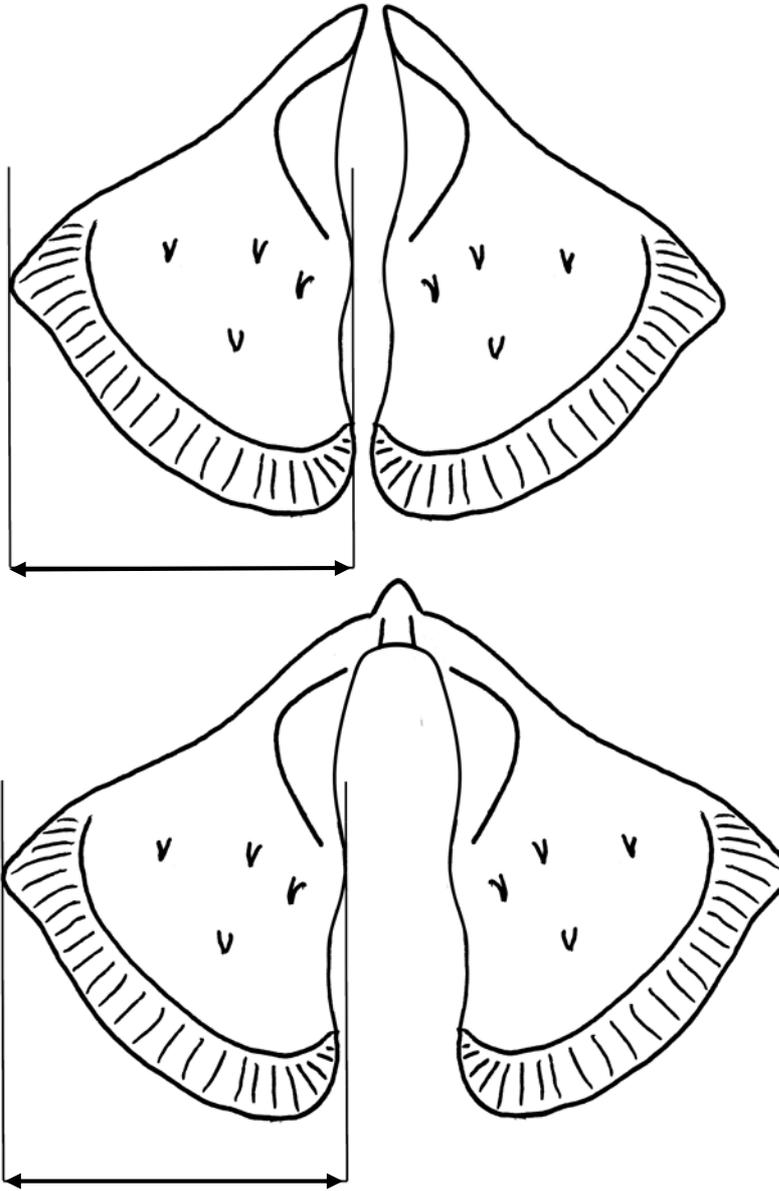


Figure 4

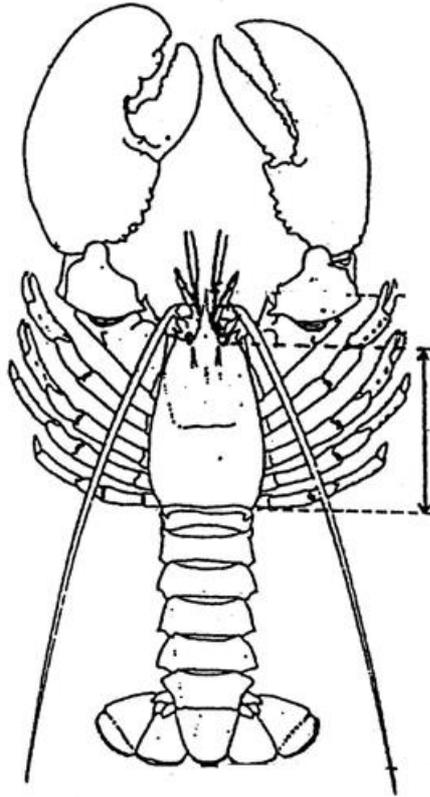


Figure 5



Figure 6

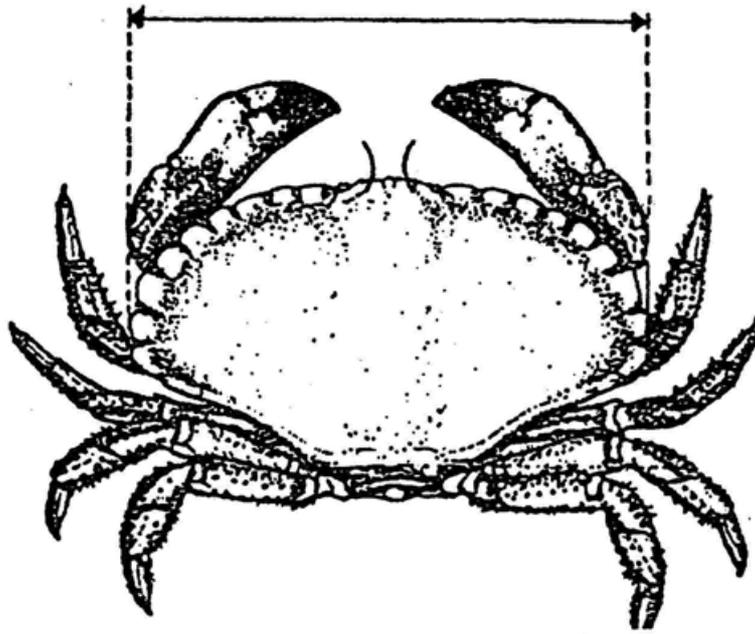


Figure 7



Figure 8

