



**Kent and Essex
Inshore Fisheries and Conservation Authority**

MARINE AND COASTAL ACCESS ACT 2009

HYTHE BAY BOTTOM TOWED GEAR PERMIT BYELAW

The Authority for the Kent and Essex Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 hereby 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 (SI 2010 No 2190);
 - (b) “the District” means the Kent and Essex Inshore Fisheries and Conservation Authority District as defined in Articles 2 and 3 of the Kent and Essex Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2190);
 - (c) “bottom towed gear” means a beam trawl, otter trawl, multi-rig trawl, pair trawl, anchor seine, Scottish seine, dredge or other similar fishing instrument designed to take sea fisheries resources from the sea bed;
 - (d) “Hythe Bay permit area” means the area defined in the Schedule;
 - (e) “relevant fishing vessel” means a fishing boat registered in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act and in respect of which a fishing licence issued by an appropriate national authority is held.

PROHIBITIONS

2. A person must not operate bottom towed gear within the Hythe Bay permit area.

EXEMPTIONS

3. Paragraph 2 does not apply to a person acting in accordance with a permit issued under paragraph 6.
4. This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking, breeding or fisheries management purposes.

5. The provisions of this byelaw are without prejudice to any right of Several Fishery, Act of Parliament, Royal Charter or other rights that exist within the District as referred to in Section 6 of the Sea Fisheries Regulation Act 1966.

PERMITS

6. The Authority may authorise the use of bottom towed gear within the Hythe Bay permit area by issuing a permit. A permit:
 - (a) is issued to a named person (“the permit holder”);
 - (b) is issued in relation to a named relevant fishing vessel (“the named vessel”); and
 - (c) is subject to the permit conditions in paragraphs 13 to 14 and any flexible permit conditions attached in accordance with paragraphs 15 to 18.
7. A person may not apply for a permit if they:
 - (a) already hold a permit issued under paragraph 6 for the same year; or
 - (b) are already named as a nominated representative on another permit issued under paragraph 6 for the same year.
8. No more than one permit will be issued per relevant fishing vessel.
9. An application for a permit must be made using the forms available from the Authority's office or its website.
10. A person applying for a permit may nominate up to two persons as their representatives (“nominated representatives”), provided that a person nominated is not:
 - (a) a permit holder; or
 - (b) already a nominated representative on another permit.
11. A fee of £100 will be charged for each permit which is payable prior to issue.
12. A permit is:
 - (a) not transferable between the permit holder and another person or between the named vessel and another vessel; and
 - (b) is valid from the date of issue until the 31st December of that year.

PERMIT CONDITIONS

13. The permit must only be used by the permit holder or a nominated representative using the named vessel.
14. The permit holder must submit to the Authority no later than the 5th of each month a completed monthly form provided by the Authority containing such information in regard to catches and fishing effort for the previous month as the Authority may require, which will include accurate information regarding the species and quantities of fish taken, the area fished and the amount of time spent fishing.

FLEXIBLE PERMIT CONDITIONS

15. The Authority may attach, remove or vary flexible permit conditions which fall within one or more of the following categories:
 - (a) Vessel Restrictions;
 - (b) Gear Restrictions;
 - (c) Spatial and Temporal Restrictions;
 - (d) Conditions relating to the use of Vessel Monitoring Systems.

16. The Authority may attach, remove or vary a flexible permit condition following a review conducted in accordance with the review procedure set out in paragraphs 19 and 20.
17. The flexible permit conditions that apply until the first review pursuant to paragraphs 19 and 20 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.
18. Contravention of a flexible permit condition constitutes a contravention of this byelaw.

REVIEW PROCEDURE

19. The Authority must review flexible permit conditions not less than once every three years as follows:
 - (a) the Authority will consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
 - (b) the Authority will make a decision whether to attach, remove or vary a flexible permit conditions based upon that consultation and the information listed in paragraph 20;
 - (c) following a decision being made by the Authority, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.
20. The information for the purposes of paragraph 19(b) includes any one or more of the following:
 - (a) Data collected from permit holders;
 - (b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
 - (c) Scientific advice provided by CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;
 - (d) An Impact Assessment of any proposed changes;
 - (e) Advice given by Natural England or such other bodies, organisations, or persons as the Authority shall think fit;
 - (f) Material information from any other relevant source.

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

Peter Sass
Clerk
Kent and Essex Inshore Fisheries and Conservation Authority.
Paragon House, Albert Street, Ramsgate, Kent, CT11 9HD

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(4) of the Marine and Coastal Access Act 2009 confirms the Cockle Fishery Flexible Permit Byelaw made by the Kent and Essex Inshore Fisheries and Conservation Authority on XXXXXXXXXXXXXXXX.

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

Date: 2015.

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SCHEDULE

Definition of “Hythe Bay permit area”

Co-ordinates used in this Byelaw are based on WGS 84 datum, where ‘WGS 84’ means the World Geodetic System, revised in 1984 and further revised in 2004.

“Hythe Bay permit area” means the area enclosed by a series of straight lines drawn from:

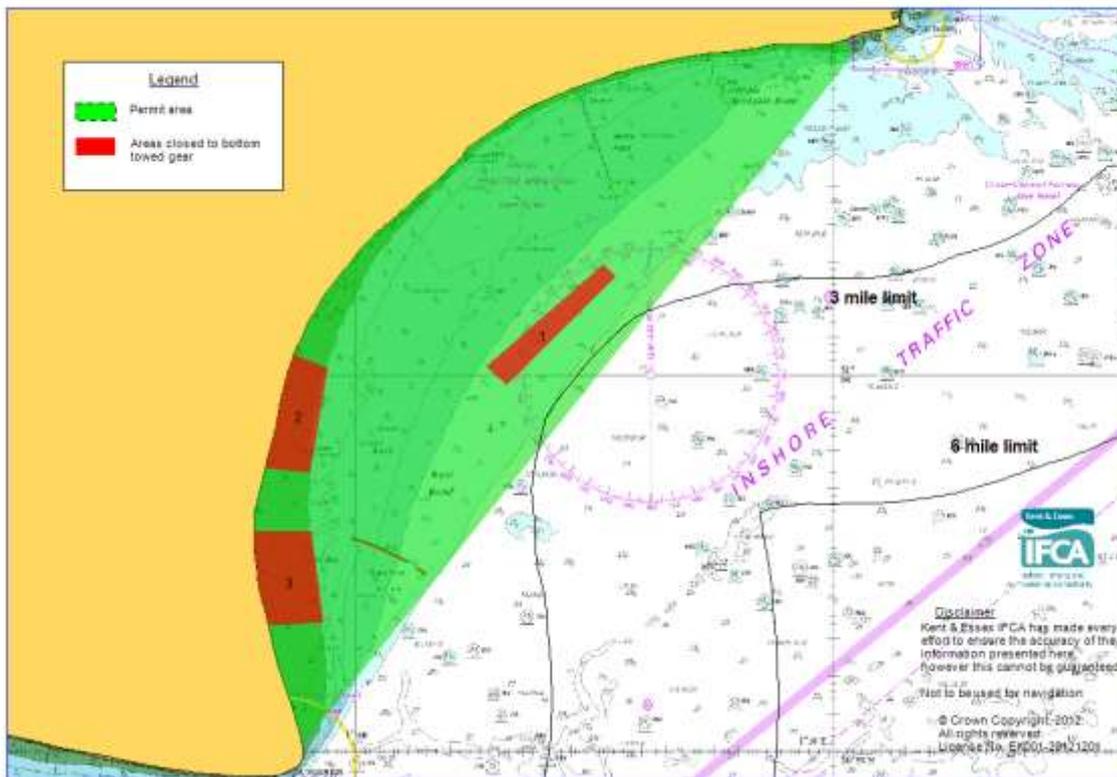
Point 1 (51 degrees 04.29 minutes North, 001 degrees 10.4515 minutes East) to
Point 2 (50 degrees 54.802 minutes North, 000 degrees 58.537 minutes East)
and then along the coast at the level of mean high water spring tide back to Point 1.

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Explanatory Note (not part of byelaw)

The proposed Byelaw will provide the Authority with the ability to balance the needs of persons fishing the area with the requirements to secure a sustainable marine eco-system and local socio-economic environment. The Byelaw will introduce flexibility in the way that the Authority manages effort directed towards the permitted fishery and support the development of a sustainable fishery. All persons will be limited in the technical specifications of gear that can be used and the areas which can be worked. The flexible permit conditions will be reviewed when necessary on the basis of best available evidence and within a time period not exceeding two years.

The Hythe Bay Flexible Permit byelaw applies to the area shaded in green on the chart below. The areas shaded in red show the areas of conservational importance which are closed to fishing with bottom towed gear.



FLEXIBLE PERMIT CONDITIONS

SPATIAL AND TEMPORAL RESTRICTIONS

1. The use of bottom towed gear is prohibited in the following closed areas:

(a) "Closed Area- Area 1" means:

the area enclosed by a series of straight lines drawn sequentially from:

Point 1 (51 degrees 01.477 minutes North, 001 degrees 05.1725 minutes East) to

Point 2 (51 degrees 01.3135 minutes North, 001 degrees 05.4316 minutes East) to

Point 3 (50 degrees 59.864 minutes North, 001 degrees 03.151 minutes East) to

Point 4 (51 degrees 0.104 minutes North, 001 degrees 02.719 minutes East).

and then a line drawn along the coast at the level of mean high water spring tide back to point 1.

(b) "Closed Area- Area 2" means:

the area enclosed by a series of straight lines drawn sequentially from:

Point 1 (51 degrees 02.2721 minutes North, 000 degrees 58.6923 minutes East) to

Point 2 (51 degrees 0.091 minutes North, 000 degrees 59.404 minutes East) to

Point 3 (50 degrees 58.694 minutes North, 000 degrees 59.035 minutes East) to

Point 4 (50 degrees 58.759 minutes North, 000 degrees 58.084 minutes East)

and then a line drawn along the coast at the level of mean high water spring tide back to point 1.

(c) "Closed Area- Area 3" means:

the area enclosed by a series of straight lines drawn sequentially from:

Point 1 (50 degrees 57.910 minutes North, 000 degrees 57.852 minutes East) to

Point 2 (50 degrees 57.923 minutes North, 000 degrees 59.054 minutes East) to

Point 3 (50 degrees 56.712 minutes North, 000 degrees 59.312 minutes East) to

Point 4 (50 degrees 56.668 minutes North, 000 degrees 58.157 minutes East)

and then a line drawn along the coast at the level of mean high water spring tide back to point 1.

GEAR RESTRICTIONS

2. Only an otter trawl may be operated under a permit issued for the Hythe Bay permit area, no other type of bottom towed gear can be operated under this permit.

Otter Trawl Construction

3. The maximum aggregate length of the ground rope of any gear must be no greater than 48 metres.
4. The ground rope must be enclosed, along the entire length of that in contact with the seabed, by rubber discs of a maximum diameter of 100mm
5. The thickness of any chain link used in the construction of the gear must be no greater than 10mm.
6. No tickler chains may be attached to any part of the gear.
7. No attachments may be connected to the gear ahead of the ground rope.
8. Any ground rope attachments including weights must not exceed a diameter of 100mm.

VESSEL RESTRICTIONS

9. A person must not operate bottom towed gear within the Hythe Bay permit area using a vessel which exceeds 12.5 metres in overall length

VESSEL MONITORING SYSTEMS

10. The named vessel is required to have fitted at the owner's expense a remotely accessed electronic reporting device which is in compliance with KEIFCA requirements as detailed within the management plan and transmit the required information at the specified reporting intervals.

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