



Kent and Essex Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019

The Authority for the Kent and Essex Inshore Fisheries and Conservation District, in exercise of the power conferred by section 157 of the Marine and Coastal Access Act 2009 makes the following emergency 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 No. 2190);
 - b) "District" means the Kent Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Kent and Essex Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2190)
 - c) "Live bait" means fish that are:
 - (i) used only as a hook bait for the capture of other fish; and
 - (ii) retained within a receptacle; and
 - (iii) released alive into the fishery when no longer required; and
 - (iv) not landed or removed from the fishery
 - d) "North Sea" means ICES sub-area IVc

Catch Prohibitions and Restrictions

2. This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires marine organisms to be landed, applies.
3. Subject to paragraphs 4 and 7, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 8 that measure less than the sizes specified but shall return them immediately to the sea.

4. Paragraph 3 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 or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.
5. The marine organisms described in paragraph 8 shall be measured in accordance with Schedule 1.
6. Named crustaceans and named molluscs for which a size is specified in paragraph 8 may only be retained on board whole and may only be landed whole.
7. By way of derogation from paragraph 6, for edible crabs caught in pots or creels, a maximum of 1 % by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75 kg of detached crab claws may be landed.

8. Species and specified minimum sizes

a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)		42 cm
Cod (<i>Gadus morhua</i>)		35 cm
Sole (<i>Solea</i> spp.)		24 cm
Hake (<i>Merluccius merluccius</i>)		27 cm
Haddock (<i>Melanogrammus aeglefinus</i>)		30 cm
Herring (<i>Clupea harengus</i>)		20 cm
Horse Mackerel (<i>Trachurus trachurus</i>)		15 cm
Ling (<i>Molva molva</i>)		63 cm
Mackerel (<i>Scomber scomber</i>)	North Sea	30 cm
	Other areas	20 cm
Plaice (<i>Pleuronectes platessa</i>)		27 cm
Pollack (<i>Pollachius pollachius</i>)		30 cm
Sardine (<i>Sardina pilchardus</i>)		11 cm
Whiting (<i>Merlangius merlangus</i>)		27 cm

b) Named Mollusc Species

Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Donax Clams (<i>Donax</i> spp.)	25 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Hard Clam (<i>Callista chione</i>)	60 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Razor Clam (<i>Ensis</i> spp)	100 mm
Short-necked Clam (<i>Ruditapes philippinarum</i>)	35 mm
Whelk (<i>Buccinum undatum</i>)	45 mm
Scallop (<i>Pecten maximus</i>)	110 mm
Octopus (<i>Octopus vulgaris</i>)	750g

c) Named Crustacea Species

Edible Crab (<i>Cancer pagarus</i>)	130 mm
European Lobster (<i>Homarus gammarus</i>)	87 mm
Spider Crab (<i>Maja squinado</i>)	male 130 mm
	female 120 mm
Velvet swimming Crab (<i>Necora puber</i>)	65 mm

The following named species below the minimum sizes specified in paragraph 8 may be used as 'live bait'

- a) Horse Mackerel (*Trachurus trachurus*)
- b) Mackerel (*Scomber scomber*)
- c) Sardine (*Sardina pilchardus*)

9. This byelaw does not apply to any person removing any such fish for scientific purposes under the written authority in that behalf of the Kent and Essex Inshore Fisheries and Conservation Authority signed by the Chief Officer or Clerk and in accordance with the conditions contained in that authority.

I hereby certify that the above byelaw was made by Kent and Essex Inshore Fisheries and Conservation Authority on the 13th August 2019.



Clerk to Kent and Essex Inshore Fisheries and Conservation Authority

This byelaw comes into force on 14th August 2019 and will remain in force for a period not exceeding 12 months unless revoked by the Secretary of State

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 provisions shall not apply to any catch that is subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

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

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

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

SCHEDULE 1

Measurement of the size of a marine organism

1. The size of any fish shall be measured from the tip of the snout to the end of the tail fin.
2. The size of a lobster shall be measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
3. The size of a spider crab shall be measured 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.
4. The size of an edible crab or velvet swimming crab shall be measured as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
5. The size of any bivalve mollusc shall be measured across the longest part of the shell.
6. The size of a whelk shall be measured as the length of the shell.