

By: Assistant Chief Fishery Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority –  
29 November 2019

Subject: KEIFCA Minimum Fish Sizes Byelaw

Classification: **Unrestricted**

**Summary:** Report on the progress to replace the minimum fish sizes emergency byelaw with a full byelaw

**Recommendation:**

Members are asked to **REVIEW** the information in this paper, as well as the draft byelaw wording and its associated draft impact assessment, and provide **COMMENT** and **FEEDBACK**

**Background**

At the September 2019 Authority meeting, members were appraised of changes in legislation over the summer which had resulted in changes to the technical legislation which IFCAs enforce, especially with respect to fish size limits. With the revoking of the EU technical conservation measures EU 850/98 and the introduction of a new technical conservation regulation, EU 1241/2019, the legal advice that IFCAs have been using to apply minimum size (now referred to as Minimum Conservation Reference Size – MCRS) to recreational fishers ceased to be able to be applied from the 13 August 2019. The new legislation now specifically states that the MCRS does not apply to recreational fishers, whereas previously KEIFCA in common with the other IFCAs, had relied upon a legal opinion that the previous legislation applied to all fishers, both recreational and commercial, in order to enforce minimum sizes on recreational fishers. Whilst the new legislation helps address a grey legal area it does mean that apart from the sea bass bag limit there would be no legislation in place to manage the fish and shellfish taken by the recreational or non-commercial sector.

**Making a permanent byelaw**

Following discussions with the other east coast IFCAs, who worked together to make the emergency byelaws which were put in place over the summer, there is a strong will to continue to work together and make a permanent byelaw that is as consistent as possible around the coast. Discussions also reflected recent experience from Northumberland IFCA that a relatively straightforward emergency byelaw which was made into a full byelaw three months later took

well over nine months to pass through the MMO and DEFRA byelaw making process and to be signed by the Secretary of State.

As a result, at the last Authority meeting it was agreed by members to use the current wording and build on the associated species list and minimum sizes. Once we are happy that the current status quo is in long-term IFCA legislation this then could be scoped to explore a wider range of different minimum size or recreational management options.

### **Progress so far**

Since the last meeting, officers have worked with the other east coast IFCAs to develop the byelaws into draft full byelaws. The intention is to submit these to the full byelaw statutory process as soon as possible to allow for delays in ministerial approval and them coming into force.

Officers have taken on board legacy byelaws which KEIFCA had in place, notably a byelaw specifying minimum sizes for grey mullet and skates & rays, these sizes have been incorporated into the new draft byelaw to enable revocation of the old legislation, this will mean that there is no net increase in the number of byelaws on the KEIFCA statute books. The draft byelaw wording (Appendix A) and its associated impact assessment (Appendix B) are provided attached to this paper for review and feedback by members. Officers intend to undertake some informal consultation throughout November and December, with the aim to bring final byelaw wording and IA to the January 2020 meeting for approval by the Authority.

There is also a significant amount of engagement and discussion between IFCAs on this issue, as a whole IFCA approach is seen to be conducive to a standard, sensible outcome. Sussex and Northumberland IFCAs have already held discussions with the Angling Trust regarding this issue on behalf of IFCAs nationally.

It is anticipated that there will, once the current emergency byelaws have been replaced with long term, stable legislation, be a second phase of works by IFCAs to incorporate locally specific minimum sizes where necessary. However, this will form part of a piece of work which takes into account a future new fisheries bill. In discussions with Government, IFCAs have made this issue a significant priority and outlined the importance of recreational fishing to the inshore environment and economy. Government have indicated that they understand this is a significant issue.

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