



## **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 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) Subject to exemptions, 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.
- 3) 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.
- 4) The marine organisms described in paragraph 9 shall be measured in accordance with Schedule 1.
- 5) 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.

- 6) By way of derogation from paragraph 5, 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.
- 7) Paragraph 2 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 % shall 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.

## 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
Skates and Rays ( <i>Raja</i> spp.)	whole	40 cm
	wing	19 cm
Thick Lipped Grey Mullet ( <i>Chelon labrosus</i> )		30 cm
Thin Lipped Grey Mullet ( <i>Liza ramada</i> )		30 cm
Golden Grey Mullet ( <i>Liza aurata</i> )		30 cm

## b) Named Mollusc Species

Carpetshell ( <i>Venerupis pullastra</i> )		38 mm
Donax Clam ( <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
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.

*Revocations*

- 10) The byelaw with the title 'Minimum Fish Sizes for Certain Species: Scallops, Grey Mullet, Skates and Rays' made on 20<sup>th</sup> 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.
- 11) The Byelaw with the title "Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019" made on the 13th August 2019 by Kent and Essex IFCA and which was in force immediately before making this byelaw is revoked.

I hereby certify that the above byelaw was made by the Kent and Essex Inshore Fisheries and Conservation Authority at their meeting on the XX January 2019

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(4) of the Marine and Coastal Access Act 2009 confirms the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone Native Oyster Fishery Flexible Permit Byelaw made by Kent and Essex Inshore Fisheries and Conservation Authority on 22nd May 2018.

Date:

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

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 other than skates and rays shall be measured 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 from wing tip to wing tip.
3. The size of a skate or ray wing shall be measured from the wing tip across the wing to the cut edge.
4. 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.
5. 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.
6. 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.
7. The size of any bivalve mollusc shall be measured across the longest part of the shell.
8. The size of a whelk shall be measured as the length of the shell.