



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

WHELK MINIMUM SIZE EMERGENCY BYELAW 2020

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).

Prohibitions and Restrictions

2. No person shall remove from the fishery, retain on board, tranship or land whelks (*Buccinum undatum*) which measure less than 53mm shell height, but shall return them immediately to the sea.
3. By way of derogation from paragraph 2, an allowance of no more than 5% by weight of a representative sample may measure less than the specified size. A representative sample will consist of no less than three samples of 5 kg in weight, with each sample being taken from different parts of the catch.
4. If during a single fishing trip, a vessel retains whelks caught both within and outside of the District, they must be stored separately whilst they are retained on board, transhipped or landed and must be marked accordingly.
5. This byelaw does not apply to any person removing any whelks for scientific purposes under the written authority 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.
6. The minimum size specified in Paragraph 2, replaces the minimum size for whelks (*Buccinum undatum*) specified in Paragraph 8 of the 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019' made by the Kent and Essex Inshore Fisheries and Conservation Authority on 13th August 2019.

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

Clerk to Kent and Essex Inshore Fisheries and Conservation Authority

This byelaw comes into force on 1st February 2020 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 emergency byelaw prohibits the removal from the fishery, retention on board, transshipping or landing, of whelks below a specified size of 53mm.

The byelaw also contains an allowance of 5% of whelks which may be undersized when a representative sampled is measured, a description of a representative sample is provided.

This emergency byelaw is intended to translate the riddle bar spacing provided for the KEIFCA Whelk Permit Byelaw into a shell height for each whelk. Paragraph 22 of the Whelk Permit Byelaw states; *“Following the procedure set out in paragraph 21 all whelks that have passed between the bars of the riddle must be returned immediately to the sea. Final inspection of catch should then be undertaken to ensure that any remaining whelks below the current statutory minimum size are also returned immediately to the sea.”*

This emergency byelaw also replaces the minimum size for whelks of 45mm shell height specified in the Fish, Mollusc and Crustacea Minimum Sizes Emergency Byelaw 2019 made by Kent and Essex IFCA on 13th August 2019, with a minimum size of 53mm.