

# **APPENDIX A**

## **Byelaws**

**in force at 31<sup>st</sup> December 2006**

# EASTERN SEA FISHERIES DISTRICT

## Limits of the District

So much of the sea within six nautical miles from the baselines\* from which the breadth of the territorial sea of the United Kingdom adjacent to England is measured, with the adjoining coast, as lies within the following limits namely:

On the North, a line drawn seaward true east from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in Lincolnshire to the limit of the district above described (being the southern boundary of the North-Eastern Sea Fisheries District); and on the south, commencing at the point at which a line drawn seaward along the northern edge of the causeway situated opposite Lower Marine Parade at Dovercourt in the county of Essex intersects the line of mean low water, a line drawn seaward on a bearing 100 degrees true to the limit of the district above described, and a line drawn northward from the said intersection along the boundary of the administrative county of Essex to its intersection with a line drawn across the River Stour, along the seaward side of the railway bridge at Cattawade (being the northern boundary of the Kent & Essex Sea Fisheries District).

Provided that a line shall be drawn at or near the mouth of every river or stream flowing into the sea or into any estuary within such limits as follows:

A line at or near the mouth of the River Ouse and of the New Bedford River, drawn along the Denver Sluice, and continued in a true westerly direction from the westernmost extremity of such sluice until it reaches high-water mark on the left bank of the said New Bedford River;

A line drawn across the River Bure, near its confluence with the River Yare, along the seaward side of the bridge carrying the A47 road at Great Yarmouth;

A line drawn across the River Yare near its confluence with Breydon Water along the seaward side of the site of the

former Breydon railway viaduct at Great Yarmouth, as defined by the bridge buttresses;

A line drawn across Lake Lothing following the double bascule lifting bridge carrying the A12 road at Lowestoft;

A line drawn across the River Blyth following the bridge carrying the A12 road at Blythburgh;

A line drawn across the River Alde following the bridge carrying the B1069 road at Snape;

A line drawn across the River Butley at the highest point to which ordinary tides flow, including Butley Creek;

A line drawn across the River Deben following the bridge carrying the A1152 road at Melton;

A line drawn across the River Orwell following the bridge carrying the A137 road at Ipswich;

A line drawn across the River Stour following the bridge carrying the railway at Cattawade;

A straight line across every such river or stream not herein-before specified, such line being drawn at the highest point to which ordinary tides flow into such rivers or streams respectively;

And such lines shall be the lines above which the Sea Fisheries District shall not extend into any such river or stream.

\* *“the baselines” means the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 as amended by the Territorial Waters (Amendment) Order in Council 1979.*

---

## Byelaws

### **BYELAW 1:-REVOCATION OF EXISTING BYELAWS**

“All byelaws heretofore in force in the Eastern Sea Fisheries District are hereby revoked and the following byelaws are substituted therefore ; provided that nothing in such revocation shall affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any byelaws so revoked.”

### **BYELAW 2:- APPLICATION AND SAVING FOR SCIENTIFIC PURPOSES**

“All byelaws shall apply to the whole area of the Eastern Sea Fisheries District unless otherwise specified except :

- (a) in the cases to which the provision of Section 6 of the Sea Fisheries Regulation Act 1966 apply ; and

- (b) to any person bona fide fishing for seafish for scientific or for stocking or breeding purposes, under the written authority in that behalf of the Joint Committee, signed by their Clerk, or the Minister of Agriculture Fisheries and Food, and in accordance with the conditions contained in that authority.”

### **BYELAW 3:- MOLLUSCAN SHELLFISH METHODS OF FISHING**

“No person shall fish for oysters, mussels, cockles, clams, scallops or queens except :

- (a) by hand ; or  
(b) with a hand rake ; or

(c) within that part of the District contained within the boundaries of the Wash Fishery Order 1992, under the provisions of a licence issued under the said Order ; or

(d) With an instrument or fishing gear under the authority of a certificate of approval issued by the Committee signed by their Clerk for the instrument or fishing gear.

A certificate of approval shall be available to all applicants who fulfil the conditions of this byelaw.

A certificate of approval will not be granted if the instrument or fishing gear results in more than 10% by weight of the target species being smashed.

A certificate of approval will not be granted if the Committee has been advised by scientists who appear to them to be suitably qualified that the use of the instrument or fishing gear would result in unacceptable damage to associated flora and fauna in the benthic community.

The certificate of approval will be valid until 31 December following.

Approval will take account of the performance and assessment during inspection of the instrument or fishing gear whilst in operation, or that of a similar design, during the preceding 12 months. New instruments or fishing gear may be given a provisional certificate of approval for a period of one month in order to permit assessment.

#### **BYELAW 4:- MUSSELS (*Mytilus edulis*) - MINIMUM SIZES**

“No person shall remove from any fishery, or from one part of a fishery to another part thereof, any mussel (*Mytilus edulis*) less than 50 mm in length but shall return such shellfish to the sea immediately, except that this byelaw shall not apply within that part of the District contained within the boundaries of the Wash Fishery Order 1992, where the minimum sizes shall be determined by regulations made under the said Order.”

#### **BYELAW 5:- PROHIBITION ON USE OF EDIBLE CRAB (*Cancer pagurus*) FOR BAIT**

“No person shall use any edible crab (*Cancer pagurus*) for bait. Section 17 (2) of the Sea Fisheries (Shellfish) Act 1967, which affords a defence to a person charged with an offence under Section 17 (1) of that Act, shall not apply within the District.”

#### **BYELAW 6:- BERRIED (egg-bearing) OR SOFT SHELLED CRAB (*Cancer pagurus*) OR LOBSTER (*Homarus gammarus*)**

“No person shall remove from any fishery any edible crab (*Cancer pagurus*) or lobster (*Homarus gammarus*) which is soft-shelled or berried (egg-bearing) but shall return such shellfish to the sea immediately.”

#### **BYELAW 7:- PARTS OF SHELLFISH**

“No person shall remove from any fishery any edible crab (*Cancer pagurus*) or part thereof, or velvet crab (*Necora puber*) or part thereof, or lobster (*Homarus gammarus*) or part thereof, which cannot be measured to ensure compliance with the Undersized Crabs Order 1986, the Undersized Velvet Crabs Order 1989, or the Undersized Lobsters Order 1993 or any Statutory Instrument whereby the same may be superseded but shall return such shellfish to the sea immediately.

#### **BYELAW 8:- TEMPORARY CLOSURE OF SHELLFISH FISHERIES**

(a) “The Committee may, for the purpose of protection of the fishery, fishery management and controlling the level of exploitation, and after consultation with persons or bodies appearing to them to represent local fisheries interests, close for a specifiable period any shellfish fishery, or part thereof, provided the Committee has been advised by fishery scientists who appear to them to be suitably qualified, as to the need for such action.

(b) No person shall, without the consent of the Committee, under the written authority in that behalf signed by their Clerk, remove, take or disturb any shellfish from any fishery, or part thereof, which, in the opinion of the Committee is severely depleted, contains mainly immature or transplanted shellfish, or which is closed to fishing for management of the fishery purposes, so that it ought not to be disturbed for the time being.

(c) Where the Committee is of such opinion and it is practicable to do so, the Committee shall cause notices to be displayed in the vicinity of the shellfish fishery, or part thereof clearly defining the area in which shellfish shall not be removed or disturbed without the consent of the Committee, and where the display of such notices is not practicable, notice shall be given by publishing the same in a newspaper circulating in the district in which the shellfish fishery is situated.”

#### **BYELAW 9:- RE-DEPOSITING OF SHELLFISH**

“Any person who takes any shellfish, the removal of which from a fishery is prohibited by any of the byelaws, or the possession or sale of which is prohibited by, or in pursuance of, any Act of Parliament or Statutory Instrument, shall return such shellfish to the sea immediately, as nearly as possible in the place from which they were taken, or in the case of molluscan shellfish if this is physically not possible as directed by the Committee in any other designated area. In re-depositing such molluscan shellfish in accordance with the byelaws they shall spread thinly and evenly upon the beds the riddlings, sortings and siftings arising from the use of a riddle or other like instrument.”

**BYELAW 10:- WHITEFOOTED EDIBLE CRAB (*Cancer pagurus*)**

“Between the 1st day of November and the 30th day of June following (both days inclusive) no person shall remove from a fishery any edible crab (*Cancer pagurus*) of the kind known as ‘whitefooted’ crab

**BYELAW 11:- DEVELOPMENT OF SHELLFISH FISHERIES**

“No person shall use any vessel in fishing for shellfish unless, if the Committee so require, the skipper, owner or charterer has undertaken to provide and does provide to the Committee for the purpose of development of the fisheries, a record for any specified daily period of actual catch taken, area fished, fishing effort (time and method) and any other information required by the Committee to effectively manage and develop the potential of the fisheries.

**BYELAW 12:- INSHORE TRAWLING RESTRICTION**

“No person shall in fishing for seafish in that part of the District which lies within three nautical miles from the 1983 baselines use any kind of trawl net provided that this byelaw shall not apply to the use by any person of a trawl net in the following circumstances;

(a) in connection with a vessel whose overall length does not exceed 15.24 metres in the area between a line drawn True East from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in the County of Lincolnshire (Latitude 53°28.22'N, Longitude 0°09.24'E) being the northern extremity of the District to a line drawn True North from Blakeney Church in the County of Norfolk (Latitude 52°57.05'N, Longitude 01°01.60'E) or,

(b) in connection with a vessel whose overall length does not exceed 15.24 metres in the area between a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52°52.50'N Longitude 01°26.15'E) to the northern edge of the causeway (Latitude 51°55.76'N Longitude 01°16.90'E) situated opposite Lower Marine Parade at Dovercourt in the County of Essex to where it intersects the line of mean low water and thence drawn seaward on a bearing 100° True, being the southern extremity of the District.

Provided that this byelaw shall not apply to persons using vessels exceeding 15.24 metres in overall length who were engaged in fishing with a trawl net within three nautical miles from the 1983 baselines in the area between a line True East from the control tower at the Royal Air Force Gunnery and Bombing Range at Donna Nook in the County of Lincolnshire (Latitude 53°28.22'N, Longitude 0°09.24'E) being the northern extremity of the District and a line drawn True North from Blakeney Church in the County of Norfolk

(Latitude 52°57.05'N, Longitude 01°01.60'E) on a regular basis prior to the advertisement of this byelaw who may continue to fish by the said method in the said area between Donna Nook and Blakeney Church as mentioned above until such time as the particular vessel so derogated changes ownership or ceases to fish.

Provided also that this byelaw shall not apply to persons using vessels exceeding 15.24 metres in overall length who were engaged in fishing with a trawl net in the area between a line drawn True North East from Mundesley Church in the County of Norfolk (Latitude 52° 52.50'N, Longitude 01°26.15'E) and a line drawn True East from Covehithe Church in the County of Suffolk (Latitude 52° 22.60'N, Longitude 01° 42.40'E) previously derogated which may continue to fish by the said method in the said area between Mundesley Church and Covehithe Church as mentioned above until such time as the particular vessel previously so derogated changes ownership or ceases to fish.

For the purposes of this byelaw, “the 1983 baselines” means the baselines as they existed at 25 January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 IIp.6452A, amended by 1979 IIp.2866).

For the purposes of this byelaw, the overall length of a vessel shall be the overall length as determined by the Registrar General of Shipping and Seamen and shown on the Certificate of Registry of a British Fishing Vessel.

**BYELAW 13:-FIXED ENGINES; AUTHORISATION OF PLACING AND USE**

“The placing of “fixed engines” (as defined in the Salmon and Freshwater Fisheries Act 1975) for the fishing of seafish throughout the District of the Committee is hereby authorised.”

**BYELAW 14:- PROHIBITION ON THE REMOVAL OF TOPE OR PART(S) THEREOF**

“No person shall remove from a fishery any tope of the species (*Galeorhinus galeus*) or part(s) thereof which is detached from the body.

Any tope, if caught, shall be returned immediately to the sea in a position as near to that part of the sea from which it was taken.

*All Byelaws correct at 7<sup>th</sup> December 2006*

# **APPENDIX B**

## **The Wash Fishery Order 1992**

**Regulations in force at 31<sup>st</sup> December 2006**

**Management Policy Statement  
&  
Guidance Notes**

---

STATUTORY INSTRUMENTS

---

1992 No.  
SEA FISHERIES  
SHELLFISH

**The Wash Fishery Order 1992**

**Made**  
**Laid before Parliament**  
**Coming into force**

**30th November 1992**  
**11th December 1992**  
**4th January 1993**

Whereas an application for an Order under section 1 of the Sea Fisheries (Shellfish) Act 1967 (a) was made to the Minister of Agriculture, Fisheries and Food by the local fisheries committee for the Eastern Sea Fisheries District;

And whereas the said Minister prepared a draft Order and served a copy of it on the said committee in accordance with paragraph 1 of schedule 1 to the said Act;

And whereas the said committee caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of the said schedule;

And whereas the only objection that was made to the said Minister under paragraph 3 of the said schedule was subsequently withdrawn;

Now, therefore, the said Minister, in exercise of the powers conferred on him by the said section 1 and of all other powers enabling him in that behalf, and with the consents of the Crown Estate Commissioners and the Chancellor of the duchy of Lancaster, hereby makes the following Order:

**Title, commencement and interpretation**

1. - (1) This Order may be cited as the Wash Fishery order 1992 and shall come into force on 4th January 1993.
- (2) In this Order -  
"the Committee" means the local fisheries committee for the Eastern Sea Fisheries District established under section 1(1) of the Sea Fisheries Regulation Act 1966(b);  
"the Definitive map" means the map sealed in duplicate by the Minister and marked "Map referred to in the Wash Fishery Order 1992" one copy of which is in the possession of the Committee and the other copy of which is in the possession of the Minister;

---

(a) 1967 c.83; section 1 was amended by section 15(2) of the Sea Fisheries Act 1968 (c.77) and paragraph 15 of Schedule 2 to the fishery Limits Act 1976 (c.86) and is to be read with section 15(3) to (5) of the Sea Fisheries Act 1968 and S.I. 1987/218; Schedule 1 was amended by section 15(7) of the Sea Fisheries Act 1968; section 22(1) contains a definition of "the Minister".

(b) 1966 c.38;section (1) was amended by section 272 of, and Schedule 30 to, the Local Government Act 1972(C.70) and by section 16 of, and paragraph 19 of Schedule 8 to, the Local Government Act 1985 (c.51).

"the fishery" means that part of the Wash in the counties of Norfolk and Lincolnshire which lies below the line of mean high water and is shown coloured pink on the definitive map;  
"the prescribed species" are oysters, mussels, cockles, clams, scallops and queens;  
"the regulated fishery" means all parts of the fishery that are not for the time being specified under article 3(1) of this order;  
"the several fishery" means such parts of the fishery as are for the time being specified under article 3(1) of this order;  
"vermin" means an organism injurious to any of the prescribed species.

### **The Committee**

2. The Committee shall continue in being as a body corporate for the purposes of this Order.

### **Right of Several fishery**

- 3 - (1) There is hereby conferred on the Committee for a period of 30 years the right of several fishery for the prescribed species with respect to such parts of the fishery as the committee shall from time to time, with the consent of the Minister, determine.
- (2) The right of several fishery hereby conferred shall not be exercised by the Committee in its corporate capacity.

### **Right of regulating a fishery**

- 4 There is hereby conferred on the Committee for a period of 30 years the right(a) of regulating a fishery for the prescribed species with respect to the regulated fishery.

### **Taking of samples for the purpose of disease control**

- 5 The Committee shall permit any person authorised in that behalf by the Minister to do the following things for any purpose connected with preventing the spread of disease -
  - a) at any reasonable time to obtain samples of any of the prescribed species found within the fishery and to take them away provided that they have been marked, labelled or otherwise made capable of identification;
  - (b) when the purpose for which any such sample was taken has been satisfied, to dispose of it as he may determine.

### **Power to grant leases**

- 6 - (1) The committee may lease to any person the right of several fishery for any of the prescribed species within such part of the several fishery (referred to as a "laying") as it may think fit and upon such terms and for such period as may be agreed with that person and the following provisions of this article shall apply in relation to such leasing.
  - (2) Without the written consent of the Minister the Committee shall not grant to any person a lease of the right of several fishery if -
    - (a) the total area in respect of which that person would be entitled to that right would exceed 10 hectares; or
    - (b) the period in respect of which that person would be so entitled in respect of any area would end more than ten years after he first became so entitled in respect of that area.
  - (3) Any lease shall forbid the making of any assignment thereof or the grant of, or assignment of, a sub-lease without the consent of the Committee and the Committee shall not unreasonably withhold such consent.

---

(a) This is to be read in the light of the duties conferred on local fisheries committees by the Sea Fisheries (Wildlife Conservation) Act 1992 (c.36)

- (4) The Committee shall not without the written consent of the Minister give its consent for the purposes of paragraph (3) above if it appears to the Committee that in consequence of the assignment or sub-lease -
  - (a) the total area in respect of which the assignee or sub-lessee would be entitled to the right of several fishery would exceed 10 hectares; or
  - (b) the period in respect of which that person would be so entitled in respect of any area would end more than ten years after he first became so entitled in respect of that area.
- (5) In determining whether a person is entitled to right of several fishery for the purposes of paragraph (2) and (4) above -
  - (a) references to a person's being so entitled include reference to his being -
    - (i) entitled by virtue of the assignment of a lease or the grant or assignment of a sub-lease, or
    - (ii) beneficially entitled under the terms of one or more trusts; and
  - (b) the following shall be treated as one person -
    - (i) any two or more persons carrying on a business of shellfish cultivation in partnership;
    - (ii) the person having control of any company and all the companies controlled by that person;
    - (iii) spouses;
    - (iv) parents and children.
- (6) Any lease shall prohibit the lessee or his assignee or sub-lessee from entering into any agreement with any other person having an interest in any part of the fishery for the common management of their respective businesses or the common exploitation of their respective layings without the consent of the Committee and the Committee shall not unreasonably withhold such consent.
- (7) The Committee shall not without the consent of the Minister give its consent for the purposes of paragraph (6) above if it appears to the Committee that in consequence of the agreement -
  - (a) the total area of layings under the common management or exploitation of the parties to the agreement would exceed 10 hectares; or
  - (b) the period in respect of which any party to the agreement would be concerned in the management or exploitation of any laying would end more than ten years after he first became entitled to the right of several fishery in any part of the area subject to the agreement.
- (8) Any lease shall require the lessee to permit any person authorised in that behalf by the Minister to do the things mentioned in article 5 of this Order for a purpose of the kind mentioned in that article.
- (9) Any lease shall provide that it may be determined by the Committee in the event that the lessee, or his assignee or sub-lessee, is in breach of any provision of the lease inserted therein pursuant to the requirements of this article and the Committee shall take all reasonable steps to monitor compliance with such provisions.
- (10) The Committee shall mark or cause to be marked, on ground which at the time of marking is not set with any of the prescribed species or the brood thereof, all layings in the several fishery in such manner as the Minister may from time to time approve.
- (11) The marks defining the limits of each laying in the several fishery shall be maintained in position and in good repair by the Committee or, if so stipulated in the lease, by the lessee.

### **Power to impose restrictions and make regulations**

- 7 - (1) The Committee may, with the consent of the Minister, from time to time impose restrictions on, and make regulations respecting, the dredging, fishing for and taking of any of the prescribed species within the whole or any specified part of the regulated fishery.
- (2) Without prejudice to the generality of paragraph (1) above, regulations may be made under that paragraph for the purpose of -
- (a) determining the size below which or above which it shall be unlawful to take any of the prescribed species from the regulated fishery or to remove them from one part of the fishery to another; and
  - (b) determining the size or description of vessels, dredges and fishing instruments to be used in dredging, fishing for or taking any of the prescribed species; and
  - (c) regulating the disposal of such vermin as may be dredged or otherwise taken in dredging, fishing for or taking any of the prescribed species.
- (3) The production of a copy of any regulation purporting to be certified by an officer authorised by the Minister of Agriculture, Fisheries and Food shall be conclusive evidence of the existence of the regulation and of the due making of it.

### **Licensing of fishing**

- 8 - (1) No person shall dredge, fish for or take any of the prescribed species within the regulated fishery except under the authority of a licence issued in that behalf, on application, by the Committee.
- (2) No person shall use a vessel for dredging, fishing for or taking any of the prescribed species within the regulated fishery except under the authority of a licence issued under paragraph (1) above in which the vessel is named.
- (3) Subject to paragraph (9) below, a licence for dredging, fishing for or taking any of the prescribed species from a vessel shall be issued jointly to the applicant, who shall be the owner of the vessel, and his representative and shall be used only by those persons or, with the written authority of the Committee and in accordance with any conditions contained in that authority, by a deputy nominated by them.
- (4) A licence shall be valid for the period not exceeding 12 months specified therein.
- (5) subject to any directions given by the Minister and the provisions of this article, licences may be issued by the Committee under paragraph (1) above in such numbers and to such persons, and may authorise the dredging, fishing for or taking of the prescribed species at such times, in such manner and in such parts of the regulated fishery as the Committee may determine.
- (6) The Committee may, after consultation with such organisations as appear to it to be representative or interests likely to be substantially affected by a limitation on the number of licences issued, and such other persons as the Committee thinks fit, place a limitation on the number of licences issued in any one year having particular regard to scientific advice on the desirability of limiting the level of exploitation.
- (7) Any person dredging, fishing for or taking any of the prescribed species under the authority of a licence issued under paragraph (1) above shall, when so requested by any officer authorised by the Committee and after production by that officer of written evidence of his authority if so required, produce the licence and shall desist from dredging, fishing for or taking any of those species until it is produced.

- (8) Subject to paragraphs (6) above and (9) below, an applicant for a licence shall be entitled to have a licence issued to him if -
- (a) in respect of licences for the first fishing year after the coming into force of this Order, he was engaged in dredging, fishing for or taking any of the prescribed species within the regulated fishery as a commercial activity or as part of a commercial activity in the fishing season immediately prior to the date of advertisement of this order, or
  - (b) in respect of licences for all subsequent fishing years, he held a licence at any time within the period of 24 months immediately preceding the date of application for the licence.
- (9) At the Committee's discretion -
- (a) no person may be named on a licence in accordance with paragraph (3) above as the representative of an applicant if on at least two separate occasions within the period specified in paragraph (8)(b) above that person has been convicted of a relevant offence, and
  - (b) the entitlement described in paragraph (8) above shall not apply if on at least two separate occasions within the period specified in paragraph (8)(b) above the applicant has been convicted of a relevant offence.
- (10) In this regulation "relevant offence" means either an offence under section 3(3) of the Sea Fisheries (Shellfish) Act 1967 or an offence under section 11(5) of the Sea Fisheries Regulation Act 1966 in so far as that offence relates to the contravention of a byelaw made under the powers contained in section 5(1)(d) of that Act.

#### **Tolls and fees payable for fishing**

- 9 - (1) Any person to whom the Committee proposes to issue a licence under the provisions of article 8 of this Order shall pay to the Committee before or upon receipt of the licence a toll in respect of a combined licence which authorises the dredging, fishing for and taking of cockles and mussels or either £200 per annum or £30 per month.
- (2) The Committee may from time to time with the consent of the Minister vary the toll payable under paragraph (1) above and introduce separate tolls in respect of each of the prescribed species for which dredging, fishing for or taking is authorised.

#### **Power to create reserves**

- 10 The Committee may from time to time designate and mark out as reserves such parts of the regulated fishery as it thinks necessary for -
- (a) experimental, management or scientific purposes, including the control of pests or disease of any of the prescribed species;
  - (b) cleansing and subsequent restocking with any of the prescribed species and the protection of stock introduced;
  - (c) the collection of spat of any of the prescribed species; or
  - (d) the deposit or re-laying of any of the prescribed species for the purposes of cleansing before their removal from the fishery

and may use such reserves for their designated purposes and prohibit their use for any other purpose connected with or ancillary to finishing for any of the prescribed species.

#### **Restriction on removal of culch**

- 11 - (1) Except with the prior consent in writing of the Committee, no person shall remove any culch or other material for the reception of pat from the fishery or from one part of the fishery to another.
- (2) any person lifting any culch or other such material within the regulated fishery, whether in the course of fishing or dredging or otherwise, shall replace it forthwith as nearly as possible in the place from which it was lifted.

- (3) Paragraphs (1) and (2) above shall not apply to a removal or lifting effected by raising an anchor or other mooring device for the purpose of navigation.

#### **Power to remove brood or any of prescribed species**

- 12 For the purpose of cultivating the regulated fishery any person authorised by the Committee may remove any spat or small oyster, mussels, cockles, clams, scallops or queens from the regulated fishery or from one part of the fishery to any other part at such times and in such quantities as the Committee may direct.

#### **Exemptions for scientific purposes**

- 13 The Committee may, by authority given in writing, exempt any person who is dredging, fishing for or taking any of the prescribed species for scientific purposes from any provision of this Order or from any restriction imposed or regulation made under this order.

#### **Accounts of income and expenditure and other information**

- 14 The Committee shall render to the Minister annual accounts of its income and expenditure under this Order, shall furnish to the Minister all other information required by him with reference to this Order and to the fishery in such form and at such times as he may require, shall allow any person authorised by the Minister in that behalf to inspect the fishery and all books of account and other documents in the possession of the Committee relating to this Order and to the fishery and shall give to such person any information relating thereto as he may require.

#### **Rights of the Crown**

- 15 nothing in this Order or in any restriction imposed or regulation made by the Committee shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and in particular nothing therein contained shall authorise the committee to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditament, subject or right of whatever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners or belonging to Her Majesty in right of Her Majesty's duchy of Lancaster.

#### **Rights of various persons and bodies**

- 16 - (1) Nothing in this Order shall affect prejudicially -
- (a) the exercise of any statutory power or authority from time to time vested in or exercisable by any person carrying on an undertaking falling within paragraph (2) below;
  - (b) any right, power or privilege of Hamon le Strange of Hunstanton in the County of Norfolk or his executors, administrators or assigns and in a like manner nothing herein contained shall be deemed to be consent to or be construed to recognise or admit on behalf of the Committee the existence of any right, power or privilege of the said Hamon le Strange, his executors, administrators or assigns.
- (2) The following are the undertakings which fall within paragraph (1)(a) above -
- (a) the undertaking of any water undertaker or sewage undertaker;
  - (b) any undertaking consisting in the running of a telecommunications code system, within the meaning of Schedule 4 to the Telecommunications Act 1984(a);
  - (c) the undertaking of any public gas supplier within the meaning of Part I of the Gas Act 1986 (b);
  - (d) the undertaking of any person authorised by a licence under Part I of the Electricity Act 1989(c) to generate, transmit or supply electricity;
  - (e) the undertaking of any navigation, harbour, general lighthouse or conservancy authority.

**Revocation**

17 The River Nene Fishery Order 1986(d) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30<sup>th</sup> November 1992.

(L.S)

Minister of Agriculture, Fisheries and Food

---

- (a) 1984 c.12
- (b) 1986 c.44
- (c) 1989 c.29
- (d) S.I.1986/1896

## **EXPLANATORY NOTE**

(This is not part of the Order)

This Order confers on the Eastern Sea Fisheries Joint Committee ("the Committee") rights of several fishery and regulating a fishery for oysters, mussels, cockles, clams, scallops and queens in the Wash for a period of 30 years, the Boston Deeps Fishery Order 1870, the Boston Fishery order 1902, the Lynn Deeps Fishery Order 1932 and the Lynn Fishery Order 1932, which conferred similar rights on that Committee, having expired.

The situation and extent of the area within which the rights are conferred are shown on the definitive map which is described in article 1(2) of the order. The definitive map is available for inspection by prior appointment during office hours at the offices of the Committee t 10 Tuesday Market Place, King's Lynn PE30 1LD and at the offices of Minister of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London, SW1P 3JR.

The Order revokes the River Nene Fishery Order 1986.

# **EASTERN SEA FISHERIES JOINT COMMITTEE**

## **WASH FISHERY ORDER 1992**

### **Regulations**

The local fisheries committee for the Eastern Sea Fisheries District in exercise of the powers conferred on them by Article 7 of the Wash Fishery Order 1992 under the Sea Fisheries (Shellfish) Act 1967, as amended, has made the following regulations:-

#### **REGULATION No 1; FISHING EQUIPMENT**

"No vessel may be used for dredging, fishing for or taking oysters, mussels, cockles, clams, scallops or queens under the authority of a licence issued under Article 8(1) of the Wash Fishery Order 1992 unless the dredges, pumps, riddles and other associated fishing equipment with which such vessel is equipped are of the pattern specified in the Schedule to this regulation".

#### **REGULATION No 2; CATCH RESTRICTIONS**

"Except as permitted by the written authority in that behalf of the Eastern Sea Fisheries Joint Committee signed by the Clerk, no licence holder shall in any one calendar day dredge, fish for or take from within the area of the regulated fishery or remove from the area of the regulated fishery a quantity of mussels exceeding 4000 kilograms in weight which must be contained in bags, boxes or bins or a quantity of cockles exceeding 8000 kilograms in weight which must be contained in bags, boxes or bins. For the purpose of calculating these weights no allowance shall be made in respect of the weight of the bags, boxes or bins (whether wet or dry) nor of any sand or other material present."

#### **REGULATION No3; SEED MOVEMENT**

"Without prejudice to Article 12 of the Wash Fishery Order, 1992, (a), the removal of any seed oysters, mussels, cockles, clams, scallops or queens by road from the Regulated Fishery shall only take place under the written authority in that behalf of the Eastern Sea Fisheries Joint Committee signed by the Clerk. Any application for such authorisation shall include the Registration Number of the vehicle(s) involved, the date of proposed movement and the destination of the load."

(a) Article 12 of the Wash Fishery Order 1992 provides that for the purpose of cultivating the Regulated Fishery any person authorised by the Committee may remove any spat or small oysters, mussels, cockles, scallops, or queens from the Regulated Fishery or from one part of the fishery to any other part at such times and in such quantities as the Committee may direct."

#### **REGULATION No 4; HYDRAULIC SUCTION DREDGE HEAD WIDTH**

"The use of multiple hydraulic suction dredge heads attached laterally by whatever means is prohibited if the aggregate width of the horizontal inside opening of such multiple headed dredges exceeds 76 centimetres."

#### **REGULATION No 5; MUSSEL DREDGE WIDTH**

"In fishing for mussels no person shall use, except under the written authority in that behalf of the Eastern Sea Fisheries Joint Committee signed by the Clerk, from any vessel, any mechanical dredge the horizontal width of the inside opening of which exceeds one (1) metre."

#### **REGULATION No 6; NUMBER OF DREDGES**

"In fishing for any molluscan species specified within Article 8(1) of the Wash Fishery Order 1992 no person shall use, except under the written authority in that behalf of the Eastern Sea Fisheries Joint Committee signed by the Clerk, from any vessel more than one (1) dredge when fishing for cockles and two (2) dredges when fishing for oysters, mussels, clams, scallops or queens."

#### **REGULATION No7; VESSEL LENGTH RESTRICTION**

(i) In dredging, fishing for or taking oysters, mussels, cockles, clams, scallops or queens no person shall use any vessel, the overall length of which exceeds fourteen (14) metres.

(ii) Without prejudice to the generality of paragraph (i) above, the Committee shall authorise the use of vessels exceeding fourteen (14) metres overall length provided the owners and or skippers of such vessels can provide the Committee with evidence of having dredged, fished for or taken oysters, mussels, cockles, clams, scallops or queens from within the limits of the regulated fishery prior to the date of advertisement of the said Order.

(iv) Any authorisation issued by the Committee under paragraph (ii) above shall cease to have effect if the vessel so authorised is sold."

## **REGULATION No8; MUSSELS (*Mytilus edulis*) - MINIMUM SIZE**

No person shall remove from the area contained within the boundaries of the Wash Fishery Order 1992 any mussel (*Mytilus edulis*) less than 45mm in length but shall return such shellfish to the sea immediately, as nearly as possible in the place from which they were taken, or as directed by the Committee in any other designated area. In re-depositing such shellfish in accordance with this regulation they shall spread thinly and evenly upon the beds the riddlings, sortings and siftings arising from the use of a riddle or other like instrument.

---

### **Management Policy Statement And Guidance Notes**

Eastern Sea Fisheries Joint Committee having been granted for a period of 30 years the right of regulating a fishery for oysters, mussels, cockles, clams, scallops and queens, hereafter referred to as "prescribed species", within that part of the Wash in the counties of Norfolk and Lincolnshire which lies below the line of mean high water, hereby issue the following guidance notes to holders of licences issued under Article 8 of the Wash Fishery Order 1992.

These guidance notes are a statement of the policy of the Committee with regard to their role as grantees of the Wash Fishery Order 1992 (hereafter referred to as the Order) and their management of the Wash Molluscan shellfish fishery within the regulated fishery. The notes incorporate relevant provisions of the Order. You are advised to acquaint yourself additionally with the Wash Fishery Order 1992 Regulations.

In this statement the expression "prescribed species" means oysters, mussels, cockles, clams and queens.

#### **Note 1**

No person shall dredge, fish for or take any of the prescribed species from within the regulated fishery, the boundary of which is shown on the plan attached to these notes, except under the authority of a licence issued in that behalf on application by the Committee.

#### **Note 2**

No person shall be granted a licence under Article 8 of the Order unless such a person's name appears on a register of pre-qualified persons (see Notes 13 & 14 below).

#### **Note 3**

No person shall use a vessel for dredging, fishing for or taking any of the prescribed species within the regulated fishery except under the authority of a licence issued under Article 8(1) of the Order in which the vessel is named.

#### **Note 4**

No vessel named in a licence issued under Article 8 of the Order may be used to dredge, fish for or take the prescribed species within the regulated fishery under the authority of such a licence unless such a vessel is a British Registered Fishing Vessel and in possession of the relevant licence issued by the Ministry of Agriculture, Fisheries and Food applicable to its length. The production of the Registration Certificate and the relevant MAFF licence must accompany any application by the owner for a licence. The vessel's Name, Port Letters and Number shall be clearly displayed as provided for in Schedule 4 of the Merchant Shipping (Registration of Fishing Vessels) Regulations 1988.

#### **Note 5**

A licence issued under Article 8 of the Order shall be granted jointly to the owner of the vessel and his representative and shall be used only by those persons named therein or, with the written authority of the Committee, by a deputy nominated by those persons.

#### **Note 6**

Any person to be licensed under the provisions of Article 8 of the Order shall pay to the Committee before or upon receipt of the licence a toll of £200 per annum or £30 per month in respect of a combined licence which authorises the dredging, fishing for or taking of mussels and cockles. The Committee may from time to time, with the consent of the Minister, vary the toll payable and may

introduce tolls of different amounts in respect of each of the prescribed species for which dredging, fishing for or taking is authorised.

**Note 7**

The maximum catch per calendar day shall be limited to; for mussels 4000 kilograms per licence holder and for cockles 8000 kilograms per licence holder. The catch shall be contained in bags, boxes or bins.

**Note 8**

Having regard to the Committee's need to assess the level of exploitation of the fishery all holders of licences issued under Article 8 of the Order must, for each of the prescribed species so licensed, provide the Committee by the 5th day of every month, a daily record for the preceding month of actual catch taken, area fished, fishing effort (time and method) and any such data that the Committee may require to effectively manage the fishery.

**Note 9**

Subject to any directions given by the Minister and contained within Article 8 of the Order, licences to dredge, fish for or take any of the prescribed species may be issued by the Committee in such numbers and to such persons, and may authorise the dredging, fishing for or taking of those species specified, at such times, in such manner and to such extent as the Committee may determine.

**Note 10**

Having regard to Article 8(6) of the Order the Committee may place a limitation on the number of licences issued in any one year, having particular regard to the scientific advice on the desirability of limiting the level of exploitation and after consultation with such organisations as appear to it to be representative of interests likely to be substantially affected by such a limitation.

**Note 11**

A licence issued under Article 8 of the Order shall be valid for a period not exceeding 12 months specified therein. However, having particular regard to the scientific advice on the desirability of limiting the level of exploitation and after consultation with such organisations as appear to be representative of interests likely to be substantially affected and in accordance with Article 8(5)&(6) of the Order, the Committee may suspend all licences for a particular species authorised in order to conserve stocks.

**Note 12**

If a vessel named on a licence issued under Article 8 of the Order authorising the dredging, fishing for or taking of any of the prescribed species is sold then the licence shall be cancelled immediately. If

the vessel is sold to a pre-qualified person (as defined in Note 13 below) the Committee shall issue a licence to the new owner. The Committee shall have the absolute discretion to re-issue a licence in the event of the following circumstances;

- (i) if the licensee selling the vessel is replacing such vessel with another
- (ii) special circumstances relating to the transfer of ownership between close relatives.

**Note 13**

A pre-qualified person shall be such a person whose name appears on a register, held by the Committee, and who is in possession of the relevant certificates required under the Fishing Vessels (Safety Training) Regulations 1989 or be exempt from such regulations by virtue of their age.

**Note 14**

A registered person shall exhibit his entitlement to a licence under Article 8 of the Order by providing the Committee with evidence of having three years experience of fishing within the Wash. The Committee shall determine, after consultation with such organisations as appear to it to be representative of interests likely to be substantially affected, what level of experience is deemed appropriate.

**Note 15**

Any person dredging, fishing for or taking any of the prescribed species under the authority of a licence issued under Article 8 of the Order shall, when so requested by any Officer authorised by the Committee and after production by that Officer of written evidence of his authority, if so required, produce the licence and shall desist from dredging, fishing for or taking said shellfish until it is produced.

**Note 16**

Any person employed on a vessel named on a licence issued under Article 8 of the Order authorising the dredging, fishing for or taking of any of the prescribed species shall be in possession of the relevant certificates required under the Fishing Vessels (Safety Training) Regulations 1989 or be exempt from such regulations by virtue of their age.

**Note 17**

Except with the prior consent in writing of the Committee, no person shall remove any culch or other material for the reception of spat from the regulated fishery or from one part of the regulated fishery to another. Any person lifting any culch or other such material within the regulated fishery, whether in the course of dredging or fishing or

otherwise, shall replace it forthwith as nearly as possible in the place from which it was lifted. The forgoing shall not apply to a removal or lifting effected by raising an anchor or other mooring device for the purpose of navigation.

**Note 18**

Any person who has been licensed under Article 8 of the Order to dredge, fish for or take any of the prescribed species as a commercial activity or part of a commercial activity at any time within the period of 24 months immediately preceding the date of his application for a new licence shall be entitled to have a new licence issued to him unless;

he has on at least two separate occasions within a 5 year period prior to the date of application for a new licence been convicted of a relevant offence, that is to say, an offence under

either;

Section 3(3) of the Sea Fisheries (Shellfish) Act 1967 as amended which states;

*"Any person who dredges, fishes for or takes shellfish of any description to which any such order applies in contravention of any such restriction or regulation, or without paying any such toll or royalty, as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to forfeit all such shellfish so taken or, if they have been sold, a sum equal to their value; and any such shellfish or sum so forfeited shall be recoverable in like manner as a fine",*

or

an offence under Section 11(5) of the Sea Fisheries Regulation Act 1966 which states;

*"without prejudice to the operation of subsections (2),(3) and (4) above, any person who contravenes any byelaw of a local fisheries committee shall be guilty of an offence and liable upon summary conviction to a fine not exceeding level 5 on the standard scale",*

such byelaws having been made under the powers contained in Section 5(1) of the Sea Fisheries Regulation Act 1966, in which case the Committee may refuse to grant him a licence.

**Note 19**

In the event of failure to comply with any of the Regulations made by the Committee under Article 7 of the Order (the Wash Fishery Order 1992 Regulations), any of the Byelaws made under Section 5(1) of the Sea Fisheries Regulation Act 1966 and any of the provisions laid out in this Policy Statement the Committee shall have the absolute discretion to refuse to grant a licence the following year.

Dated: October 1992  
Regulation No 2 amended 26.10.98

---

