

Formal Operating Procedure: Wash Restricted Area Byelaw 2019

Date agreed by Authority: 15th May 2019

This formal operating procedure relates to the opening and closing of fisheries and the implementation of flexible management measures including permit conditions and eligibility criteria under the Wash Restricted Area Byelaw 2019 (hereafter ‘the byelaw’).



This document sets out what Eastern IFCA considers appropriate in relation to carrying out the review procedures set out in schedule 2 of the byelaw in relation to the different powers of the Authority by the byelaw.

Restricting the number of Wash Restricted Area Permits issued and setting criteria to restrict the eligibility for a Wash Restricted Area Permit as referred to in paragraph 11, for issuing, varying or revoking flexible permit conditions as referred to in paragraph 24 and operating periods under paragraph 27

Eastern IFCA will adopt the ‘Formal Operating Procedure: Changes to flexible management measures’ agreed by the Authority at the 34th Eastern IFCA meeting of the 7th November 2018¹.

Opening a fishery or parts thereof under paragraph 19

1. Acquisition of relevant available evidence will primarily be in the form of the Eastern IFCA stock surveys and Eastern IFCA assessments which determine whether a fishery will have negative impacts on the site integrity of the Wash and North Norfolk Coast Special Area of Conservation or the Wash Special Area of Conservation (hereafter ‘the MPAs’) or on shellfish stocks;
2. Eastern IFCA may undertake limited site inspection, which will also be considered a relevant source of information under Schedule 2 of the byelaw;
3. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
4. Eastern IFCA will consider it appropriate to undertake no consultation with permit holders where the opening of a fishery is in relation to time critical circumstances including the predicted die-off of shellfish;
5. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
6. Eastern IFCA will inform Permit holders of the opening of a fishery with a minimum of seven days’ notice except in relation to the opening of a fishery is

¹ https://www.eastern-ifca.gov.uk/wp-content/uploads/2015/05/2018_10_Formal_Operating_Procedure.pdf

in relation to time critical circumstances including the predicted die-off of shellfish

Review of the closure of a fishery or parts thereof under paragraph 20

1. Acquisition of relevant available evidence will be in accordance with any of those set out in Schedule 2 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the closure of a fishery or parts thereof with a minimum of seven days' notice.

Review of the issuing, varying or revoking of permit conditions under paragraph 26

1. Acquisition of relevant available evidence will be in accordance with any of those set out in Schedule 2 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the outcome of the review in writing in accordance with the timeframes in paragraph 26.

Review of the issuing, varying or revoking of operating periods under paragraph 28

1. Acquisition of relevant available evidence will generally be in relation to risk associated with compliance and effective enforcement but may include any of those set out in schedule 2 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the outcome of the review in writing in accordance with the timeframes in paragraph 28.