

Wash Interim Measures: Mussel Relaying Fishery 2023



Mussel Dredge Exemption conditions

Persons operating under an exemption to the temporary closure of the Wash under Byelaw 8 must undertake fishing activities in strict accordance with the following conditions.

Exemption Condition 1: Wash Fishery Order Regulations

It is prohibited to fish other than in strict accordance with the Wash Fishery Order 1992 Regulations 3 to 17 in Schedule 1.

For the purpose of these conditions, the Regulations at Schedule 1 should be read as follows:

- a) Reference to 'Regulated Fishery' or 'Several Fishery' should be read as fisheries managed under the interim measures; and
- b) Reference to 'licences' should be read as exemptions issued by the Authority to the Temporary Closure in The Wash.

Exemption condition 2: Re-laying Mussel Fishery

It is prohibited to fish for, take or remove from the fishery mussels unless such are deposited on private shellfish beds within the area of the Wash and North Norfolk Coast Special Area of Conservation.

For the purpose of this exemption condition, the 'Wash and North Norfolk Coast Special Area of Conservation' is the area set out in Schedule 2 of these exemption conditions.

Exemption Condition 3: Open/Closed areas

It is prohibited to fish for, take or remove from the fishery mussels from any area except those areas marked out in charts produced by Eastern IFCA and designated as open to the 'mussel relaying fishery 2023', as set out in Schedule 3. Areas designated as open may be subject to closure and Eastern IFCA will provide a minimum of 12 hours' notice of such via text or e-mail to Exemption Holders, Nominated Representatives and Nominated Deputies.

Exemption Conditions 4: Operating times

It is prohibited to fish for, take or remove from the fishery any mussels except between the published opening date and the published closed date for the mussel relaying fishery.

Exemption holders, nominated representatives and Nominated Deputies will be notified of the closure of the fishery with no less than 12 hours notice via text or e-mail using the contact details provided under Exemption Condition 5.

Exemption Condition 5: Contact Details

It is prohibited to fish for, take or remove from the fishery mussels unless a valid e-mail address or mobile telephone number which is capable of receiving text messages has been provided to Eastern IFCA.

Exemption condition 6: Fishing methods (dredge Exemption)

- a) It is prohibited to fish for, take or remove from the fishery any mussels using bottom-towed-gear except a 'mussel dredge'.
- b) For the purpose of this Exemption condition, a 'mussel dredge' is a dredge consisting of a mesh or net held open by a frame the bottom edge of which consists of a bar, blade or teeth which dislodges mussels from the surface of the mussel bed.
- c) Mussel dredges must not have any mechanism or device which enable the continuous lift of mussels from the dredge to the vessel.
- d) Certification of the mussel dredge under Regulation 4 (bottom-towed-gear Approval) is invalid if the mussel dredge is modified in any way after the 'certificate of approval' has been issued.

Exemption condition 7: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

- a) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer; and
- b) a 'certificate of hold inspection' has been issued which will record the dimensions as per 6(a) above which will be invalid if the hold is modified in any way which would alter its volume or capacity after the certificate has been issued.

Exemption Condition 8: Requirement to notify

It is prohibited to fish for, take or remove from the fishery any mussels unless the Exemption Holder, Nominated Representative or Nominated Deputy has notified Eastern IFCA of the estimated time of commencement of mussel harvesting at least 12 hours prior to such commencement.

For the purpose of this Exemption Condition, such notification must include the vessel name and port letter numbers, the intended fishing method and the name of the mussel bed intended to be fished and such notification must be in the form of a text message to the designated mobile phone number or email to the designated email address.

The designated mobile phone number is: 07748182025

The designated email address is: enforcement@eastern-ifca.gov.uk

Exemption Condition 9: Catch Returns Data

Fishers must submit the 'required catch data' to Eastern IFCA via 'text message' to a designated mobile telephone number or via email to a designated email address no later than 2 hours after high-water of any given day of fishing.

The required catch data is as follows: the name and port letter numbers of the vessel used to fish for mussels, the fishing method, the estimated weight of mussels removed from the Fishery, the name of the bed from which the mussels were removed and the destination of the mussels.

The designated mobile phone number is: 07748182025

The designated email address is: enforcement@eastern-ifca.gov.uk

Failure to comply with an exemption condition is an offence under section 163(2) of the Marine and Coastal Access Act 2009. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to a fine on summary conviction.

Exemption conditions are subject to change and fishers will be notified of any amendments to the exemption conditions.

Schedule 1 - Wash Fishery Order 1992 Regulations



Eastern Inshore Fisheries and Conservation Authority

Wash Fishery Order 1992

Wash Fishery Order 1992 Regulations

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under Article 7 of the Wash Fishery Order 1992 under the Sea Fisheries (Shellfish) Act 1967, as amended, has made the following regulations;

1. Interpretation

In these Regulations:

- 1) “the Order” means the Wash Fishery Order 1992 (SI 1992/3038);
- 2) “Regulated Fishery” means a fishery as described by Eastern IFCA in accordance with Article 8(5) of the Order and undertaken under the authority of a licence issued under Article 8(1) of the Order;
- 3) “Several Fishery” means fishing under the authority of a lease granted under Article 6(1) of the Order;
- 4) “prescribed species” means any of the species specified in the Wash Fishery Order 1992 as prescribed species.
- 5) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- 6) “mussel” means any of the species belonging to the genus *Mytilus*;
- 7) “harvestable mussel fishery” means a mussel fishery, the licence conditions for which, allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;

8) “relaying mussel fishery” means a mussel fishery, the licence conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;

9) “licence” means a licence granted under Article 8(1) of Order;

10) “bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;

11) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;

2. Application

The following Regulations apply to persons fishing under the authority of a licence.

3. Bottom-towed-gear restrictions

1) A person must not fish for, take or remove from the fishery any of the prescribed species using bottom-towed-gear unless a written certificate of approval for that bottom-towed-gear has been provided by the Authority in accordance with Regulation 4.

2) A person must not fish for, take or remove from the fishery, cockles using;

- a) more than one instrument of bottom-towed-gear; or
- b) a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.

3) Without written authorisation from the Authority, a person must not fish for, take or remove from the fishery, mussels using a mussel dredge with an inside opening of more than one meter in width.

4) A person must not fish for, take or remove from the fishery any of the prescribed species other than cockles using more than two instruments of bottom-towed-gear.

4. Bottom-towed-gear - Approval

1) A provisional certificate of approval may be issued which will be valid for one month.

2) A full certificate of approval may be issued, which will be valid until 31 December following the date the certification is issued, where bottom-towed-gear meets the following conditions:

- a) The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
- b) The Authority has been advised by scientists who appear to them to be suitably qualified that the bottom-towed-gear does not cause unacceptable damage to habitats or species;
- c) Bottom-towed-gear and associated catch sorting equipment is of a specification required by the Authority for reasons relating to fisheries management or are pursuant of meeting 4(2)(a) and 4(2)(b) above.

3) For the purpose of this regulation, an organism is considered visibly damaged when on examination it is seen that there are visible cracks, chips or there is other damage to the shell. The damage rate will be determined using representative samples of shellfish retained and rejected by the operation of the bottom-towed-gear.

5. Vessel restrictions

- 1) A person must not use a vessel exceeding 14 meters in overall length to fish for, take or remove from the fishery any of the prescribed species unless authorised by the Authority in accordance with sub-paragraph 2.
- 2) The Authority may exempt vessels from sub-paragraph 1 where evidence is provided that the owner or skipper of the vessel has used the vessel to fish for, take or remove from the fishery any of the prescribed species from within the Regulated Fishery prior to the date of the advertisement of the Order.
- 3) Exemption in accordance with sub-paragraph 2 shall cease if the vessel changes ownership.

6. Tenders

A vessel must not carry or tow a tender which is greater than six metres in overall length.

7. Sorting of catch

Any material rejected through the sorting of catch of any of the prescribed species must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

8. Daily catch restrictions (cockles)

- 1) A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in

accordance with regulation 7) or remove from the fishery more than the maximum weight of cockles specified in the licence conditions by hand.

2) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery more than 4000 kilograms of cockles by dredge.

3) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.

4) A person must not fish for, take or remove from the fishery any cockles by hand if, during the same calendar day, that person has fished for, taken or removed any cockles by dredge.

5) A person must not fish for, take or remove from the fishery any cockles by dredge if, during the same calendar day, that person has fished for, taken or removed any cockles by hand.

9. Daily catch restrictions (mussels)

1) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery:

a) More than 4000 kilograms of mussels during a harvestable mussel fishery; or

b) More than 8000 kilograms of mussels during a relaying mussel fishery.

2) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.

3) A person must not fish for, take or remove from the fishery any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a relaying mussel fishery.

4) A person must not fish for, take or remove from the fishery any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a harvestable mussel fishery.

10. Mussels (*Mytilus edulis*) minimum size

1) A person must not remove from the boundary of the Wash Fishery Order 1992 any mussels (*Mytilus edulis*) from within the Regulated Fishery which are less than 45mm in length but must return such immediately to the sea in accordance with sub-paragraph 2 (below)

unless they are being fished for, taken or removed as part of a relaying mussel fishery.

2) Mussels and any material arising from the sorting of mussels must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

11. Seed movement

Without prejudice to the Article 12 of the Wash Fishery Order 1992, a person must not transport any shellfish under an authorisation granted by said article by road unless an application for such is completed which will require the following information:

- a) Destination of the shellfish; and
- b) The date of the proposed transport.

12. Weekly catch returns

An accurately completed weekly catch return form, supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA offices by no later than Friday of the calendar week following any fishing activity.

13. Transshipping prohibition

A person must not tranship or otherwise relocate any of the prescribed species, or containers of any description containing any of the prescribed species, fished from the Regulated Fishery from one vessel to another.

14. Requirement to land (cockles)

- 1) A person fishing for cockles must:
 - a) take any cockles fished for from the Regulated fishery straight to port;
 - b) land such cockles immediately; and
 - c) not leave cockles on the sand or deposited in the water in bags or any other container for later collection.
- 2) A person must not land cockles fished for from the Regulated fishery on more than one occasion during one calendar day.

15. Dual fishing prohibition

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species from the Regulated Fishery on the same

calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of the Regulated Fishery or from a Several Fishery.

2) A person must not have on board any bottom-towed-gear which could be used to fish for, take or remove from the fishery any of the prescribed species when fishing for, taking or removing from the fishery any of the prescribed species from a hand-work fishery.

16. Standard bags

A person must not land mussels or cockles fished from the Regulated Fishery unless such are contained in a bag which must:

1) be of the following dimensions:

- a) 120 centimetres or 60 centimetres in height;
- b) 97 centimetres in depth;
- c) 97 centimetres in width: and

2) have the words 'Wash Fishery Order' written on at least two sides with lettering which is at least 10 centimetres tall.

17. Prop-washing

1) A person fishing for cockles must not:

- a) use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;
- b) conduct prop-washing in such a manner as to cause more than one ring to be formed in the seabed;

2) A person must spread any cockles dislodged from prop-washing thinly and evenly over the ground, as nearly as possible to the area from which they were dislodged before leaving the bed.

18. Revocations

The Wash Fishery Order 1992 Regulations in force immediately before the date on which these Regulations come into force, are hereby revoked.

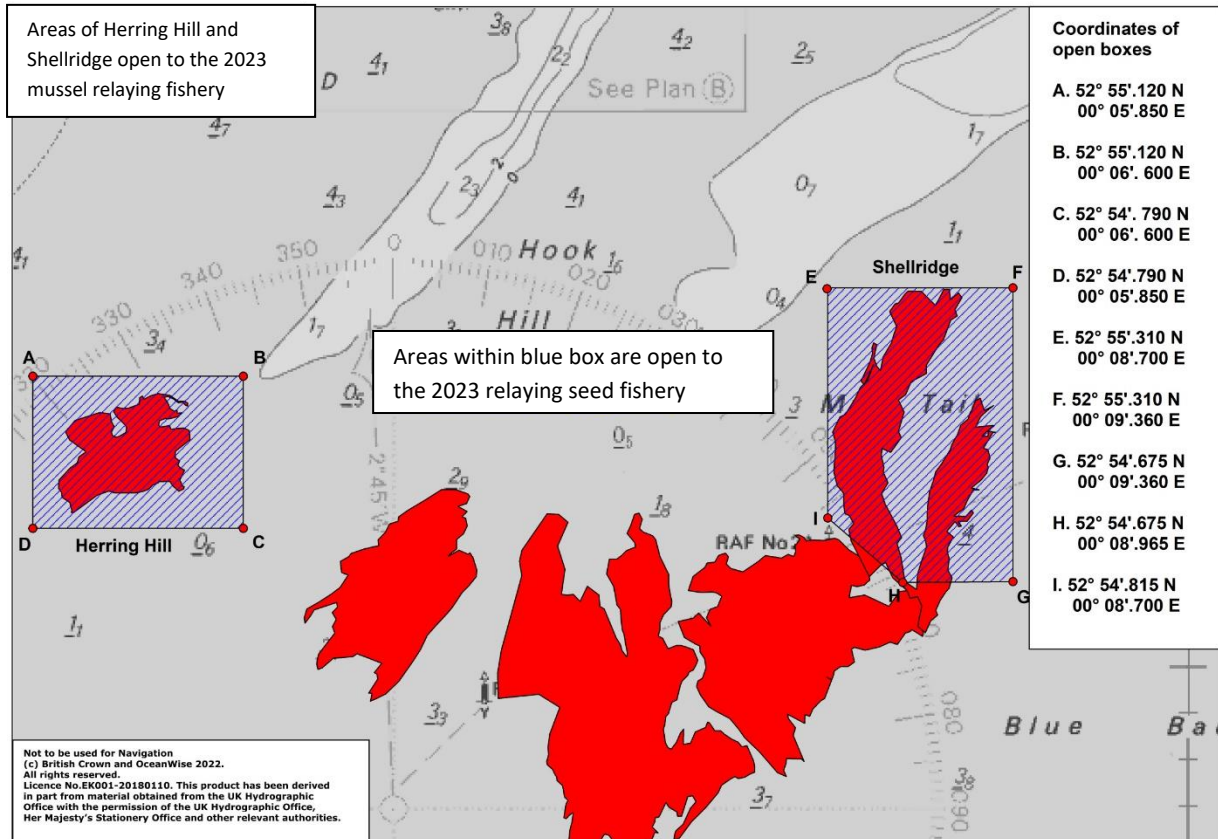
Schedule 2 - Wash and North Norfolk Coast Special Area of Conservation

The following table sets out the co-ordinates of the Wash and North Norfolk Coast Special Area of Conservation as Exemption condition 2 above.

The Wash and North Norfolk Coast Special Area of Conservation is defined by a boundary drawn by the series of straight lines connecting points A to D and a line connecting point D to E which follows the land boundary which is to be taken as mean high water springs.

Point	Latitude	Longitude
A	53° 07'.69 N	00° 20'.55 E
B	53° 03'.66 N	00° 28'.16 E
C	53° 02'.73 N	01° 07'.55 E
D	52° 57'.16 N	01° 07'.10 E
E	53° 07'.69 N	00° 20'.55 E

Schedule 3:- Amended 22 June 2023 - Charts showing the beds open to the 2023 mussel relaying fishery



Enclosure 2: Wash Interim Measures – Mussel Dredge Exemption Conditions: Mussel relaying fishery 2023

