



CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

River and Estuarine Fishing Nets Byelaw 2017

The Authority for the Cornwall 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) "Authority" means the Cornwall Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of The Cornwall Inshore Fisheries and Conservation Order 2010 (Statutory Instrument 2010 No.2188);
- (b) "beach seine net" means a single panel of fishing net with the headline floating on the sea surface, used to encircle fish in conjunction with the shore;
- (c) "co-ordinate" means a co-ordinate on the World Geodetic System 1984 Datum (WGS84);
- (d) "District" means the Cornwall Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of The Cornwall Inshore Fisheries and Conservation Order 2010;
- (e) "ebb net" means a single panel of fishing net rigged between two poles, pivoted from one side of a vessel, where the vessel is moored in a river, estuary, channel or stream;
- (f) "ebb net permit" means an annual authorisation to use an ebb net to fish for sea fish, issued by the Authority under paragraph 5;
- (g) "fishing net" means any kind of net used for fishing, including a trawl net, but does not include:
 - (i) a brailing net;
 - (ii) a landing net used in conjunction with fishing by rod and line or a trolling line;
 - (iii) any net which forms part of a dredge or pot placed or used for fishing for shellfish;
 - (iv) any net which forms part of a trap placed or used for fishing for or taking sea fish, where the trap encloses fish within a framework structure; or
 - (v) any net which when fully expanded does not exceed an area of four

square metres, where it is operated only manually and not in connection with any vessel or mechanical device;

- (h) "Hayle estuary" means the area defined in the Schedule;
- (i) "headline" means a rope which is attached directly to the top meshes of a net, along the whole length of the net;
- (j) "permit" means a seine net permit or an ebb net permit;
- (k) "River Camel" means the area defined in the Schedule;
- (l) "River Fowey" means the area defined in the Schedule;
- (m) "River Tamar and River Lynher" means the area defined in the Schedule;
- (n) "sand eel" means fish of the genus *Ammodytes*;
- (o) "sea fish" means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of any such fish or shellfish, except the fish species specified in section 153(11) of the Marine and Coastal Access Act 2009;
- (p) "seine net" means a single panel of fishing net with the headline floating on the sea surface, which is used to fully encircle fish before being gathered at the lower meshes to trap fish within it;
- (q) "seine net permit" means an annual authorisation to use a seine net or beach seine net to fish for sand eels issued by the Authority under paragraph 5;
- (r) "single panel" means one or more pieces of netting rigged as a continuous sheet, with no overlapping meshes;
- (s) "The Gannel" means the area defined in the Schedule.

Prohibition

2. (a) A person must not place or use a fishing net for fishing for or taking sea fish in a river, estuary, channel or stream.

(b) A person must not use a vessel for fishing for or taking sea fish in a river, estuary, channel or stream where a fishing net is on board or connected to the vessel.
3. Paragraph 2 does not apply to the named holder of a permit, placing or using a single beach seine net, a single ebb net or a single seine net where the net is constructed, placed and used in accordance with the conditions prescribed in paragraph 4.

Net conditions

4. (a) A beach seine net must:
 - (i) only be placed or used under the authorisation of a seine net permit;

- (ii) maintain at least one end ashore, held only by hand;
- (iii) be hauled ashore from both ends using only manual power;
- (iv) not have a mesh size exceeding 20 millimetres;
- (v) only be placed or used for fishing for or taking sand eels;
- (vi) not be placed or used in the River Tamar and River Lynher.

(b) An ebb net must:

- (i) only be placed or used under the authorisation of an ebb net permit;
- (ii) not be used from a vessel which exceeds an overall length of six metres;
- (iii) be used solely in connection with the vessel from which it is deployed, at all times during a fishing operation;
- (iv) be operated using only manual power;
- (v) not be constructed using monofilament net material;
- (vi) not exceed a width of six metres when it is stretched between the two poles, to which the net is rigged;
- (vii) not be placed or used in the River Camel or River Fowey from May to December inclusive;
- (viii) not be placed or used in the River Camel to the east of a geodesic line drawn due north from the mouth of Pinkson Creek (50° 31.565'N 004° 53.965'W) to a point on the opposite shore at 50° 31.852'N 004° 53.965'W, from January to April, inclusive;
- (ix) not be placed or used in the River Tamar and River Lynher.

(c) A seine net must:

- (i) only be placed or used under the authorisation of a seine net permit;
- (ii) remain attached to, and be hauled from, the vessel used to shoot the net;
- (iii) not have a mesh size exceeding 20 millimetres;
- (iv) only be placed or used for fishing for taking sand eels;
- (v) not be placed or used in the River Tamar and River Lynher.

Permit – General provisions

5. The Authority may issue a seine net permit or an ebb net permit to a named person where that person completes, signs and submits to the Authority an application form for a permit as provided by the Authority.
6. A permit issued by the Authority under this byelaw is valid from the date of issue until 23:59 hours on the 31st December of the same year.
7. A permit is not transferable between persons and must be immediately surrendered to the Authority if it is no longer required by the person to whom it was issued.
8. The Authority may suspend or permanently withdraw an ebb net permit if it considers it to be necessary for the appropriate management of sea fisheries resources or to protect the marine environment by following the review procedure set out in paragraphs 14 and 15.

Ebb net flexible permit conditions

9. The Authority may introduce a flexible permit condition to ebb net permits which falls into one or more of the following categories:

- (a) catch quantity restrictions and reporting;
 - (b) gear quantity and construction;
 - (c) spatial fishing restriction;
 - (d) temporal fishing restriction.
10. The Authority may introduce, remove or vary a flexible permit condition following a review conducted in accordance with the review procedure set out in paragraphs 14 and 15.
 11. The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 14 and 15 are those set by the Authority, taking into account the impact assessment that accompanies this byelaw and all other material considerations.
 12. Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.
 13. The Authority will review a flexible permit condition not less than once every three years.

Review procedure

14. The review procedure will be undertaken as follows:
 - (a) the Authority will consult in writing with ebb net permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes;
 - (b) the Authority will make a decision whether to suspend or withdraw an ebb net permit or introduce, remove or vary a flexible permit condition based upon information received from the consultation process set out in paragraph 14(a) and from information gained in accordance with paragraph 15.
15. The information upon which the Authority may make a decision for the purposes of paragraph 14(b) includes any one or more of the following:
 - (a) data collected from ebb net permit holders;
 - (b) scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority thinks fit;
 - (c) scientific advice provided by the Centre for Environment, Fisheries and Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks fit;
 - (d) an impact assessment of any proposed change;
 - (e) advice provided by Natural England or such other bodies, organisations, or persons as the Authority thinks fit;
 - (f) the financial cost of administering an ebb net permit;

(g) material information from any other relevant source.

Permit conditions

16. The holder of a permit must, before the fifteenth day of January, deliver or send to the Authority, a statement of the weight in kilograms of all fish taken from the District using a beach seine net, ebb net or seine net during the preceding calendar year, together with the type, dimensions and mesh size of the net used, where the net was placed and used for fishing and the number of fishing operations, as specified on a form provided by the Authority.
17. The holder of an ebb net permit must notify the Authority of their intention to place or use an ebb net in a river, estuary, channel or stream between four hours and twenty-four hours in advance of the commencement of fishing. If the ebb net permit holder is solely reliant on using a telephone for this purpose and the Authority's automatic telephone answering service is activated, a message must be left. Notification must include the:
 - (a) name of the ebb net permit holder;
 - (b) ebb net permit number in relation to the net type to be used;
 - (c) name or location of the fishing area; and
 - (d) expected time for the commencement of fishing.

Exemption

18. Paragraphs 2 and 3 do not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority, permitting that act for scientific, stocking or breeding purposes.

Revocation

12. The following byelaws are revoked:
 - (a) The byelaw with the title "Byelaw 6 – Restriction of Trawling in Estuaries" made by the Devon Sea Fisheries Committee in exercise of its powers under section 5 of the Sea Fisheries Regulation Act 1966 (c.38), as confirmed by the Minister of Agriculture Fisheries and Food on 26 February 1998, that was in force immediately before the making of this byelaw, insofar as it applied in the District;
 - (b) The byelaw with the title "Byelaw Prohibiting Netting in Tamar, Plym and Yealm" made by the Devon Sea Fisheries Committee in exercise of its powers under section 5 of the Sea Fisheries Regulation Act 1966, as confirmed by the Minister of Agriculture Fisheries and Food on 15 March 1990, that was in force immediately before the making of this byelaw, insofar as it applied in the District;
 - (c) The byelaw with the title "Byelaw 17 – Fixed Engines" made by the Devon Sea Fisheries Committee in exercise of its powers under section 5 of the Sea Fisheries Regulation Act 1966 and section 37 of the Salmon Act 1986 (c.62), with the consent of the Environment Agency,

as confirmed by the Secretary of State for Environment, Food and Rural Affairs on 22 December 2010, that was in force immediately before the making of this byelaw, insofar as it applied in the District;

- (d) The byelaws with the titles "Byelaw 1 - Application", "Byelaw 2 - Interpretation", "Byelaw 8 - Sea fishing in areas inland of Devon Sea Fisheries Committee district" and "Byelaw 9 - Sea fishing in areas inland of Cornwall Sea Fisheries Committee district" of the "Sea Fisheries Fixed Engine Prohibition Byelaws" made by the Environment Agency in exercise of its powers under section 5, 5A and 18 of the Sea Fisheries Regulation Act 1966, as confirmed by the Secretary of State for Environment, Food and Rural Affairs on 22 December 2010, that were in force immediately before the making of this byelaw, insofar as they applied in the District;
- (e) All the byelaws made by the Board of Conservators of the Camel Fishery District in exercise of its powers under the Sea Fisheries Regulation Act 1888 (c.54), that were in force immediately before the making of this byelaw;
- (f) All the byelaws made by the Board of Conservators of the Fowey Fishery District in exercise of its powers under the Sea Fisheries Regulation Act 1888, that were in force immediately before the making of this byelaw;
- (g) The byelaw with the title "Number SW.1 Prohibition of Nets" made by the National Rivers Authority in exercise of its powers under the Cornwall Sea Fisheries District (Variation) Order 1990 and section 5 of the Sea Fisheries Regulation Act 1966, as confirmed by the Minister of Agriculture Fisheries and Food on 2 April 1992, that was in force immediately before the making of this byelaw.

SCHEDULE

Co-ordinates and boundaries for rivers, estuaries, channels and streams:

River Camel: The area within tidal limits, to landward of a geodesic line drawn from Trebetherick Point (50° 33.874'N 004° 55.899'W) to Stepper Point (50° 34.120'N 004° 56.700'W);

The Gannel: The area within tidal limits, to landward of a geodesic line drawn from Salt Cove (50° 24.633'N 005° 07.395'W) to Vugga Cove (50° 24.380'N 005° 07.920'W);

Hayle estuary: The area within tidal limits, to landward of a geodesic line drawn from Carrack Gladden (50° 11.900'N 005° 27.340'W) to Black Cliff (50° 11.943'N 005° 25.700'W);

Helford River: The area within tidal limits, to landward of a geodesic line drawn 195° True from Mawnan Shear (50° 05.980'N 005° 06.000'W) to a point on the opposite shore at 50° 05.585'N 005° 06.155'W;

River Fal: The area within tidal limits, to landward of a geodesic line drawn from Pendennis Point (50° 08.608'N 005° 02.560'W) to Saint Anthony Head (50° 08.432'N 005° 00.935'W);

River Fowey: The area within tidal limits, to landward of a geodesic line drawn from Saint Catherine's Point (50° 19.683'N 004° 38.643'W) to Punch Cross Rocks (50° 19.627'N 004° 38.399'W) and thence to the nearest point of the mainland (50° 19.627'N 004° 38.359'W);

Looe River: The area within tidal limits, to landward of a geodesic line drawn from Nailzee Point (50° 21.033'N 004° 27.068'W) to the end of the outer pier at Looe (50° 21.057'N 004° 27.061'W);

River Tamar and River Lynher: The area within tidal limits, to landward of a geodesic line drawn 066° True from Wilderness Point (50° 21.515'N 004° 10.290'W) to a point in The Narrows at 50° 21.538'N 004° 10.205'W;

Plymouth Sound, River Tamar and River Lynher: The area within tidal limits, to landward of a geodesic line drawn from Picklecombe Point (50° 20.583'N 004° 10.220'W) to a point near the western end of the Plymouth Breakwater at 50° 20.070'N 004° 09.600'W;

River, estuary, channel or stream: The River Camel, The Gannel, Hayle estuary, Helford River, River Fal, River Fowey, Looe River, Plymouth Sound, River Tamar and River Lynher, and areas within tidal limits to landward of a geodesic line drawn between points on the low-water line of the banks of any other river, estuary, channel or stream.

Explanatory Note

(This note does not form part of the Byelaw)

This byelaw prohibits the main commercial net fishing methods historically placed or used for taking sea fish in rivers, estuaries, channels and streams, thus providing potential for improved fishing opportunities for a larger number of fishermen using other fishing methods. The byelaw may also benefit the conservation of sea fish, particularly juveniles and spawning stocks, as well as salmonids in certain rivers and estuaries.

Where any fishing is carried out from a vessel in a river, estuary, channel or stream, prohibited nets must not be on board or connected to the vessel.

A seine net is allowed to be placed or used for taking sand eels in a river, estuary, channel or stream under the authorisation of an annual permit issued by Cornwall IFCA where it is shot and hauled from the same vessel and the net mesh size does not exceed 20 millimetres. Except that no seine nets are to be placed or used in the River Tamar and River Lynher.

A beach seine net is allowed to be placed or used for taking sand eels in a river, estuary, channel or stream under the authorisation of an annual permit issued by Cornwall IFCA where at least one end is maintained ashore, the net is only hauled manually and the net mesh size does not exceed 20 millimetres. Except that no beach seine nets are to be placed or used in the River Tamar and River Lynher.

An ebb net may be placed or used for taking sea fish in a river, estuary, channel or stream under the authorisation of an annual permit issued by Cornwall IFCA where the vessel to which it is attached does not exceed an overall length of six metres, the net is not made of monofilament material, does not exceed a width of 6 metres and is only manually hauled. Except that no ebb nets are to be placed or used in:

- *the River Tamar and River Lynher;*

- *the River Camel or River Fowey from May to December, inclusive;*
- *the River Camel to the east of a line drawn due north from Pinkson Creek to a point on the opposite shore, from January to April, inclusive.*

The holder of an ebb net permit must notify the Authority of their intention to use an ebb net between 4 and 24 hours in advance of commencing fishing. (Tel. 01736 336842, Fax. 01736 336661 or email enquiries@cornwall-ifca.gov.uk).

The holder of an annual permit issued by the Authority is required to submit annual fishing information and catch statistics to the Authority.

The Authority may suspend or withdraw a permit where it considers greater conservation of sea fish or marine environmental protection is needed.

A net used contrary to the prohibitions within the byelaw for scientific, stocking or breeding purposes may be allowed by authorisation of the Authority.