

Marine Management Organisation

Marine and Coastal Access Act 2009 (c.23)

The West of Walney Marine Conservation Zone (Specified Area) Bottom Towed Fishing Gear Byelaw 2018

The Marine Management Organisation¹, in exercise of the powers conferred by section 129 of the Marine and Coastal Access Act 2009, and having:

- placed copies of the draft byelaw in convenient places for the purpose of inspection in accordance with section 130(3) of that Act;
- provided a copy of the draft byelaw to any person upon request in accordance with section 130(4) of that Act;
- published notice of its proposal to make the byelaw in accordance with sections 130(6) and 130(7) of that Act;
- consulted with the European Commission, the Government of Ireland, and the North Western Waters Regional Advisory Council, in accordance with Article 20 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy²;

makes the following byelaw.

Interpretation

1. In this byelaw:

- a. “bottom towed fishing gear” means any trawls, seines, dredges, or similar gear, including trawls towed on or very close to the seabed, which are actively moved in the water by one or more fishing vessels or by any other mechanised system and in which any part of the gear is designed and rigged to operate on, and be in contact with, the seabed in order to take any sea fisheries resources;
- b. “inboard, lashed and stowed” means fishing gear that is stored on a vessel in such a way that it cannot readily be used for fishing or any other purpose; and
- c. “the specified area” means the area defined in the Schedule.

Prohibition

¹ The Marine Management Organisation was established by the Marine and Coastal Access Act 2009, section 1.

² OJ No. L354, 28.12.2013, p.22.

2. A person must not use bottom towed fishing gear in the specified area.

2A. A vessel carrying bottom towed fishing gear within the specified area must have all bottom towed fishing gear inboard, lashed and stowed.

Exemptions

3. Paragraph 2 does not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if:
- a. that act was carried out in accordance with written permission issued by the Marine Management Organisation permitting that act for scientific, stocking or breeding purposes; or,
 - b. that act was carried out in accordance with a marine licence issued by the Secretary of State under Part 4 of the Marine and Coastal Access Act 2009, in connection with a decommissioning programme required under Part IV of the Petroleum Act 1998 (c.17).

Citation

4. This byelaw may be cited as the West of Walney Marine Conservation Zone (Specified Area) Bottom Towed Fishing Gear Byelaw 2018.

Made under the Common Seal of the Marine Management Organisation on the 4th of September 2018.

The Common Seal of the Marine Management Organisation was affixed to this byelaw in the presence of:

John Tuckett
Chief Executive Officer
Marine Management Organisation

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 130(8) of the Marine and Coastal Access Act 2009 confirms this byelaw.

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date:

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Schedule

Definition of the specified area

Co-ordinates used in this Schedule are based on WGS 84 datum, where 'WGS 84' means the World Geodetic System, established in 1984.

The "specified area" means the area enclosed by a line drawn from:

Point 1 (54°08.74980 N, 003°42.14040 W) to
Point 2 (54°10.02720 N, 003°42.14040 W) to
Point 3 (54°10.08840 N, 003°42.09300 W) to
Point 4 (54°10.10820 N, 003°42.00300 W) to
Point 5 (54°10.10580 N, 003°26.52600 W) to
Point 6 (54°10.09560 N, 003°26.45940 W) to
Point 7 (54°10.05840 N, 003°26.40000 W) to
Point 8 (54°08.69700 N, 003°25.33620 W) to
Point 9 (54°06.86340 N, 003°23.90400 W) to
Point 10 (54°06.82500 N, 003°23.87400 W) to
Point 11 (54°06.79140 N, 003°23.86140 W) to
Point 12 (54°00.91920 N, 003°23.88540 W) to
Point 13 (53°56.80140 N, 003°23.91780 W) to
Point 14 (53°56.74800 N, 003°23.95260 W) to
Point 15 (53°56.40180 N, 003°24.47940 W) to
Point 16 (53°56.37480 N, 003°24.59100 W) to
Point 17 (53°56.54640 N, 003°28.93320 W) to
Point 18 (53°56.57880 N, 003°29.03400 W) to
Point 19 (53°59.85360 N, 003°33.18480 W) to
Point 20 (53°59.90160 N, 003°34.53180 W) to
Point 21 (53°59.91120 N, 003°34.58940 W) to
Point 22 (54°00.44760 N, 003°36.26940 W)

Re-joining from Point 22 to Point 1 following a line drawn twelve nautical miles from the baselines as they existed on 25th January 1983 in accordance with the Territorial Waters Order in Council 1964³.

³ The Territorial Waters Order in Council 1964: Statutory Instruments 1965 III p.6452A; HMSO, 1966, amended by the Territorial Waters (Amendment) Order in Council: Statutory Instruments 1979 III p.2866; HMSO, 1980; and revoked by S.I. 2014/1353.

Explanatory Note

(This note is not part of the byelaw)

The Marine Management Organisation has made this byelaw to protect subtidal sand, subtidal mud, and sea-pen and burrowing megafauna communities by prohibiting the use of bottom towed fishing gear in a specified area in the West of Walney Marine Conservation Zone.

The specified area is defined in paragraph 1 of the Schedule to this byelaw.

The specified area is identified, for illustrative purposes only, on the map overleaf.

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