

Proposed Minimum Size Byelaw, Statutory Consultation Overview and FAQs



The proposed Minimum Size (fish, crustacea, and mollusc) Byelaw 2021 within the Sussex Inshore Fisheries & Conservation Authority District

Closing date for responses 17th June 2021

Introduction

Sussex IFCA is the responsible Authority for fisheries management within Sussex District. As part of our duties, we are proposing a byelaw to manage minimum sizes for species of marine fish and shellfish.

The application of minimum retention sizes for species caught in both commercial and recreational fisheries is a basic and a widely recognised way to support sustainable marine populations and fisheries. Simply put, allowing fish and shellfish species to reach defined sizes before their potential removal allows them to reproduce and sustain populations.

Within the UK there are already a range of 'minimum conservation reference sizes' (MCRS) established under previous European legislation for some key species caught within commercial fisheries. For recreational fisheries only one species, the European sea bass is currently subject to minimum size restriction at both a European and national level (Article 10 of [Regulation \(EU\) 2020/123](#) which has now been translated into UK law).

As part of Sussex IFCA's on-going review of management, the Authority is proposing to introduce further minimum sizes controls within a byelaw. The intention is to both ensure equitable application of minimum size controls, to both the commercial and recreational fisheries, and to introduce new minimum sizes for various species not currently subject to management.

This consultation process aims to seek your views on the proposed Sussex IFCA Minimum Size (fish, Crustacea and Mollusc) Byelaw 2021.

This document is intended to help you understand what is proposed and why. It provides you with an opportunity to input into the byelaw process.

The introduction of the proposed sizes in a byelaw would be a first step, whilst we develop further future options based upon available evidence in collaboration with other IFCAs. We know our proposals don't include all species, and the proposed sizes need to reflect the immediate impact on existing commercial fisheries. This is why further development will occur in future in a stepped approach. Any new minimum size byelaw would be subject to a future review period (typically 4 years).

Reasons for introducing an IFCA byelaw for minimum sizes

Planning informed by the community

As part of the Authority's early consultation work to inform our future work we invited the community to provide input on what management they considered was necessary. During that process many responded commented that we should introduce further minimum size management measures. We incorporated the development of minimum sizes into our strategic planning process and, following completion of other management priorities, we are now seeking to address the issue.

European and UK wide management

In July 2019, new European fisheries management technical measures (subsequently adopted into UK law) prevented the listed minimum sizes, referred to as minimum conservation reference sizes, (MCRSs) from being applied to the recreational sector. [Council Regulation \(EU\) 2019/1241](#) of the European parliament made it explicit that MCRS did not apply to recreational fishers. In addition, the MCRS did not apply in the same comprehensive way they did in the previous EU legislation; to include trans-shipment, landing, transporting, storing,

displaying or offering for sale undersized fish and shellfish. In summary the changes meant the new legislation became less effective as a means of managing both commercial and recreational fisheries.

Inshore Fisheries & Conservation Authority management

Inshore fisheries management is regulated by 10 IFCAs throughout England. Many already have introduced minimum size byelaws. The two adjacent IFCAs to Sussex (Southern IFCA to the west and Kent & Essex IFCA to the east) recently reviewed their minimum size measures and their associated byelaws. The Sussex IFCA intends, as far as is possible, to address the present inconsistency between minimum size management in its own District and neighbouring IFCA Districts.

Inshore management in the eastern English Channel

Although there are variations in marine habitats, the proximity and similar physical characteristics of the marine environment in both the Districts for Kent & Essex IFCA and Southern IFCA mean many of the same marine species occur in the Sussex IFCA District. In broad terms the eastern end of the English Channel is a transitional area between the southern North Sea and warmer deeper waters of the western approaches to the English Channel. Consequently, there is a diverse range of species that occur in the Sussex IFCA District including for example black seabream and gilthead bream at the northern end of their geographic range. Some species are resident in the District throughout the year, e.g. lobster, sole and plaice, whilst others are more migratory such as mackerel and herring.

Given these geographic and biological similarities, it makes sense that minimum size regulations are as consistent as possible between IFCA Districts that contain similar species and fisheries.

Age and Size at Maturity

Allowing enough fish to reach maturity and reproduce is essential to sustaining healthy populations of marine fish species. Some species grow and mature relatively quickly within in a few years (for example mackerel and herring). Others take far longer to reach their breeding age and are subsequently much more at risk of being caught before they mature (for example bass and turbot).

Larger, sexually mature fish typically have far greater reproductive potential as they far more fecund (producing large quantities of eggs). Studies also indicate that eggs from older fish can be of higher quality and more viable during egg and larval development.

The reproductive strategies for different species can also be important when considering management. The number of eggs individuals of different species produce varies enormously. Some individual animals produce many thousands of eggs (e.g. cod and herring) and other species producing very few large eggs or even live young in the case of some elasmobranch (shark, skate and ray) species.

Typically, species and populations that are most vulnerable from the impacts of fishing are those with a large size at maturity and very low fecundity. Furthermore, these species are slow to recover from low population levels. An example is the spurdog (*Squalus acanthias*) which, following widescale overfishing and stock depletion, has only made a slow recovery over many years. Another non-commercial species is the angel shark (*Squatina squatina*) which was once commonplace off Sussex, but is now extremely rare and a protected species.

Fishing Gear Selectivity and Survivability

Inevitably, due to methods of commercial and recreational fishing activity many fish, crustacea and mollusc species are caught before they reach sexual maturity. Due to the nature of fisheries some capture of immature species is unavoidable, although the Sussex IFCA does have specific measures in place to reduce captures, such as mandatory escape hatches on pots for juvenile lobsters and escape holes in whelk pots for small whelks, as well as some restrictions on minimum mesh sizes for nets.

Some methods of fishing are more selective than others and may catch fewer juveniles e.g. those methods using larger gauge nets and pots fitted with escape hatches as previously described. However, even when fishing methods are selective, juvenile species can still be caught. It is very difficult to eliminate the problem in mixed fisheries where multiple species of different sizes are caught with the same fishing gears.

Fortunately, many immature fish or shellfish can be returned alive to the marine environment and, depending upon the species and the method of capture, their chance of survival can be high. In the case of crustacea caught in pots survivability is extremely high. Flat fish species have also been shown to have good post capture survival rates in some commercial fisheries, and many line-caught fish species that are unhooked with care can recover well.

Strengthening good practice

The unretained element of any catch referred to as bycatch often comprises either of unmarketable fish species or those considered too small to market. Some commercial fishers voluntarily return juveniles species that have a low value so that they may have a much greater potential if captured in future years. For example, a juvenile turbot worth very little when very young can grow into very valuable fish if caught at a large size. The byelaw will strengthen already good practices used by responsible fishers.

Recreational Voluntary Minimum Sizes

Some recreational fishermen already follow voluntary or club rules on returning fish below minimum sizes. The Authority and the Angling Trust also have voluntary measures in place within our Marine Conservation Zones, regarding sizes for species such as black sea bream. The use of voluntary measures is beneficial. However, a byelaw will ensure everyone clearly understands what they can and cannot remove.

What minimum sizes are we proposing to introduce?

The proposed sizes comprise as follows:

1. Those within the present European/UK legislation. This covers what are often referred to as the quota species and comprised those that are commonly targeted by commercial fishers. We have included within the Byelaw a specific provision that allows commercially caught fish to be landed below the minimum size if they are subject to the regulations referred to as the 'Landing Obligation' intended to reduce discarding at sea.
2. An additional list of species replicating those included within a Southern IFCA Byelaw that is expected to be introduced in 2021 and is awaiting final approval from Defra.

Wrasse species

Southern IFCA has established minimum sizes for ballan wrasse (18cm), rock cook wrasse (12cm), goldsinny wrasse (12cm) and corkwing wrasse (14cm). The relevant sizes have been adopted from guidance measures and provide further management for the live wrasse fishery that has developed in the south and South West. This live wrasse fishery has emerged to supply 'cleaner fish' for the salmon farming industry. Wrasse are not fished for in this way in Sussex yet. However, this may occur in the future, and wrasse are integral to the inshore ecosystem. Thus, making a byelaw

measure relevant and a sensible precaution against future over exploitation.

Grey Mullet species

Although the grey mullet stock is believed to be transient across fisheries boundaries, a high percentage of exploitation takes place within the inshore region. Research suggests that the size of maturity for grey mullet species, particularly thick-lipped grey mullet and thin-lipped grey mullet, is significantly greater than 300mm and these new minimum sizes will enhance the sustainability of these populations.

Grey mullet species have commercial value and are a target fish for recreational fishers. It is for consideration that the benefits of a more sustainable grey mullet fishery will outweigh the initial costs incurred. Measures should lead to a greater number of larger fish which have a higher reproductive output. These fish will also be of greater market value to commercial fishers and will provide a greater social and economic value to recreational fisheries.

Black seabream

Sussex IFCA together with the Angling Trust has a voluntary code of conduct for the Black seabream recreational fishery. This includes both minimum and maximum size limits. These size limits were established during the construction of the regulations for Kingmere Marine Conservation Zone. Black seabream are a feature of that MCZ. It is proposed that the voluntary minimum size (230mm) is incorporated into the minimum sizes regulations.

Further Species

A number of additional species are also considered relevant for inclusion in the proposed Sussex byelaw, given their presence in the District. Their minimum sizes here reflect those in the Southern IFCA minimum size byelaw. These species include brill, conger eel, dab, flounder, lemon sole, red mullet, witch flounder, turbot, American hardshell clam, and velvet swimming crab.

Sizes that vary from the UK's MCRS regulations include crawfish and male spider crab. Crawfish are included as a potential future fishery should this species increase its distribution in an easterly direction as a result of climate change impacts.

Exemptions

The proposed byelaw contains certain exemptions given existing regulations, the practicalities of measuring catch and unavoidable damage to crabs caught in nets by commercial fishers.

The Landings Obligation

The proposed byelaw will not apply to any catch that is subject to Article 15 of [Regulation \(EU\) 1380/2013](#) (transposed into UK law) that requires fish to be retained and landed in order to prohibit discarding at sea, i.e. the 'Landings Obligation'.

Pelagic exemptions

For the shoaling pelagic species (sardine, anchovy, herring, horse mackerel and mackerel) that are caught in large quantities there are exemptions of 10% allowable percentages below the minimum size, as reflected in the current UK/EU regulations.

Live bait

We know that use of live bait is a recognised method for catching some predatory species, notably bass. Within the proposed byelaw provisions are exemptions for the use of species (anchovy, herring, horse mackerel, mackerel, sardine and whiting) for the purpose of live bait. These are species that are relatively abundant and a normal prey species for the target fish.

Landing fish, crustacea and molluscs whole.

To ensure it is possible to enforce the byelaw all species defined with a minimum size will be required to be landed whole (with the exception of winged skates and rays and crab claws from net fisheries). Fish maybe gutted as is the existing practice in commercial fisheries.

This 'whole animal requirement' reflects the provisions in the previous EU Technical Conservation Regulations 850/98 which was replaced in July 2019 as previously described.

All the proposed minimum sizes for species of fish and shellfish are listed in the byelaw itself, which can be found here

<https://www.sussex-ifca.gov.uk/live-consultations>

Frequently Asked Questions

Does the proposed byelaw cover both commercial and recreational fisher?

Yes, however, some species already have MCRS for commercial fishers and these restrictions have not been duplicated.

Does the proposed byelaw stop me landing fish in Sussex District that have been caught outside the Sussex District?

No. Fish and shellfish caught legally outside of the District can be landed in the District, even if they are smaller than the Sussex proposed byelaw minimum sizes. For example, a crab of 130mm and scallop of 100mm caught legally outside ICES area VIId can be landed in Sussex.

How do I measure a fish?

The byelaw describes with diagrams what dimensions to measure when looking at the different types of fish and shellfish.

Does the proposed byelaw mean I have to put back dead fish?

The byelaw means that you should avoid catching undersize fish. If you catch an undersize fish then you must put it back even if it is dead, unless you are a commercial fisher and the species is subject to the landing obligations.

Does the proposed byelaw mean that undersize fish can be seized?

Yes. If an Inshore fisheries and Conservation Officer carries out an inspection, and you are found to have undersize fish, then those fish can be seized under the proposed byelaw. Other enforcement sanctions are then also applicable.

What species are covered in the proposed byelaw?

All the main species targeted by commercial and recreational fishers have been included. Some species targeted in neighboring IFCA Districts are also included. Sussex IFCA will continue to look at evidence for other species and sizes over the next two years.

The full byelaw and impact assessment can be found here: www.sussex-ifca.gov.uk

Any person wishing to object or comment on the confirmation of the above byelaw must do so in writing before the 17th June 2021 to:
Marine Conservation and Enforcement Team,
Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne NE4 7YH, Email ifcabyelaws@marinemanagement.org.uk

AND

send a copy of this representation marked 'Byelaw Consultation' to the Sussex IFCA, 12a Riverside Business Centre, Shoreham-by-Sea, BN43 6RE, Email admin@sussex-ifca.gov.uk