

Marine Management Organisation

Marine and Coastal Access Act 2009 (c.23)

The Margate and Long Sands European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw 2017

The Marine Management Organisation¹, in exercise of the powers conferred by regulation 38 of the Conservation of Habitats and Species Regulations 2010² and 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 the Kingdom of Belgium, the Government of the French Republic, and the North Sea Regional Advisory Council, in accordance with Article 20 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy³;

makes the following byelaw.

Interpretation

1. In this byelaw:

- a. “the 1983 baselines” means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed on 25 January 1983 in accordance with the Territorial Waters Order in Council 1964⁴;

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

² S.I. 2010/490, amended by S.I. 2012/1927.

³ OJ No. L354, 28.12.2013, p.22.

⁴ 1965 III p.6452A; amended by the Territorial Waters (Amendment) Order in Council 1979 III p.2866, the Territorial Sea (Amendment) Order 1996 (S.I. 1996/1628), the Territorial Sea (Amendment) Order 1998 (S.I. 1998/2564), and revoked by the Territorial Sea (Baselines) Order 2014 (S.I. 2014/1353).

- b. “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;
- c. “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
- d. “the specified areas” means the areas defined in the Schedule.

Prohibition

- 2. A person must not use bottom towed fishing gear in the specified areas.
- 2A. A vessel carrying bottom towed fishing gear within the specified areas must have all bottom towed fishing gear inboard, lashed and stowed.

Exemption for Scientific, Stocking or Breeding Purposes

- 3. This byelaw does 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 written permission issued by the Marine Management Organisation permitting that act for scientific, stocking or breeding purposes.

Citation

- 4. This byelaw may be cited as the Margate and Long Sands European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw 2017.

Made under the Common Seal of the Marine Management Organisation on 2 August 2017.

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 the Margate and Long Sands European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw 2017 made by the Marine Management Organisation on 2 August 2017.

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

Date:

Schedule

Definition of the specified areas

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

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

Area A

Point 1 (51°44.32380 N, 001°38.42100 E) to
Point 2 (51°44.89320 N, 001°39.04620 E) to
Point 3 (51°45.31680 N, 001°38.42640 E) to
Point 4 (51°45.63120 N, 001°38.42880 E) to
Point 5 (51°49.73100 N, 001°40.32660 E) to
Point 6 (51°49.75080 N, 001°40.34280 E) to
Point 7 (51°50.26380 N, 001°41.04120 E) to
Point 8 (51°50.28180 N, 001°41.10960 E) to
Point 9 (51°50.25540 N, 001°41.17020 E) to
Point 10 (51°48.73320 N, 001°42.73020 E) to
Point 11 (51°48.70920 N, 001°42.74220 E) to
Point 12 (51°48.68880 N, 001°42.73680 E) to
Point 13 (51°47.30640 N, 001°41.83560 E) to
Point 14 (51°44.81220 N, 001°40.21020 E) to
Point 15 (51°44.08140 N, 001°39.73380 E) to
Point 16 (51°44.05740 N, 001°39.70080 E) to
Point 17 (51°43.56840 N, 001°38.37060 E) to
Point 18 (51°43.82220 N, 001°38.22420 E) to
Point 19 (51°44.07240 N, 001°38.12700 E)
re-joining from Point 19 to Point 1.

Area B

Point 1 (51°32.81530 N, 001°23.87235 E) to
Point 2 (51°32.83367 N, 001°23.88979 E) to
Point 3 (51°33.18337 N, 001°24.27374 E) to
Point 4 (51°33.19818 N, 001°24.29962 E) to
Point 5 (51°33.37778 N, 001°24.80798 E) to
Point 6 (51°33.51079 N, 001°25.18451 E) to
Point 7 (51°33.58666 N, 001°25.39963 E) to
Point 8 (51°33.58910 N, 001°25.40758 E) to
Point 9 (51°33.65161 N, 001°25.64404 E) to
Point 10 (51°33.72486 N, 001°25.92077 E) to
Point 11 (51°33.72898 N, 001°25.95845 E) to
Point 12 (51°33.72004 N, 001°25.99813 E) to
Point 13 (51°33.70734 N, 001°26.01778 E) to
Point 14 (51°33.69111 N, 001°26.02882 E) to
Point 15 (51°33.67288 N, 001°26.02963 E) to
Point 16 (51°33.65196 N, 001°26.01556 E) to
Point 17 (51°33.62474 N, 001°25.98491 E) to
Point 18 (51°33.23823 N, 001°25.54552 E) to
Point 19 (51°33.12409 N, 001°25.41586 E) to
Point 20 (51°32.76835 N, 001°25.40605 E) to
Point 21 (51°32.59208 N, 001°25.40144 E) to
Point 22 (51°32.57730 N, 001°25.40030 E)

then re-joining from Point 22 to Point 1 by a line drawn six nautical miles seaward of the 1983 baselines.

Explanatory Note

(This note is not part of the byelaw)

The Marine Management Organisation has made this byelaw to protect subtidal sandbank communities by prohibiting the use of bottom towed fishing gear in two specified areas of the Margate and Long Sands European Marine Site.

The specified areas are defined in paragraph 1 of the Schedule to this byelaw.

The specified areas are identified, for illustrative purposes only, on the map overleaf.

The Margate and Long Sands European Marine Site (Specified Areas) Bottom Towed Fishing Gear Byelaw 2017

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