



## MANX MARINE NATURE RESERVES BYELAWS 2018

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Statutory Document No. 2018/0186



*Wildlife Act 1990*

## MANX MARINE NATURE RESERVES BYELAWS 2018

*Laid before Tynwald:*

*Coming into Operation:*

*1 September 2018*

The Department of Environment, Food and Agriculture, on recommendation made by the Wildlife Committee<sup>1</sup> and having obtained the consent of Treasury<sup>2</sup>, makes the following Byelaws under section 33 of the Wildlife Act 1990.

### 1 Title

These Byelaws are the Manx Marine Nature Reserves Byelaws 2018.

### 2 Commencement

These Byelaws come into operation on 1 September 2018<sup>3</sup>.

### 3 Interpretation

In these Byelaws —

“**authorised person**” means a person authorised in writing by the Department to exercise powers under these Byelaws;

“**Baie ny Carrickey Marine Nature Reserve**” means the area designated under the Designation Order;

“**Calf of Man and Wart Bank Marine Nature Reserve**” means the area designated under the Designation Order;

“**catch and release technique**” means a method whereby a fish is released alive and without further harm as soon as possible after it has been caught, or where a fish is retained alive for the purpose of recording required as part of a competition, as soon as possible after recording;

<sup>1</sup> In accordance with section 32(2) of the Wildlife Act 1990

<sup>2</sup> As required by section 37(3) of that Act

<sup>3</sup> Section 25(1) of the Wildlife Act 1990 specifies that an order made under section 32 shall be laid before Tynwald as soon as may be after the making thereof, and if Tynwald at the sitting before which the order is to be laid or at the next sitting resolves that the order shall be annulled, the order shall cease to have effect.

“**Conservation Zone**” means that area numbered as Zone 1 on the map in Part 4 of the Schedule (Ramsey Bay Marine Nature Reserve) and consists of that area to the west of the line running north from the point I at 54° 18.9000’ N, 04° 21.0099’ W, up to a point G at 54° 24.6000’ N, 04° 21.0999’ W and up to the Highest Astronomical Tide level, but not including any point inland from the piers at the entrance to Ramsey harbour and the harbour itself;

“**Designation Order**” means the Marine Nature Reserves (Designation) Order 2018<sup>4</sup>;

“**Douglas Bay Marine Nature Reserve**” means the area designated under the Designation Order;

“**Eelgrass**” means a plant of the species *Zostera marina*;

“**Eelgrass Conservation Zone**” means any of the following areas —

- (a) the area labelled “Eelgrass Conservation Zone” on the map entitled “Baie ny Carrickey MNR Eelgrass Conservation Zone” in Part 1 of the Schedule and consisting of that area of the sea bounded by the points at —
  - A. 54° 04.7166’ N, 04° 43.6166’ W;
  - B. 54° 04.7166’ N, 04° 43.5166’ W;
  - C. 54° 04.6332’ N, 04° 43.5166’ W; and
  - D. 54° 04.6332’ N, 04° 43.6166’ W;
- (b) the area labelled “Eelgrass Conservation Zone” on the map entitled “Langness MNR Eelgrass Conservation Zone” in Part 2 of the Schedule and consisting of that area of the sea bounded by Fort Island Road and a line drawn between the points at —
  - A. 54° 04.2870’ N, 04° 36.4656’ W; and
  - B. 54° 04.3698’ N, 04° 36.3108’ W;
- (c) the area labelled “Eelgrass Conservation Zone” on the map entitled “Laxey Bay MNR Eelgrass Conservation Zone” in Part 3 of the Schedule and consisting of that area of the sea bounded by the points at —
  - A. 54° 12.7668’ N, 04° 23.8002’ W;
  - B. 54° 12.7668’ N, 04° 23.3333’ W;
  - C. 54° 12.3666’ N, 04° 23.3333’ W; and
  - D. 54° 12.3666’ N, 04° 23.8002’ W; and
- (d) the area labelled as Zone 3 on the map entitled “Ramsey Marine Nature Reserve” in Part 4 of the Schedule and consisting of the area bounded by the line running east from the point H at

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<sup>4</sup> SD 2018/0185





54° 18.8988' N, 04° 22.3194' W (Ballure Arches), to I at 54° 18.9000' N, 04° 21.0999' W, and then south to the point at J at 54° 18.6600' N, 04° 21.0999' W (Gob ny Rona), to the Highest Astronomical Tide level;

“**European eel**” means a fish of the species *Anguilla anguilla*;

“**flame shell**” means a fish of the species *Limaria hians*;

“**gate gear**” includes any appliance with a rigid frame mouth, but which does not have teeth, which is towed through the water and is manufactured, adapted, used or intended for sure for the purpose of fishing for scallops and queen scallops;

“**Highest Astronomical Tide**” means the highest tidal level which can be predicted to occur under average meteorological conditions and any combination of astronomical conditions;

“**Horse mussel**” means a fish of the species *Modiolus modiolus*;

“**Horse Mussel Conservation Zone**” means the area labelled as Zone 2 on the map in Part 4 of the Schedule (Ramsey Bay Marine Nature Reserve) and consists of the area from the Highest Astronomical Tide level north of a line extending out to the 3 nautical-mile limit from point F at 54° 24.6000' N, 04° 22.0999' W, to point C at 54° 24.6000' N, 04° 16.4250' W, and then bounded by the 3 nautical-mile limit and east of a line between point D at 54° 28.0608' N, 04° 22.0999' W and point E at 54° 25.0482' N, 04° 22.0999' W;

“**Iceland clam**” means a fish of the species *Arctica islandica* (also known as “black clam” or “ocean quahog”);

“**Langness Marine Nature Reserve**” means the area designated under the Designation Order;

“**Laxey Bay Marine Nature Reserve**” means the area designated under the Designation Order;

“**Little Ness Marine Nature Reserve**” means the area designated under the Designation Order;

“**long-line**” means fishing gear which comprises a main line carrying one or more hooks on branch lines (snoods) set either at or near the bottom or drifting in midwater or near the surface;

“**Niarbyl Bay Marine Nature Reserve**” means the area designated under the Designation Order;

“**pot**” means a pot, receptacle, trap or container with one or more openings or entrances which is capable of being left at sea to catch or gather any fauna or flora;

“**Port Erin Bay Marine Nature Reserve**” means the area designated under the Designation Order;

- “**queen scallop**” means a fish of the species *Aequipecten opercularis*;
- “**Ramsey Bay Marine Nature Reserve**” means the area designated under the Designation Order;
- “**recreational sea fishing licence**” means a licence issued under regulations made under section 45 of the Fisheries Act 2012;
- “**Reserves**” means the collective Manx Marine Nature Reserves designated by the Designation Order;
- “**rod and line**” means normal angling with the use of a rod and line;
- “**sand eel**” means a fish of the family Ammodytidae;
- “**scallop dredge**” means any appliance with a rigid frame mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops, queen scallops or other shell fish;
- “**scallop**” means a fish of the species *Pecten maximus*;
- “**sea anemone**” means a fish of the species *Edwardsia timida*;
- “**sea fishing licence**” means a licence issued by the Department under section 38 of the Fisheries Act 2012;
- “**spiny lobster**” means a fish of the species *Palinurus elephas* (also known as “crawfish” or “crayfish”);
- “**stalked jellyfish**” means a fish of the species *Calvadosia campanulata*;
- “**towable fishing gear**” means scallop dredge, gate gear, towed net or trawl; and
- “**West Coast Marine Nature Reserve**” means the area designated under the Designation Order.

## PART 2

### GENERAL RESTRICTIONS WITHIN THE RESERVES

#### 4 Restrictions on extraction

Subject to byelaws 19 and 20, no person may extract or remove any sand, gravel or rock from any part of the Reserves, except in accordance with a permit issued by the Department under byelaw 14.

#### 5 Restrictions on deposits

Subject to byelaws 8(3), 19 and 20, no person may deposit or permit the deposit of any substance or article in any part of the Reserves except under a permit issued by the Department under byelaw 14.



## 6 Restrictions on use of towable fishing gear

No person may use any towable fishing gear within any part of the Reserves other than under and in accordance with the conditions of a sea fishing licence.

## 7 Restrictions on long-lining

No person may use a long-line within the Reserves, including setting a long-line from the shore or any vessel other than under and in accordance with a sea fishing licence.

## 8 Protection of certain flora, fauna and physiographical features

- (1) Subject to paragraph (2), within the Reserves no person may extract or damage any of the following –
  - (a) Eelgrass;
  - (b) European eel, except by a catch and release technique;
  - (c) flame shell;
  - (d) horse mussels;
  - (e) Iceland clam;
  - (f) kelp forest;
  - (g) maerl;
  - (h) rocky reef;
  - (i) sea anemone;
  - (j) sea caves;
  - (k) spiny lobster, except for within Douglas Bay Marine Nature Reserve, Laxey Bay Marine Nature Reserve, Niarbyl Bay Marine Nature Reserve and the Port Erin Bay Marine Nature Reserve;
  - (l) stalked jellyfish; and
  - (m) scallops and queen scallops except –
    - (i) under and in accordance with the conditions of a sea fishing licence; or
    - (ii) as provided for by byelaw 10.
- (2) Despite the prohibitions in paragraph (1), accidental extraction or damage is permitted if it cannot reasonably be avoided as an incidental result of any activity carried out under and in accordance with –
  - (a) any conditions of a sea fishing licence;
  - (b) any conditions of a recreational sea fishing licence; or
  - (c) any conditions of a permit issued by the Department.



- (3) Any flora or fauna specified in paragraph (1) which is extracted in circumstances referred to in paragraph (2) must be returned to the sea immediately.

## **9 Restrictions on anchoring within the Reserves**

- (1) Anchoring using any towable fishing gear is prohibited within any of the Reserves.
- (2) If a vessel is anchored within any of the Reserves, towable fishing gear must be lashed and stowed.
- (3) Anchoring by any means is prohibited within any Eelgrass Conservation Zone.

## **10 Restrictions on taking scallops and queen scallops by diving**

- (1) No person may take any scallops or queen scallops whilst diving within any of the Reserves, except within Langness Marine Nature Reserve and West Coast Marine Nature Reserve.
- (2) For the purpose of this byelaw “**diving**” means totally or partially submerged and breathing with the aid of breathing apparatus, or wearing a face visor, mask or goggles.

# **PART 3**

## **SPECIFIC PROVISIONS WITHIN CERTAIN MARINE NATURE RESERVES**

### **11 Protection of flora and physiographical features in certain Reserves**

- (1) Subject to paragraph (2), no person may extract or damage —
  - (a) the intertidal mud habitat of the Langness Marine Nature Reserve;
  - (b) sand eels within the Calf of Man and Wart Bank Marine Nature Reserve except for by using a normal rod and line technique; or
  - (c) the subtidal sand bank (known as Wart Bank) within the Calf of Man and Wart Bank Marine Nature Reserve.
- (2) Despite the prohibitions in paragraph (1), accidental extraction or damage is permitted if it cannot reasonably be avoided as an incidental result of any activity carried out under and in accordance with —
  - (a) any conditions of a sea fishing licence;
  - (b) any conditions of a recreational sea fishing licence; or
  - (c) a permit issued by the Department.



## 12 Restrictions within Ramsey Bay Marine Nature Reserve

- (1) Subject to byelaws 19 and 20, no person may construct any structure within the Ramsey Bay Marine Nature Reserve without a permit.
- (2) No person may use a pot or extract scallops or queen scallops by any means within the Horse Mussel Conservation Zone.
- (3) No person may use a gill or other specified net to capture any species of fish within the Ramsey Bay Marine Nature Reserve, except for –
  - (a) a landing net used as an auxiliary to angling with rod and line; and
  - (b) under and in accordance with any conditions within a licence granted by the Department under byelaw 4(3) of the Sea Fisheries (Protection of Migratory Fish Species) Byelaws 2005<sup>5</sup>.
- (4) In this byelaw, “**gill or other specified net**” means a gill net, beach seine, trammel net, tangle net, stake net, drift net, ring net, T net, J net, hoop net, any trawl, Danish seine or similarly towed net, and any similar net used for the enmeshing or entrapment of fish, but does not include a landing net used in the course of normal angling by rod and line.

## 13 Restrictions within Eelgrass Conservation Zones

- (1) Within any Eelgrass Conservation Zone, no person may –
  - (a) use a pot;
  - (b) use towable fishing gear to trawl or dredge; or
  - (c) anchor.
- (2) No person may undertake recreational rod and line angling within the Ramsey Bay Marine Nature Reserve Eelgrass Conservation Zone referred to in paragraph (d) of “Eelgrass Conservation Zone” in byelaw 3.
- (3) No person may collect any living animal or plant on the foreshore or in the sea from the shore of the Eelgrass Conservation Zone within Ramsey Bay Marine Nature Reserve by any means, including hand gathering, subject to paragraph (4).
- (4) Lugworms and razor clams may be taken from the foreshore of the Eelgrass Conservation Zone within Ramsey Bay Marine Nature Reserve between Spring High Water Mark and Spring Low Water Mark from 1 October to 31 March each year.

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<sup>5</sup> SD 689/05

## PART 4

### PERMIT TO UNDERTAKE CERTAIN ACTIVITIES

#### 14 **Permit to undertake certain activities**

Despite the prohibitions contained in these Byelaws, the Department may, if it considers it appropriate, issue a permit to any person to undertake certain activities, including but not limited to –

- (a) research or investigations;
- (b) fishing under a sea fishing licence;
- (c) fishing under a recreational sea fishing licence.

## PART 5

### OBSTRUCTION, OFFENCES AND GENERAL

#### 15 **Obstruction of an officer**

No person may wilfully obstruct –

- (a) any officer of the Department in the execution of any research or scientific work or any work connected with the laying out, maintenance or management of any of the Reserves; or
- (b) any authorised person within any of the Reserves.

#### 16 **Production of authority**

An authorised person must, if required to do so, produce evidence of his or her authority under these Byelaws.

#### 17 **Offences**

Any person contravening these Byelaws is guilty of an offence under section 33(5) of the Wildlife Act 1990.

#### 18 **Safety at sea**

Nothing in these Byelaws applies to anything done for the purpose of securing the safety of any vessel, or preventing damage to any vessel or cargo, or of saving life.

#### 19 **Controlled marine area**

Nothing in these Byelaws applies to the carrying out of controlled marine activities or associated marine activities in the controlled marine area within the

meaning of the Marine Infrastructure Management Act 2016, subject to any contrary provision made under that Act.

## 20 Functions of a relevant authority

- (1) Nothing in these Byelaws interferes with the exercise of any functions of a relevant authority, any functions conferred by or under an enactment (whenever passed) or any right of any person (whenever vested).
- (2) In this byelaw, “**relevant authority**” means the Manx Utilities Authority, the Department of Environment, Food and Agriculture, the Department of Infrastructure, the Department for Enterprise, a lighthouse authority or a drainage authority.

## PART 6

### REVOCATIONS

## 21 Revocations

The following are revoked—

- (a) Sea Fisheries (Ramsey Bay Closed Area) Byelaws 2010<sup>6</sup>;
- (b) Ramsey Bay (Marine Nature Reserve)(No.2) Byelaws 2011<sup>7</sup>; and
- (c) Ramsey Bay (Marine Nature Reserve)(No.2) Byelaws 2011 (Amendment) Byelaws 2016<sup>8</sup>.

MADE

2/7/18



GEOFFREY BOOT

*Minister for Environment, Food and Agriculture*

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<sup>6</sup> SD 930/10

<sup>7</sup> SD 1086/11

<sup>8</sup> SD 2016/0072

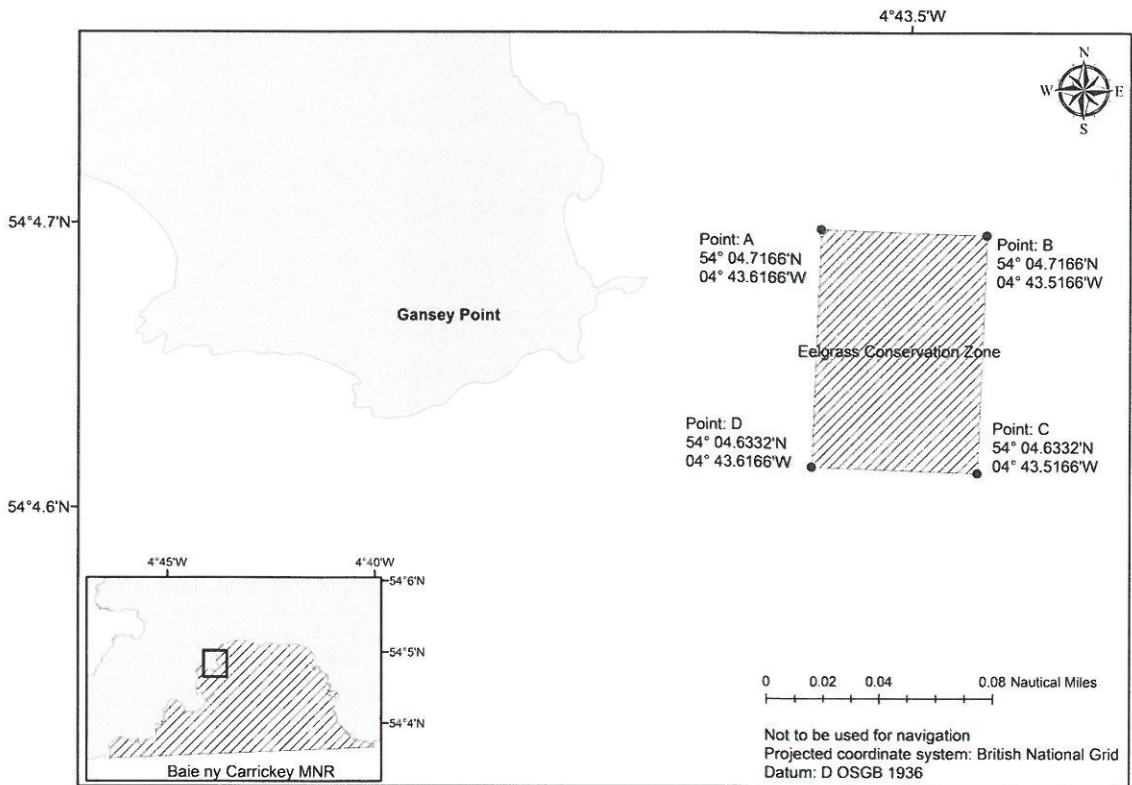




SCHEDULE

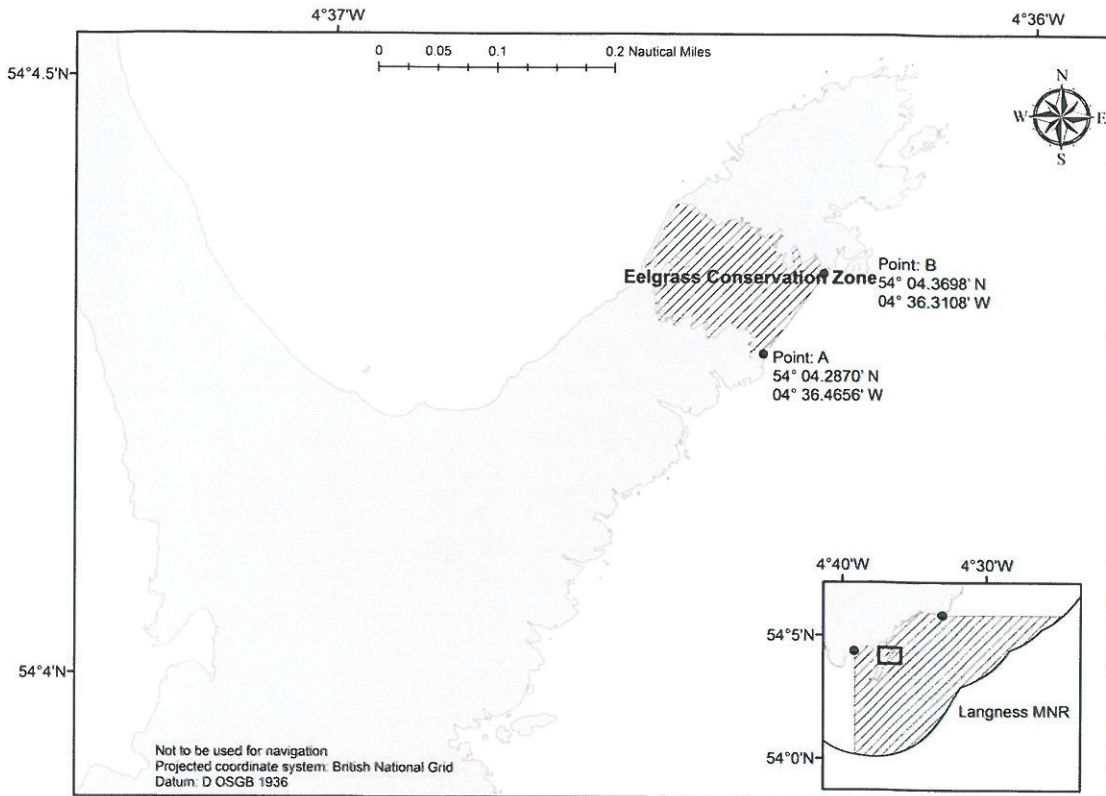
PART 1

BAIE NY CARRICKEY MNR EELGRASS CONSERVATION ZONE



### PART 2

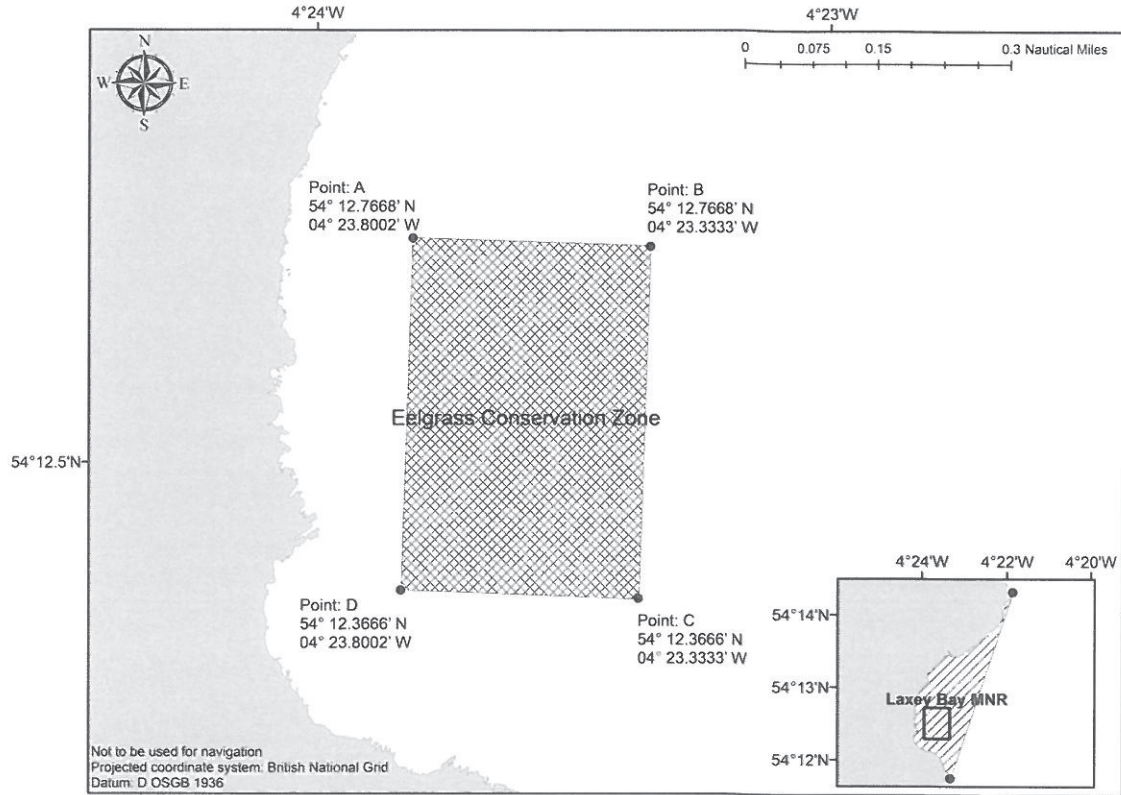
### LANGNESS MNR EELGRASS CONSERVATION ZONE





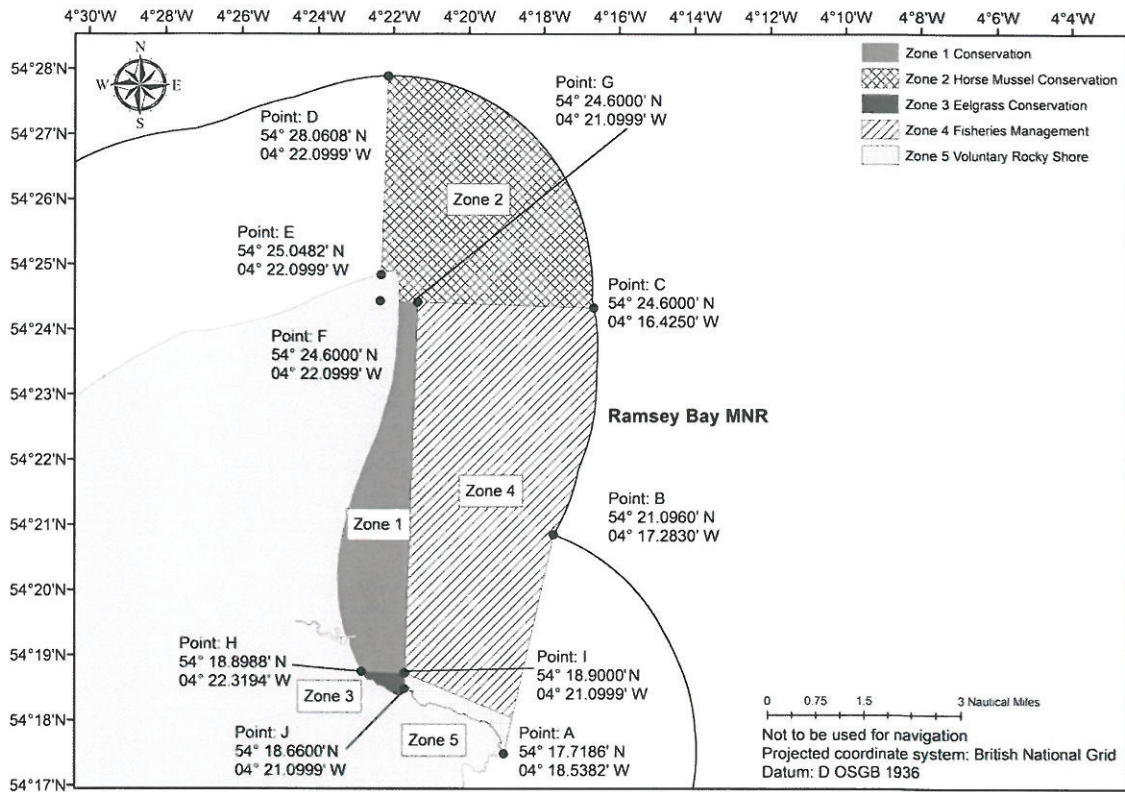
### PART 3

#### LAXEY BAY MNR EELGRASS CONSERVATION ZONE



# PART 4

## RAMSEY BAY MARINE NATURE RESERVE



### EXPLANATORY NOTE

*(This note is not part of the Byelaws)*

These Byelaws specify restrictions on certain activities within the Manx Marine Nature Reserves which are designated by the Manx Marine Nature Reserves (Designation) Order 2018.

Restrictions are made on the following activities within the Reserves —

- removal of sand, gravel or rock;
- depositing substances or articles;
- using towable fishing gear;
- using a long-line;
- damage to certain marine flora, fauna and physiographical features;
- anchoring within Eelgrass Conservation Zones; and
- anchoring using towable fishing gear within the Reserves.

The Byelaws restrict other activities within some of the Reserves, including fishing by diving for scallops and queen scallops and certain types of fishing within specified zones within the Ramsey Bay Marine Nature Reserve. Restrictions on some activities are also made within Eelgrass Conservation Zones located within some of the Reserves.

Nothing in these Byelaws applies to anything done for the purpose of securing the safety of any vessel, or preventing damage to any vessel or cargo, or of saving life.

The Byelaws do not interfere with the exercise of any functions of a relevant authority, any functions conferred by or under an enactment, or any right of any person. In addition, the Byelaws do not apply to the carrying out of controlled marine activities or associated marine activities in the controlled marine area within the meaning of the Marine Infrastructure Management Act 2016.

Under section 33(5) of the Wildlife Act 1990, a person contravening these Byelaws is guilty of an offence at summary jurisdiction is liable to a fine of up to £10,000.

These Byelaws revoke the Sea Fisheries (Ramsey Bay Closed Area) Byelaws 2010, the Ramsey Bay (Marine Nature Reserve) (No.2) Byelaws 2011 and the Ramsey Bay (Marine Nature Reserve)(No.2) Byelaws (Amendment) Byelaws 2016.

**Note:** A person found guilty of an offence under sections 36 to 40 of the Fisheries Act 2012 is liable on conviction on information to a fine and on summary conviction to a fine not exceeding 10 times level 5 on the standard scale (£100,000). The Sea Fishing



Licensing Regulations 2018 (as may be amended or replaced from time to time), prohibit fishing for, taking or killing sea-fish in any part of the Manx territorial waters from any British fishing vessel other than under and in accordance with the conditions of a sea fishing licence issued by the Department of Environment, Food and Agriculture.