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To: All interested parties

15 November 2005

CONSULTATION ON MEASURES TO INCREASE THE NUMBER AND SIZE OF BASS AVAILABLE TO COMMERCIAL AND RECREATIONAL FISHERMEN

Fisheries Minister Ben Bradshaw has announced his intention to increase the minimum landing size of bass and the minimum mesh size to target bass.

We are now seeking your views on proposals to increase from 36cm to 45cm the minimum landing size (MLS) of bass that may be caught in UK fishery limits by English fishing vessels wherever they may be, and Scottish, Northern Irish and Welsh fishing vessels when in the English zone. These proposals also include measures to restrict the carriage and sale of bass below the increased MLS and a complementary proposal to increase the mesh size in enmeshing nets targeting bass. In proposing these measures, the Government is looking to increase the value of commercial bass landings, to enable more fish to spawn and to increase the number of larger fish available to anglers.

The proposed increase in MLS and minimum mesh size are the first part of a wider package of measures under consideration for the bass fisheries. These may include bag limits for recreational sea anglers, near shore netting restrictions, closed areas and/or seasons and further gear restrictions. All stakeholders will be given the opportunity to comment in a full consultation on further measures at a later date.

At present I would like to seek your views on an increase in the MLS and minimum mesh size, as follows:

Increase in minimum landing size

We propose that the legislation, in the form of a Statutory Instrument (SI), should prohibit the landing of any bass less than 45cm. This would apply to all UK registered vessels landing into English ports.

The legislation would also prohibit the sale, exposure or offer for sale, or possession for the purpose of sale of bass which is less than 45cm. This would apply throughout England. The proposed SI would not apply to bass taken from a commercial fish farm, as this is covered by separate legislation.



The carriage of bass smaller than the proposed MLS would also be prohibited to English vessels throughout British Fisheries Limits (BFLs) taking into account devolution settlements and, on all British vessels when in BFLs. The Regulatory Impact Assessment (RIA) also explores other options such as a staged increase in the MLS, a regional approach and an increase in the MLS to 55cm.

Increase in minimum mesh size

In order to reduce discards that an increase in the MLS will lead to, we are proposing an increase from 90mm to 105mm in the minimum mesh size for fisheries using enmeshing gear to catch bass. We are defining a bass fishery as that in which bass comprises more than 10% of the catch, and enmeshing nets as any enmeshing gill nets, drift nets, tangle nets or trammel nets.

Because catches in set net fisheries are sometimes landed when the nets in which they were caught are not being carried on board the fishing vessels, it is not always possible to confirm which mesh size has been used. For this reason we are considering introducing a requirement that during any voyage where enmeshing nets of mesh size less than 105mm are carried or deployed, or on any voyage where the fishing vessels has any specified nets deployed by it in the water, the catch retained or landed may consist of no more than 10% bass.

We are not proposing a corresponding increase in the mesh size for towed gears because of the different selectivity properties of such nets. Nonetheless, in response to concerns over the possible increase in discards that might arise when using towed gears for bass, we would like your views on whether a permitted 10% bycatch of bass between 36cm and 45cm during the early implementation of the measures would reduce the level of discarding.

Implementation

If it is decided to proceed with these proposals to increase the MLS and the minimum mesh size, we would aim for an implementation in Spring 2006.

Scientific Background

I have attached a paper by CEFAS setting out the scientific considerations for this increase in MLS and an increase in mesh sizes for all enmeshing nets.

Regulatory Impact Assessment

I also attach a partial Regulatory Impact Assessment (RIA) which sets out our understanding of the costs and benefits of this proposal and other options. We accept that fuller statistics are held by Defra on the commercial fishing sector than the recreational angling sector, and the partial RIA reflects this. I would therefore welcome any comments, corrections or further information on any part of the RIA. You will note that there are some questions posed in the RIA where information is lacking in a specific area or where we would like to explore alternative approaches; we particularly welcome comments on these points.

Your views

Defra would welcome your views on these proposals, including on the options set out in the RIA and the costs and benefits associated with them. Practical examples of the impact of the proposals on you and your business can help us get a fuller and more accurate understanding of the overall impact of the proposals.

If you would like to comment, could you please respond by **8 February 2006** to **Nicola Clarke**, Coastal Waters Policy Branch, Defra, Area 7E, 3 - 8, Whitehall Place, London SW1A 2HH, fax: 020 7270 8097, or email: bassmls@defra.gsi.gov.uk. Copies of the consultation package can also be found at www.defra.gov.uk/corporate/consult/bass-mls/index.htm

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or e-mail requests (tel: 020 7238 6575, e-mail: defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should give the library at least 24 hours' notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

If you have any complaints about the way in which the consultation process has been run, you should direct them to Daniel Barwick, Defra's Consultation Co-ordinator, Area 7D Nobel House, 17 Smith Square, London SW1P 3JR, email: consultation.coordinator@defra.gsi.gov.uk

Yours faithfully

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