

# Welsh Assembly Government Inshore Fisheries Unit

## **PERMIT TO TAKE COCKLES from the THREE RIVERS ESTUARY AND AUTHORISATION FOR ASSOCIATED VEHICLE USAGE - for the period 21 June 2010 – 31 March 2011**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

**Important:** If you have been convicted on more than one occasion within the preceding 5 year period of an offence contrary to section 3(3) of the Sea Fisheries (Shellfish) Act 1967 or an offence contrary to the Sea Fisheries Regulation Act 1966, or for aiding and abetting offences contrary to the said Acts, you are ineligible for a permit and your application will not be processed.

**Instructions** - Complete section A and section B of this form and securely fix a recent passport quality photograph of yourself to both sections in the boxes provided.

**Retain section A** as your permit to fish; you will need to produce it at the fishery.

**Deliver section B** to the Inshore Fisheries Unit at the address at the bottom of that section. Your permit will be valid on the day of receipt by the Inshore Fisheries Unit office as the details are registered with Inshore Fisheries Enforcement Officers inspection sheets. It is your responsibility to ensure that section B is safely received.

### **PLEASE USE BLOCK CAPITALS**

#### **SECTION A** - *must be accurately completed to be valid*

Title (Mr/Mrs/Ms etc): \_\_\_\_\_ D.O.B: \_\_\_\_\_

Surname: \_\_\_\_\_

Forenames: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

National Insurance No: \_\_\_\_\_

Signature \_\_\_\_\_

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AFFIX  
PHOTO  
HERE

#### **SECTION B** - *must be accurately completed to be valid*

**3 Rivers cockle permit y/e 31 March 2011**

Title (Mr/Mrs/Ms etc): \_\_\_\_\_ D.O.B: \_\_\_\_\_

Surname: \_\_\_\_\_

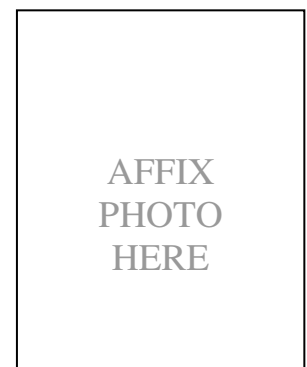
Forenames: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

National Insurance No: \_\_\_\_\_

Signature \_\_\_\_\_



AFFIX  
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**Send this section to** Fisheries Unit, Welsh Assembly Government, Riverside Centre, Pipehouse Wharf, Morfa Road, Swansea, SA1 2EN.



## **PERMIT TO TAKE COCKLES WITHIN THE THREE RIVERS ESTUARY:**

**This Permit is issued under the authority of the Minister for Rural Affairs, one of the Welsh Ministers, for the purposes of Byelaw 47 of the Former South Wales Sea Fisheries Committee (“SWSFC”).**

SWSFC Byelaw 47 now has effect as if made in a statutory instrument by the Welsh Ministers by virtue of Article 13(1) of and Schedule 3 to the Marine and Coastal Access Act 2009 (Commencement No.1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

**THIS PERMIT** applies to the area of the former South Wales Sea Fisheries Committee District which lies north of a line drawn eastwards from Ginst Point (NG Ref. SN 332079) to Tywyn Point (NG Ref. SN 357064) (“the Three Rivers Estuary”) and is subject to the following **CONDITIONS:**

1. Only the person named in Section A of this Permit (“the Permit Holder”) may fish for, take (or attempt to fish for or take) or remove cockles from the Three Rivers Estuary.
2. The Permit Holder may only fish for, take (or attempt to fish for or take) or remove cockles in the areas of the Three Rivers Estuary which are not subject to a closure (pursuant to SWSFC Byelaw 24 or otherwise).
3. The Permit Holder must comply with all reasonable demands and instructions issued by the Welsh Assembly Government Fisheries Enforcement Officers.
4. The Permit Holder must make a full and true report (“catch return”) of cockles fished, taken or removed from the Three Rivers Estuary to the Inshore Fisheries Unit, Welsh Assembly Government, Riverside Centre, Pipehouse Wharf, Morfa Road, Swansea, SA1 2EN on or before 30 April 2011. The catch return must specify the location, date and quantities (in kg) of cockles that were taken from the Three Rivers Estuary during the period of this permit. If appropriate the catch return may state that no cockles were taken.
5. The use of net bags is prohibited. Gathering must be undertaken by hand or rake and fixed mesh sieve only.
6. The use of tamps, or any other instrument used to fluidise the sand, is prohibited.
7. **Termination** : If, during the period of this Permit, you are convicted of a relevant offence and you have already, within the 5 years preceding that conviction, been convicted of a relevant offence, this Permit will terminate immediately. For the purposes of this condition, “relevant offence” means an offence contrary to section 3(3) of the Sea Fisheries (Shellfish) Act 1967 or an offence contrary to the Sea Fisheries Regulation Act 1966 (prior to its repeal) or for aiding and abetting offences contrary to the said Acts.

**Any person who contravenes the terms and conditions of this Permit is guilty of an offence.**

### **Please Note:**

1. Pursuant to SWSFC Byelaw 21, no person may fish for, take (or attempt to fish for or take) or remove cockles from any part of a fishery within the former South Wales Sea Fisheries Committee District between half an hour after sunset on any day and half an hour before sunrise on the following day. This Permit may only be used in accordance with this provision.
2. Any person who fishes for, takes (or attempts to fish or take) or removes cockles in reliance upon this permit must also comply with all other applicable legislation relevant to that activity in this location.



## AUTHORISATION FOR VEHICLE USEAGE WITHIN THE THREE RIVERS ESTUARY

**This Authorisation is issued under authority of the Minister for Rural Affairs, one of the Welsh Ministers, for the purposes of Byelaw 48 of the former South Wales Sea Fisheries Committee (“SWSFC”).**

SWSFC Byelaw 48 now has effect as if made in a statutory instrument by the Welsh Ministers by virtue of Article 13(1) of and Schedule 3 to the Marine and Coastal Access Act 2009 (Commencement No.1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

**THIS AUTHORISATION** entitles the person named in Section A of the attached Permit for the purposes of Byelaw 47 (“the Permit Holder”), to cause or permit a mechanically propelled vehicle to stand or pass over the area of the former South Wales Sea Fisheries Committee District which lies north of a line drawn eastwards from Ginst Point (NG Ref. SN 332079) to Tywyn Point (NG Ref. SN 357064) (“the Three Rivers Estuary”) subject to the following **CONDITIONS** :

1. Only one vehicle (“the vehicle”) may at any one time be used in exercise of this authorisation.
2. The vehicle may only be used by the Permit holder and only in connection with activities being undertaken pursuant to the attached SWSFC Byelaw 47 Permit.
3. The vehicle must be used and remain so far as possible on a route across the top of the beach.
4. The vehicle must be operated in accordance with any instructions issued by the Welsh Assembly Government Fisheries Enforcement Officers.
5. The vehicle must not be permitted to travel over or come to rest upon any cockle bearing areas at any time.
6. The vehicle must not be operated in the intertidal areas between half an hour after sunset and half an hour before sunrise on the following day.
7. A copy of this authorisation must be carried in the vehicle at all times when the vehicle is being used in the Three Rivers Estuary.
8. Permission of all relevant land owners must be sought by the Permit holder before vehicles may be used on any private land in the Three Rivers Estuary area.
9. This authorisation relates only to SWSFC Byelaw 48 and the Permit holder must adhere to all other applicable legislation and obtain any other necessary permissions and/or authorisations before using the vehicle in the proposed manner.
10. **Termination** : The Welsh Ministers may in their absolute discretion withdraw this authorisation at any time. Where possible prior notice of withdrawal will be given, but in any of the following instances, this authorisation may be withdrawn without notice :
  - a) in the case of emergency;
  - b) if you breach any of the conditions of this authorisation;
  - c) if you cause any unacceptable damage to the environment of the fishery to which this authorisation applies.
11. **Expiry** : This authorisation expires automatically, if not terminated before that date, on 31<sup>st</sup> March 2011.

This notification supersedes and cancels any previous authorisations granted (pursuant to SWSFC Byelaw 48) for the vehicle.



**Please note:**

1. This authorisation is issued pursuant to, and relates only to, Byelaw 48 of the former South Wales Sea Fisheries Committee.
2. This authorisation does not provide any defence to prosecution under any other legislation. It has no effect in relation to and will not provide a defence to any other legal provision or requirement, including any provision of the Road Traffic Act 1988 or any other legislation applying to the use of the vehicle.
3. In addition to other statutory provisions, you may be committing a criminal offence if you use the vehicle in the specified area without first obtaining the prior permission of all relevant landowners (and any other relevant bodies) over whose land you intend to travel. You should also note that unless each relevant landowner has carried out all assessments required under any relevant nature conservation or environmental legislation (for example under the Habitats Directive), before granting permission to use your vehicle in the specified area, you may still be committing a criminal offence even if you have the landowner's permission.
4. The use of the vehicle in reliance upon this authorisation must also comply with all other applicable legislation relevant to that activity in this location.

