



Shellfish registration document policy

Scope

Shellfish registration documents are a legal requirement to accompany shellfish consignments from harvest to the processing plant as part of assimilated EC Regulations 853/2004.

The returned shellfish registration forms will validate ongoing commercial interest in the shellfish production area and activities in the Adur and Worthing area. In the Food Law Practice Guidance, competent food authorities are required to be familiar with the commercial activities within the ports in their local area and implement some degree of monitoring of landings of live bivalve molluscs and other shellfish.

Shoreham Port is the number one port in the UK for the landing of scallops in the UK (*Pecten maximus*). In 2021 39% (5,012 tonnes) of the UK's scallop landings were at Shoreham Port. The Inshore Fisheries and Conservation Authority's bye law details that during 1st June and 31st October, this is a prohibited period for dredging within six nautical miles from the Shoreham Port coastline. In addition, dredging is prohibited within three nautical miles along the Sussex coastline all year round.

- www.sussex-ifca.gov.uk/regulations

Legislation:

- Food Safety Act 1990 (as amended)
- Assimilated Regulation (EC) No 178/2002
- Assimilated Regulation (EC) No 852/2004
- Assimilated Regulation (EC) No 853/2004, Annex III, Section VII (as amended)
- Assimilated Regulation (EC) No 2019/627
- The Food Safety & Hygiene (England) Regulations 2013
- Food Law Code of Practice (England)
- Food Law Practice Guidance (England)

It is a requirement under assimilated Regulations 853/2004, Article 3, Annex III, Section VII, Chapter IX, paragraph 1 that pectinidae, marine gastropods and echinoderms which are not filter feeders must not be placed on the market unless they are harvested and handled in accordance with Chapter II, Part B and meet the standards laid down in Chapter V, as demonstrated by a system of own-checks.

Paragraph 3 of the same legislation requires that pectinidae, marine gastropods and echinoderms which are not filter feeders must not be placed on the market for human

consumption otherwise than via a fish auction, a dispatch centre or a processing establishment.

Paragraph 4 of the same legislation requires that the registration document must clearly indicate the location of the area where the pectinidae and/or live marine gastropods and/or live echinoderms were harvested. The registration document must contain details of the gatherer's identity and address.

Purpose of registration documents:

- **Traceability:** They provide details about the origin of each batch of shellfish, allowing for easy traceability from harvest to sale.
- **Food Safety:** They help ensure the safety of shellfish by facilitating recalls if necessary in case of a food safety incident.
- **Public Health:** Registration documents are an important link in public health measures to ensure shellfish are safe to eat.

Exemption:

- Live bivalve molluscs collected for personal consumption - maximum catch 5kg per person, per day does not require a shellfish registration document.

How to request registration documents

Adur & Worthing Councils will only issue shellfish registration forms that gathering has taken place within the Adur and Worthing area. The issue of the shellfish registration forms is free of charge via the councils' online portal.

Gatherers that are working independently, located in the Adur & Worthing area and not employed by a company must be registered as a food business. If the vessel is already registered with Marine Management Organisation (MMO), registration is not required but a food hygiene inspection will be needed to take place. If Shoreham Port is the vessel's home port it must be located within the Adur side of Shoreham Port, Gates 4 to 10.

- **For new applicants:** 10 shellfish registration documents will be issued per application. This number will increase once forms returned are completed correctly.

- **Established applicants:** Appropriate numbers of registration documents (max 30) will be issued to each harvester/gatherer at any one time to enable effective traceability and verification.

Registration documents will be issued and controlled as set out in this Policy. Requests will be processed as soon as possible and registration forms will be sent by post or be collected at Shoreham Port, the Shoreham Centre, Worthing Town Hall or other agreed business location. Requests for registration documents should be submitted a week in advance of gathering to ensure sufficient time for the documents to be received.

How to use registration documents

An example of how to complete a shellfish registration document will be shared with new requesters and those gatherers who are not providing significant information on the forms.

Agents acting on behalf of harvester(s)

Where multiple harvesters supply shellfish to a single agent/gangmaster, an agent can complete live shellfish registration documents on behalf of those harvesters, providing there is a written 'expressed agreement' between the harvester(s) and their agent, authorising the agent to do so.

An expressed agreement authorises an agent or gangmaster (licensed under the Gangmasters (Licensing) Act 2004) to complete live shellfish registration documents on behalf of a harvester. Live shellfish registration documents, which include details of the harvester and agent, must still be provided for each batch of shellfish in accordance with Annex on the Expressed agreement document and to accompany the shellfish registration document. In these circumstances a 'batch' refers to the total weight of a single species of shellfish supplied to the agent from a single bed in a single harvest.

The agent must keep copies of documentation, for a period of 12 months and may be required by an authorised officer to produce these records as part of an investigation or routine inspection.

Refusal of the issue of shellfish registration documents

At every shellfish registration document is checked and that the forms have been completed correctly.

The refusal to issue shellfish registration documents must be the outcome of repetitive failure to provide sufficient information to enable Adur & Worthing Councils to conduct their traceability checks. For example:

- not returning completed forms and requesting for new shellfish registration documents
- gross and repeated anomalies in that Adur & Worthing Councils are unable to carry out traceability checks
- evidence that the details of the identity of the gatherer/company is not the gatherer/company completing the shellfish registration form

Permanent transport authorisation (PTA)

This is an alternative to separate shellfish registration documents when the gatherer also operates a purification centre, relaying area or processing establishment to which their harvest live bivalve molluscs are being delivered. However, all establishments operated by the gatherer must fall within the jurisdiction of the single food authority. In deciding whether to issue a PTA a food authority should consider the requirements of assimilated Regulation 853/2004, Annex III, Section VII, Chapter 1, paragraph 7. In addition to these the history of an operator's compliance with relevant food safety legislation and the application of management control procedures should be an influencing factor in any decision. Where a food authority is not satisfied with the operators' compliance with hygiene legislation after authorisation is given, the authority is at liberty to withdraw the PTA. A PTA should be issued for each individual shellfish harvesting bed.

Shellfish harvesting prohibitions

Please note shellfish gathering is also dependent on the area where shellfish are located that there are other prohibitions such as:

- shellfish closed seasons,
- shellfish that can only be gathered from classified beds (such as oysters and there are no classified beds in Adur & Worthing),
- Sussex IFCA Byelaws three mile dredging prohibition from the coastline
- Adur Estuary which is a Site of Scientific Interest (from Cuckoo Corner to the Shoreham footbridge in the centre of Shoreham)
- and private landownership (consent required but above criteria must be met)

Please note that Sussex IFCA's Hand Gathering (Restrictions and Permitting) Byelaw 2021 restricts the weight of animals and plants which can be removed from within the district. If an individual wishes to gather over 5kg of live bivalves, a Hand Gathering

Permit is required. Please contact Sussex IFCA for more information. This permit does not exempt the requirement for a shellfish registration document.

- www.sussex-ifca.gov.uk/contact-us

Document retention and enforcement

The councils will maintain a register of all registration documents issued in its area and those completed copy registration documents returned by gatherers or agents. It will check this register and investigate any anomalies. A copy of each registration document for each batch sent and received is retained for at least 12 months after its dispatch or receipt. Shellfish registration documents in addition will be kept in accordance with the department's retention and privacy notice.

- www.adur-worthing.gov.uk/businesses/environmental-health/food/privacy-notice

The councils are required to check the details recorded on a registration document when LBMs have landed.

The councils will also carry out regular examinations of the application and completion of registration documents to verify traceability as part of the inspection at dispatch or at purification centres / processing establishments; however, checks can be made at any part of the traceability chain.