

Crustacea Conservation 2019

The Authority for the Northumberland Inshore Fisheries and Conservation District in exercise of its powers under section 155 and 156 of the Marine and Coastal Access Act 2009 makes the following Byelaw for that District.

Interpretation

1. In this byelaw:

- (a) 'the Authority' means the Northumberland Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Northumberland Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2197);
- (b) 'berried crab' means an edible crab with eggs or spawn attached to the tail or other exterior part of the crab, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;

'berried lobster' means a lobster which is carrying eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;
- (c) "Council Regulation (EC) No 850/98" means Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms
- (d) 'detached part of an edible crab' means an edible crab which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (e) 'detached part of a lobster' means a lobster which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (f) 'detached part of a velvet crab' means a velvet crab which cannot be measured in accordance with Article 18(3) and Annex XIII of Council Regulation (EC) No 850/98;
- (g) 'the District' means the Northumberland Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Northumberland Inshore Fisheries and Conservation Order 2010;
- (h) 'edible crab' means a crab of the species *Cancer pagurus*;
- (i) 'fishing boat' has the meaning given to it in section 22(1) of the Sea Fish (Conservation) Act 1967;
- (j) 'lobster' means a lobster of the species *Homarus gammarus*;
- (k) 'minimum conservation reference sizes' means the minimum landing size of a species as prescribed in UK waters and in accordance with Articles 17 to 19 and Annexes XII to XIII of Council Regulation (EC) No 850/98;
- (l) 'mutilated lobster' means a lobster which is mutilated in such a manner as to obscure a 'v'-notch;

- (m) 'soft shelled crab' means an edible crab which has recently cast its shell;
- (n) 'soft shelled lobster' means a lobster which has recently cast its shell;
- (o) 'v' notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap, with the apex of the 'v' positioned inward from the edge of the flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
- (p) 'velvet crab' means a crab of the species *Liocarcinus puber*.

Prohibitions relating to lobster

2. A person who is not fishing by fishing boat must not fish for, remove, take, land or offer for sale:
 - (a) a 'v' notched lobster; or
 - (b) a mutilated lobster; or
 - (c) a berried lobster before the first point of sale.
3. A person must not fish for, remove, take, land or offer for sale:
 - (a) a soft-shelled lobster; or
 - (b) detached part of a lobster.

Prohibitions relating to edible crab

4. A person must not fish for, remove, take, land or offer for sale:
 - (a) a soft-shelled crab; or
 - (b) a berried crab; or
 - (c) a detached part of an edible crab.
5. Paragraph 4(c) does not apply where the total weight of detached parts of edible crab forms less than 10% of the total weight of species subject to a minimum conservation reference landing size (other than edible crab) in a single landing.
6. A person must not use edible crab for bait except for:
 - (a) the use of cooked edible crab offal as bait; or
 - (b) the use of edible crab as bait for recreational rod fishing, where the edible crab used is above the minimum conservation reference landings size.

Prohibitions relating to Velvet Crab

7. A person must not fish for, remove, take, land or offer for sale a detached part of a velvet crab.

Redepositing of Shellfish

8. A person who takes or removes an edible crab, velvet crab or lobster from a fishery, the taking or removal of which is prohibited by any of the provisions of this byelaw, or the possession or sale of which is prohibited by any Act of Parliament or Statutory

Instrument, as listed in the ANNEX numbered I below, must re-deposit the same without injury immediately in the sea, as near as possible to the place from which it was taken, unless the landing obligation under Article 15 of Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy requires it to be landed.

Scientific Exemption

9. This byelaw does not apply to any person performing an act which would otherwise constitute an offence under this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

Revocation

10. The byelaw titled 'Crustacea Conservation' which was made under section 155 and 156 of the Marine and Coastal Access Act 2009 by the Northumberland Inshore Fisheries and Conservation Authority on 25th November 2015 and was in force immediately before the making of this byelaw is revoked.
11. The Emergency byelaw titled 'Berried Lobsters' first signed by the minister on 29th September 2017 and extended on 28th September 2018 is revoked.

Review

12. The Authority must review this byelaw no less than once every 3 years.

Explanatory note

(This is not part of the byelaw)

This byelaw prohibits fishing for, removing, taking, landing or offering for sale lobsters, edible crabs and velvet crabs based upon their physical condition. This byelaw also prohibits the use of edible crab as bait, subject to specific exceptions.

ANNEX I

COUNCIL REGULATION (EC) No.850/98 OF 30 MARCH 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

STATUTORY INSTRUMENT 1989 No. 919 SEA FISHERIES CONSERVATION OF SEA FISH The Undersized Velvet Crabs Order 1989

STATUTORY INSTRUMENT 2000 No. 2029 SEA FISHERIES, ENGLAND SEA FISHERIES, NORTHERN IRELAND CONSERVATION OF SEA FISH The Undersized Edible Crabs Order 2000

STATUTORY INSTRUMENT 2000 No. 874 SEA FISHERIES, ENGLAND SEA FISHERIES, NORTHERN IRELAND CONSERVATION OF SEA FISH The Lobsters and Crawfish (prohibition of Fishing and Landing) Order 2000 as amended by STATUTORY INSTRUMENT 2017 No. 899 SEA FISHERIES, ENGLAND CONSERVATION OF SEA FISH The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017

FOR INFORMATION (not part of the above Byelaw)

ANNEX II to Byelaw 3 Crustacea Conservation 2019 shows the version of the above byelaw originally made by NIFCA on 23rd July 2018 with modifications by Defra in blue before the byelaw was finalised (as can be seen on pages 44 to 46 of the byelaw booklet)