

EXPLANATORY MEMORANDUM TO

The Edible Crabs (Undersized) Order (Northern Ireland) 2020

SR 2020 No. 153

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made in exercise of the powers conferred by section 127(1) and (3A) of the Fisheries Act (Northern Ireland) 1966 and section 6(1) of the Sea Fish Conservation Act

2. Purpose

- 2.1. The purpose of this Statutory Rule is to increase the minimum landing size for edible crabs (more commonly known as brown crabs) in Northern Ireland from 130mm carapace width to 140mm.

3. Background

- 3.1. The Department conducted a public consultation exercise in 2019 on a number of management proposals for the conservation of the brown crab fishery in Northern Ireland.
- 3.2. This Statutory Rule implements one of the recommendations in the Department's response to the consultation on increasing the minimum landing size for edible crabs.
- 3.3. Article 3 of this Order prescribes a minimum size for edible crabs of 140mm carapace width and prohibits the landing of edible crabs less than that minimum size in Northern Ireland. Article 4 provides an exemption from the prohibition in Article 3 for foreign fishing boats or persons operating under a licence granted by the Department in accordance with section 14 of the Fisheries Act (Northern Ireland) 1966.
- 3.4. Article 5 revokes the Undersized Edible Crabs Order 2000 which provides for a minimum landing size of 130mm, insofar as it applies to Northern Ireland.

4. Consultation

- 4.1. Of the 73 responses to this consultation, 96% supported an increase in the minimum landing size, with the majority of those supporting an increase to

140mm carapace width.

5. Equality Impact

- 5.1. The Department considers that the proposed Statutory Rule complies with section 75 of the NI Act 1998 and has screened this out of a full equality impact assessment.

6. Regulatory Impact

- 6.1. The local fishing industry has been proactive in calling for better regulation of the brown crab fishery and this Statutory Rule provides a simple conservation measure to ensure the future sustainability of the brown crab fishery, the third most valuable fishery in Northern Ireland, by increasing the minimum landing size from 130mm to 140mm.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This Statutory Rule complies with the provisions set out in Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Article 19 of the EU Regulation 1380/2013 provides that a Member State may adopt measures for the conservation of fish stocks in Union waters provided that those measures are (amongst others) at least as stringent as measures under Union law. Article 20 of EU Regulation 1380/2013 provides that a Member State may take non-discriminatory measures for the conservation and management of fish stocks within 12 nautical miles of its baselines provided that the Union has not adopted measures for that area. There is a requirement for Member States to consult with the European Commission if introducing such measures.
- 9.2. The Department has not consulted with the European Commission on the provisions in this Statutory Rule and exemptions to the prohibitions will apply to foreign fishing boats until the end of the implementation period for the UK's exit from the European Union.

10. Parity or Replicatory Measure

- 10.1. The minimum landing size for edible crabs in other parts of the United Kingdom are, England 140mm, Wales 140mm and Scotland 150mm. In the Republic of Ireland it is 140mm.

11. Additional Information

- 11.1. For further information contact Paddy Campbell (02844618007) or Patrick Smith (Tel. 028448618111) at the Department of Agriculture, Environment and Rural Affairs or e-mail patrick.smith@daera-ni.gov.uk or seafisheries@daera-ni.gov.uk.