

## **EXPLANATORY MEMORANDUM TO**

### **The Edible Crabs (Conservation) (Amendment) Regulations (Northern Ireland) 2023**

#### **SR 2023 No. 5**

#### **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. The Statutory Rule is subject to the negative resolution procedure in the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made in exercise of the powers conferred by section 124(1) and (2) of the Fisheries Act (Northern Ireland) 1966.

#### **2. Purpose**

- 2.1. The purpose of this Statutory Rule is to amend the Edible Crabs (Conservation) Regulations (Northern Ireland) 2020 (S.R.2020 No. 152). The amendments will insert a new regulation to prohibit any person from taking from Northern Ireland waters, or in Northern Ireland landing, having in possession, selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible crab which has recently cast its shell.
- 2.2. In addition, the Regulations provide for a consequential amendment to the Principal Regulations as a result of an increase in the minimum landing size for edible crabs to 150mm, as provided for in the Edible Crabs (Undersized) (Amendment) Order (Northern Ireland) 2021.

#### **3. Background**

- 3.1. The scientific advice on the current state of the edible crab stock has indicated the need to adopt measures to ensure the sustainability of the fishery. Following engagement with stakeholders on its Inshore Fisheries Partnership Group, the Department conducted a consultation on management proposals for the Northern Ireland brown crab fishery in May 2019.
- 3.2. The consultation elicited unanimous support to prohibit any person from taking, landing, having in possession, selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible crab which has recently cast its shell.

#### **4. Equality Impact**

- 4.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and the amendments provided for in the Statutory Rule have been screened out from requiring a full equality impact assessment.

## **5. Regulatory Impact/Better Regulation**

- 5.1. The local fishing industry has been proactive in calling for better regulation in the brown crab fishery in an effort to ensure the future sustainability of the fishery, the third most valuable in economic terms in Northern Ireland.
- 5.2. This has been reflected in the consultation responses and recent engagement with fishing industry representatives who have supported the introduction of the prohibition on taking, landing, having in possession, selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible crab which has recently cast its shell. These measures will have a positive financial impact in sustaining the edible crab stocks and ensuring fishers' livelihoods are maintained.

## **6. Financial Implications**

- 6.1. There are no financial implications for the Department associated with the making of this Statutory Rule.

## **7. Section 24 of the Northern Ireland Act 1998**

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

## **8. EU Implications**

- 8.1. The Specialist Committee on Fisheries was established under the UK-EU Trade and Cooperation Agreement. There is a requirement under the terms of reference for this Committee for each side to give advance notification to the other side of any fisheries management measures that are planned. The Department (through DEFRA Secretariat) has notified the European Commission's Directorate-General for Maritime Affairs and Fisheries of the intention of this Statutory Rule.

## **9. Parity or Replicatory Measure**

- 9.1. N/A

## **10. Additional Information**

- 10.1. For further information contact Fiona Taylor (02844618700) or Patrick Smith (Tel. 028448618111) at the Department of Agriculture, Environment and Rural Affairs or e-mail [seafisheries@daera-ni.gov.uk](mailto:seafisheries@daera-ni.gov.uk).