
 STATUTORY INSTRUMENTS

1986 No. 497

SEA FISHERIES

CONSERVATION OF SEA FISH

The Undersized Crabs Order 1986

<i>Made</i>	- - -	13th March 1986
<i>Laid before Parliament</i>		14th March 1986
<i>Coming into Operation</i>		4th April 1986

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales, acting jointly, in exercise of the powers conferred upon them by sections 1(1) and (2) of the Sea Fish (Conservation) Act 1967(a) and of all other powers enabling them in that behalf, and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred upon them by sections 1(3), (4) and (6), 15(3) and 20(1) of the said Act, and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement and interpretation

1.— (1) This order may be cited as the Undersized Crabs Order 1986 and shall come into operation on 4th April 1986.

(2) In this order—

“the Act” means the Sea Fish (Conservation) Act 1967;

“edible crab” means crab of the species *Cancer pagurus*;

“size”, in relation to a crab, means the width of the carapace measured across the broadest part of the back.

Revocation

2. The Undersized Crabs Order 1985(b) is hereby revoked.

(a) 1967 c.84; section 1 was substituted by the Fisheries Act 1981 (c.29), section 19(1); section 15 was amended by the Sea Fisheries Act 1968 (c.77), Schedule 1, paragraph 38, the Fishery Limits Act 1976 (c.86), Schedule 2, paragraph 16(1) and the Fisheries Act 1981, section 25(1) and (2); the definition of “the Ministers” in section 22(2) was amended by the Fisheries Act 1981, sections 19(1) and 45.

(b) S.I. 1985/100.

Prescribed minimum size for landing crabs

3.— (1) For the purposes of section 1(1) of the Act (which prohibits the landing in Great Britain of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for edible crab of each sex, in relation to each area specified in column 1 of the Schedule to this order, the appropriate size specified in relation to that area in column 2 of the Schedule.

(2) Landing from fishing boats other than British fishing boats is exempted from the prohibition imposed by section 1(1) of the Act and paragraph (1) of this article.

Prescribed minimum size for sale etc. of crabs

4. For the purposes of section 1(2) of the Act (which prohibits the sale, exposure or offer for sale or possession for the purpose of sale of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for edible crab a size of 115 mm.

Prescribed minimum size for carriage of crabs on a British fishing boat

5. For the purposes of section 1(3) of the Act (which prohibits the carriage on a British fishing boat of sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for edible crab a size of 115 mm.

Powers of British sea-fishery officers in relation to fishing boats

6.— (1) For the purpose of the enforcement of section 1(1), (2) and (3) of the Act and of this order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular,

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer

of the boat has committed an offence under section 1 of the Act as read with this order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;

- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in subparagraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that an offence under this order has at any time been committed within British fishery limits, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th March 1986.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

12th March 1986.

Gray of Contin,
Minister of State, Scottish Office.

12th March 1986.

Wyn Roberts,
Parliamentary Under-Secretary of State for Wales.

13th March 1986.

Tom King,
Secretary of State for Northern Ireland.

SCHEDULE

Article 3

MINIMUM LANDING SIZES

Column 1	Column 2
Area for purposes of section 1(1) of the Act	Prescribed minimum size
South coast of England between the eastern boundary of East Sussex and the western boundary of Dorset	Male crabs: 140 mm Female crabs: 140 mm
The coasts of Devon and Cornwall	Male crabs: 160 mm Female crabs: 140 mm
The coast of Wales from its southern border with England to Cemaes Head in Dyfed at 52°07' north latitude	Male crabs: 130 mm Female crabs: 130 mm
Any part of the coast of Great Britain not previously mentioned in this column of this Schedule	Male crabs: 115 mm Female crabs: 115 mm

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which applies to Great Britain, prescribes minimum sizes for the landing of edible crabs. Different sizes are prescribed in relation to different areas and in relation to crabs of different sexes. There is an exemption from the minimum landing size for the landing of crabs from fishing boats other than British fishing boats.

The order also prescribes a minimum size for the sale of edible crabs and for the carriage of edible crabs on a British fishing boat.

The order gives British sea-fishery officers enforcement powers in relation to fishing boats. Their powers on land are set out in section 15(2A) of the Sea Fish (Conservation) Act 1967.

The order supersedes the Undersized Crabs Order 1985 which is revoked.

That order prescribed a single minimum size for the landing, sale and carriage of edible crabs, which applied in relation to all areas and in relation to crabs of both sexes.

SI 1986/497
ISBN 0-11-066497-3



780110 664972