
STATUTORY INSTRUMENTS

2000 No. 1503

The Undersized Lobsters Order 2000

Citation, commencement and extent

1.—(1) This Order may be cited as the Undersized Lobsters Order 2000 and shall come into force on 30th June 2000.

(2) Subject to paragraph (3), this Order shall not form part of the law of Scotland.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect in Scotland of section 14 of the Act.

(4) Except for—

(a) articles 3 and 4; and

(b) article 6 in so far as it applies to the enforcement of articles 3 and 4 of this Order, this Order extends to Northern Ireland.

(5) Article 6(2) to (5) of this Order extends to Guernsey.

Interpretation

2.—(1) In this Order—

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

“Guernsey” means the Bailiwick of Guernsey;

“Jersey” means the Bailiwick of Jersey;

“lobster” means lobster of the species *Homarus gammarus*;

“size”, in relation to a lobster, means the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace and shall be measured as shown in the Schedule to this Order;

“territorial sea adjacent to Jersey” means the sea within 12 nautical miles from the baselines from which the breadth of the territorial sea adjacent to Jersey is measured.

(2) In this Order—

(a) the term “within relevant British fishery limits” does not include:

(i) the territorial sea adjacent to Wales;

(ii) the territorial sea adjacent to the Isle of Man;

(iii) the territorial sea adjacent to Jersey;

(b) any reference to any relevant British fishing boat, or to any fishing boat registered in Guernsey, “wherever it may be” does not include such a fishing boat while in:

(i) the territorial sea adjacent to Wales; or

(ii) the territorial sea adjacent to Jersey;

(c) the term “any equivalent order” means any other order made under section 1(3) of the Act, extending to any part of the United Kingdom, which prescribes minimum sizes for lobster.

Prescribed minimum size for landing lobsters in England

3.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing in England and Wales 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 lobsters a size of 87 millimetres.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with paragraph (1) above.

(3) This article applies only to landings in England.

Prescribed minimum size for sale etc. of lobsters in England

4.—(1) 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 in England and Wales of any sea fish of any description, being a fish of a smaller size as may be prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for lobster a size of 87 millimetres.

(2) The sale, exposure or offer for sale or possession for the purpose of sale of lobsters which are landed from foreign fishing boats is exempted from the prohibitions imposed by section 1(2) of the Act as read with paragraph (1) above.

(3) This article applies only to England.

Prescribed minimum size for carriage of lobsters

5.—(1) This article applies to:

- (a) any relevant British fishing boat wherever it may be; and
- (b) any Scottish fishing boat which is within relevant British fishery limits.

(2) For the purposes of section 1(3) of the Act (which prohibits the carriage on a relevant British fishing boat or on a Scottish fishing boat within relevant British fishery limits of sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description), a size of 87 millimetres is hereby prescribed as the minimum size in relation to lobsters.

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 as read with this Order or any equivalent order, a British sea-fishery officer may exercise the powers conferred by paragraphs (3) to (5) below—

- (a) in relation to any relevant British fishing boat wherever it may be; and
- (b) in relation to any Scottish fishing boat which is within relevant British fishery limits.

(2) For the purpose of the enforcement of section 1(3) of the Act as it has effect in Guernsey by virtue of the Sea Fish (Conservation) (Channel Islands) Order 1981⁽¹⁾, as read with this Order or any equivalent order, a British sea-fishery officer may exercise the powers conferred by paragraphs (3) to (5) below in relation to any fishing boat registered in Guernsey, wherever it may be.

(3) 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.

(4) 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 paragraphs (1) and (2) above and, in particular—

(1) [S.I. 1981/737](#), as amended by [S.I. 1989/2411](#).

- (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;
- (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(1), (2) or (3) of the Act as read with this Order or any equivalent 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; and
- (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 sub-paragraph (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.

(5) Where it appears to a British sea-fishery officer that a contravention of this Order, or any equivalent order, has at any time taken place within British fishery limits he may—

- (a) require the master of the boat in relation to which the contravention 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 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.

Revocation

7.—(1) The Undersized Lobsters Order 1993⁽²⁾ is hereby revoked, except in so far as:

- (a) it forms part of the law of Scotland; or
- (b) it has effect in relation to Wales.

(2) For the purposes of paragraph (1), “Wales” has the same meaning as in section 155(1) of the Government of Wales Act 1998⁽³⁾.

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

25th May 2000

Elliot Morley

7th June 2000

John Reid
Secretary of State for Scotland

(2) [S.I. 1993/1178](#).

(3) [1998, c. 38](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

25th May 2000

Paul Murphy
Secretary of State for Wales

7th June 2000

Paul Mandelson
Secretary of State for Northern Ireland