
STATUTORY INSTRUMENTS

2000 No. 2029

The Undersized Edible Crabs Order 2000

Title, commencement and extent

1.—(1) This Order may be cited as the Undersized Edible Crabs Order 2000 and shall come into force on 28th August 2000.

(2) Except for—

(a) article 3; and

(b) article 5 in so far as it applies to the enforcement of article 3 of this Order, this Order extends to Northern Ireland.

Interpretation

2.—(1) In this Order—

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

“Eastern Sea Fisheries District” means the sea fisheries district defined in article 2 of the Eastern Sea Fisheries District (Variation) Order 1978(1);

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

“size”, in relation to an edible crab, means the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace and shall be measured as shown in Schedule 1 to this Order.

(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 the Bailiwick of Jersey; and,

(iv) seas within British fishery limits adjacent to Guernsey, as defined by section 8 of the Fishery Limits Act 1976(2);

(b) any reference to any relevant British fishing boat “wherever it may be” does not include such a fishing boat while in the territorial sea adjacent to Wales;

(c) the term “any equivalent order” means any other order made under section 6 of the Act, extending to any part of the United Kingdom, which prohibits the landing in any part of the United Kingdom of edible crabs which have not attained a size of 130 millimetres and have been caught in waters within British fishery limits which are outside the Eastern Sea Fisheries District.

(1) S.I.1978/438, as amended by S.I. 1980/808 and article 5 of S.I. 1993/2532.

(2) 1976, c. 86; as modified by paragraph 3(c) of the Schedule to the Fishery Limits Act 1976 (Guernsey) Order 1989 (S.I. 1989/2407).

Prescribed minimum size for edible crabs landed in certain areas outside the Eastern Sea Fisheries District

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 edible crab, in relation to each area specified in column 1 of Schedule 2 to this Order, the appropriate size specified for the particular sex of edible crab specified in relation to that area in column 2 of that Schedule.

(2) Landings from foreign fishing boats shall be exempt from the prohibition imposed by section 1(1) of the Act as read with paragraph (1) above.

Prohibition on landing edible crabs caught outside the Eastern Sea Fisheries District

4.—(1) Subject to paragraphs (2) and (3), it is prohibited to land in England or Northern Ireland edible crabs which—

- (a) have not attained a size of 130 millimetres; and
- (b) have been caught in any waters within British fishery limits which are outside the Eastern Sea Fisheries District.

(2) The prohibition in paragraph (1) applies only to landings from a relevant British fishing boat or a Scottish fishing boat.

(3) This article shall not affect the application of article 3 of the Sea Fishing (Enforcement of Community Conservation Measures) Order 2000(3).

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

5.—(1) For the purpose of the enforcement of sections 1(1) and 6 of the Act as read with this Order or any equivalent order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below—

- (a) in relation to any relevant British fishing boat, wherever it may be; and
- (b) in any waters adjacent to the United Kingdom and within relevant British fishery limits in relation to any Scottish fishing boat.

(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) above 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;
- (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;

(3) S.I. 2000/1081. Article 3 of S.I. 2000/1081 makes it an offence to land edible crabs in England and in Northern Ireland which are smaller than the sizes prescribed by article 19.1 of Council Regulation (EC) No 850/98, for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, (OJ No L125, 27.4.1998, p. 1).

- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 1 or 6 of the Act⁽⁴⁾ 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.

(4) 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

6.—(1) The Undersized Crabs Order 1986⁽⁵⁾ and the Undersized Crabs (Variation) Order 1989⁽⁶⁾ are hereby revoked except in so far as:

- (a) they form part of the law of Scotland; or
- (b) they have 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⁽⁷⁾.

19th July 2000

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

21st July 2000

John Reid
Secretary of State for Scotland

24th July 2000

Paul Murphy
Secretary of State for Wales

(4) Section 6(5) was amended by section 23(3) of the Fisheries Act 1981.

(5) S.I. 1986/497.

(6) S.I. 1989/2443.

(7) 1998, c. 38.

20th July 2000

Peter Mandelson
Secretary of State for Northern Ireland