EXPLANATORY MEMORANDUM TO

The Edible Crabs (Conservation) (Amendment) Regulations (Northern Ireland) 2021

SR 2021 No. 336

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 127(1) of the Fisheries Act (Northern Ireland) 1966 and Article 15(2) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures.

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) to prohibit the retention on board and the bringing to land on or from a sea fishing boat the detached laws of an edible crab.

2.2 The measure is being taken for conservation measures and is in accordance with the derogation power contained in Article 15(2) of Regulation (EU) 2019/1241.

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 significant support for a number of conservation measures including a prohibition on retaining and landing of the detached claws of edible crabs.

4. Equality Impact

4.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and the Statutory Rule has 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 prohibitions in regard to detached claws of edible crabs and an increase in minimum landing size. These measures will have a positive financial impact in rebuilding the crab stock 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 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.