EXPLANATORY MEMORANDUM TO

The Edible Crabs (Conservation) Regulations (Northern Ireland) 2020

SR 2020 No. 152

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.

1.2. The Statutory Rule is made in exercise of the powers conferred on it 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 provide for some conservation measures for the future sustainability of the Northern Ireland brown crab fishery. This Statutory Rule provide for obligations and prohibitions in relation to edible crabs less than 140mm in size and berried edible crabs in Northern Ireland.

3. Background

3.1. The Department conducted a public consultation exercise in 2019 on a number of management proposals for the conservation of the brown crab fishery in Northern Ireland.

3.2 This Statutory Rule implements one of the recommendations in the Department's response to the consultation on prohibiting the landing of berried (egg-carrying) edible crabs, and also introduces measures as a consequence of the increase in minimum landing size in the Edible Crabs (Undersized) Order (Northern Ireland) 2020 which is made at the same time as this Statutory Rule.

3.3 Regulation 3 requires an edible crab less than 140mm in size brought on board a sea-fishing boat to be immediately returned to the sea and prohibits the retention of an edible crab less than 140mm in size in a stock cage.

3.4 In relation to berried edible crabs, regulation 4 prohibits their retention on board a sea-fishing boat, bringing to land, landing, retention in a stock cage or the removal of their eggs. Regulation 4 also requires a berried edible crab brought on board a sea-fishing boat to be immediately returned to the sea.

3.5 Regulation 5 of these Regulations provides for an exemption for foreign fishing boats or a person granted a permit under section 14 of the Fisheries Act (Northern Ireland) 1966.

4. Consultation

4.1. Of the 73 responses to this consultation, 96% supported a prohibition on the landing of berried edible crabs.

5. Equality Impact

5.1. The Department considers that the proposed Statutory Rule complies with section 75 of the NI Act 1998 and has screened this out of a full equality impact assessment.

6. Regulatory Impact

6.1. The local fishing industry has been proactive in calling for better regulation of the brown crab fishery and this Statutory Rule provides a conservation measure to ensure the future sustainability of the brown crab fishery, the third most valuable fishery in Northern Ireland, by prohibiting the landing of berried edible crabs. The Statutory Rule also includes some prohibitions as a consequence of the new minimum landing size of 140mm introduced at the same time.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Article 19 of the EU Regulation 1380/2013 provides that a Member State may adopt measures for the conservation of fish stocks in Union waters provided that those measures are (amongst others) at least as stringent as measures under Union law. Article 20 of EU Regulation 1380/2013 provides that a Member State may take non-discriminatory measures for the conservation and management of fish stocks within 12 nautical miles of its baselines provided that the Union has not adopted measures for that area. There is a requirement for Member States to consult with the European Commission if introducing such measures.

9.2 The Department has not consulted with the European Commission on the provisions in this Statutory Rule and exemptions to the prohibitions will apply to foreign fishing boats until the end of the implementation period for the UK's exit from the European Union.

10. Parity or Replicatory Measure

10.1. None.

11. Additional Information

11.1. 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.