EXPLANATORY MEMORANDUM TO

The Edible Crabs (Undersized) (Amendment) Order (Northern Ireland) 2021

SR 2021 No. 335

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.

2. Purpose

2.1. The purpose of this Statutory Rule is to amend S.R. 2020 No.153, The Edible Crabs (Undersized) Order (Northern Ireland) 2020 to increase the minimum landing size (MLS) of edible (brown) crab from 140mm to 150mm.

3. Consultation

3.1. The Department conducted a consultation on management proposals for the Northern Ireland brown crab fishery in May 2019.

3.2 The consultation found significant support (96%) for an increase in the MLS from 130mm, with the majority of responses supportive of an initial increase to 140mm (60%) whereas almost 40% preferred an increase to 150mm. In August 2020 the Department made the Edible Crabs (Undersized) Order (northern Ireland) 2020 (S.R. 2020 No. 153) which increased the MLS from 130mm to 140mm.

3.3 Officials have been engaged with the Northern Ireland Fishermen's Federation, the North Coast Shellfish Fishermen's Association and the North Eastern Lobster Co-operative to discuss concerns over the future sustainability of the edible fishery. There is a consensus among these organisations, which collectively represent the majority of commercial fishermen in Northern Ireland, that a further increase in MLS from 140mm to 150mm is required. The Department conducted a follow-up survey and the responses to this survey found that the majority of those who supported an increase in MLS, are now supportive of 150mm.

4. Equality Impact

4.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality sreening of the provisions in this Statutory Rule concluded that it is screened out from requiring a full equality impact assessment.

5. Regulatory Impact

5.1. The fishing industry has called for better regulation in the brown crab fishery and this Statutory Rule provides for an additional increase in the MLS in an effort to ensure the future sustainability of the fishery, the third most valuable in economic terms in Northern Ireland.

5.2 Notwithstanding that an increase in MLS is likely to translate into an initial reduction in the volume of catches (estimated 10-15%), the industry and the Department consider that this increase in MLS is necessary to help ensure the future sustainability of the fishery, and any reduction in the volume of landings would be offset by bigger and better quality crabs landed by the fisher, and consequently a better first sale market price. There will be a positive financial impact in the longer term through rebuilding the crab stock and ensuring that fisher's livelihoods are maintained.

6. Financial Implications

6.1. There are no financial implications for the Department associated with the making of this 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.