STATUTORY INSTRUMENTS

1985 No. 100

SEA FISHERIES

CONSERVATION OF SEA FISH

The Undersized Crabs Order 1985

Made - - - - -	*28th January* 1985
Laid before Parliament	*7th February* 1985
Coming into Operation	*28th February* 1985

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales, acting jointly, in exercise of the powers conferred upon them by sections 1(1), (2), (3) and (6) and 20(1) of the Sea Fish (Conservation) Act 1967**(a)** and of all other powers enabling them in that behalf, and the said Minister, the said Secretaries of State and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, in exercise of the powers conferred upon them by section 15(3) of the said Act and the said section 20(1), and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement and interpretation

1.—(1) This order may be cited as the Undersized Crabs Order 1985 and shall come into operation on 28th February 1985.

(2) In this order—

"the Act" means the Sea Fish (Conservation) Act 1967.

Revocation

2. The Immature Crabs and Lobsters Order 1981**(b)** is hereby revoked.

Minimum size for crabs

3. For the purposes of section 1(1), (2) and (3) of the Sea Fish (Conservation) Act 1967 (which prohibits the landing, sale, exposure or offering for sale or the possession for the purpose of sale or the carrying by a fishing boat 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) a width of 115 mm across the broadest part of the back is hereby prescribed as the minimum size for edible crab of the species *Cancer pagurus.*

(a) 1967 c. 84; section 1 was substituted by the Fisheries Act 1981 (c. 29), section 19(1); section 15 was amended by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38, the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(1) and the Fisheries Act 1981, section 25(1) and (2); the definition of "the Ministers" in section 22(2) was amended by the Fisheries Act 1981, sections 19(2) and 45.

(b) S.I. 1981/551.

Exemption

4. Landing from fishing boats other than British-owned fishing boats is exempted from the prohibition imposed by section 1(1) of the Act and article 3 of this order.

Enforcement

5.—(1) For the purposes of the enforcement of section 1(1), (2) and (3) of the Act and article 3 of this order, the powers that may be exercised by any British sea-fishery officer by virtue of section 15(3) of the Act in relation to any fishing boat referred to in that subsection are the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968**(a)**.

(2) For the purposes mentioned in paragraph (1) of this article—

(*a*) section 8(3) of the Sea Fisheries Act 1968 shall be construed as if section 1(1), (2) and (3) of the Act were amongst the provisions mentioned in section 8(1) of the Sea Fisheries Act 1968; and

(*b*) section 8(4) of the Sea Fisheries Act 1968 shall be construed as if section 1(1), (2) and (3) of the Act were amongst the provisions therein mentioned.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th January 1985.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

17th January 1985.

Nicholas Edwards,
Secretary of State for Wales.

28th January 1985.

Douglas Hurd,
Secretary of State for Northern Ireland.

25th January 1985.

(a) 1968 c. 77; section 8(3) was amended, and section 8(4) was substituted, by the Fisheries Act 1981, section 26(2) and (3).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prescribes a minimum size below which it is an offence in Great Britain to land, sell, expose or offer for sale or possess for the purpose of sale or, additionally in the case of the master, the owner and the charterer (if any), to carry on a fishing boat edible crabs. There is an exemption for the landing of crabs from fishing boats other than British-owned fishing boats. For the purposes of enforcement of the prohibitions British sea-fishery officers are given the powers provided by section 8(2) to (4) of the Sea Fisheries Act 1968.

The order supersedes the Immature Crabs and Lobsters Order 1981, which is revoked. Minimum sizes for lobsters are now contained in Council Regulation (EEC) No. 171/83 (O.J. No. L 24, 27.1.1983, p. 14) laying down certain technical measures for the conservation of fishery resources, as amended by Council Regulation (EEC) No. 2931/83 (O.J. No. L 288, 21.10.1983 p. 1) and Council Regulation (EEC) No. 2178/84 (O.J. No. L 199, 28.7.84, p. 1).

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