STATUTORY INSTRUMENTS

2017 No. 899

SEA FISHERIES, ENGLAND

CONSERVATION OF SEA FISH

The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017

Made - - - -	*7th September 2017*
Laid before Parliament	*8th September 2017*
Coming into force - -	*1st October 2017*

The Secretary of State for Environment, Food and Rural Affairs makes the following Order in exercise of the powers conferred by sections 5(1)(a)(ii), 6(1) and 20(1) of the Sea Fish (Conservation) Act 1967(**1**) and now vested in the Secretary of State(**2**).

In accordance with section 6(1) of that Act, the Secretary of State has consulted the Secretary of State for Business, Energy and Industrial Strategy(**3**).

(**1**) 1967 c.84. Section 5 was amended by section 22(1), (2) and (3) of the Fisheries Act 1981 (c.29); section 198 of, and paragraph 3 of Schedule 15 to, the Marine and Coastal Access Act 2009 (c.23) and S.I. 2010/760. See section 5(9) for the definition of "the appropriate national authority" and section 22(1) for the definition of "sea fish". The function exercisable under section 5 in relation to Wales was transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, S.I. 1999/672 and then transferred from that body to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). In so far as exercisable in relation to the Welsh zone, that function was transferred to the Welsh Ministers by article 4(1)(b) of S.I. 2010/760. Section 6 was amended by section 23(1), (2) and (3) of the Fisheries Act 1981 and by S.I. 1999/1820. Sections 5(1) and 6 were modified in their effect by section 33(1) of the Fisheries Act 1981. See section 22(2)(a) (as amended by section 45(b) of the Fisheries Act 1981) for the definition of "the Ministers".

(**2**) The function exercisable under section 5 in relation to Scottish fishing boats within British fishery limits but outside the Scottish zone is exercisable by the Secretary of State concurrently with the Scottish Ministers by virtue of article 3(1) of, and Schedule 1 to, S.I. 1999/1592. The function exercisable under section 5 in relation to Northern Ireland fishing boats within British fishery limits but outside the Northern Ireland zone also remains exercisable by the Secretary of State by virtue of paragraph 3(2) of Schedule 1 to S.I. 2002/790. The functions of the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Wales under section 6 were transferred to the Minister of Agriculture, Fisheries and Food by article 2(1) of, and the Schedule to, S.I. 2000/1812. The function of the Minister of Agriculture, Fisheries and Food under section 6 was transferred to the Secretary of State by article 2(2) of S.I. 2002/794 and the function of the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, under section 6 was transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland, acting jointly, by article 2(5) of that Order. The function under section 6 exercisable by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State concerned with the sea fishing industry in Northern Ireland jointly was transferred to the Secretary of State for Environment, Food and Rural Affairs by article 3(2) of S.I. 2012/2747.

(**3**) The functions of the Board of Trade under section 6(1) were transferred to the Secretary of State for Business, Energy and Industrial Strategy by virtue of consecutive transfers made by: paragraph 10 of Schedule 2 to S.I. 1970/1537; article 2(1) of, and Schedule 1 to, S.I. 1974/692; article 2(1) of S.I. 1983/1127; article 11 of S.I. 2007/3224; article 4(1) of S.I. 2009/2748 and article 6(1) of S.I. 2016/992.

Citation and commencement

1. This Order may be cited as the Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017 and comes into force on 1st October 2017.

Amendment of the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000

2.—(1) The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000(**4**) is amended as follows.

(2) In article 2 (interpretation)—

(a) in paragraph (1)—

(i) before the definition of "crawfish" insert—

> ""berried" in relation to a lobster or crawfish, means a lobster or crawfish which is carrying eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;";

(ii) at the end of the definition of "mutilated" omit "and";

(iii) at the end of the definition of "V notch" for the full stop substitute "; and"; and

(iv) after the definition of "V notch" insert—

> ""Welsh zone" has the same meaning as it has by virtue of section 158(1) of the Government of Wales Act 2006(**5**)."; and

(b) in paragraph (2)—

(i) in sub-paragraphs (a)(i) and (b) for "territorial sea adjacent to Wales" substitute "Welsh zone"; and

(ii) in sub-paragraphs (c)(i) and (ii) after "mutilated" insert "or berried".

(3) After article 4 (landing prohibition) insert—

"**Berried lobsters and crawfish**

4A.—(1) Fishing for a berried lobster or a berried crawfish by—

(a) a relevant British fishing boat, or

(b) a Scottish fishing boat

within relevant British fishery limits but not within the Northern Ireland zone is prohibited.

(2) The landing in England of a berried lobster or a berried crawfish, wherever caught, from a relevant British fishing boat or a Scottish fishing boat is prohibited.".

(4) After article 5 (powers of British sea-fishery officers in relation to fishing boats) insert—

"**Review**

6.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in this Order, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st October 2022.

(**4**) S.I. 2000/874, which was revoked in relation to the area of the Welsh zone that lies beyond Wales by article 7(2) of S.I. 2015/2076 (W. 312). See article 2 of that Order for the definition of "Wales".

(**5**) 2006 c.32. Section 158(1) was amended by section 43(2) of the Marine and Coastal Access Act 2009. See also S.I. 2010/760.