WELSH STATUTORY INSTRUMENTS

2002 No. 1897 (W.198)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Undersized Spider Crabs (Wales) Order 2002

Made - - - -	*18th July 2002*
Coming into force - -	*5th August 2002*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 1(1) and (6) and 15(3) of the Sea Fish (Conservation) Act 1967(**1**) and of all other powers enabling it in that behalf, hereby make the following Order:

Title, commencement and application

1.—(1) This Order is called the Undersized Spider Crabs (Wales) Order 2002 and comes into force on 5th August 2002.

(2) This Order applies to Wales as defined in section 155(1) of the Government of Wales Act 1998(**2**).

Interpretation

2. In this Order—

"the Act" (*y Ddeddf*") means the Sea Fish (Conservation) Act 1967;

"size" ("*maint*"), in relation to a spider crab, means the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and shall be measured as shown in the Schedule to this Order;

"spider crab" ("*cranc heglog*") means crab of the species *Maia squinado*;

(**1**) 1967 c. 84. Section 1 was substituted by the Fisheries Act 1981 (c. 29) section 19(1), and was amended by paragraph 38(a) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21) and paragraph 43(2) and (3) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820). Section 15(3) was substituted by the Sea Fisheries Act 1978 (c. 77) Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c. 86) Schedule 2, paragraph 16(1) and S.I. 1999/1820, paragraph 43(2)(b). *See* section 22(2) for definitions of "the Ministers" for the purposes of section 1 and 15(3); section 22(2) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, paragraph 43(12) of Schedule 2. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 1 and 15(3) of the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c. 38) as including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea"); in respect of waters beyond Wales these functions remain exercisable by the Ministers.

(**2**) 1998 c. 38.

"the territorial sea adjacent to Wales" ("*y môr tiriogaethol cyfagos at Gymru*") means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

Prescribed minimum size for landing spider crabs

3.—(1) For the purposes of section 1(1) of the Act (which prohibits the landing 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), there is hereby prescribed as the minimum size for male spider crabs a size of 130 millimetres.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with paragraph (1) above.

Powers of British sea-fishery officers in relation to fishing boats

4.—(1) For the purpose of the enforcement of section 1(1) of the Act as read with this Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below in relation to any relevant British fishing boat and to any Scottish fishing boat in the territorial sea adjacent to Wales.

(2) The officer may go on board the boat, with or without persons assigned to assist in his or her duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) The officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him or her to be necessary for the purpose mentioned in paragraph (1) above and, in particular—

(a) may examine any fish on the boat and the equipment of the boat including the fishing gear, and require persons on board the boat to do anything which appears to him or her to be necessary for facilitating the examination;

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his or her custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 1(1) of the Act as read with this order, may search the boat for any such document and may require any person on board the boat to do anything which appears to the officer to be necessary for facilitating the search; and

(d) where the boat is one in relation to which the officer has reason to suspect that such an offence has been committed, may seize and detain any such document produced or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits he or she may—

(a) require the master of the boat in relation to which the contravention took place to take, or the officer may take, the boat and its crew to the port which appears to that officer to be the nearest convenient port, and

(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he or she shall serve on the master notice in writing stating that the boat will be or is required to be detained until the notice