

North Eastern Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009 (c.23)

Emergency Byelaw

Berried Lobsters

In accordance with section 157(2)(a) of the Marine and Coastal Access Act 2009 (“the Act”), the Authority for the North Eastern Inshore Fisheries and Conservation District considers that there is an urgent need for this byelaw.

In accordance with section 157(2)(b) of the Act the need to make the byelaw could not have been reasonably foreseen.

Accordingly, the Authority, in exercise of the powers conferred by sections 155, 156 and 157 of the Act, makes the following byelaw for the District.

Interpretation

1. In this byelaw:

- (a) ‘the Authority’ means the North Eastern Inshore Fisheries and Conservation Authority as defined in North Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2193);
- (b) ‘berried lobster’ means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- (c) ‘the District’ means the North Eastern Inshore Fisheries and Conservation District as defined in the North Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010 No.2193);
- (d) ‘first point of sale’ means the first time a lobster is sold;
- (e) ‘lobster’ means a lobster of the species *Homarus gammarus*.

Prohibitions relating to lobsters

2. A person must not fish for, remove, take, retain or land a berried lobster.
3. A person must not store, carry, or transport any berried lobster in the District before first point of sale.

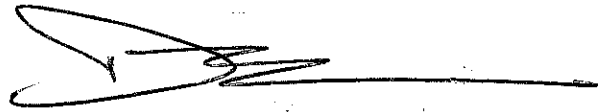
Redepositing of Shellfish

4. A person who takes or removes an berried lobster from a fishery, the taking or removal of which is prohibited by any of the provisions of this byelaw, or the possession of which is prohibited by any Act of Parliament or Statutory Instrument, must re-deposit the same without injury immediately in the sea, as near as possible to the place from which it was taken.

Exemption

5. This byelaw does not apply to any person performing an act which carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

We hereby certify that this byelaw was made and agreed by the Authority on the 16th October 2017



David McCandless

Chief Officer

North Eastern Inshore Fisheries and Conservation Authority

Town Hall, Quay Road, Bridlington, YO16 4LP

Explanatory note

(This is not part of the byelaw)

This byelaw prohibits the fishing for, taking, storage, carriage, transportation, and landing of berried lobsters.

The North Eastern Inshore Fisheries and Conservation Authority have introduced this byelaw to ensure effective enforcement of the provisions contained within Statutory Instrument (SI) 2017 No. 899, the Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017.

Redepositing of any egg bearing lobsters back to the sea is crucial to their survivability of both the lobster and its eggs. It is also important to have within the byelaw provisions for any exemptions to support scientific or re-stocking work.