

## North Eastern Inshore Fisheries and Conservation Authority

### Marine and Coastal Access Act 2009 (c. 23)

#### XXVIII CRUSTACEA CONSERVATION BYELAW 2018

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

#### 1. Interpretation

In this byelaw:

- (a) 'Area A', 'Area B' and 'Area C' are defined in the schedule;
- (b) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (c) 'the baselines' means the 1983 baselines as defined in S.I 2010 No. 2193;
- (d) '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;
- (e) 'carapace width' means the width of the carapace measured across the widest point;
- (f) 'cooked crab offal' means edible crab which has been cooked;
- (g) 'clawless lobster' means any lobster which is displaying the total absence of any fully formed and functioning claws or chelae. Functioning is defined as the ability of the animal to open and close the claw;
- (h) 'crustacea' means any species of lobster, edible crab, velvet crab or Norway lobster (*Nephrops norvegicus*);
- (i) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of S.I 2010 No.2193;
- (j) 'edible crab' means a crab of the species *Cancer pagurus*;
- (k) 'fishing' means searching for sea fisheries resources, shooting, setting, towing, hauling of fishing gear and taking sea fisheries resources onboard;
- (l) 'fishing trip' means the entire period between leaving and returning to port;
- (m) 'flap' means any part of the five flaps of the tail fan of a lobster;

- (n) 'lobster' means lobster of the species *Homarus gammarus*;
- (o) 'mutilated lobster' means any lobster with any damage likely to obscure a 'v' notch mark or absence of, either one or both inner flaps of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of this byelaw regulation;
- (p) 'mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopods;
- (q) 'overall length' means the overall length of the vessel as detailed on its official certificate of registry;
- (r) 'pleopod' means the small abdominal leg of a lobster attached to the abdomen used for swimming and brooding eggs;
- (s) 'pot' means a pot, creel or trap used for catching sea fish or crustacea;
- (t) 'pot size' means the dimensions of the pot at its maximum size;
- (u) 'soft shelled lobster' means a lobster which has recently cast its shell;
- (v) 'sunset list' means a list of vessels who possess a track record of fishing for crustacea using pots in 'Area A' or 'Area B' since January 2016 and have registered catches of lobster and crab with the Authority;
- (w) 'v' notched lobster' means a lobster with a notch in the shape of the letter 'V' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
- (x) 'Velvet crab' means a crab of the species *Necora puber*.

## 2. Prohibitions

### (a) Vessel length restrictions

A person must not use a pot from a vessel exceeding 10 meters overall length in Area A or Area B unless the following criteria have been met:

- (i) the vessel is on a 'sunset list' maintained by the Authority;
- (ii) the vessel does not exceed 14 metres overall length;

- (iii) the vessel possesses a track record of legally fishing for crustacean, using pots within Area A or Area B since 1 January 2016 and has registered catches of lobster and edible crab with the Authority;
- (iv) the vessel owner has applied to be placed onto the 'sunset list' within six months of the confirmation of this byelaw;
- (v) there is no change of ownership affecting the major share holding in the vessel concerned.

(b) **Escape gaps**

A person must not use a pot within Areas A and C for the purpose of fishing for crustacea unless the following criteria have been met:

- (i) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot each individual chamber has an unobstructed escape gap located in its exterior wall;
- (ii) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long; and
- (iii) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour as is practically possible and within 50 mm of the base.

(c) **Minimum size for edible crab**

A person must not remove, take, retain, store, carry, transport or land any edible crab which has not attained a carapace width of 140 millimetres but shall return the same to the sea immediately in a position as near as possible to that part of the sea from which it was taken.

(d) **Parts of crab**

A person must not remove, take, retain, store, carry, transport or land any edible crab or part thereof which is detached from the body of the crab, and/or which does not comply with the

minimum size but shall return the same to the sea immediately unless the following criteria have been met:

- (i) the total of such parts is not more than 10% of the total weight of all species subject to a statutory minimum landing size other than crustacea, landed by the same person on one occasion; and
- (ii) the crab was caught in a trammel, gill, tangle or other enmeshing net and the part became detached from the crab in the course of clearing the net.

(e) **Use of edible and velvet crab for bait**

A person must not use any edible crab or velvet crab for bait with the exception of the following:

- (i) the use of any cooked crab offal as bait; and
- (ii) The use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing.
- (iii) The use of velvet crab, above the statutory minimum landing size as bait.

(f) **Parts of lobster**

A person must not remove, take, retain, store, carry, transport or land, the tail, claw or any other detached part of a lobster.

(g) **Clawless lobsters**

A person must not remove, take, retain, store, carry, transport or land any clawless lobster. Any clawless lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(h) **Soft shelled lobsters**

A person must not remove, take, retain, store, carry, transport or land any soft shelled lobster. Any soft shelled lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(i) **'V' notched or mutilated lobsters**

A person must not remove, take, retain, store, carry, transport or land any 'V' notched lobster or mutilated lobster. Any 'v' notched lobster or mutilated lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(j) **Berried lobsters**

A person must not remove, take, retain, store, carry, transport or land any berried lobster. Any berried lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(k) **Mutilated pleopods**

A person must not remove, take, retain, store, carry, transport or land any lobsters displaying mutilated pleopods. Any lobster displaying mutilated pleopods shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(l) **Maximum pot size**

A person must not use any pot with a size exceeding 50 centimetres high x 60 centimetres wide x 110 centimetres long.

14. **Deeming**

- (a) With the exception of the provisions contained within paragraphs 2(f), 2(i) and 2(j) during each singular fishing trip, vessels fishing exclusively outside the District will not be subject to the provisions of this byelaw.
- (b) It is to be presumed that a vessel has taken or removed any sea fisheries resources to which this byelaw relates from within the District if, at any time, during any singular fishing trip –
- (i) it is proved that –
    - (a) the vessel was found within the District, and
    - (b) when so found, the vessel was in possession of any of the things mentioned in paragraph (c); and
  - (ii) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that

the vessel was, or had been, taking or removing sea fisheries resources in contravention of this byelaw.

- (c) The things are –
  - (i) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing sea fisheries resources in contravention of this byelaw; and
  - (ii) sea fisheries resources, the taking and removing of which is prohibited by this byelaw.
- (d) The presumption in paragraph (b) does not apply where sufficient evidence is adduced to raise an issue as to whether the fisheries resources on board the vessel were taken and or removed from within the District.

#### 14. **Revocations**

- (a) The byelaw with the title 'XXI Protection of 'V' Notched Lobsters' made by North Eastern Inshore Fisheries and Conservation Authority on 8 December 2011 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 12 October 2012, in force immediately before the making of this byelaw is revoked.
- (b) The byelaw with the title 'XXVIII Crustacea Conservation Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 6 December 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 17 November 2015, in force immediately before the making of this byelaw is revoked.
- (c) The emergency byelaw with the title 'Emergency Byelaw Berried Lobsters' made by North Eastern Inshore Fisheries and Conservation Authority on 16 October 2017 in exercise of its power under section 157 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

**I hereby certify that the above Byelaw was made by the Authority at its meeting on 14 June 2018.**

**Caroline Lacey**

**Clerk**

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

**The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018.**

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

**Date:**

**Schedule**  
**Definition of areas**

1. Area A means those tidal waters and parts of the sea bounded by the following:
  - (a) to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
  
2. Area B means those tidal waters and parts of the sea bounded by the following:
  - (a) to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
  
3. Area C means those tidal waters and parts of the sea bounded by the following::
  - (a) to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District;
  
4. all coordinates are derived from World Geodetic System 1984 datum.

Explanatory note

*(This note is not part of the byelaw)*

The intention of this byelaw is to provide a comprehensive suite of management provisions to conserve crustacea stocks within the District. These provisions include restrictions on the size of vessel which can work pots inside the 3 nautical mile limit, a mandatory requirement for all pots to carry escape gaps, a minimum landing size of 140 mm for edible crab and further restrictions on the removal of parts of crab and lobster, 'berried', 'V' notched, clawless lobster, lobsters displaying mutilated pleopods and the use of edible as bait.

'Area A', 'Area B' and 'Area C'.

