
 STATUTORY INSTRUMENTS

1986 No. 496

SEA FISHERIES

CONSERVATION OF SEA FISH

The Crab Claws (Prohibition of Landing) Order 1986

<i>Made</i> - - - - -	13th March 1986
<i>Laid before Parliament</i>	14th March 1986
<i>Coming into Operation</i>	4th April 1986

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by section 6(1) of the Sea Fish (Conservation) Act 1967(a), and of all other powers enabling them in that behalf, after consultation with the Secretary of State for Trade and Industry, hereby make the following order:—

Title, commencement and interpretation

1.—(1) This order may be cited as the Crab Claws (Prohibition of Landing) Order 1986 and shall come into operation on 4th April 1986.

(2) In this order—

“the Act” means the Sea Fish (Conservation) Act 1967;

“edible crab” means crab of the species *Cancer pagurus*.

Prohibition

2.—(1) It is hereby prohibited to land in the United Kingdom a claw which has been detached from an edible crab caught anywhere within British fishery limits.

(2) Paragraph (1) of this article shall not apply to the landing of a claw of an edible crab if—

(a) the claw is landed from a fishing boat other than a British fishing boat, or

(b) the crab was caught in a trammel or gill net and the claw became detached from the crab in the course of clearing the net.

(a) 1967 c. 84; section 6(1) is to be read with the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537), Schedule 2, paragraph 10, the Secretary of State (New Departments) Order 1974 (S.I. 1974/692), Schedule 1, Part III and the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127), article 2(1); section 22(2)(a), which contains a definition of “the Ministers” for the purposes of section 6(1), was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b).

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

3.—(1) For the purpose of the enforcement of this order a British sea-fishery officer may exercise in relation to any British fishing boat anywhere the powers conferred by paragraphs (2) to (4) of this article.

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

(3) He 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 to be necessary for the purpose mentioned in paragraph (1) of this article 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 to be necessary for facilitating the examination; and
- (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 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 6(5) 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 him to be necessary for facilitating the search;
- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in subparagraph (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 an offence under this order has at any time been committed within British fishery limits, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him 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 shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th March 1986.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Gray of Contin,
Minister of State, Scottish Office.

12th March 1986.

Wyn Roberts,
Parliamentary Under-Secretary of State for Wales.

12th March 1986.

Tom King,
Secretary of State for Northern Ireland.

13th March 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits the landing of crab claws in the United Kingdom if they have been detached from crabs caught within British fishery limits. There are exemptions for claws landed from fishing boats other than British fishing boats and for claws detached from a crab in the course of clearing a trammel or gill net.

The order gives British sea-fishery officers enforcement powers in relation to fishing boats. Their powers on land are set out in section 15(2A) of the Sea Fish (Conservation) Act 1967.

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