
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits fishing for, and landing of, lobsters and crawfish bearing a V notch or mutilated in such a manner as to obscure a V notch by both relevant British fishing boats and Scottish fishing boats (articles 3 and 4). The Order applies to Wales and to the territorial sea adjacent to Wales.

The Order also gives British sea-fishery officers further enforcement powers in relation to relevant British fishing boats and Scottish fishing boats within Wales and the territorial sea adjacent to Wales (article 5). They already have powers under section 15(2) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”), as amended by the Fisheries Act 1981, to seize any fish in respect of which an offence has been or is being committed under sections 5(1) and (6) of the 1967 Act.

By virtue of respectively sections 5(1) and 6(5) of the 1967 Act it is an offence to fish for or land such lobsters or crawfish in contravention of this Order. Section 5(6) of that Act provides that any fish caught in contravention of the Order shall (subject to section 9 of the 1967 Act) be returned to the sea forthwith. Section 5(7) provides that where subsection (6) is not complied with the master, the owner and the charterer (if any) of the fishing boat shall each be guilty of an offence. Penalties are prescribed by section 11 of the 1967 Act, as amended by the Fisheries Act 1981 and the Criminal Justice Act 1991.

This Order is made in reliance on Article 46.1 of Council Regulation [\(EC\) No. 850/98](#) (OJ No. L125, 27.4.98, p.1), for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, which authorises Member States to take certain national measures for the conservation and management of stocks.