

Statutory Document No. 2015/0039



Fisheries Act 2012

SEA FISHERIES (LOBSTER AND CRAB) (RECREATIONAL LICENSING) REGULATIONS 2015¹

Laid before Tynwald: 17 February 2015
Coming into Operation: 1 March 2015

The Department of Environment, Food and Agriculture makes the following Regulations under section 45 and 73 of the Fisheries Act 2012, having —

- (a) consulted in accordance with section 83(2) of that Act; and
- (b) satisfied itself as required by section 83(5)(b) of that Act.

1 Title

These Regulations are the Sea Fisheries (Lobster and Crab) (Recreational Licensing) Regulations 2015.

2 Commencement

These Regulations come into operation on 1 March 2015.

3 Interpretation

In these Regulations —

“**crab**” means fish of the species *Cancer pagarus*, *Maia squinado* or any other edible crab;

“**escape gap**” means a ridged plastic opening with an internal rectangular opening of at least 80mm x 40mm attached into any pot on the lower half of that pot and which provides unobstructed exit for crab or lobster smaller than the escape gap opening dimension, but which does not include the opening or entrance into which any crab or lobster may enter that pot;

“**flap**” in relation to the tail from a lobster means any part of the five flaps of the tail fan of any lobster including the telson with anus and left and right uropod, each uropod containing two flaps;

“**lobster**” means fish of the species *Homarus gammarus* or any other edible lobster but shall not include fish of the species *Nephrops norvegicus*;

“**mutilated lobster**” means a lobster which has been mutilated in such a manner which could hide or obliterate a V notch;

“**Nephrops**” means shellfish of the species *Nephrops norvegicus*;

“**pot**” means any baited pot, receptacle, trap or container with one or more openings or entrances other than a whelk pot or prawn creel and which is capable of being left at sea to catch crab or lobster;

“**prawn creel**” means an un-weighted basket, small cage, pot, receptacle or container, the base of which does not contain steel bars or weights of any kind, and which contains a hard eye entrance measuring a maximum of 80 millimetres, which may be baited and placed on the seabed for the specific purpose of catching Nephrops;

“**recreational potter**” means a person who fishes for lobster or crab from a vessel or from the shore using a pot other than a person fishing from a registered fishing vessel in possession of a relevant UK licence with shellfish entitlement;

“**recreational sea fishing licence**” has the same meaning as in section 3 of the Fisheries Act 2012 and “licence” is to be construed accordingly;

“**stock cage**” means a cage or pot used to store lobsters, crabs or any other sea-fish in the sea after capture but prior to landing;

“**V notch**” in relation to a lobster means a marking in the shape of a letter “V” with a depth of at least 5 millimetres cut (for the purpose of identification of particular lobsters) into one or more of the five flaps of the tail fan of any lobster, with the apex of the V positioned inward from the edge of the flap; and

“**vessel**” means a ship, boat, raft or water craft of any description and included non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

4 Requirement to possess a recreational sea fishing licence

A recreational potter must not fish in the territorial sea for lobster or crab by using a pot from a vessel or from the shore otherwise than under and in accordance with a licence granted by the Department.

5 Duration for which a recreational sea fishing licence is valid

- (1) A recreational sea fishing licence issued under these Regulations shall be valid from the day it is granted until midnight on 31 December 2018.
- (2) A licence issued under paragraph (1) may be renewed by the Department for a further period of three years.

6 Restrictions on fishing for lobster and crab

- (1) The following paragraphs set out the conditions and limitations which are to be included in a recreational sea fishing licence issued under these Regulations.
- (2) A recreational potter must not fish outside the three-mile area.
- (3) A recreational sea fishing licence granted under regulation 4 shall be non-transferable.
- (4) The maximum number of pots which may be used by a recreational potter is five.
- (5) Subject to paragraph (6), a recreational pot fisherman must not take, kill, land or have in his or her possession in any one day more than —
 - (a) two lobsters; and
 - (b) five crabs.
- (6) Despite paragraph (5), a recreational potter may not take more than seven lobsters per week (being a period of 7 consecutive days).
- (7) A recreational potter must not sell, expose for sale or offer for sale any lobster or crab.
- (8) A recreational potter must not lift, raise, haul, take fish from, re-bait or in any way use or interfere with another person's pot, without obtaining the Department's prior permission (and must not permit anyone else to do so).
- (9) A recreational potter must not use or cause to be used to fish for lobster or crab any pot, of whatever material constructed unless —
 - (a) it has at least one unobstructed escape gap located on the lower half of the pot on a side or sides of the pot and, in the case of a parlour pot, in the area known as the parlour; and
 - (b) it is so designed and constructed that each escape gap is of sufficient size that there may be easily passed through the escape gap and completely inserted into the pot, whether the pot is wet or dry, a rigid box shaped gauge of at least 78 millimetres wide, 44 millimetres high and 100 millimetres long.
- (10) A recreational potter must not use a stock cage.
- (11) A recreational potter must not use a pot unless —
 - (a) it is attached to a float or marker; and
 - (b) the float or marker is clearly and indelibly marked so as to indicate the number of the licence issued to the recreational potter.
- (12) A recreational potter must not take, kill, land or have in their possession in the Island or at sea —

- (a) an edible crab carrying spawn attached to its tail or other exterior part of the crab;
 - (b) an edible crab which has recently cast its shell;
 - (c) a lobster carrying spawn attached to its tail or some other exterior part of the lobster if the lobster's condition shows that when it was taken, it was carrying the spawn; or
 - (d) a mutilated lobster or V notched lobster.
- (13) However, paragraph (12)(d) above does not apply for the taking of a mutilated lobster or V notched lobster if, immediately after capture, the person who took the lobster carefully handles it and returns it alive to the sea.
- (14) A recreational potter must not land in the Island —
- (a) a detached claw of an edible crab; or
 - (b) a detached tail or claw of a lobster.
- (15) A holder of a recreational sea fishing licence under these Regulations must submit the required catch return in respect of that licence for the period 1 January to 31 December each year to the Department by 30 April of the following year.

7 Offences

- (1) Subject to paragraph (2), a recreational potter who contravenes regulation 6 is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (2) A recreational potter who in any record or return makes a statement which to their knowledge is false or misleading in any material respect is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

8 Refusal of grant or renewal, suspension or cancellation of a recreational fishing licence

- (1) Where a recreational potter contravenes any of these Regulations and is convicted of such a contravention, the Department may —
 - (a) refuse to grant or renew a recreational fishing licence in respect of that recreational pot holder; or
 - (b) suspend or cancel that recreational fishing licence for a period determined by the Department.
- (2) Where a recreational potter fails to submit the required return under regulation 6(15) above the Department will not issue a further licence unless payment of the required fee set out in regulation 9 is made.

9 Fees

The fee for the granting of a new recreational fishing licence or the renewal of such a licence under these Regulations shall be £30.

10 Revocation

The Sea-Fisheries (Lobster and Crab) (Hobby Licensing) Bye-Laws 2011¹ are revoked.

MADE 26 JANUARY 2015

¹ SD 0753/11

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.