

## SEA FISHERIES (MINIMUM SIZE OF LOBSTER) ORDER 1995

I, SEAN BARRETT, Minister for the Marine, in exercise of the powers conferred on me by section 233A (inserted by section 9 of the Fisheries (Amendment) Act, 1978 (No. 18 of 1978) and amended by section 4 of the Fisheries (Amendment) Act, 1983 (No. 27 of 1983)) of the Fisheries Consolidation Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (No. 30 of 1977) (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (No. 82 of 1987)), hereby order as follows:

### REG 1

1. (1) This Order may be cited as the Sea Fisheries (Minimum Size of Lobster) Order, 1995.

(2) This Order shall come into operation on the 27th day of June, 1995.

### REG 2

2. In this Order "the Council Regulation" means Council Regulation (EEC) No. 3094/86 of the 7th October 1986(1) as amended by Council Regulation (EEC) No. 345/92 of 27th January 1992(2) and any future regulation of the Council made after the commencement of this Order which amends, extends, replaces or consolidates (with or without modification) the Council Regulation.

### REG 3

3. The provisions of Article 5 and Annex IV of the Council Regulation are hereby prescribed and adopted except insofar as they relate to the minimum size of lobsters by means of overall length. Accordingly, any infringement of Article 5 within the exclusive fishery limits of the State in relation to an Irish fishing vessel or by a person on board an Irish sea-fishing vessel, after the commencement of this Order, shall be an infringement of this Order.

(1) O.J. No. L288/1, 11.10.86.

(2) O.J. No. L42/15, 18.02.92.

### REG 4

4. For the purpose of this Order "Lobster" means *Homarus Gammarus*:

### REG 5

5. For the purposes of enforcement of this Order, the provisions of Section 233 (amended by section 11 of the fisheries (Amendment) Act, 1978 (No. 18 of 1978) and amended by section 4 of the Fisheries (Amendment) Act, 1983 (S.I. No. 27 of 1983)) of the Fisheries (Consolidation) Act, 1959 (S.I. No. 14 of 1959) are deemed to apply.

GIVEN under my Official Seal, this 27th day of June, 1995.  
SEAN BARRETT,  
Minister for the Marine.

#### EXPLANATORY NOTE

The effect of this Order is to prescribe and adopt Commission Regulation (EEC) No. 345/92 of 27th January 1992 and in particular Article 5, Annex IV except insofar as it relates to the minimum size of lobsters by overall length.

The Regulation also allows for the minimum size of lobster to be measured by carapace length. Under the terms of the Regulation a lobster is defined as being undersized if its carapace length is less than 85 millimetres.