

S.I. No. 321 of 2001.

Spider Crab (Conservation of Stocks) Order, 2001.

I, Frank Fahey, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 223A (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 (S.I. No. 30 of 1977) (as amended by the Marine (Alteration of Name of Department and title of Minister) Order, 1997 (S.I. No. 301 of 1997)), hereby order as follows:

1. (1) This Order may be cited as the spider crab (Conservation of Stocks) Order, 2001.

(2) This Order shall come into operation on the 12th day of July, 2001.

2. (1) In this Order “ the Communication” means the Communication (85/C347/05) from the Commission of the European Communities on the description of the ICES sub-areas and divisions used for the purpose of fishery statistics and regulations in the north east Atlantic¹;

“Spider Crab” means Maja squinado (Herbst 1788)

¹ O.J. No. C 347, 31.12.85, p. 14

2.

“ICES” means the International Council for the Exploration of the Sea;

“specified area” means the parts of the sea described in the Annex to the Communication and therein referred to as ICES Sub-area VI and Sub-area VII.

(2) In any proceedings in which a contravention of this Order is alleged *prima facie* evidence of the Communication may be given by the production of a copy of the Official Journal purporting to contain the Communication.

3. This Order applies to spider crab the carapace size of which is less than 130 millimetres for males and 125 millimetres for females, measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.

4. (1) An Irish sea-fishing boat shall not have spider crab to which this Order applies on board taken in the specified area.

(2) The master or person in charge of an Irish sea-fishing boat shall not cause or permit the boat or any person to have spider crab to which this Order applies on board taken in the specified area.

3.

5. (1) An Irish sea-fishing boat shall not be used for the landing or transshipment of spider crab to which this Order applies taken in the specified area.

(2) The master or person in charge of an Irish sea-fishing boat shall not cause or permit the boat to be used for the landing or transshipment of spider crab to which this Order applies taken in the specified area.

6. Any spider crab to which this Order applies taken in the specified area in the course of fishing shall be carefully handled and returned alive, immediately, to the sea.

7. (1) A person shall not display, sell, offer for sale or store for the purposes of selling any spider crab to which this Order applies taken in the specified area.

(2) In a prosecution for an offence under this Article it shall be a defence for the defendant to show that he or she could not reasonably have known that the spider crab to which the prosecution relates was taken in the specified area.

8. The provisions of Articles 17 and 18 and Annexes XII and XIII of Council Regulation (EC) No. 850/98 as amended by Council Regulation 308/99 are hereby prescribed and adopted with reference to spider crab except in so far as they relate to the minimum size of spider crab.

GIVEN under my Official Seal,

this 11th day of July, 2001.

L.S.

FRANK FAHEY TD

Minister for the Marine and
Natural Resources

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

The effect of this Order is to prohibit the landing of any spider crab whose carapace length is less than 130 mm for males and 125mm for females.

(PN 10265)

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