S.I. No. 234 of 2006

LOBSTER (CONSERVATION OF STOCKS) REGULATIONS 2006

I, John Browne, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006), and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2006 (No. 167 of 2006), hereby make the following regulations:

1. These Regulations may be cited as the Lobster (Conservation of Stocks) Regulations, 2006

2. (1) In these Regulations—

"flap" 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 Homarus gammarus;

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

"the specified area" means the parts of the sea described in the Annex to the Communication and therein referred to as Sub-area VI and Sub-area VII;

"V notch" means a marking in the shape of the letter "V" with a depth of at least 5mm cut (for the purposes 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 inwards from the edge of the flap;

"V notched lobster" means a lobster bearing or containing a V notch.

"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 fishing statistics and regulations in the North East Atlantic[1]

(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. (1) An Irish sea-fishing boat, or a person on board such boat in the specified area, shall not retain on board a V notched or mutilated lobster.

(2) The master of an Irish sea-fishing boat shall not cause or permit the boat or any person on board to have a V notched or mutilated lobster on board within the specified area.

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[1] O.J. C347 of 31.12.1985

4. The master of a sea-fishing boat shall not cause or permit the boat to be used within the specified area for the transhipment of lobster containing a V notch in any flap from a sea-fishing boat.

5. Any V notched or mutilated lobster taken while fishing in the specified area shall be carefully handled and returned to the water from which it was taken.

6. A person shall not transport, land, store, display, offer for sale, sell or purchase a V notched or mutilated lobster.

7. A person shall not, within the State, have in his or her possession V notched or mutilated lobster.

GIVEN under my hand,
4 May 2006

John Browne

Minister of State at the Department of Communications, Marine and Natural Resources.

EXPLANATORY NOTE.

The effect of these Regulations is to impose a conservation measure whereby all lobster containing a V notch are returned to the sea.

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