



STATUTORY INSTRUMENTS.

**S.I. No. 31 of 2016**



NON-COMMERCIAL POT FISHING (LOBSTER AND CRAB)  
REGULATIONS 2016

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 3 and 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No 8 of 2006) and of the Sea-Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Non-Commercial Pot Fishing (Lobster and Crab) Regulations 2016.

(2) These Regulations come into operation on 1 February 2016.

2. For the purposes of these Regulations—

“banded claw” means a claw of a crab or lobster that is restrained or prevented from opening by a rubber band or similar restraint placed on the claw;

“closed season” means the months of October, November, December, January, February, March and April;

“crab” means *Cancer pagurus*, *Maja squinado* or *Necora puber*;

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

“licensed fishing boat” means an Irish sea-fishing boat or a Union fishing vessel;

“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;

“nicked claw” means a claw of a crab or lobster where tendons or ligaments of the claw have been cut or severed;

“pot” means any pot, receptacle or container with one or more openings or entrances and which is capable of being left at sea to catch crabs or lobster;

“sell” includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 29th January, 2016.*

“Union fishing vessel” means a fishing vessel flying the flag of an EU Member State and registered in the Union;

“V notch” means a marking in the shape of the letter “V” 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 a V notch.

3. A person on board a fishing boat shall not, during the closed season-

(a) place pots in the sea from the boat, or

(b) land, transport, store or retain on board the boat a lobster or crab.

4. A person on board a fishing boat shall ensure that, in any period of twenty-four hours, no more than-

(a) one lobster, and

(b) five crab

are landed from or retained on board the boat.

5. (1) A person on board a fishing boat shall not land, transport, store or retain on board the boat a V-notched lobster or mutilated lobster.

(2) A person on board a fishing boat shall cause a V-notched lobster or mutilated lobster taken by the boat to be carefully handled and returned alive to the sea without delay.

6. A person on board a fishing boat shall ensure that he or she, whether individually or in combination with other persons on board the boat, has no more than a total of six pots on board the boat or in the sea at any one time.

7. A person shall not store in the sea a crab or lobster that has a nicked claw or banded claw.

8. A person shall not buy, handle, tranship, transport, land, process, store or sell a crab or lobster taken by a fishing boat in contravention of these Regulations.

9. These Regulations shall not apply to—

- (a) a fishing boat fishing outside the internal waters or territorial seas of the State, or
- (b) a licensed fishing boat.



GIVEN under my Official Seal,  
20 January 2016.

SIMON COVENEY,  
Minister for Agriculture, Food and the Marine.

## EXPLANATORY NOTE

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

These Regulations introduce measures from 1 February 2016 to regulate non-commercial pot fishing for lobster and crab by fishing vessels within the internal waters or territorial seas of the State.

The measures include:

- a closed season during the months of October, November, December, January, February, March and April;
- a limit on the quantity of lobster and crab that can be landed from a boat;
- a requirement to return to the sea all lobsters containing a V notch and all mutilated lobsters;
- a limit on the number of pots that can be deployed from a boat, and
- a prohibition on storing in the sea a crab or lobster that has a nicked or banded claw.

These Regulations do not apply to a fishing boat fishing outside the internal waters or territorial seas of the State or a licensed fishing boat.

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