

STATES OF JERSEY



DRAFT SEA FISHERIES (MISCELLANEOUS PROVISIONS) (AMENDMENT No. 6) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 20th May 2014
by the Minister for Economic Development**

STATES GREFFE



Jersey

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REPORT

The spider crab fishery is an important fishery for both Jersey and French vessels working in the Granville Bay Area. Each autumn the spider crabs moult, and for a period of some 6 weeks they are vulnerable to damage by fishing activity and have no market value.

Historically, as part of the Granville Bay arrangements, each June, fishermen recommend a closed period to protect the recently moulted spider crabs. In 2008, French and Jersey fishermen recommended that, in addition to the restrictions on taking/retaining spider crabs, measures should be introduced to restrict the use of nets during the closed season, as such nets were potentially damaging soft-shell spider crabs.

Law drafting commenced in both jurisdictions and France introduced the restriction some years ago. In Jersey the process has been complex, but following an amendment to the Sea Fisheries (Jersey) Law 1994, it has been possible to prepare the Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201-

The draft Regulations allow the Minister to restrict the taking and retention of recently moulted spider crabs during a closed season in much the same manner as has been done in previous years, the difference being that the process will now require the making of an Order rather than a Ministerial Decision. Additionally, the Minister will be able to restrict netting in a prescribed area during the closure.

The netting closure will have little impact on Jersey vessels as they fish predominantly with pots, but it will close the loophole currently open to French vessels that operate to the south-west of the Island with nets.

Financial and manpower implications

There will be no manpower or financial resource implications, as enforcement will be conducted within existing enforcement patrols.

Explanatory Note

These Regulations make provision for the protection of spider crabs while they are soft-shelled.

Regulation 1 replaces the existing Regulation 5 of the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998 with –

- (a) a new Regulation 5 against fishing for (or storing) spider crabs during a prescribed period (not exceeding 3 months) while the crabs are soft-shelled; and
- (b) a new Regulation 5A against using, during a prescribed period and in a prescribed area, certain fishing gear that may damage spider crabs while the crabs are soft-shelled.

The prescribed periods, and prescribed area, are those that the Minister may specify by Order.

Regulation 2 sets out the name of the Regulations and provides for them to come into force 7 days after they are made.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994¹, and having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations –

1 New Regulations 5 and 5A

For Regulation 5 of the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998², the following Regulations shall be substituted –

“5 Fishing for soft-shelled spider crabs banned in certain periods

- (1) This Regulation applies to a spider crab (*Maja brachydactyla*) that –
 - (a) has cast, or appears to have cast, its shell within the preceding 5 months; and
 - (b) possesses one or both of the following characteristics –
 - (i) sharp and unworn walking legs,
 - (ii) absence of barnacles, sponges and other marine animals from its carapace.
- (2) A person must not –
 - (a) fish for or take a spider crab to which this Regulation applies; or
 - (b) store a live spider crab to which this Regulation applies, during a period specified by the Minister by Order under this Regulation.
- (3) A period so specified cannot exceed 3 months.
- (4) In this Regulation –

‘store’ means to keep in a vivier located on land, in a nourrice or in any other container.

5A Protection of soft-shelled spider crabs from damage by gear

(1) A person must not use passive gear during a specified period and in a specified area of the sea.

(2) In this Regulation –

‘passive gear’ means fishing gear for which the catch operation does not require an active movement of the gear, and includes –

- (a) a gillnet;
- (b) an entangling net;
- (c) a trammel net; and
- (d) a trapnet;

‘specified’ means specified by the Minister by Order under this Regulation for the purpose of the protection of spider crabs to which Regulation 5 applies.”.

2 Citation and commencement

(1) These Regulations may be cited as the Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201-.

(2) They shall come into force 7 days after they are made.

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- ¹ *chapter 14.825*
² *chapter 14.825.80*