



Department of
**Agriculture, Environment
and Rural Affairs**

Synopsis of responses received
and Departmental response to the
Consultation on proposals to prohibit the landing and
sale of Soft Shelled Edible (Brown) Crab



© Crown copyright, 2022

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at www.daera-ni.gov.uk/consultations

If you have any enquiries regarding this document/publication, you can email seafisheries@daera-ni.gov.uk or write to us at:

Sea Fisheries Policy Branch, Rathkeltair House, Market Street,
Downpatrick, Co. Down, Northern Ireland, BT30 6AJ

Contents		Page
Part 1	Introduction	4
Part 2	Consultation	5
Part 3	Responses and confidentiality	6
Part 4	Synopsis of responses	7 - 14
Annex 1	List of Organisations who responded	

Part 1 - Introduction

1. The fishing industry in Northern Ireland has been calling for better regulation in the edible (brown) crab fishery to ensure the future sustainability of the fishery, the third most valuable in economic terms in Northern Ireland.
2. A prohibition on the landing of soft shelled brown crabs was recommended to the Department by the Northern Ireland Fishermen's Federation in 2020 as one of a number of management measures to ensure its future sustainability.
3. Since then, the Department has introduced legislation which increased the minimum landing size for brown crabs initially in August 2020 from 130mm to 140mm, then from January 2021 from 140mm to 150mm. In addition legislation has also been introduced to prohibit the landing of berried (egg-carrying) edible crabs and the detached claws of an edible crab.
4. Decapod crustaceans such as brown crab grow by moulting their shell and taking on water before their new shell hardens. During this time from moulting to the hardening of the shell, the brown crab will continue to feed and may be caught in pots that have been put out by pot/creel fishermen. However during that time the volume and quality of their meat decreases significantly and is of poor value until such time as the shell hardens.
5. The majority of fishers who land a crab in this soft shelled condition in their pots/creels will return it immediately to the sea. However, in some instances soft shelled brown crabs continue to be landed, and are sold at a low price to lower value markets such as for whelk bait.
6. The crab industry in Northern Ireland is concerned about this practice in terms of the sustainability of the fishery and also the economic impact of landing lower value soft crab for bait as opposed to good quality hard brown crab to be sold for human consumption. In terms of value, a brown crab which is in optimal condition (hard shell) may attract a price that is up to five times higher than a soft shelled crab typically sold for bait.

Part 2 - Consultation

7. On 23 December 2021, the Department of Agriculture, Environment and Rural Affairs (DAERA) opened a consultation on proposals to prohibit the fishing for and selling edible crab which has recently cast its shell (soft-shelled edible crab) and the sale and buying of edible crab for non human consumption uses. The consultation period closed on 18 March 2022.
8. The consultation also sought views on whether a prohibition on the use of brown crab for bait should be introduced and whether similar prohibitions (fishing, selling etc.) should also apply to other crab species.
9. The consultation was hosted on NI Direct Citizen Space, the Government's recommended online consultation platform. In addition the link to the consultation was shared with all of the fishing vessel owners/skippers in the Northern Ireland fleet, and also with the members of the DAERA's Inshore Fisheries Partnership Group (IFGP) which includes representatives from the main inshore stakeholders.
10. This paper summarises the responses received to the consultation and sets out the next steps DAERA plans to take following the consultation exercise.

Part 3 – Responses and Confidentiality

1. DAERA received 33 responses to this consultation. This synopsis includes, at Annex A, the names of organisations that responded but not the names, addresses, or other contact details for individuals who responded. None of the responses in Part 3 are attributed to any particular individual or organisation.
2. As stated in the consultation document, any information provided in response to the consultation, including personal information, may be subject to publication or disclosure in accordance with access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information regulations 2004).
3. Under the General Data Protection Regulations, for those responses that contained personal information, such as individuals' names, addresses and email addresses, DAERA will only share information where it is necessary for DAERA to carry out lawful business activities and only then with the person's approval to do so.

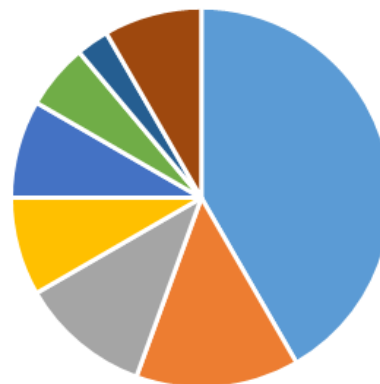
Part 4 – Synopsis of responses

1. Question 1 of the consultation document asked:

Do you support the proposal to prohibit any person from taking, having in possession, selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible (brown) crab which has recently cast its shell (soft-shelled edible crab).

2. All of the responses received (33/33 (100%)) to this question supported the proposal, and the main comment was that it would protect, preserve and maintain a sustainable fishery.
3. Other comments in response to the question which supported the proposal are illustrated in the graph overleaf.

Comments given in support of a prohibition on landing and sale of a soft-shelled edible crab



- Protect, preserve and maintain a sustainable fishery (15)
- Poor or no meat content (5)
- No market value (4)
- Premium value for such crabs would be attained after returning them and subsequently landing them (3)
- A prohibition will ensure a future breeding population (3)
- A prohibition will reduce pressure on stocks (2)
- Sustain marine biodiversity (1)
- Landing crab for bait market reduces need for grading and skills required to identify low quality soft shelled crab (1)

4. One response highlighted an issue in defining a soft-shelled crab, commenting as follows:

“The landing of soft shell crab is a problem at certain times of the season. If it was banned it would give the crab another chance to spawn and moult. The problem is defining a white (soft) crab. We generally squeeze them on the underside just behind the toe. But you can squeeze and bust any crab even a hard one so how do you define what is soft and what is hard. A tool or measurement to do so needs to be used to give a specification on a soft crab”.

5. The Department will work with its Inshore Fisheries Partnership Group (IFPG) and engage with fishers to develop clear and robust guidance (a code of practice) to support the application of any regulations which prohibit the landing and selling of any soft-shelled brown crab, so that fishers, buyers and DAERA officials are clear about the enforcement of them.

Departmental Response

The proposal to prohibit any person from taking, landing, having in possession, selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible (brown) crab which has cast its shell (soft-shelled edible crab) has received unanimous support from all of the respondents to the consultation.

Such prohibitions will remove any small financial incentive to land a soft shelled edible crab and contribute to the sustainability of the fishery.

The Department intends to amend the Edible Crab (Conservation) Regulations (Northern Ireland) 2020 to give effect to all of the aforementioned prohibitions:

The Department will also amend the Unlicensed Fishing for Crabs and Lobster Regulations (Northern Ireland) 2008 so that the same prohibitions on taking and having

in possession a soft-shelled edible crab apply equally to recreational crab fishers.

The amendments will provide that as soon as a soft-shelled edible crab is taken from a pot/creel it must be returned immediately to the sea as close as possible to where it was taken. A similar provision exists to ensure that berried “egg-carrying” edible crabs are returned immediately to the sea.

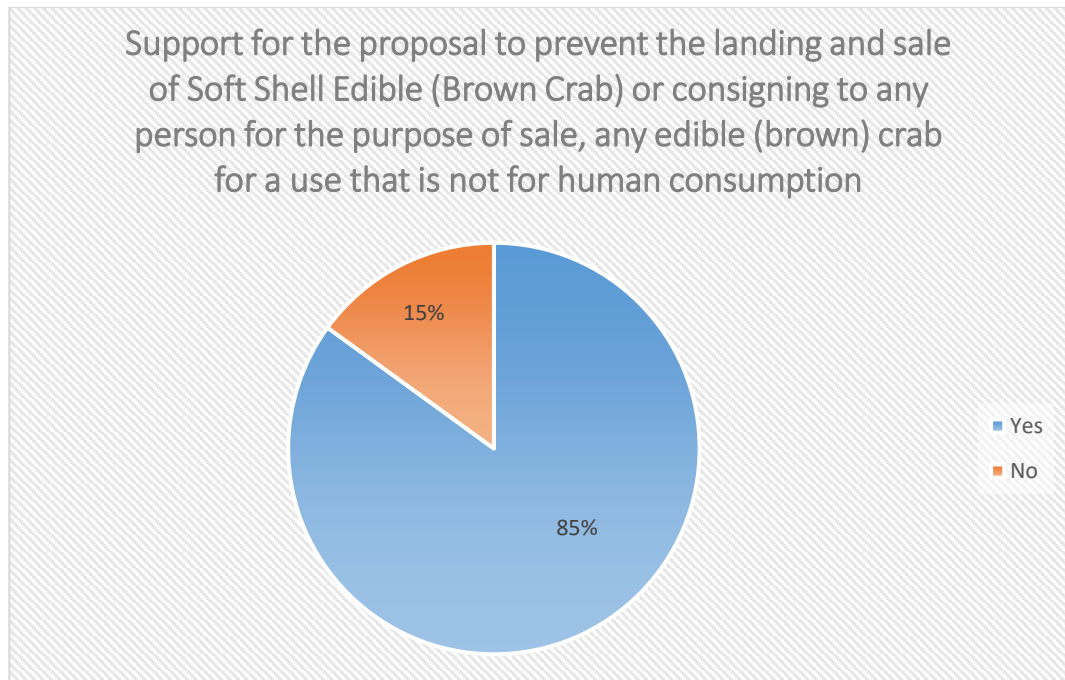
The Sea Fisheries (Shellfish) Act 1967 which applies in England, Scotland and Wales includes a definition of soft-shelled edible crab as one that has “recently cast its shell”.

The recommended legislative amendments will consider that same definition, and in addition the Department will work with its Inshore Fisheries Partnership Group (IFPG) and engage with industry to develop clear, robust guidance (code of practice), prior to any regulations coming into operation, to support the application of any regulations which prohibit the landing and selling of any soft-shelled edible crab, so that fishers, buyers and DAERA officials are clear about the enforcement of them.

6. Question 2 of the consultation document asked:

Do you support the proposal to prohibit any person from selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible (brown) crab for a use that is not for human consumption (e.g. prohibit selling for bait).

7. A significant majority of the responses received (28/33 (85%)) supported the proposal.



8. Again, the majority of responses (22/28 (79%)) in support of the proposal to prohibit the buying, selling or consigning to any person for the purpose of sale any edible (brown) crab for a use that is not for human consumption (e.g. prohibit selling for bait) commented that the proposals were to protect, preserve and maintain a sustainable fishery.
9. Of the 5 responses which did not support the proposal there were a number of comments submitted.
10. One response stated that the backs of edible crabs were a necessity for use as bait for the fishing for whelks, and therefore they did not see a problem with this practice taking place. A similar response stated that if a buyer buys one or two boxes of brown crab (not soft shelled) and only wants the white meat and the claws, then they could either sell the crab backs for use as bait, or discard them.
11. Another response suggested that as long as the crab is not soft shelled then there was no reason for this to be prevented as the buyer has to pay the same market price for the crab as if they were to process the full crab. A similar response stated that this proposal was not a good idea as it would prevent any reject crab

from factories/processing from being sold as bait, leading to waste.

Departmental Response

The proposal to prohibit any person from selling, exposing for sale, buying for sale, or consigning to any person for the purpose of sale, any edible (brown) crab for a use that is not for human consumption (e.g. prohibit selling for bait) was strongly supported by those who responded to the consultation.

The Department acknowledges the support for such a prohibition. However due consideration has been given to the comments opposed to such a measure particularly the merits of using the backs of edible crab for use as bait for whelk fishing.

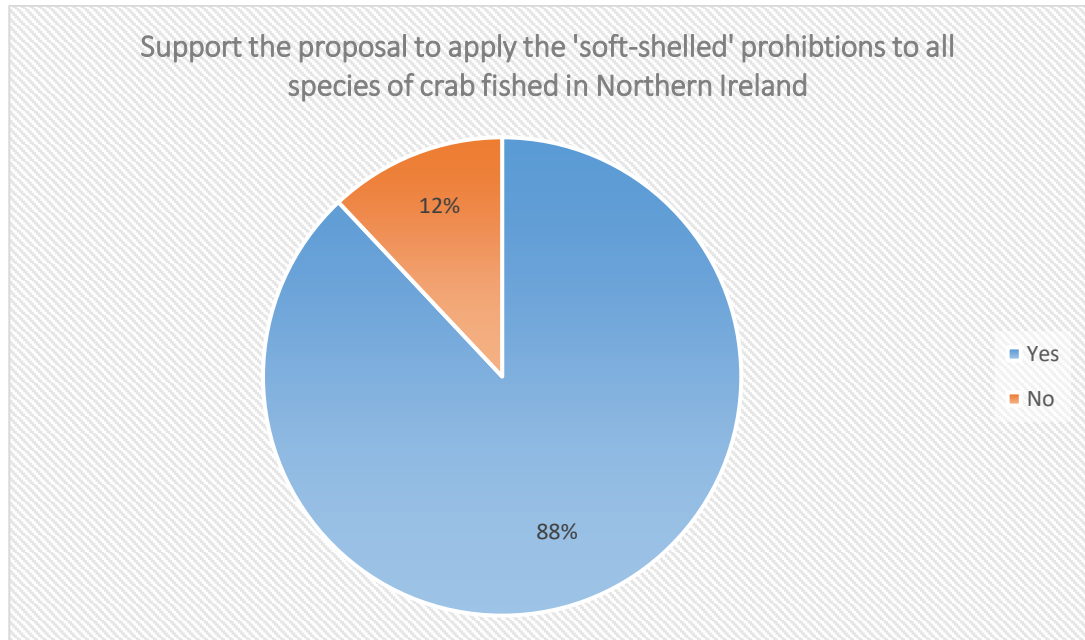
The Department would expect that the proposed measure outlined in response to question 1 will provide the legislation so that no soft-shelled edible crabs are landed and subsequently sold, and achieve the policy objective of the sustainability of the fishery by ensuring all soft-shelled edible crabs are put back into the sea immediately after being landed at sea.

That being the case, this would enable the remains (e.g. crab backs) of any good quality (above minimum landing size) hard edible crab after it has been processed, to continue to be used as bait for example in whelk fishing.

12. Question 3 of the consultation asked:

Should “soft-shelled” prohibitions apply to all species of crab that are fished in Northern Ireland?

13. Of the 33 responses the majority of the responses received (29/33 (88%)) agreed that the “soft-shelled” prohibitions should apply to all species of crab that are fished in Northern Ireland.



14. Again, most of the comments (21) for supporting the proposal to include all species of crabs fished in Northern Ireland in the ‘soft-shelled’ prohibitions were to protect, preserve and maintain a sustainable fishery.
15. Of the 4 responses that suggested that these particular prohibitions should not apply to all species of crab that are fished in Northern Ireland some of reasons given for not supporting the proposal were;
- The amount of soft shelled green crab used for bait was minimal.
 - Velvet crabs should be excluded from these proposals as they were only fished ‘seasonally’.
 - Due to the volumes and numbers of green crab landed in a typical catch it would be impossible to check every crab individually.

16. In terms of velvet crabs, the most recent stock assessment for velvet crab published by AFBI suggested that catches may be increased in line with increasing Landings per Unit Effort (LPUE) trends and size indicators of crab catches. Unlike brown crabs which are sorted and graded individually and immediately in terms of their size and quality (softness) this is not the case for velvet crabs or green crabs which are typically removed from the pots together in large quantities.
17. The Department is committed to developing a fisheries management plan for the key commercial inshore stocks as an outworking of the Joint Fisheries Statement. This work will include a review of all the existing legislation for management measures for all commercial crab species and determine what amendments may be considered necessary to ensure the sustainability of that fishery.

Departmental Response

Whilst this proposal was supported by most respondents to this consultation, the Department considers that the aforementioned prohibitions should only apply to soft-shelled edible (brown) crab at this stage.

The most recent stock assessment by AFBI for velvet crabs indicates a healthy fishery with increased landings per unit effort, and any planned application of management measures for other species of crabs e.g. velvet, green, would be considered further when developing the inshore fisheries management plans which DAERA is committed to doing within the Joint Fisheries Statement.

These fisheries management plans will review the existing legislation for harvest control and conservation measures (for example minimum landing size) for such inshore stocks in conjunction with the AFBI stock assessments.

Annex 1

Organisations who responded to the consultation on management proposals to prevent the landing and sale of Soft Shelled Edible (Brown) Crab

- Anglo North Irish Fish Producers' Organisation (ANIFPO)/Sea Source;
- McMullan Shellfish;
- North Coast Lobster Fishermen's Association;
- Northern Ireland Fish Producers' Organisation (NIFPO);
- NELCO;
- Rooney Fish;
- North West Lobster Association;
- Northern Ireland Marine Task Force;
- Council for Nature Conservation and Countryside (CNCC)

* The remainder of the responses were received from named fishermen or individual fishing vessels.