

North Norfolk Fisherman convicted and fined £2,700 for illegal fishing with costs of £2,500 awarded to ESFJC

On the 25th of September 2007 King's Lynn Magistrates heard the Master of a commercial fishing vessel operating out of Brancaster plead guilty to removing fifteen egg-bearing lobsters from the fishery on the 3rd of June 2006 contrary to a local byelaw prohibiting their removal.

The case was brought against the fisherman by Eastern Sea Fisheries Joint Committee. Fishery Officers inspected the fisherman's catch on landing in Brancaster harbour and used a chemical test on the female lobsters to determine whether or not the eggs had been removed.

Matthew Mander, Clerk and Chief Fisheries Officer at Eastern Sea Fisheries Joint Committee said:

“The North Norfolk lobster fishery is of crucial importance to fishermen operating on this coast. The removal of egg-bearing female lobsters (*Homarus gammarus*) demonstrates a clear intent by the fisherman involved to maximise his financial gain over the short term to the detriment of the long-term stability of the lobster stocks. The fact that the fisherman scrubbed the lobsters to remove the eggs in an attempt to hide his actions from Fishery Officers, shows a wilful disregard for the fisheries management measures that have been put in place to ensure that the lobster stocks within this area are fished in a sustainable manner. Eastern Sea Fisheries Joint Committee have worked hard to develop a test in order to identify those fishermen that are scrubbing egg-bearing lobster to remove the eggs in attempts to hide their actions so as to avoid their detection. The test enables Eastern Sea Fisheries Joint Committee for the first time to actively enforce the Byelaw prohibiting the removal of egg-bearing lobsters from the fishery within the District.

Defra decided in May 2006 not to implement a national ban on berried lobsters. This would have prohibited the carriage, landing and removal of eggs from lobsters caught by all British registered fishing vessels in English waters. The legislation was not introduced because Defra believed that it would be difficult to enforce. Defra considered that the test would be difficult to conduct on the quayside and the test had never been used for a prosecution in a UK court.

The outcome of this court case has lead the Joint Committee to conclude that the test is effective in detecting lobsters that have had eggs forcibly removed. The Joint Committee has developed a portable field test kit, which a single Fishery Officer can use either at sea or ashore.

If national legislation were to be introduced, Joint Committee Officers would no longer have to prove that the berried lobsters had been removed from within the Joint Committee's District. This requirement is resource intensive and costly, requiring the deployment of the Patrol vessel and shore based Officers. This restricts the wider use of this effective test. In order for the Joint Committee to bring this case to court, eleven Fishery Officers and the Joint Committee's patrol vessels were required; if the

national legislation were to have been in place a single Fishery Officer could have enforced the legislation.

The Joint Committee hopes that this successful prosecution will prompt Defra to rethink its earlier decision.

Today's fine reflects the seriousness of the offence committed. Illegal fishing seriously undermines the Joint Committee's management of this important fishery and in turn this places the future, for the vast majority of North Norfolk fishermen, in jeopardy".

Notes to editors

- 1) Fishing activity may be regulated in relation to the quantities of fish, area in which they are caught, the species involved and the gear used. It is important that fishermen comply with these rules.
- 2) Enforcement of EU, UK and local fisheries regulations on British registered vessels within the Eastern Sea Fisheries Joint Committee district is conducted by Fishery Officers from Eastern Sea Fisheries operating from one of the Joint Committee's fishery patrol vessels and ashore.
- 3) Information on Eastern Sea Fisheries Joint Committee and the work it does can be obtained from www.esfjc.co.uk
- 4) This is the first case in the UK in which a chemical test has been used to identify the landing of illegally scrubbed lobsters.
- 5) ESFJC Fishery Officers have developed the test over the past four years.
- 6) The test used by ESFJC Fishery Officers was developed from a test widely used in the USA by Fishery Officers to detect the landing of scrubbed American lobsters.
- 7) ESFJC's District extends six nautical miles seaward between Donna Nook in Lincolnshire to Dovercourt in Essex.
- 8) In response to Defra's consultation both the Association of Sea Fisheries Committees and the Shellfish Association of Great Britain supported the introduction of a national ban on the landing of berried lobsters.
- 9) Six out of the twelve Sea Fisheries Committees currently have byelaws prohibiting the landing of berried lobsters in their Districts.
- 10) Defra is the Department for Environment of Food and Rural Affairs and is the government department responsibilities for fisheries.
- 11) The maximum fine for this offence in a Magistrates Court is £5,000.

Offences:

Master of the vessel

Offence: Removal from the fishery of berried (egg-bearing) lobster
Contrary to Eastern Sea Fisheries Joint Committee Byelaw 6 made under Section 5
(d) (iii) of the Sea Fisheries Regulation Act 1966 Chapter 38.

Penalties:

Master of the vessel

Ordered to pay £2,700 for the offence and £2,500 costs

Eastern Sea Fisheries Protection vessels involved: *FPV ESF Protector III*
FPV Sea Spray

Prosecuting on behalf of Eastern Sea Fisheries Joint Committee: Andrew Oliver AMJ
Solicitors (Hull)