

DSIFCA 20_25 – Landing of Berried Lobster and Fishing Without a Permit

D&S IFCA officers investigated the activities of a small inshore static gear vessel operating from the east of the District.

On 2nd October 2025, officers attended Brixham Fish Market to inspect shellfish landed for sale. During the inspection officers identified one lobster (*Homarus gammarus*) carrying egg material attached to the underside of the tail (berried).

The berried lobster was seized, photographed for evidential purposes, and subsequently returned alive to the sea.

Further checks of the D&S IFCA permit database identified that, at the time of landing, the vessel did not hold a valid D&S IFCA potting permit. The previous permit had expired in April 2024 and had not been renewed prior to the fishing activity, despite reminder correspondence. A new Category One potting permit was issued later in October 2025.

Relevant Legislation and Byelaws

The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 (as amended) - Section 4A(2) states:

The landing in England of a berried lobster or a berried crawfish, wherever caught, from a relevant British fishing boat or a Scottish fishing boat is prohibited.

D&S IFCA Potting Permit Byelaw - Paragraph 2:

It is prohibited for a person to use pots for fishing within the District otherwise in accordance with a permit.

Offences to Consider

- Landing of a berried lobster contrary to Section 4A(2) of the Lobsters and Crawfish (Prohibition of Fishing and Landing) Order 2000 (as amended) and Sections 6(5) and 11 of the Sea Fish (Conservation) Act 1967.
- Fishing with pots within the D&S IFCA District without a valid permit contrary to Paragraph 2 of the D&S IFCA Potting Permit Byelaw 2015 and Section 163 of the Marine and Coastal Access Act 2009.

Outcome

The Authority was satisfied that the evidential test was met for both matters. Public interest considerations recognised the importance of protecting egg-bearing lobsters to support a sustainable fishery and ensuring compliance with local permitting arrangements. Taking account of proportionality, previous compliance history, and the subsequent issue of a valid permit, the case was concluded by way of an Official Written Warning.