



Fisheries and Water Environment Bill

Consultation Document



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

An Roinn
**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'
**Fairmin, Environment
an' Kintra Matthers**

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Part 1

Introduction



Part 1 Introduction

1.1 Purpose of this consultation

This consultation paper seeks your comments on policy proposals for inclusion in a Fisheries and Water Environment Bill - a Bill to make provision in relation to fishing and aquaculture in the marine and aquatic environment¹; and for connected purposes.

The marine and aquatic environment includes:

- (a) the natural beauty or amenity of marine or coastal areas, or of inland waters or waterside areas,
- (b) features of archaeological or historic interest in those areas, and
- (c) flora and fauna which are dependent on, or associated with, a marine or coastal, or aquatic or waterside, environment.

Timing and duration of this consultation

The consultation will commence on **3rd July 2025** and close on **11th September 2025**.

How to respond

You are invited to share your views on the information contained within each section of the document. You can respond to this consultation online or alternatively, should you wish to provide a written response via email or post, please do so to the addresses below. Written responses should be sent to:

E-mail: [**MarineandFisheriesBillTeam@daera-ni.gov.uk**](mailto:MarineandFisheriesBillTeam@daera-ni.gov.uk)

or by post to:

Fisheries and Water Environment Bill Team
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303 Airport Road West
Belfast
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¹ Fisheries Act 2020

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of its members were assembled.

Confidentiality

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority – the Department of Agriculture, Environment and Rural Affairs (DAERA) in this case. This includes information provided in response to this consultation.

DAERA will publish a synopsis of responses to the consultation. This will include a list of names of organisations that responded but not personal names, addresses or other contact details.

DAERA cannot automatically consider information supplied to it in response to a consultation, to be confidential. However, it does have a responsibility to decide whether any information provided by you in response to a consultation, including information about your identity, should be made public or treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response. Please be aware that confidentiality cannot be guaranteed, except in very particular circumstances. Please note, if your computer automatically includes a confidentiality disclaimer, it won't count as a confidentiality request.

Should you respond in an individual capacity, DAERA will process your personal data in accordance with the Data Protection Act 1998. This means that your personal information will not be disclosed to third parties should you request confidentiality. For further information about confidentiality of responses please contact the Information Commissioners Office (see its website at www.ico.org.uk).

1.2 Overview of important Northern Ireland fisheries

Our seas, rivers and lakes are precious natural assets that are integral to our livelihoods, culture and the economy. The commercial sea fishing sector is primarily concentrated at the three east coast fishing ports of Ardglass, Kilkeel and Portavogie, where it supports significant levels of employment in both catching and processing industries, and also in ancillary industries in these towns and the surrounding areas. A significant number of small (under 10 metres) vessels also operate from other harbours around our coast adding an important contribution to our overall fishing economy. A small number of the largest vessels in the fleet use the ports of Belfast, Foyle and Warrenpoint to land catches of mackerel and herring for processing by businesses based in Co. Down.

The local fishing fleet depends mainly on fishing opportunities in the Irish Sea and North Channel. Currently the fleet comprises around 93 licensed and registered vessels over 10 metres in length and 172 licensed and registered vessels under 10 metres in length. In 2024, vessels registered in Northern Ireland (NI) landed 50,821 tonnes of fish worth approximately £63.1 million into ports in the UK and abroad representing around 5.8% of the total value landed by UK vessels. Shellfish (e.g. nephrops, scallops, lobsters) accounted for 48.7% of the value of fish landed by NI vessels; pelagic (e.g. herring, mackerel) landings were 49.6% and demersal (e.g. haddock, cod) landings 1.6%.

At present there are 36 active fish farms on 90 licensed sites (marine and land-based farms) cultivating fish; 54 for the cultivation of shellfish and 36 for the cultivation of finfish. Current species cultivated include Atlantic salmon, brown trout, rainbow trout, mussels and Pacific oysters. In 2022, the aquaculture sector produced 3532 tonnes of shellfish valued at £8.1 million and over 1056 tonnes of finfish valued at £5.9 million. In total the aquaculture sector directly employs around 101 full time and 40 part time employees.

Our inland waters provide a range of opportunities for recreational angling and commercial fisheries. In 2024, 26,381 rod licences and 19,571-day tickets and permits were issued for the purpose of recreational angling. There were 65 eel

licences, 1,012 licences to fish for other freshwater species and 212 freshwater fish dealer licences issued to the inland commercial sector.

1.3 Current status of fish stocks and the water environment

It is highly unlikely Northern Ireland will achieve its objective of achieving good ecological status for surface water bodies by 2027 as required in The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 without urgent, substantial and holistic measures across all society. While statistics show there have been some improvements in status, there were also deteriorations and the catastrophic impact of pollution on our natural environment was highlighted by the algal blooms we witnessed at Lough Neagh in 2023.

Good water quality and habitat are essential for fish stocks. Salmon and trout are particularly sensitive to water quality and the first to be killed during a pollution event. An improvement in water quality will have a positive effect on these species in their freshwater environment. Salmon and eel stocks are significantly reduced across their natural range. Eel are listed as critically endangered and currently the spawning stock is less than 10% of their historical level. Salmon stocks in many rivers are struggling to meet conservation targets set for them.

The key pressures acting upon our water environment are related to nutrients as well as organic pollutants and are attributed to agricultural land use activities and sewage related impacts.

Through implementation of the UK Marine Strategy, collaborative efforts have sought to achieve Good Environmental Status (GES) in our seas. Despite these efforts there remains a mixed picture for the condition of our marine environment, attributed largely to anthropogenic pressures such as pollution, habitat loss, commercial and recreational fishing. Species composition and size structure of demersal fish communities are deteriorating. Similar deterioration was reported in pelagic habitats where changes in plankton biomass, abundance and community structure have been observed. Although climate change is not often listed as a primary driver for failure to

meet GES, studies show that our seas are getting warmer, more acidic, and oxygen depleted, putting increasing strain on an already vulnerable ecosystem.

Recent scientific assessments suggest that while some fish stocks in the Irish Sea remain in good condition, others are experiencing pressure from a combination of environmental change, fishing activity, and habitat disturbance. Inshore marine ecosystems, including important spawning and nursery areas, are also increasingly vulnerable to pollution, seabed impacts, and the effects of climate change.

1.4 Policy and legislative framework for fisheries management

The UK Fisheries Act 2020 provides a modern fisheries management framework through eight fisheries objectives, the Joint Fisheries Statement (JFS), fisheries management plans, and a range of fisheries management powers. The ambition articulated in the JFS is to deliver world class, sustainable management of our fisheries and aquaculture sector. The UK fisheries policy authorities have committed to working together to support a vibrant, profitable, and sustainable fishing and aquaculture sector supported by a healthy marine environment that is resilient to climate change.

The JFS sets the high-level, strategic policies which the UK fisheries policy authorities are required to pursue so as to achieve or contribute to the achievement of the fisheries objectives in the UK Fisheries Act 2020. The JFS recognises the importance of fishing, recreational sea fishing and aquaculture to many of our coastal communities, that a healthy and resilient marine environment is the foundation for a prosperous seafood sector and thriving coastal communities, and that sustainable use and conservation of the sea is central to the fisheries management approach.

Fisheries policy and regulatory functions are largely devolved and DAERA is responsible for matters relating to fishing in Northern Ireland and the marine area adjacent to Northern Ireland. The Department relies heavily on the Fisheries Act (Northern Ireland) 1966 as a key piece of primary legislation which guides the work in relation to fishing and aquaculture.

1.5 Policy and legislation for the management, protection and improvement of the water environment

‘Protecting Lough Neagh and the Environment’ is a Programme for Government priority², which includes delivering the actions in the Lough Neagh Report³ to improve water quality. These actions are set out against four key pillars:

1. Education
2. Investment, incentivisation, innovation
3. Regulation
4. Enforcement

The Water (Northern Ireland) Order 1999 provides DAERA with duty to promote conservation and cleanliness of water resources and a broad range of associated regulatory powers. In exercising its functions, the Department is required to have regard to:

- (a) the needs of industry and agriculture;
- (b) the protection of fisheries;
- (c) the protection of public health;
- (d) the preservation of amenity and the conservation of flora and fauna; and
- (e) the conservation of geological or physiographical features of special interest and any feature of archaeological, historical, architectural or traditional interest.

Northern Ireland’s water environment is managed and protected using a catchment-based approach that is provided for by The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017. These regulations require an integrated approach to the protection, improvement and sustainable use of the water environment through the production and implementation of a River Basin Management Plan (RBMP) in six yearly cycles.

² [Our Plan: Doing What Matters Most](#)

³ [The Lough Neagh Report](#)

River Basin Management Plans set environmental objectives for our waters and a programme of measures that are required to meet them. This includes groundwaters, rivers, lakes, transitional waters and coastal waters out to one nautical mile. The Marine Strategy Regulations 2010 provide for the management of water quality in the territorial sea and exclusive economic zone adjacent to Northern Ireland (the Northern Ireland marine area) through the UK Marine Strategy.

River Basin Management Plans include objectives for water related protected areas such as Special Areas for Conservation, Special Protection Areas, Bathing waters, Shellfish waters and Drinking water protected areas. This is an important integration that ensures there is consistency between water body objectives and conservation objectives. The Nutrients Action Programme is an integral part of River Basin Management Plans and aims to protect water quality from pollution caused by agricultural nutrients.

1.6 Enforcement of legislation

The Department's approach to enforcement of legislation is set out in the DAERA enforcement policy⁴. We believe that in most cases, working with those we regulate, in a positive and practical manner will achieve compliance with legislation and successful delivery of policies. However, where there are breaches of legislation that may cause harm or deny benefits, then the presumption will be to take enforcement action appropriate to the level of harm or risk.

The choice of enforcement action taken is dependent on a range of factors and the circumstances of each case. The form, or forms, of enforcement action, which DAERA may use will therefore differ depending on:

- the enforcement powers relating to the offence;
- the particular nature of the non-compliance;
- the harm caused or likely to be caused; and
- the history of the responsible person, including any previous non-compliance or criminal conviction(s) and/or civil sanctions.

⁴ [DAERA Enforcement Policy - 2023](#)

Effective enforcement is a key component in securing compliance with legislation, delivering government objectives and ultimately enhancing public health and environmental quality. The enforcement policy outlines the principles and framework that we follow to deliver consistent and proportionate enforcement and promote confidence in our enforcement process.

1.7 Why develop new legislation?

The issues relating to fisheries and the water environment have changed significantly since the Fisheries Act (Northern Ireland) 1966 (the 1966 Act) was introduced and some of the terminology and assumptions within it no longer reflect the policy and legislative landscape.

The 1966 Act focuses on the protection of fisheries, without fully considering the wider ecosystem, species interactions, environmental changes or other stressors that are necessary to be fully aligned with the ecosystem-based approach and the principles of sustainable development.

A new Fisheries and Water Environment Bill is needed to modernise and give effect to Northern Ireland's fisheries policies so that these are consistent with the fisheries management framework provided by the UK Fisheries Act 2020. In particular, new legislation is needed for the purpose of managing aquaculture and inland fisheries.

There is also a need to modernise the enforcement powers that are available to DAERA. The powers available under the 1966 Act are limited criminal prosecutions, which on conviction, result in fines and/or imprisonment. Modern enforcement systems which have been introduced by other governments for the purpose of regulating fisheries and the water environment provide alternative options such as Fixed and Variable monetary penalties that are proportionate to the offence that has been committed.

DAERA wishes to deter polluters and non-compliant operators, protecting and restoring our water environment and delivering improvements to water quality. Within the Lough Neagh Report there are key actions to explore and consult on

enforcement methods, including the introduction of fixed penalty notices for non-compliance, and penalties and fines for pollution offences in current legislation. This policy suite focusses on the fisheries and aquaculture policies to inform the drafting of a Fisheries and Water Environment Bill, with a further policy consultation on the water quality policy later this year.

1.8 Extent

These proposals will apply to Northern Ireland. Some of the proposals will not apply to the Foyle and Carlingford catchments where separate legislation will be required for any policies and regulatory functions that are the responsibility of the Loughs Agency. The Loughs Agency is being kept informed throughout the policy development process with a view to developing an amendment to the Foyle Fisheries Act 1952 on a reciprocal basis with North South Agreement.

1.9 Co-design of policy

DAERA has engaged with stakeholders and partners in the fisheries and aquaculture sector, whose support is essential in delivering the policy outcomes that are outlined within this document. Through our combined actions, we can introduce interventions to help achieve our overall objectives.

As our policies will impact upon a range of partners and stakeholders, it has been of utmost benefit to design the policies in conjunction with those partners. Co-design has ensured that the problems are understood, and the proposed policy options are informed by multiple perspectives. We are grateful to the sector representatives who have engaged with policy teams in the development of the resulting policy suite.

The proposals relate to policies for primary legislation and further policy development will be necessary to inform any subsequent secondary legislation. DAERA intends to make the best use of the co-design approach at each stage of policy development.

Part 2

Policy

Proposals



2.1 Inland Fisheries

2.1.1 Inland Fisheries and Aquaculture Objectives

Policy Aims and Purpose

The policy aim is to modernise our approach to managing inland fisheries and aquaculture activities, adopting an ecosystem-based approach that is consistent with the policy and legislative framework that the UK Fisheries Act 2020 provides for marine stocks.

Background

The ecosystem approach to fisheries management is central to international agreements such as the UN Sustainable Development Goals, UN Global Biodiversity Framework and the UN Food and Agriculture Organisation.

It is not sufficient to act to protect a fishery in isolation, with controls applied only at population level. The productivity of any fishery is dependent on the health of the habitat, allowing fish to grow, feed and reproduce, and requires consideration of all components of the ecosystem. Outside of closed lakes, fish need to be able to move freely through the aquatic environment and complete their lifecycle, free from obstructions.

River Basin Management Plans provide for an integrated approach to water management, and the Department has already taken an ecosystem-based approach with the Lough Neagh and Lough Erne Fishery Management Plans. We consider therefore that the legislative framework for inland fisheries and aquaculture is lagging behind management approaches.

Modernising the Fisheries Act (NI) 1966 is an opportunity to provide a legislative framework that sets fisheries and aquaculture management within an ecosystem-based context and supports integrated management across the full range of habitats in a fish life cycle. This would be consistent with the approach followed in the UK Fisheries Act 2020.

Policy Proposal

The Fisheries and Water Environment Bill is an opportunity to ensure that as inland fisheries and aquaculture policies are reviewed and developed, that the Department has the legislative powers required to deliver on an ecosystem-based approach.

Our starting point is to establish objectives for inland fisheries and aquaculture which will provide the basis for managing these activities. The proposed objectives are adapted from the UK Fisheries Act 2020:

- The “sustainability objective” is that:
 - (a) fish and aquaculture activities are
 - (i) environmentally sustainable in the long term, and
 - (ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
 - (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit stocks.
- The “precautionary objective” is that:
 - (a) the precautionary approach to fisheries management is applied, and
 - (b) exploitation of stocks restores and maintains populations of harvested species at sustainable levels⁵.
- The “ecosystem objective” is that:
 - (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on ecosystems are minimised and, where possible, reversed, and
 - (b) incidental catches of sensitive species are minimised and, where possible, eliminated.
- The “scientific evidence objective” is that:
 - (a) scientific data relevant to the management of fish and aquaculture activities is collected,

⁵ Metrics for assessing Maximum Sustainable Yield are not yet available for inland stocks. A similar metric will be developed to demonstrate sustainable use.

- (b) where appropriate, the fisheries policy authorities work together on the collection of, and share, such scientific data, and,
 - (c) the management of fish and aquaculture activities is based on the best available scientific advice.
- The “bycatch objective” is that:
 - (a) the catching of fish that are below minimum conservation reference size, and other bycatch is avoided or reduced,
 - (b) catches are recorded and accounted for, and,
 - (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.
 - The “national benefit objective” is that fishing activities bring social or economic benefits to Northern Ireland.
 - The “climate change objective” is that:
 - (a) the adverse effect of fish and aquaculture activities on climate change is minimised, and
 - (b) fish and aquaculture activities adapt to climate change.

The equal access objective is not considered to be relevant because only Northern Ireland vessels fish in our inland waters.

These objectives will frame our policies for the protection, conservation and improvement of fisheries, fish stocks, and the aquatic environment and protecting or improving the health of fish or aquatic animals. This in turn is the basis for supporting and enabling sustainable and productive fisheries (recreational and commercial) and aquaculture.

The Department will publish an overarching Inland Fisheries Policy Statement that will show how we have interpreted the overarching objectives and provide a framework for future policy development, fisheries management and decision making.

To support integrated ecosystem-based management the Department will continue to provide advice and assistance on matters impacting on fish and aquatic habitats to any public authority that requests it. To do so, the Department will continue to collect and assess data on fish stocks, in line with existing UK Data Collection requirements, but will consider the need for additional data collection for NI specific issues. This will require data collection on recreational and commercial activity.

We propose to modify the power to make regulations currently within the Fisheries Act (NI) 1966 to ensure that the Department can take action by regulation, for the protection, conservation and improvement or restoration of fish stocks, fisheries, aquaculture and aquatic habitats. This would be broadly similar to the powers provided for marine fisheries in the UK Fisheries Act 2020 Schedule 8 Part 3.

Policy intent - The Department wishes to modernise the approach to inland fisheries and aquaculture management to ensure consistency with wider UK marine and aquatic approaches.

Consultation Question:

Do you agree that the objectives proposed for inland fisheries and aquaculture will provide a good basis for managing these activities?

Do you agree that it will be beneficial to publish an Inland Fisheries Policy Statement that will provide a framework for future policy development, fisheries management and decision making?

Do you agree that DAERA should have regulation making powers for the purpose of conserving, improving or restoration of inland fish stocks?

Do you agree that DAERA should have regulation making powers for the purpose of protecting inland waters from the effects of fishing or aquaculture?

Do you agree that DAERA should have regulation making powers for the purpose of promoting or developing commercial fish or aquaculture activities in inland waters?

2.1.2 Inland Fisheries - Management of Recreational Inland Angling

Policy Aims and Purpose

Our policy aim is the protection of the natural resource for the benefit of angling.

Background

The benefits of angling as a sport and hobby have previously been recognised in the Strategic Review of Angling (2014). The Department for Communities (DfC) is responsible for the promotion of sport in NI, which includes the promotion of angling as a sport. DAERA currently owns or leases the fishing rights of 89 waters, collectively forming the Public Angling Estate (PAE). Provision of public angling via the PAE is a discretionary departmental function. The Fisheries Act (NI) 1966 (Section 2) provides the power for the Department to enter into agreements to acquire fishing rights and estate and support development of those waters, including powers in relation adoptions and development of derelict waters (Section 3).

The Act gives the power to the Department to operate a PAE. It does not set an operational goal. There is no regulatory objective or target for DAERA on the provision of inland recreational fisheries in NI in terms of quantity, quality and distribution. The PAE forms only a part of the available recreational fishing opportunities in NI but provides for public access to the sport.

In line with our policy aim, the expectation for the PAE is the provision of a safe, accessible, affordable and quality angling experience. We consider that the PAE

should be primarily consistent with DAERA's statutory remit and subsequent goals, but recognise the wider strategic context and function, i.e. the wider social, educational, cultural and economic benefits that derive from access to angling and the provision of a PAE supports this. The future management policy of the PAE is under review separately through a co-design process.

Policy Proposal

We intend to continue to operate a licence and permit regime to support the management of recreational fishing.

We consider that DAERA should retain the ability to deliver a PAE (manage fishing rights), that demonstrably delivers on specific DAERA policy goals and can support delivery of other governmental policy goals. This requires DAERA to retain the power to protect, conserve and improve the fishery and associated aquatic habitat and to acquire and manage fishing rights within that context. We also propose to maintain existing powers to address management and development of derelict waters.

Recognising that not all fishing rights and waters will be under DAERA ownership, we wish to retain the ability to influence and support other fishery development - this includes, where appropriate, the leasing of fishing rights to other organisations.

Fish populations can be highly mobile depending on local conditions and life history stage. We would like to ensure that all fishing activity is carried out in a manner that avoids a negative impact on the stock. We therefore propose to maintain the power to introduce regulations in respect of protection and conservation, i.e. bag limits and minimum sizes that will support sustainable use of the resource in all waters, not just DAERA-owned fisheries. This will be supported by the collection of data on recreational activity.

Policy intent - We will manage the inland recreational angling in accordance with the fisheries objectives. We will provide opportunities for public angling through the management of fishing rights and provision of facilities which are safe, sustainable, accessible and affordable.

Consultation Questions:

Do you agree DAERA should continue to retain the power to acquire and manage, by agreement, fishing rights in inland waters for the purpose of developing the natural resource for the benefit of angling?

Do you agree that DAERA should retain the regulation making powers that are available for purposes related to angling?

2.1.3 Inland Fisheries - Management of Inland Commercial Fishing

Policy Aims and Purpose

The policy aim is to manage commercial fishing operations to ensure sustainable operations which continue to provide a high-quality food product and socio-economic benefits for rural and fishing communities.

Background

Commercial fishers require a DAERA licence for their fishing engine(s) and the permission of the fishery owner to fish. Currently commercial fishing is only licensed on Lough Neagh and Lough Erne. Commercial fishing for salmon along the coast has not taken place since 2012.

Existing management plans reaffirm this commitment to manage our natural fisheries resources in a sustainable way to add social and economic value. The stated objective of the Lough Neagh and Lough Erne FMPs is, “...*to provide a strategic approach to the sustainable management of the fisheries resources and its habitat whilst also maximising its value to the economy and the environment and ensuring stakeholder input.*”

Unconditional exercise of privately-owned commercial fishing rights may lead to unsustainable fishing.

In the absence of detailed stock information, the current approach has been to try and support sustainable fishing through the application of technical conservation measures, such as closed seasons, minimum sizes, mesh sizes and fishing gear restrictions. These have been developed through the Fishery Management Plans for Lough Erne and Lough Neagh. Scientific advice has identified some concerns for specific species in Lough Neagh (esp. Pollen). There are species specific restrictions in place but there are no limits on the total amount of commercial catch. A key difficulty is ensuring that management changes are made promptly to address any stock changes.

The Fisheries Act (NI) 1966 places a requirement for the licensing of Fish Dealers. This system needs to also be modernised to provide for better fish traceability.

Policy proposal

We propose to continue to use Fishery Management Plans to set out policies relating to both commercial and recreational fisheries on Lough Neagh and Lough Erne. Ongoing scientific evaluation and information on the fish population and catches is needed to demonstrate sustainability. Concerns over the completeness of catch information have been previously highlighted, as this significantly undermines any assessment and is relevant to both commercial and recreational fisheries.

The inland fisheries objectives that are proposed in section 2.1.1 will be consistent with this policy and we intend to manage commercial inland fisheries in line with the best available scientific advice. Where necessary, we will regulate commercial inland fisheries to ensure long term sustainability of the commercial stocks and to manage potential adverse impacts on other species and the aquatic environment.

There are existing powers in the Fisheries Act (NI) 1966 (Section 17) to make regulations with respect to the holders of fishing licences. We seek to maintain the power to regulate commercial fisheries through licensing powers and to implement a mechanism of catch reporting for commercial fisheries to support management. These regulation making powers will be enhanced by the proposals in section 2.1.1.

There are technical measures detailed in the Fisheries Act (NI) 1966 that would be better placed in secondary legislation to allow for revision or amendment as evidence is developed. This would be consistent with the principles of adaptive management that are central to the ecosystem-based approach. We intend to review existing technical conservation measures with a view to detailing these in secondary legislation.

Policy Intent - Inland commercial fisheries will operate in accordance with the fisheries objectives to ensure that current and future generations fish at sustainable levels, providing high quality food and socio-economic benefits for rural communities.

Consultation Questions:

Do you agree that Fishery Management Plans are beneficial for setting out policies relating to commercial fisheries in specified areas?

Do you agree that technical conservation measures should be detailed in secondary legislation to allow for amendments as evidence becomes available?

2.2 Aquaculture

Policy Aims and Purpose

The aim of the policy is to update and streamline the aquaculture licensing process to ensure it is fit for purpose and capable of supporting current and future aquaculture operations.

Background

The UK Fisheries Act 2020 and associated Joint Fisheries Statement highlights the importance of aquaculture to the UK and that fisheries policy authorities support balanced, industry-led, sustainable growth of aquaculture, whilst also recognising

aquaculture's contribution to ecosystem and climate change mitigations. Whilst there is currently not a bespoke aquaculture policy for NI, the Joint Fisheries Statement, UK Marine Policy Statement and the draft Marine Plan for NI underpin current decision-making.

The Department recognises there is potential for future sustainable development and innovation of aquaculture and a review of current licences is necessary to support development considerations. However, the existing licensing regime under the Fisheries Act (NI) 1966 is unlikely to be capable of delivering this, with modernisation across key areas required, as follows:

Aquaculture Sub-Sectors: Modern aquaculture is wider than traditional 'fish farming', encompassing other sub-sectors, such as macro and micro algal culture, nature restoration schemes, aquaponics and offshore operations. The Department recognises that these are key aquaculture sub-sectors which could be established and developed in NI, but which the Fisheries Act (NI) 1966 does not currently support. Licensable aquaculture activity will be clearly defined in legislation, including the licensing of shellfish, finfish, algal culture, aquaponics, nature enhancement and restoration schemes, research and development trials etc.

Removal of the existing licences: There are currently 3 types of licence: a mandatory fish culture licence; an optional shellfish fishery licence; and an optional marine fish fishery licence. It is recognised that the existence of different types of licence has created confusion; a lack of consistency on the 'optional' licences; and as a result, increased administrative burden for both the Department and producers. The Department is of the view that 3 separate licences are no longer necessary.

Policy Proposal

It is proposed to simplify this by having two separate processes, one in the marine area and one for inland operations.

In the marine area, the Department wants to explore better alignment of aquaculture licensing to Marine Licensing, allowing aquaculture to be licensed in line with the marine licensing process laid out in the Marine and Coastal Access Act 2009. The

intention is to retain the ability currently held by the Department to grant the licence holder exclusive rights to cultivate and take that species from a specified marine area. Aquaculture in the marine area will be managed in accordance with the policies in the Joint Fisheries Statement and Marine Plan for NI (once adopted).

For inland operations, the Department wants to explore a system similar to that employed elsewhere in the UK, where there is no independent fish culture licence, but all elements of regulation are covered by existing consents (e.g. abstraction licensing, discharge consent, aquatic health approval etc). Any proposal would need to need to get planning permission from the planning authority and the Department would act as a statutory consultee and advisor in this process. Aquaculture in inland waters would be managed in accordance with objectives and policy statement proposed in section 2.1.1.

This aquaculture policy proposal will clarify and simplify existing processes and ensure transparency to stakeholders in respect of aquaculture licence applications.

The policy is required to support the development of future aquaculture and aquatic animal health policies, including a review of licences, whilst also aligning with implementation of Regulation (EU) 2016/429 (the Animal Health Law), as required under the Windsor Framework.

Policy intent - The Department wishes to ensure a comprehensive, transparent licensing system for aquaculture, which supports the sustainable development of all aquaculture sub-sectors in NI.

Consultation Questions:

Do you agree with the proposals for the licensing of inland aquaculture operations?

Do you agree with the proposals for licensing of marine-based aquaculture operations?



2.3 Enforcement – Inland and Sea Fisheries

Policy Aims and Purpose

DAERA wishes to ensure that there is a consistent enforcement regime with appropriate powers to ensure that aquatic and ecosystem health is prioritised and supported.

Background

The enforcement powers available to fisheries officers are held within several pieces of legislation.

While consolidation of the powers of sea fisheries officers has taken place in other parts of the United Kingdom and in the Republic of Ireland, this has not taken place to date in Northern Ireland.

The powers available for use in relation to enforcing sea fisheries legislation in NI are mainly held in the following pieces of primary legislation:

- The Sea Fisheries Act 1968
- Sea Fish (Conservation) Act 1967
- Fisheries Act (Northern Ireland) 1966

Inland Fisheries enforcement powers are primarily held within the Fisheries Act (Northern Ireland) 1966. The Fisheries Act (NI) 1966 provides powers for appointed officers for the conservation and protection of fisheries. The powers cover conditions for entry onto lands, premises, seizure and apprehension of individuals.

DAERA staff may encounter other issues that would not directly relate to the protection of fish stocks or habitats (aquatic and terrestrial) but might fall under another part of the Department's remit.

There are limited resources. If officers are faced with a number of issues that they cannot address, yet which are still a regulatory function of the Department, they should be able to take action to uphold the law. For example, for anadromous and catadromous fish we need to ensure that there is seamless protection across sea and fresh water. Common enforcement powers would assist this.

Illegal fisheries activities cause severe environmental damage and can involve catches of high financial value. Already in Great Britain maximum penalties have been increased for many domestic offences. We also need to be able to take action to ensure that there is reinstatement of the waters and environment.

Policy Proposals

1. Common Enforcement Powers

The aim of this proposed policy is to ensure that DAERA staff can ensure a consistent enforcement regime to support ecosystem health and sustainable fish stocks.

The Marine and Coastal Access Act 2009 and the Aquaculture and Fisheries (Scotland) Act 2013 each address the issue of different enforcement powers for different legislation by defining sea fisheries legislation as “any enactment relating to sea fishing, including any enactment relating to fishing for shellfish, salmon or migratory trout, and any enforceable assimilated restriction or assimilated obligation

relating to sea fishing (exceptions apply⁶)". Enforcement officers are given common enforcement powers in relation to all sea fisheries legislation.

These common enforcement powers include for example, the authority to board and inspect vessels and marine installations, the power to enter and inspect premises and vehicles and inspect dwellings and the powers of search and examination.

Other powers include:

- the requirement for the production of documents;
- powers of seizure and the retention of seized items;
- the power to record evidence of offences;
- the authority to require individuals to provide their name and address;
- the power to require the production of a licence;
- the power to require attendance of certain persons;
- the power to direct vessels or marine installations to port;
- the use of reasonable force;
- the inspection and seizure of objects at sea;
- the seizure of fish and fishing gear for forfeiture purposes;
- the retention and disposal of seized objects.

In the Republic of Ireland, the powers of fisheries officers are updated and brought together in the Sea Fisheries and Maritime Jurisdiction Act 2006. This contains many of the additional powers available in GB, which are not available in Northern Ireland under the Fisheries Act (NI) 1966, for example, the use of force in some circumstances, power to require assistance from any relevant person and the power to take documents, records and photographic evidence.

This policy would ensure that fisheries officers, inland and sea, have access to all enforcement powers currently set out in legislation under one framework, enabling greater confidence in prosecution for offences and ensuring an efficient enforcement regime. This would provide officers with equivalent powers to their counterparts in the rest of the UK and RoI.

⁶ In Northern Ireland an exception would be required for the Foyle Fisheries Act (Northern Ireland) 1952 and any SRs made under that Act.

2. Introduction of Fixed Penalty Notices and Fixed and Variable Monetary Penalties

This policy would introduce a more flexible enforcement system including a range of sanctions including fixed penalty notices and civil sanctions, like fixed and variable monetary fines for low to moderate breaches of legislation, in addition to criminal sanctions. The cost of taking an individual to court has the potential to significantly outweigh the fines achieved in undertaking a successful court case for what may be a minor offence. The proposal is to introduce administrative monetary penalties for:

- Sea fisheries offences currently listed under Part 8 of the Fisheries Act (NI) 1966, i.e. breaches of Regulations made under Section 124(1) (Regulations on sea-fishing), landing fish caught in breach of Regulations made under Section 124(1) and breaching Orders made under Section 127(1) (Orders relating to landing and undersized fish), of the 1966 Act;
- Such offences include, amongst others:
 - Marketing offences
 - Undersize fish offences
 - Technical conservation (Gear)
 - Technical conservation (Catch)
 - Stock recovery offences
 - Control offences (including Registered Buyers and Sellers and UK licence offences)
 - Access offences
 - Illegal, unreported and unregulated fishing offences,
- Specific Inland fisheries offences - which may include offences listed under Part 3 of the Fisheries Act (NI) 1966, i.e. breaches of regulations made under Section 37, (relating to un-licensed angling etc), or offences currently listed in Part VI of the Act, i.e. for fishing out of season etc

The proposal would achieve realistic penalties for low to moderate breaches, reducing the burden on the court system. It potentially removes the criminality from the offences, offering an alternative to court, reducing the stress on relevant persons and ensuring that minor breaches are dealt with more swiftly and effectively, acting as a deterrent to future offences.

References in the 1966 Act to offences which stipulate that offenders are liable to a fine or imprisonment on summary conviction will require review to determine if and where fixed penalty alternatives should be applied. Regulations would determine the type of offences which would be within scope, the levels of penalties, issuing authorities, early payment schemes, processes for payment and review mechanisms.

3. Increased maximum penalties

The policy would seek to align penalties with those in GB, and already available to Marine Licensing in Northern Ireland, as introduced by the Marine and Coastal Access Act 2009 or for some sea fisheries offences as per the Fisheries Act 2020. This would raise the maximum fine to £50,000 for a range of offences under various fisheries legislation. In England and Wales certain fisheries offences now carry an unlimited fine. The underpinning courts legislation in NI does not allow for unlimited fines to be imposed in the Magistrates Courts in NI – a maximum fine amount must be specified. Raising the maximum fine to align with those in the Marine and Coastal Access Act 2009 is a significant increase in penalty that can be enforced here. In cases where there are significant breaches of legislation the Department may opt to pursue the case through the enforcement process that may lead to a prosecution. Greater maximum penalties enforceable through the courts would be introduced for ecosystem degradation offences. Introducing this policy would enable officers to deliver their statutory obligations effectively. Specifically, it is proposed that:

Sea Fisheries

1. Increase the penalties for contravention of any regulations made under Part 8 of the Fisheries Act (Northern Ireland) 1966. It is proposed to amend the maximum penalties for sea-fisheries offences under the 1966 Act which primarily covers the in-shore area. Over the past decade the number of smaller vessels which typically fish in the in-shore region here has increased. In recent years, fishermen have been pressing for more enforcement and regulation in a range of areas, in order to ensure the sustainability of the stocks. An appropriate and proportionate fine for offences should be considered.

The proposed increases are:

- for offences relating to sea fishing regulations relating to s124 of the 1966 Act (e.g. fishing in closed areas, fishing during closed seasons, fishing using prohibited fishing gear etc), from a fine of up to £1,000, to on summary conviction a fine not exceeding £50,000, or on conviction on indictment⁷, to a fine;
- for landing fish below minimum size (s127 of the 1966 Act), from a fine of up to £1,000, to on summary conviction a fine not exceeding £50,000, or on conviction on indictment*, to a fine;
- resisting or forcibly obstructing a person exercising any right to use a beach for the purpose of sea fishing (section 128 of the 1966 Act) from a fine on summary conviction not exceeding £500, to a fine on summary conviction not exceeding £20,000;
- for resisting or forcibly obstructing a person exercising any right to enter land adjoining fishing places (section 129 of the 1966 Act) from a fine on summary conviction not exceeding £500, to a fine on summary conviction not exceeding £20,000;
- for assaulting authorised persons (section 182 of the 1966 Act), from a fine of £500 (or imprisonment for a term not exceeding 6 months (or to both such fine and such imprisonment) to (i) up to £50,000 (summary conviction) or imprisonment for a term not exceeding 6 months (or to both) or (ii) on conviction on indictment* to a fine or imprisonment for a term not exceeding 6 months (or to both);
- for obstructing authorised persons (section 183 of the 1966 Act), from up to £500 to (i) up to £20,000 (summary conviction) or (ii) on conviction on indictment⁸ to a fine.

⁷ *Current legislative provision does not include the option for ‘on indictment’ at crown court – new power will be sought in drafting

⁸ Current legislative provision does not include the option for ‘on indictment’ at crown court – new power will be sought in drafting

A similar change in penalties is proposed for offences under section 15 of the Sea Fish (Conservation) Act 1967 for:

- (i) assault of a British sea-fishery officer⁹
- (ii) obstructing a British sea-fishery officer when enforcing this Act.

The changes proposed are for assault (on summary conviction to a fine not exceeding £50,000), and for obstruction (on summary conviction to a fine not exceeding £20,000).

2. Increase the penalties for contravention of any regulations made under the Sea Fish Conservation Act 1967.

- It is proposed to raise the maximum fine for certain offences under the 1967 Act as it relates to NI vessels and NI waters, in line with changes made by the Marine and Coastal Access Act 2009 to the 1967 Act in relation to England and Wales. This will align penalties with other jurisdictions and increase the deterrent from breaching marine fisheries legislation, in recognition of the damage that can be done by some illegal fishing in marine environments. Such penalties are also in line with the Common Fisheries Policy Regulation (EU 2013 No. 1380), Article 36(3) of which states: *“Member States shall adopt appropriate measures for ensuring control, inspection and enforcement of activities carried out within the scope of the CFP, including the establishment of effective, proportionate and dissuasive penalties.”*
- This increase would apply to offences such as not returning illegally caught fish to sea and breaching regulations in relation to nets and gear, also for breaking an IFCA byelaw (similar to inshore regulations made under the Fisheries Act (NI) 1966) and for breaking regulated shell fisheries rules.

Inland Fisheries

1. References to the role of the Justice of the Peace within the 1966 Act should be amended to confer a role for lay magistrates.

⁹ Terminology used within the Sea Fish (Conservation) Act 1967

2. Existing offences within the Fisheries Act (NI) 1966 to be aligned with appropriate equivalent levels in today's terms commensurate with the potential damage and impact on the wider fishery and aquatic habitat. These levels would then apply to any regulations made under the Act.
3. Some of the proposed increases are:
 - For offences relating to fishing licences or to regulations under Section 37 of the 1966 Act (i.e. unlicensed fishing) a fine of up to a £500, to on summary conviction a fine not exceeding £20,000, or on conviction on indictment to a fine.
 - For offences relating to protection of the fishery, including protection of young and breeding fish and their habitat (sections 48 to 52 of the Act) a fine of up to £500, to on summary conviction a fine not exceeding £50,000, or on conviction on indictment*, to a fine; For these offences we would also seek to recover restoration costs, and this might be considered in the setting of a fine.
 - For offences relating to the obstruction to the passage of fish (sections 53-58 of the Act), a fine of up to a £500, to on summary conviction a fine not exceeding £20,000, or on conviction on indictment to a fine. We would also seek to recover any restoration costs.
 - For offences relating to the prohibition of certain methods of fishing, as these may contribute to significant damage to the stock (Part V of the Act) a fine of up to £500, to on summary conviction a fine not exceeding £50,000, or on conviction on indictment, to a fine
 - For offences relating to out of season fishing (Part VI of the Act) and regulations and any regulations amending those seasons, a fine of up to a £500, to on summary conviction a fine not exceeding £20,000, or on conviction on indictment to a fine.
 - For offences relating to the illegal sale of fish (Part VII of the Act) and regulations made under this section, a fine of up to £500, to on summary conviction a fine not exceeding £50,000, or on conviction on indictment, to a fine.

Policy intent - *DAERA wishes to ensure that there is a consistent enforcement regime with appropriate powers to ensure that ecosystem health is prioritised and supported.*

Consultation Questions:

Do you agree that DAERA should standardise enforcement powers for fisheries officers in NI and bring these into line with the rest of GB and RoI?

Do you agree that DAERA should have a more flexible enforcement system including administrative penalties?

Do you agree with the proposal to allow the most serious offences to be indictable (i.e. to be considered by a higher court, with a corresponding higher penalty for those found guilty)?

Do you agree that the Department should increase maximum penalties for offences in relation to certain sea fisheries activities in the Fisheries Act 1966 and the Sea Fish Conservation Act 1967 to £50,000?

If you do not agree with the proposed maximum penalties, do you have a view as to what level maximum penalties might otherwise be set at?

Do you believe that there are any other activities which require regulation or new offences created in the Fisheries and Water Environment Bill?

2.4 Permitting of Sea Fishing Activities in the Northern Ireland Zone

Policy Aims and Purpose

The aim of the policy is to provide for the option to introduce permitting arrangements for sea fishing in the NI zone, for example in specific areas or for a specific species only.

Background

Under the Fisheries Act (NI) 1966, the Department may make regulations for the management, conservation, protection, improvement or increase of sea-fisheries in the inshore waters or in the Northern Ireland Zone¹⁰. These broad powers do not explicitly enable the Department to establish permit schemes through Regulations which might, for example, detail the conditions for issuing the permit, and might set out when and where they can fish, the methods by which they can fish and the conditions for reporting the catch, nor set limits on the number of such permits issued.

There may to be occasions when the Department considers it to be beneficial to limit the number of permits in relation to certain fishing activities in specified areas. Such actions may be necessary for conservation purposes and to protect stocks. Other activities, such as fishing from small, unlicensed boats, or hand gathering of shellfish (e.g. Periwinkles) without a boat, cannot be specifically regulated using the existing licensing powers.

The Joint Fisheries Statement has a commitment on recreational sea angling which commits the fisheries policy authorities to:

- ensure that recreational sea fishing is environmentally, socially and economically sustainable, and

¹⁰ The in-shore area is currently defined as “the area adjacent to the coast of Northern Ireland and to the landward of a limit of 6 miles from the baseline from which the breadth of the territorial sea is measured, up to the mean high-water mark of ordinary spring tides”. The “Northern Ireland zone” is defined as “the sea within British fishery limits which is adjacent to Northern Ireland”.

- take account of recreational sea fishing in wider fisheries management.

This overarching policy contributes to the sustainability, ecosystem and scientific evidence objectives. There is also a requirement under the Data Collection Framework to gather data on recreational angling for the following species: salmon and eels (including in fresh water), seabass, cod, pollock, elasmobranchs and highly migratory ICCAT species¹¹.

Policy Proposal

This proposal is to provide DAERA with enabling powers to make regulations which would specifically allow for permitting arrangements for sea fishing and therefore provide for improved management and regulation of inshore fisheries.

The policy intention is to provide for the option to introduce permitting arrangements in the NI zone, for example in specific areas or for a specific species only. For example, permits might apply to fishing for certain shellfish anywhere, or all species in a given sea-lough, or for the hand gathering of shellfish. It is proposed that permit arrangement should apply to vessels, for both commercial and recreational fishing activities, and also to individuals. The permit arrangement could also apply to the regulation of sea-angling in terms of licensing, permitting and evidence gathering. It is proposed that the primary legislation would allow for permits to contain detailed conditions, and for DAERA to limit the number of permits issued, if necessary, revoke permits where there have been breaches of the permit conditions and to allow for the introduction of charging for issuing such permits.

Policy Intent - *The Department wishes to ensure improved management and regulation of in-shore fisheries.*

¹¹ <https://www.legislation.gov.uk/eudn/2019/910> (Table 3a)

Consultation Question:

Do you agree with the proposal to introduce permitting provisions for sea fishing in the Northern Ireland zone?



Part 3

The potential impact of the proposals



3.1 Regulatory Impact – Draft Regulatory Impact Assessment

A draft Regulatory Impact Assessment (RIA) has been drawn up and considers the potential economic impact of the policy proposals for a new Fisheries and Water Environment Bill. The proposals were evaluated in the light of the available evidence to ensure that the most effective options could be identified. This evaluation is set out in the draft Regulatory Impact Assessment that accompanies this consultation document.

Future monitoring and evaluation will rely on evidence gathered during the implementation period. Once the policies and resulting legislation has cleared all processes to pass into Law, then the final draft RIA can be deemed FINAL and will be published as such and attached to the Explanatory Memorandum for the legislation.

Consultation Questions:

Do you agree that the analysis of the evidence given in the accompanying draft Regulatory Impact Assessment accurately describes the potential impacts of the proposals?

Are there other potential impacts we may not have anticipated in the accompanying draft Regulatory Impact Assessment?

3.2 Equality and Human Rights Impacts

Section 75 of the Northern Ireland Act 1998 requires Departments to have due regard to the promotion of equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependents and persons without.

In addition, without prejudice to the above obligation, public authorities must also, in carrying out their functions, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Specifically, the Departments are required to:

- assess whether there are differences in the way a policy impacts upon statutory equality categories described above; and
- identify where there are means to better promote the equality of opportunity and good relations.

The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these rights. Since the implementation of the Human Rights Act 1998, all legislation must be checked to ensure compliance with the European Convention Rights.

A screening exercise has been undertaken and there is no evidence that the proposed measures will have any impact on equality issues. The Department also considers that the proposals are compatible with the Human Rights Act 1998. Therefore, a full Equality Impact Assessment is not considered to be necessary. The screening assessment is set out in the EQIA screening document that accompanies this consultation document.

Consultation Questions:

Do you agree with the conclusion that the policy proposals do not have a differential impact on any of the Section 75 groups or on human rights?

Are there any potential impacts of the proposals on specific groups which we may not have anticipated?

3.3 Rural Needs Impact Assessment

The Rural Needs Act (Northern Ireland) 2016 ('the Act') introduced a new duty on public authorities in Northern Ireland to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. It also requires public authorities to compile information on the exercise of due regard duty and for this information to be published. A screening exercise is set out in the Rural Needs Screening document that accompanies this consultation document.

Consultation Questions:

Do you agree the Department has fully considered the impact on rural communities in the development of the proposals?

Are there any potential impacts of the proposals on rural communities which we may not have anticipated?

3.4 Environmental Impacts

In accordance with regulation 9 of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004, a screening process to determine whether there is a need for Strategic Environmental Assessment (SEA) for the draft proposals has been completed. Our initial conclusion is that some of the policies to be developed to deliver on proposals may give rise to environmental effects. The screening assessment has concluded that the draft NI Fisheries and Water Environment Bill requires an SEA. This is set out in the Strategic Environmental Report that accompanies this consultation document.

Consultation Questions:

Do you agree the analysis of the evidence given in the accompanying Strategic Environmental Assessment accurately describes the potential environmental impacts of the proposals?

Are there other potential impacts we may not have anticipated in the accompanying Strategic Environmental Assessment?



Part 4

How to respond to this Consultation



4.1 How to Respond

DAERA welcomes any comments you wish to make on all of the policy proposals or just on those issues that are of particular interest to you in the consultation.

This consultation will be hosted online at the following website www.daera-ni.gov.uk. The Citizen Space portal has been specially designed to be as user friendly and welcoming as possible for those who wish to complete the consultation. It also allows DAERA to rapidly collate results. For this reason, we would encourage anyone who is interested in responding to this consultation to utilise Citizen Space as the method of their response. If this is not possible, you can however respond to this consultation via email to:

MarineandFisheriesBillTeam@daera-ni.gov.uk

or you can respond in writing to the following address:

Fisheries and Water Environment Bill Team
Marine and Fisheries Division
Department of Agriculture, Environment and Rural Affairs
Ground Floor West
Clare House
303 Airport Road West
Belfast
BT3 9ED

The consultation response template should be read in conjunction with the proposals and can be accessed electronically at: www.daera-ni.gov.uk

To request a hard copy of the consultation papers, please email the address above. The deadline for responses to this consultation is **11th September 2025**. All responses should be received by then to ensure they can be fully considered.

4.2 What happens next?

4.2.1 Policy development for future legislative provision

Clear legislation is required which offers the Department the tools required to deliver on an ecosystem-based approach towards fisheries management. Legislation gives life to the policy positions which the Minister takes on each key area and taking a policy led approach to legislation will therefore ensure that the Department's vision comes to life.

Policy intent must be clear to ensure it is translated into effective legislation. You will note that each policy clearly had its intent highlighted.

Focusing in particular on the intent of each policy will ensure that policies can then be accurately provided for in legislation for the marine and freshwater environments, allowing for the development of policies to:

- focus on improving water quality and ecosystem health,
- promote sustainable fish stocks, and
- ensure appropriate enforcement deterrents for breaches of legislation.

4.2.2 Legislative process

A proposal for a new primary legislation law is called a Bill. Once a Bill is passed by the Assembly and receives Royal Assent it becomes an Act and becomes law as an Act of the Assembly. Bills or Acts are often referred to as 'primary legislation' and usually contain provisions which delegate powers to the Minister/Departments to make further laws by means of 'subordinate' or 'secondary' legislation, to allow for detailed implementation of the objectives of the parent legislation.

This consultation is part of the development of the policy which would underpin the Bill. Once the outcome of this policy consultation has been considered and the final policy has been agreed by the Executive and the Ministers are satisfied that the Bill is within the legislative competence of the Assembly, the process continues with the formality of the introduction of the Bill to the Assembly.

This is followed by:

- a Second Stage,
- a Committee Stage,
- a Consideration Stage,
- a Further Consideration Stage, and
- a Final Stage.

The purpose of Second Stage is to allow the Assembly as a whole, to discuss the general principles of the Bill and agree that it should proceed further. It is then referred to the relevant Assembly Committee which takes evidence on the Bill, carries out a detailed clause by clause scrutiny and reports to the Assembly. At this scrutiny stage, stakeholders have the opportunity, to give evidence for consideration of the Committee who may then suggest changes to the Bill, in light of this information.

The Bill then goes back to the full Assembly and can be amended at either of the two subsequent Consideration Stages as a result of recommendations arising from scrutiny at Committee Stage or debate in the Assembly. Individual MLAs can table amendments at this Stage, for example if their constituents have raised any specific concerns about certain aspects of the Bill. At the Final Stage the Assembly can only pass or reject the Bill as a whole but cannot make any further amendments. Once a Bill has completed its passage in the Assembly it must receive Royal Assent before becoming law.

Where primary powers delegate powers to make subordinate legislation, there is further opportunity for consultation and comment before these detailed rules come into force.

Thank you for your role in developing important primary legislation by taking part in this consultation process.

Part 5

Consultation Questions (by Policy Area)



INLAND FISHERIES AND AQUACULTURE OBJECTIVES

1. Do you agree that the objectives proposed for inland fisheries and aquaculture will provide a good basis for managing these activities?
2. Do you agree that it will be beneficial to publish an Inland Fisheries Policy Statement that will provide a framework for future policy development, fisheries management and decision making?
3. Do you agree that DAERA should have regulation making powers for the purpose of conserving, improving or restoration of inland fish stocks?
4. Do you agree that DAERA should have regulation making powers for the purpose of protecting inland waters from the effects of fishing or aquaculture?
5. Do you agree that DAERA should have regulation making powers for the purpose of promoting or developing commercial fish or aquaculture activities in inland waters?

INLAND FISHERIES – MANAGEMENT OF RECREATIONAL INLAND ANGLING

6. Do you agree DAERA should continue to retain the power to acquire and manage, by agreement, fishing rights in inland waters for the purpose of developing the natural resource for the benefit of angling?
7. Do you agree that DAERA should retain the regulation making powers that are available for purposes related to angling?

INLAND FISHERIES – MANAGEMENT OF INLAND COMMERCIAL FISHING

8. Do you agree that Fishery Management Plans are beneficial for setting out policies relating to commercial fisheries in specified areas?

9. Do you agree that technical conservation measures should be detailed in secondary legislation to allow for amendments as evidence becomes available?

AQUACULTURE

10. Do you agree with the proposals for the licensing of inland aquaculture operations?
11. Do you agree with the proposals for licensing of marine-based aquaculture operations?

ENFORCEMENT – INLAND AND SEA FISHERIES

12. Do you agree that DAERA should standardise enforcement powers for fisheries officers in NI and bring these into line with the rest of GB and ROI?
13. Do you agree that DAERA should have a more flexible enforcement system including administrative penalties?
14. Do you agree with the proposal to allow the most serious offences to be indictable (i.e. to be considered by a higher court, with a corresponding higher penalty for those found guilty)?
15. Do you agree that the Department should increase maximum penalties for offences in relation to certain sea fisheries activities in the Fisheries Act 1966 and the Sea Fish Conservation Act 1967 to £50,000?
16. If you do not agree with the proposed maximum penalties, do you have a view as to what level maximum penalties might otherwise be set at?
17. Do you believe that there are any other activities which require regulation or new offences created in the Fisheries and Water Environment Bill?

PERMITTING OF SEA FISHERIES ACTIVITIES IN THE NORTHERN IRELAND ZONE

18. Do you agree with the proposal to introduce permitting provisions for sea fishing in the Northern Ireland Zone?

REGULATORY IMPACT ASSESSMENT – DRAFT REGULATORY IMPACT ASSESSMENT

19. Do you agree that the analysis of the evidence given in the accompanying draft Regulatory Impact Assessment accurately describes the potential impacts of the proposals?

20. Are there other potential impacts we may not have anticipated in the accompanying draft Regulatory Impact Assessment?

EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

21. Do you agree with the conclusion that the policy proposals do not have a differential impact on any of the Section 75 groups or on human rights?

22. Are there any potential impacts of the proposals on specific groups which we may not have anticipated?

RURAL NEEDS IMPACT ASSESSMENT

23. Do you agree the Department has fully considered the impact on rural communities in the development of the proposals?

24. Are there any potential impacts of the proposals on rural communities which we may not have anticipated?

ENVIRONMENTAL IMPACTS

- 25. Do you agree the analysis of the evidence given in the accompanying Strategic Environmental Assessment accurately describes the potential environmental impacts of the proposals?**
- 26. Are there other potential impacts we may not have anticipated in the accompanying Strategic Environmental Assessment?**

For further information:

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Department of Agriculture, Environment and Rural Affairs (DAERA)
Ground Floor West
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303 Airport Road West
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BT3 9ED

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