

Equality & Disability Duties Screening - Fisheries and Water Environment Bill



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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Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 - A Guide for public authorities April 2010 (Appendix 1)).

Introduction

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues. This section also includes two questions related to the Disability Duties.

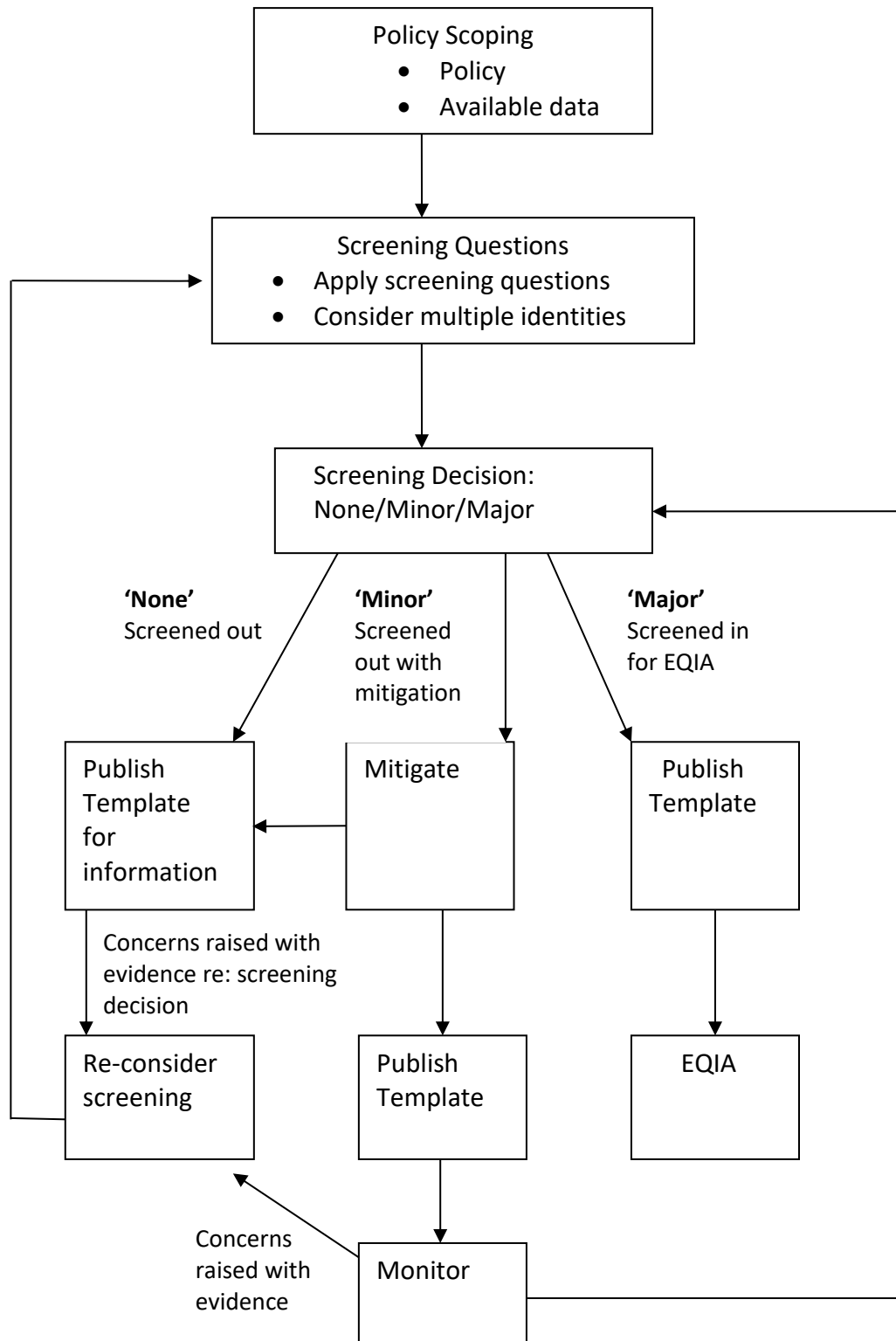
Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Consideration of Human Rights – please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

Part 6. Approval and authorisation – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided below.



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step-by-step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Consultation on the development of policy proposals for a new Fisheries and Water Environment Bill covering inland waters and the Northern Ireland marine area.

Is this an existing, revised or new policy?

New

What is it trying to achieve? (intended aims/outcomes)

The objective is to bring forward new primary legislation that will deliver on the Department's vision for vibrant, profitable and sustainable inland fisheries with healthy ecosystems, resilient fish populations and aquatic habitats.

The Bill will strive to modernise enforcement powers and thereby protect sensitive marine environments and limited fish-stocks.

(Primary legislation provides enabling powers that will allow for detailed secondary legislation to be brought forward, which in turn will be subject to further impact assessment.)

Are there any Section 75 categories which might be expected to benefit from the intended policy? ☐ Yes ☒ No (select as appropriate)

If so, explain how.

The Fisheries and Water Environment Bill aims to modernise the NI legislation in operation within the Fisheries Management Framework to ensure it can enable consistent approaches across marine and aquatic environments. The policies will not have adverse effect on any section 75 categories in particular and are anticipated to have a net positive effect on the environment.

Who initiated or wrote the policy?

DAERA policy staff in Marine and Fisheries Division (MFD), in conjunction with stakeholders as part of a co-design process.

Process managed by Fisheries and Water Environment Bill Team,
Department of Agriculture, Environment and Rural Affairs (DAERA).

Who owns and who implements the policy?

Department of Agriculture, Environment and Rural Affairs (DAERA).

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? ☐ Yes ☒ No (select as appropriate)

If yes, are they (please select as appropriate)

Financial ☐

Legislative ☐

other, please specify:

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please select as appropriate)

Staff ☐

Service users ☒

Other public sector organisations ☐

Voluntary/community/trade unions ☐

Other, please specify

Recreational and commercial fishermen – Sea-fishing and freshwater.
Aquaculture establishments.

Other policies with a bearing on this policy

What are they?

Review of Public Angling Estate, Marine Plan for Northern Ireland, DAERA Enforcement Policy, Abstraction procedure, UK Marine policy statement 2011, Joint Fisheries Statement, obligations under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.

Who owns them?

Department of Agriculture, Environment and Rural Affairs (DAERA).

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.

Religious belief evidence/information:

The 2021 census of Northern Ireland found that the population of Northern Ireland is 45.70% of Roman Catholic belief and 43.48% of Protestant and other Christian belief, with 10.82% sharing neither belief.

The proposed policies for the development of a Fisheries and Water Environment Bill will benefit commercial and recreational fishers in Northern Ireland as a whole, regardless of one's religious belief.

There have been previous consultations carried out by DAERA's predecessor Department of Agriculture and Rural Development (DARD) Fisheries Division in relation to several related policies, the most recent being 'Simplification of Fishing Vessel Licensing' in June 2014 and on average 3/4 per year in 2012 and 2013 including 'Electronic Notification of Variations to Fishing Licences 2013' and 'Conservation of Sea Bass Regulations 2012'.

There have been no issues raised by any of the Section 75 groups to date in these consultations. Over a longer period, the Division has issued

consultations on other major policy areas such as amendments to the ‘Foyle (Fisheries) Act 1952 in 2007 and the European Fisheries Fund in 2008. No equality issues were raised in these.

An EQIA carried out by Fisheries Division in 2005 on all areas of its business concluded that *“there is no significant perception of unequal opportunity in respect of the Department’s policies in the fishing sector. In light of this, the Department’s Fisheries Division has concluded that its policies are in compliance with the statutory duty”*.

During the public consultation stakeholders will be asked to comment on the Department’s assumptions in relation to any impact on Section 75 groups and human rights.

Following consultation, the equality screening template will be updated as necessary or, a full impact assessment will be completed before the policy proposals are finalised, if required.

Political Opinion evidence/information:

As above.

Racial Group evidence/information:

As above. In the 2021 Census, 96.6% of the population were of white ethnicity, and 3.4% of the population belonged to an ethnic group other than white. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual’s racial group.

Age evidence/information:

As above. The proposed policies are aligned with other relevant strategies and plans with similar aims and aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual's age profile.

Marital Status evidence/information:

As above. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual's marital status.

Sexual Orientation evidence/information:

As above. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual's sexual orientation.

Men & Women generally evidence/information:

As above. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual's gender.

Disability evidence/information:

As above. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of an individual's disability.

Dependants' evidence/information:

As above. The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole, regardless of whether an individual has dependants.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Political Opinion

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Racial Group

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Age

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Marital status

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Sexual orientation

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Men and Women Generally

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Disability

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Dependants

There is no evidence to suggest that persons in these categories have different needs, experience and priorities in relation to the policy.

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a ‘major’ impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of ‘minor’ impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- 1) The policy has no relevance to equality of opportunity or good relations.
- 2) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Part 2. Screening questions

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?** Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on *Religious Belief*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒
(select as appropriate)

Details of the likely policy impacts on *Political Opinion*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒
(select as appropriate)

Details of the likely policy impacts on *Racial Group*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒
(select as appropriate)

Details of the likely policy impacts on *Age*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Marital Status*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Sexual Orientation*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Men and Women*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Disability*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Dependants*:

The proposed policies aim to protect fish stocks and habitats across Northern Ireland. This benefit will accrue to Northern Ireland as a whole.

What is the level of impact? ☐ Major ☐ None ☒

(select as appropriate)

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

☐ Yes ☒ No (select as appropriate)

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - If Yes, provide details:

If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.

Political Opinion - If Yes, provide details:

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If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.
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Racial Group - If Yes, provide details:

--

If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.
--

Age - If Yes, provide details:

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If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.
--

Marital Status - If Yes, provide details:

--

If No, provide reasons

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.

Sexual Orientation - If Yes, provide details:

--

If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.

Men and Women generally - If Yes, provide details:

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If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.

Disability - If Yes, provide details:

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If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.

Dependants - If Yes, provide details:

--

If No, provide reasons:

No – Any new primary legislation will apply to all within the recreational and commercial fishing sectors. There is no obvious opportunity to promote equality of opportunity.
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3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on *Religious Belief*:

--

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Political Opinion*:

--

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

Details of the likely policy impacts on *Racial Group*:

What is the level of impact? Minor ☐ Major ☐ None ☒

(select as appropriate)

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

***Religious Belief* - If Yes, provide details:**

If No, provide reasons:

No – Any new primary legislation will apply to all within recreational and commercial fishing sectors.
No obvious opportunity exists to promote good relations between people of different beliefs, opinions or groups.

***Political Opinion* - If Yes, provide details:**

If No, provide reasons:

No – Any new primary legislation will apply to all within recreational and commercial fishing sectors.

No obvious opportunity exists to promote good relations between people of different beliefs, opinions or groups.

Racial Group - If Yes, provide details:

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If No, provide reasons:

No – Any new primary legislation will apply to all within recreational and commercial fishing sectors.

No obvious opportunity exists to promote good relations between people of different beliefs, opinions or groups.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? If so, please detail below.

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

None

DAERA also has legislative obligations to meet under the **Disability Discrimination Order**. Questions 5 - 6 relate to these.

Consideration of Disability Duties

- 5. Does this proposed policy or decision provide an opportunity for DAERA to better promote positive attitudes towards disabled people?**

No – The purpose of the new Fisheries and Water Environment Bill is to amend fisheries primary legislation and does not directly afford any obvious opportunity to promote positive attitudes towards disabled people.

- 6. Does this proposed policy or decision provide an opportunity to actively increase the participation by disabled people in public life?**

No – The purpose of a new Fisheries and Water Environment Bill is to amend fisheries primary legislation and does not directly provide any obvious opportunity for DAERA to actively increase the participation by disabled people in public life.

Part 3. Screening decision (Please delete as appropriate)

1. “Screened in” for equality impact assessment.
2. “Screened out” with mitigation or an alternative policy proposed to be adopted.
3. “Screened out” without mitigation or an alternative policy proposed to be adopted.

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The impacts and benefits of the draft Fisheries and Water Environment Bill will accrue to Northern Ireland as a whole and therefore will have no adverse effect on any of the relevant groups, organisations or individuals.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

No mitigation or alternative policy is necessary.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: [A Practical Guide to Equality Impact Assessment](#)

Mitigation

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations? ☐ Yes ☒ No (select as appropriate)

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total score	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? ☐ Yes ☒ No (select as appropriate)

If yes, please provide details.

Part 4. Monitoring

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities' annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.

If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](#)

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

Equality:

As this is a pre-consultation screen, relating to primary legislation, we will monitor all responses to the consultation and any comments made during the scrutiny of the Bill by the Assembly.

Any further stages of preparing subordinate legislation being made under the new primary legislation would require further consultation with stakeholders.

Good Relations:

As this is a pre-consultation screen, relating to primary legislation, we will monitor all responses to the consultation and any comments made during the scrutiny of the Bill by the Assembly.

Any further stages of preparing subordinate legislation being made under the new primary legislation would require further consultation with stakeholders.

Disability Duties:

As this is a pre-consultation screen, relating to primary legislation, we will monitor all responses to the consultation and any comments made during the scrutiny of the Bill by the Assembly.

Any further stages of preparing subordinate legislation being made under the new primary legislation would require further consultation with stakeholders.

Part 5. Consideration of Human Rights

- 7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below by deleting Yes/No as appropriate, any potential adverse impacts that the policy or decision may have in relation to human rights issues.**

See Annex A for brief synopsis on each of the Human Rights Articles & Protocols.

Right to Life	Article 2	No
Prohibition of torture, inhuman or degrading treatment	Article 3	No
Prohibition of slavery and forced labour	Article 4	No
Right to liberty and security	Article 5	No
Right to a fair and public trial	Article 6	No
Right to no punishment without law	Article 7	No
Right to respect for private and family life, home and correspondence	Article 8	No
Right to freedom of thought, conscience and religion	Article 9	No
Right to freedom of expression	Article 10	No
Right to freedom of peaceful assembly and association	Article 11	No

Right to marry and to found a family	Article 12	No
The prohibition of discrimination	Article 14	No
Protection of property and enjoyment of possessions	Protocol 1 Article 1	No
Right to education	Protocol 1 Article 2	No
Right to free and secret elections	Protocol 1 Article 3	No

8. Please explain any adverse impacts on human rights that you have identified.

No adverse impacts have been identified as a direct result of the draft policy proposals.

Primary Legislation (Acts of the Assembly) provides ‘enabling powers’ to make subordinate legislation. Such subordinate legislation would in turn be subject to further consultation and separate consideration of the potential impacts on both human rights and equality. For example, before introducing any legislation regarding charging (which may impact on Article 8) on the basis of cost recovery in line with DoF requirements, there would be further consultation to consider the potential impact on the profitability and competitiveness of the industry.

Other issues that we have considered in terms of possible impacts include proposals to introduce administrative penalties, which could impact on Article 7. While this would also be subject to further

assessment before subordinate legislation could be introduced, the policy as proposed would allow an individual to refuse the administrative penalty and to have their case heard by a court. The evidence needed to issue an administrative penalty will need to be to the same level as to take a prosecution. Therefore, this proposal is not believed to have an impact on human rights.

Therefore, we do not believe there to be direct impacts relating to the draft proposals. However, during the consultation, stakeholders will be asked to comment on the Department's assumptions in relation to impact on human rights.

Following consultation, the equality screening template will be updated as necessary or, a full impact assessment will be completed before the policy proposals are finalised.

9. Please indicate any ways which you consider the policy positively promotes human rights.

None

Part 6. Approval and authorisation

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed -

- I have explained any technical issues in plain English (easily understood by a 12 year old)
- I have used the most relevant, current & up to date data available
- I have added evidence and explained my assessments in full
- I have provided a brief note to justify my decision to 'Screen In' or 'Screen Out'
- A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off

Screening assessment completed by (Staff Officer level or above) -

Name: *Paula Higgins*

Grade: *Staff Officer*

Branch: *Marine and Fisheries Division*

Date: *21/01/2025*

Signature: please insert a scanned image of your signature.

Paula Higgins

Screening decision approved by (must be Grade 3/Deputy Secretary or above) -

Name: *Julie Thompson*

Grade: *Grade 3*

Branch: *EMFG*

Date: *12/06/2025*

Signature: please insert a scanned image of your signature.

Julie Thompson

Note: A copy of the Screening Template, for each policy screened should be ‘signed off’ and approved by a senior manager responsible for the policy, made easily accessible on the public authority’s website as soon as possible following completion and made available on request.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at equality@daera-ni.gov.uk. The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.



Strategic
Management DAERA

For more information about equality screening, contact:

DAERA Equality Unit

Capacity, Capability, Equality & Diversity Branch

Jubilee House

111 Ballykelly Road

LIMAVADY

BT49 9HP

Email: equality@daera-ni.gov.uk

Tel: 028 7744 2027



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Annex A

Synopsis of Human Rights Act Articles & Protocols

ARTICLE 2

Right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
 - a. In defense of any person from unlawful violence;
 - b. In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. In action lawfully taken for the purpose of quelling a riot or insurrection.

ARTICLE 3

Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

ARTICLE 4

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this Article the term “forced or compulsory labour” shall not include:
 - a. Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b. Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c. Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d. Any work or service which forms part of normal civic obligations.

ARTICLE 5

Right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. The lawful detention of a person after conviction by a competent court;
 - b. The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

- d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e. The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - f. The lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

ARTICLE 6

Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - a. To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - b. To have adequate time and facilities for the preparation of his defense;
 - c. To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - d. To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - e. To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 7

No punishment without law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

ARTICLE 8

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 9

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10

Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11

Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

ARTICLE 12

Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

ARTICLE 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol 1

ARTICLE 1

Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Protocol 1

ARTICLE 2

Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Protocol 1

ARTICLE 3

Right to free elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

For further information:

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