

Annex A

**PARTIAL REGULATORY IMPACT ASSESSMENT ON THE
PROPOSED FOYLE AREA AND CARLINGFORD AREA
(CONSERVATION OF JUVENILE COARSE FISH)
REGULATIONS 2015**



1.0 Title of proposal

Foyle Area and Carlingford Area (Conservation of Juvenile Coarse Fish) Regulations 2015

2.0 Purpose and intended effect

Objectives

The objective of this impact assessment is to inform policy on the proposed Regulations which will:-

1. Make it an offence for any person to wilfully take, sell, purchase, or have in their possession any juvenile coarse fish.
2. Make it an offence for any person to wilfully obstruct the passage of any juvenile coarse fish.
3. Make it an offence for any person to injure or disturb the spawn or fry of any coarse fish.
4. Make it an offence for any person to injure or disturb any spawning medium where the spawn or fry of any coarse fish may be.
5. Include the defence to the aforementioned offences that if a person can show that the spawn of the coarse fish has been produced through aquaculture production units or within a licenced area as per the Foyle Fisheries Act (Northern Ireland) 1952 section 52X(1) or the Foyle Fisheries Act 1952 section 53X(1), or believe this on reasonable grounds, then they shall not be convicted under these sections.

3.0 Background

The Loughs Agency holds the management, conservation, protection, improvement and development of the inland fisheries of the Foyle and Carlingford areas as vital in fulfilling its aims and objectives as set out in the North/South Co-operation (Implementation Bodies) (NI) Order 1999, the British-Irish Agreement Act 1999, the Foyle Fisheries Act (NI) 1952 (as amended) and the Foyle Fisheries Act 1952 (as amended). The Loughs Agency has the power to enforce provisions of the Foyle Fisheries Act (Northern Ireland) 1952 and the Foyle Fisheries Act 1952 and to pursue convictions on those people found in violation of the provisions of the aforementioned Acts as well as Regulations which have been introduced by the Agency under the 1952 Acts. These Acts give the Loughs Agency the power introduce regulations for the management, conservation, protection and improvement of the fisheries of the Foyle Area and the Carlingford Area, including the ability to create offences and thereby if any person contravenes (whether by act or omission) any regulations created under the provisions of the Foyle Fisheries Act (Northern Ireland) 1952 and the Foyle Fisheries Act 1952, they shall be guilty of an offence against the Act.

The Foyle and Carlingford areas are home to a number of species of coarse fish. Coarse fish are contrasted with game fish such as salmon and trout which have been afforded a more substantial level of protection throughout history due to the greater value placed on game fish. However coarse fish are still a valuable part of local ecosystems and have significant value to angling communities.

Many lakes, rivers, canals and drains form an extremely valuable wildlife conservation resource. They contain a wide range of habitat types that

support many different species of fish as well as other animals. However, this resource is under pressure from such things as the demand for water for homes and industry, the discharge of treated effluent and the installation of flood defences. Additionally, the need for local Councils and other bodies to carry out work to maintain the integrity of certain waterways under their jurisdiction where coarse fish are found must also be factored into any equation regarding conservation and protection of coarse fish.

4.0 Rationale for regulatory intervention

The Foyle and Carlingford areas contain a number of species of coarse fish and game fish. Greater protections have been afforded to the species of game fish than have been for coarse fish in these waters due to the higher value placed on their continued expansion and development. This regulation, however, seeks to address this inequity and introduce a number of protections for the young of coarse fish. A key way identified as helping in the protection of coarse fish stocks is to prevent people from interfering with them at an early stage in their lives. The prevention of the transfer and taking of these juvenile coarse fish will discourage people from interfering with them as they are at a vulnerable stage in their life. Similarly, by disturbing the spawn or the spawning locations of coarse fish, the spawn which is attached to the aquatic and semi-aquatic plants in the water will be dispersed or become unattached and therefore no longer be viable.

5.0 Consultation

Within government

Government Departments will be routinely consulted as part of the public consultation exercise.

Public consultation

A public consultation exercise with stakeholders will be undertaken. The proposed regulation has been screened for equality implications and there are no equality issues for any of the groups highlighted in section 75 of the Northern Ireland Act 1998.

6.0 Options

Option 1: Do nothing.

Option 2: Change regulations

Option (1) - Do nothing.

By not introducing any regulatory changes the Loughs Agency would fail in its duty to conserve and protect coarse fish stocks in the Foyle and Carlingford areas. A failure to act would result in there being no regulatory protections for juvenile coarse fish leaving them susceptible to man-made activities which would significantly reduce their overall viability. By not regulating on this area juvenile coarse fish would still be able to be taken and interfered with unlike the juvenile members of game fish species. This puts them at a distinct disadvantage and would mean lower survival rates for coarse fish. Additionally, by not protecting spawning habitats for coarse fish the sustainability of coarse fish stocks would be called into question as without viable spawning locations coarse fish cannot produce enough young

to replenish their numbers year after year. As fish species come under increasing pressure from man-made factors, the Loughs Agency needs to act to protect them at the most vulnerable stage in their life.

Option (2) - Introduce regulations

This option is the only viable option Loughs Agency has in terms of regulatory development.

7.0 Costs

There will be no cost to the agency.

There will be no cost to small business.

When proposing to carry out public works on areas where coarse fish are known to spawn, local Councils may be forced to avoid carrying out these works during periods when coarse fish are spawning. This will likely not impact the costs involved in any significant way.

8.0 Sectors and groups affected

The proposed Regulations have been screened for equality implications and there are no equality issues for any of the section 75 groups as specified in the Northern Ireland Act 1998; however these groups will be included in the consultation process.

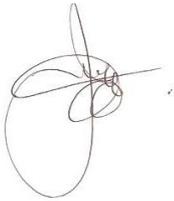
9.0 Summary and recommendation

To introduce the regulations as proposed.

10.0 Declaration and publication

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed

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Date

1st January 2015