



## CONSULTATION DOCUMENT

# PROPOSED FOYLE AREA AND CARLINGFORD AREA (CONSERVATION OF JUVENILE COARSE FISH) REGULATIONS 2015



# **PROPOSED FOYLE AREA AND CARLINGFORD AREA** **(CONSERVATION OF JUVENILE COARSE FISH) REGULATIONS 2015**

## **CONSULTATION DOCUMENT**

### **INTRODUCTION**

This Consultation Document sets out proposals by the Loughs Agency to introduce Regulations which will establish a series of new protections to be afforded to the non-adult forms of specified species of coarse fish. They will enable the Loughs Agency to pursue a more effective management and conservation programme for these fish species and ensure their continued success.

These Regulations are made under section 13(1) of the Foyle Fisheries Act 1952 and the Foyle Fisheries Act (Northern Ireland) 1952.

The consultation document is available on the Loughs Agency website at [www.loughs-agency.org](http://www.loughs-agency.org).

### **PURPOSE**

These Regulations propose to:

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 by 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.

## BACKGROUND

Section 13(1) of the Foyle Fisheries Act 1952 and Section 13(1) of the Foyle Fisheries Act (Northern Ireland) 1952 provide the legislative background to this regulation. Section 13 of the 1952 Foyle Fisheries Acts (as amended) allows the Loughs Agency to:

- Make such regulations as appear to the Commission to be expedient for the management, conservation, protection and improvement of the fisheries of the Foyle Area and the Carlingford Area.
- Prohibiting any mode of taking or destroying fish or any kind of fish.
- Anything relating in any manner to the management and protection of the fisheries

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.

Within the Foyle and Carlingford systems, and indeed in angling areas generally, there has been substantial levels of protection afforded to game fish such as salmon and trout. However by comparison coarse fish have not been as well protected as game fish. Coarse fish are a valuable part of local ecosystems as well as local angling communities and their continued preservation is therefore viewed as vital to the long-term success of fisheries in the Foyle and Carlingford areas.

It is therefore the aim of the Loughs Agency to introduce protections for the juvenile forms of coarse fish to ensure their continued prosperity.

## **OVERVIEW OF THE PROPOSED REGULATION**

The proposed Regulation allows for the introduction of offences which will prevent people from acting in a number of ways which are detrimental to the long-term prosperity of coarse fish in the Foyle and Carlingford areas. These proposed regulations shall prevent people from taking juvenile coarse fish from any waters. They will also prevent the transfer of these juvenile coarse fish for economic gain by prohibiting the buying or selling of the spawn, juvenile fish or fry of any of these fish species. By removing the economic



consideration the Agency aims to discourage people from engaging in this type of activity.

These regulations will also prevent the obstruction of the passage of the juvenile fish or fry of coarse fish, ensuring that they are able to move throughout the water system they are in without become trapped in certain stretches of water.

These regulations shall also prohibit any person from injuring or disturbing the spawn/fry or spawning mediums where spawn or fry of coarse fish may be. Coarse fish eggs need to be constantly covered by water, so spawning sites must be in locations which are always beneath the water level. The sites for spawning are carefully chosen to provide the young fish with the best chance of survival. By interfering with the spawn or spawning sites, or with areas which may otherwise effect the spawning sites, the spawn will be adversely affected due to no longer being in the correct conditions necessary to survive. This regulation would prevent people from interfering with the coarse fish during times of the year where coarse fish are spawning.

A defence to these offences will also be introduced. If a person can show that the spawn of the coarse fish has been produced by 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 of an offence under the aforementioned regulations.

These regulations will also include a list of species which will be deemed to be coarse fish for the purposes of this regulation.

## **DETAILS OF CONSULTATION PROCESS**

1. Responses to this Consultation Document should be received no later than 26<sup>th</sup> August 2015.



2. Responses and any comments about this Consultation should be either:

- sent to Foyle Area and Carlingford Area (Conservation of Juvenile Coarse Fish) Regulations Consultation, Loughs Agency, 22 Victoria Road, Prehen, Londonderry, BT47 2AB, (Fax Number (028) 71342720); or

- emailed to [laura.mccready@loughs-agency.org](mailto:laura.mccready@loughs-agency.org)

3. Hard copies of this Consultation Document can be obtained from Loughs Agency at the above address or by telephoning Laura McCready on (028) 71342100.

4. The Consultation Document is also available on the Loughs Agency website at [www.loughs-agency.org](http://www.loughs-agency.org)

5. Copies of this document in an alternative format can be made available on request in large print, disk, Braille and audiocassette. It may also be made available in other languages on request.

## **FREEDOM OF INFORMATION**

Loughs Agency will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Agency can only refuse to disclose information in exceptional circumstances. A full copy of the Freedom of information Code of Practice is available for download or viewing at [www.loughs-agency.org](http://www.loughs-agency.org)



## **EQUALITY IMPACT AND HUMAN RIGHTS IMPLICATIONS**

The policy has been screened for section 75 groupings and there are no equality issues for any of the section 75 groups.

The Loughs Agency is of the view that the proposed legislation is compatible with the Human Rights Act 1998.

## **REGULATORY IMPACT ASSESSMENT**

A partial regulatory impact assessment is attached at Annex a. The Agency would welcome comments on the draft assessment.

## **ENQUIRIES AND FURTHER COPIES**

For enquiries and further copies please contact the address below:

Loughs Agency  
22 Victoria Road  
Londonderry  
Northern Ireland  
BT47 2AB



The consultation document is also available on the on the Loughs Agency website at [www.loughs-agency.org](http://www.loughs-agency.org)

John McCartney

**Director of Conservation and Protection.**

# Consultation Responses



## 1. Name / Organisation

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

## 2. Postal Address

<input type="text"/>		
Postcode:	Phone:	Email:



## Response Questions

Question 1: Do you agree with making it an offence for anyone to wilfully take, sell, purchase, or have in their possession any juvenile coarse fish?

Question 2: Do you agree with making it an offence for anyone to wilfully obstruct the passage of any juvenile coarse fish?

Question 3: Do you agree that it should be an offence for anyone to injure or disturb the spawn or fry of any coarse fish?



Question 4: Do you agree that it should be an offence for anyone to injure or disturb any spawning medium where the spawn or fry of any coarse fish may be.

Question 5: Do you agree that the regulations should include the defence to the aforementioned offences if a person can show that the spawn of the coarse fish has been produced by 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?



Question 6: Do you have any further comments or recommendations regarding these proposals?

**Thank you for taking time to respond to this consultation.**