



## CONSULTATION DOCUMENT

# PROPOSED FOYLE AREA AND CARLINGFORD AREA (PRESCRIBED SPECIES) REGULATIONS 2015



# **PROPOSED FOYLE AREA AND CARLINGFORD AREA (PRESCRIBED SPECIES) REGULATIONS 2015**

## **CONSULTATION DOCUMENT**

### **INTRODUCTION**

This Consultation Document sets out proposals by Loughs Agency to introduce regulations which shall establish an offence of possessing a fish of unlawful capture which is of a species prescribed in the regulations.

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 have in their possession any fish of a species prescribed in the Schedule which has been unlawfully captured.
2. List the following species and hybrids of these species in the Schedule:



Species Name	Scientific Species Name
Allis Shad	<i>Alosa alosa</i>
Arctic Charr	<i>Salvelinus alpinus</i>
Bream	<i>Abramis brama</i>
Brown Trout	<i>Salmo trutta morpha fario</i>
Carp	<i>Cyprinus carpio</i>
European Eel	<i>Anguilla anguilla</i>
Golden Grey Mullet	<i>Liza aurata</i>
Perch	<i>Perca fluviatillis</i>
Pike	<i>Esox lucius</i>
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Roach	<i>Rutilus rutilus</i>
Rudd	<i>Scardinius erythrophthalmus</i>
Smelt	<i>Osmerus eperlanus</i>
Tench	<i>Tinca tinca</i>
Thin Lipped Grey Mullet	<i>Liza Ramada</i>
Twaite Shad	<i>Alosa fallax Lacépède</i>

## BACKGROUND

The Loughs Agency has the conservation, protection and improvement of the fisheries of the Foyle Area as one of its key functions according to Section 11 of the Foyle Fisheries Acts 1952.

Section 13(1) of the Foyle Fisheries Act 1952 and the Foyle Fisheries Act (Northern Ireland) 1952 provide the legislative background to this regulation. Section 13 of the 1952 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 against the Act.

Previously the Loughs Agency has introduced the Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species) Regulations 2011. These Regulations made it an offence to fish for a number of prescribed species without a licence. However these Regulations did not make provision for the prosecution of people who were in possession of a fish obtained by illegal angling. The current proposed Regulation aims to change this so that it is no longer the case that people who have illegally obtained a prescribed species of fish can avoid prosecution.



## OVERVIEW OF THE PROPOSED REGULATION

The proposed Regulations will provide for the introduction of an offence which will prevent people from having in their possession a fish of a prescribed species which has been obtained by illegal angling.

Illegal angling for these fish species relates to the Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species) Regulations 2011. This Regulation requires a person to have a licence if they wish to fish for a species of fish as prescribed in the Regulation, and the prescribed species listed in these Regulations have been replicated in the Regulation being consulted upon. This and other regulations regarding illegal methods for angling will render any fish of the prescribed species illegally caught and subject to the Regulation being consulted upon.

The species listed as being prescribed species for the purposes of this Regulation are a replica of those found in the aforementioned Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species) Regulations 2011.

## 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 (Prescribed Species) 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

Postcode:	Phone:	Email:





## Response Questions

Question 1: Do you agree that it should be made an offence for any person to have in their possession any fish of the species prescribed which has been obtained by unlawful capture?

Question 2: Have you any comments on the list of species prescribed?



Question 3: Do you have any further comments or recommendations regarding these proposals?

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