

## Annex A

# PARTIAL REGULATORY IMPACT ASSESSMENT ON THE PROPOSED CARLINGFORD AREA (DEFINITION OF THE MOUTH OF THE CLANRYE RIVER) REGULATIONS 2015



# **PROPOSED CARLINGFORD AREA (DEFINITION OF THE MOUTH OF THE CLANRYE RIVER) REGULATIONS 2015**

## **1.0 Title of proposal**

Carlingford Area (Definition of the Mouth of the Clanrye River) 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. Introduce a definition of the mouth of the Clanrye River.
2. Provide all references necessary for the clear understanding of where the points used in the definition of the river mouth are.

## **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).

As part of its duties the Loughs Agency must work to clearly define areas in which it works and advance the protections offered to species within these areas.

The Clanrye is unlike most other major rivers in Loughs Agency jurisdiction in that it lacks a clear definition of its river mouth. Other rivers such as the Roe (defined in the Foyle Area (Definition of the Mouth of the River Roe) Regulations 1983) have statutory instruments which already perform this function.

The importance of this, aside from clarity, is that certain regulatory protections for species within the Loughs Agency jurisdiction are attached to the defined mouths of rivers. Prohibitions on netting extend outwards from defined river mouths to protect fish at the point where they enter a river. As the Clanrye does not currently have a defined mouth, these exact area as to which these netting restrictions extend are ambiguous.

#### **4.0 Rationale for regulatory intervention**

The rationale for regulatory intervention is that as the mouth of the Clanrye River currently lacks a definition, the protections for fish species attached to the area surrounding a river mouth are ill defined and unsuitable for purpose. Without a clearly defined mouth the netting restrictions which apply to an area of 805 metres (1/2 a mile) around the defined mouth (as per Section 38 of the Foyle Fisheries Act (Northern Ireland) 1952 as amended and Section 39 of the Foyle Fisheries Act 1952 as amended) is ambiguous and as such could be disputed. By introducing a definition the Loughs Agency aims to remove this anomalous position of the Clanrye River and ensure that the

Loughs Agency's goals of providing the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford Areas are achieved.

The consultation on the RIA will provide an opportunity for interested parties to make their own representations in respect of the potential impact of these proposals on stakeholders.

## **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.

Mouth of the Clanrye would remain undefined. The prohibited area for netting surrounding it would therefore remain ambiguous.

### Option (2) – Introduce Regulation

This option is the only viable option that the Loughs Agency has in terms of ensuring that the anomalous position of the Clanrye River is rectified and that the prohibited area for netting which surrounds it for 805 metres is clear and unambiguous so as to prevent any further issues arising as a result.

## **7.0 Costs**

There will be no cost to businesses or the Loughs Agency.

## **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.

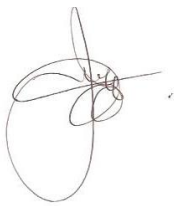
## **9.0 Summary and recommendation**

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

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke extending to the right.

Date

1<sup>st</sup> January 2015