

## Annex A

# PARTIAL REGULATORY IMPACT ASSESSMENT ON THE PROPOSED FOYLE AREA AND CARLINGFORD AREA (PRESCRIBED SPECIES) REGULATIONS 2015



# **Partial Regulatory Impact Assessment on the Proposed Foyle Area and Carlingford Area (Prescribed Species) Regulations 2015**

## **1.0 Title of proposal**

The Foyle Area and Carlingford Area (Prescribed Species) 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 have in their possession any fish of a species prescribed in the regulation which is of unlawful capture.
2. Prescribe a number of species of fish to which this regulation will apply.

## **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 previously introduced the Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species)

Regulations 2011. These Regulations made it an offence to fish without a licence for a number of prescribed species. However these Regulations did not make provision for the prosecution of those people who were in possession of a fish obtained by unlawful angling meaning that once a person was in possession of a fish they could not be prosecuted for it. The current proposed Regulation aims to change this so that it is no longer the case that people who have unlawfully obtained a prescribed species of fish can avoid prosecution.

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

The Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species) Regulations 2011 introduced an offence of fishing without a licence for a number of species of fish which were prescribed in the Regulation. This however only made it an offence to be in the act of fishing for one of the prescribed species without a licence. It did not make it an offence to be in possession of one of the prescribed species of fish which was obtained by unlawful capture. This has created an undesirable situation whereby people who have unlawfully captured fish of a prescribed species cannot be prosecuted. This Regulation proposes to introduce the offence of being in possession of a fish of a prescribed species obtained by unlawful capture which will address this situation. By doing so this Regulation will assist in the Loughs Agency's conservation and protection goals through the prosecution of offenders who are unlawfully capturing fish species which have been prescribed by the Agency, many due to their rarity or low numbers in the Foyle and Carlingford areas.

## **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: Introduce Regulations

### **Option (1) - Do nothing.**

This is not a viable option for the Loughs Agency. If these Regulations were not introduced then people who had obtained a fish of a prescribed species as per the Foyle Area and Carlingford Area (Prohibition of Unlicensed Fishing) (Prescribed Species) Regulations 2011 by way of unlawful capture would not be able to be prosecuted for having the fish in their possession. It would maintain the currently undesirable situation whereby they could only be prosecuted if in the act of catching the prescribed species of fish.

### **Option (2) - Introduce Regulations**

This option is the only viable option open to the Loughs Agency.

## **7.0 Costs**

There will be no cost to businesses for any of the options considered.

## **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.

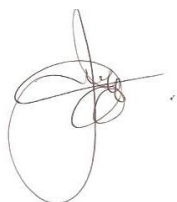
## **9.0 Summary and recommendation**

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 loops and a long horizontal stroke extending to the right.

Date

1<sup>st</sup> January 2015