EXPLANATORY MEMORANDUM TO

Fisheries (Amendment) Regulations (NI) 2012

SR 2012 No. 397

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 26(1) of the Fisheries Act (NI) 1966 and is subject to the negative resolution procedure.

2. Purpose

2.1 The purpose of these Regulations is to alter the commercial fishing season on Lough Erne and to amend Schedule 6 of the Fisheries Regulations (NI) 2003 to include a new designated Rainbow Trout Fishery at Clelands Lake, Crossgar.

3. Background

3.1 Regulation 82 (1) of the Fisheries Regulations (NI) 2003 provides that the annual close season for the netting of coarse fish (except pollen) on Upper and Lower Lough Erne shall be from the 17th March to the 17th December (inclusive) in any year. This means that commercial activity is permitted from the 18th December to the 16th March.

Following representations from interested stakeholders, DCAL now intends to change the commercial netting season on the Lough to the 1st December until the last day in February. This will reduce conflict with other fishing activity on the Lough, particularly angling for salmon and trout, which begins on the 1st March each year.

3.2 Byelaw 73 (2) (b) of the Fisheries Regulations (Northern Ireland) 2003 provides that the annual close season for angling for salmon or trout shall not apply in the case of rainbow trout waters so designated, allowing the fishery to remain open throughout the year. Schedule 6 of the Regulations lists the designated rainbow trout waters and requires amendment if waters are to be added or removed.

4. Consultation

4.1 The proposal to change the Erne commercial fishing season originated from commercial fishermen on the Lough who sought and received support from the Departments stakeholder group, the Salmon and Inland Fisheries Forum.

4.2 Clelands Lake is privately owned. The Department is content to approve on the basis that the proposed rainbow trout fishery has been

secured to prevent escapement of rainbow trout into the wild. The landowners surrounding the lake have agreed to the change of use. The application details were presented to the Salmon and Inland Fisheries Forum for comment. No comments were received.

5. Equality Impact

5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The screening exercise did not identify any equality issues.

6. Regulatory Impact

6.1 Responses to the consultation with fishermen affected by the change to the Erne commercial fishing season indicate that the change to the fishing season would impact favourably on the industry as the pike market may be better before Christmas than after.

6.2 The owner of the fishery to be designated as a rainbow trout water would be able to operate the fishery throughout the year with no annual close season resulting in the potential for increased income through the sale of fishing permits.

6.3 No compliance costs have been identified for business, charities or voluntary organisations.

7. Financial Implications

7.1 The Department is satisfied that the balance between cost and benefit in introducing these amendment regulations is justified.

8. Section 24 of the Northern Ireland Act 1998

8.1 It is not expected that any of the amendments set out in the draft Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law. The EQIA screening did not raise any discrimination issues.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 In GB, there is little commercial exploitation of inland waters other than eel fisheries and limited salmonoid fisheries.

10.2 In the GB Environment Agency's jurisdiction, there is no annual close season for fishing for rainbow trout in all reservoirs, lakes and ponds. The annual close season for other waters is determined by local byelaws.

11. Additional Information

11.1 Not applicable