EXPLANATORY MEMORANDUM TO

Fisheries Regulations (NI) 2014

SR 2014 No 17

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 sections 26(1), 37, 51(2), 52(2), 71(2)(g), 72(1), 89, 95, 114(1)(b) and 115(1)(b) of the Fisheries Act (NI) 1966 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations introduce a range of salmon conservation measures to implement mandatory catch and release for salmon and sea trout angling and remove references to salmon netting which has been prohibited by other enabling Regulations.

2.2 The main changes are as follows:

- The introduction of mandatory catch and release for salmon and sea trout angling;
- That prawns and shrimps (and worms after June) are to be permitted as salmon baits in conjunction with single and double barbless hooks;
- That exceptions to catch and release will operate on certain waters;
- The removal of references to salmon netting;
- Amendments to the format of a licence book.
- The addition of Gentle Owens Lake and Loughgall Lake (Armagh) to the list of waters where a DCAL coarse fishing licence is valid (Schedule 4).

3. Background

3.1 Currently the principal body of subordinate legislation regulating angling and commercial fishing activity are the Fisheries Regulations (NI) 2003. These have been completely re-written to reflect the prohibition of salmon netting and the introduction of catch and release. Accordingly the Regulations have now been recast as the **Fisheries Regulations (NI) 2014** incorporating all amendments made to the original Regulations since their introduction in 2003.

4. Consultation

4.1 A public consultation on salmon fishing closed in July 2012 resulting in over 370 responses. The views of individuals accounted for 90% of responses, while 10% were from organizations purporting to represent the views of some 17,000 individuals. The key messages that

emerged were that 83% of respondents supported a total cessation of commercial salmon fishing and a total of 74% supported the introduction of mandatory catch and release for recreational angling.

4.2 Following further engagement with stakeholders, a further consultation issued seeking comments on a wide range of proposals regulating the implementation of catch and release and a ban on salmon netting. This closed on the 27th September 2013 - a total of 210 responses were received from a wide range of interested parties.

5. Equality Impact

5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. One of the original proposals in the 2013 consultation on salmon conservation was to prohibit certain types of bait (earthworms, prawns and shrimps) while salmon angling. However some consultees were concerned that prohibition would impact negatively on juvenile, elderly, infirm and disabled anglers as these are the fishing methods favoured by people with limited mobility. As a consequence, it has been agreed that anglers can continue to use prawns and shrimps while salmon and sea trout angling throughout the season and worms after the end of June (to protect runs of young salmon which occur before July).

5.2 Apart from the above, no other impacts have been identified in this process. Angling is an activity which is open to all sections of the community. Mandatory catch and release will not restrict participation but rather what anglers can do after catching a salmon. While salmon netting will be prohibited, the implementation will not have a disproportionate effect on any particular Section 75 grouping other than gender due to the nature of the activity.

6. Regulatory Impact

6.1 The introduction of mandatory catch and release for salmon angling may also have a potential detrimental impact on angling tourism and associated small businesses. However a robust conservation approach may be attractive to other categories of tourist who have a holistic interest in the environment. The impact on businesses which rely on salmon angling will still have an opportunity to promote such activity albeit on a catch and release basis only. An improvement in salmon stocks will present an enhanced sporting opportunity for such anglers to fish for and catch (and release) salmon.

6.2 The new Fisheries Regulations (NI) 2014 will also amend the format of an angling licence to include all current licence variations on a single coarse or game licence. It is anticipated that the reduction in administrative burden will benefit those tackle shops which also act as licence distributers.

7. Financial Implications

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

8. Section 24 of the Northern Ireland Act 1998

8.1 It is not expected that any of the provisions set out in the Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law.

9. EU Implications

9.1 These Regulations are part of a suite of salmon conservation measures aimed at the conservation of the wild Atlantic Salmon. The introduction of catch and release for salmon angling on rivers which are not meeting conservation limits is consistent with NASCO guidelines on managing salmon stocks.

9.2 While NASCO do not impose infraction proceedings, the EU are signatories to the guiding principles of NASCO on conservation and protection of salmon and Northern Ireland is committed to this as (part of) a member state.

10. Parity or Replicatory Measures

10.1 In England and Wales, rivers are managed on a regional basis with each region determining when and how salmon may be caught. Generally, early season catch and release is in force for salmon angling.

10.2 In Scotland, fly fishing is the most popular method of fishing for salmon and many anglers now practice voluntary catch and release.

10.3 In the Loughs Agency Area, salmon and sea trout angling is managed on a river by river basis. Where catch and release applies, this extends to sea trout as well as salmon.

11. Additional Information

11.1 Not applicable