EXPLANATORY MEMORANDUM TO

The Foyle Area (Control of Fishing) Regulations 2010

SR 2010 No. 199

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Foyle, Carlingford and Irish Lights Commission accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 13(1) of the Foyle Fisheries Act 1952 and section 13(1) of the Foyle Fisheries Act (Northern Ireland) 1952 (as amended by S.I. 1999/859 and S.I. 2007/915 (N.I. 9)) and is subject to the negative resolution procedure.

2. Description

2.1 The Loughs Agency is responsible for the conservation and protection of inland fisheries in the Foyle and Carlingford Areas. These regulations are being introduced as a conservation and protection measure.

2.2 These regulations will enable the Loughs Agency to restrict angling to catch and release and to suspend netting in the event of conservation targets for rivers in the Foyle Area not being met.

3. Matters of special interest to the Examiner of Statutory Rules

3.1 These regulations are in breach of the 21 day rule. They must be in operation prior to 15 June 2010 in order to ensure compliance with the Habitats Directive (92/43/EEC), while also minimizing the cost to Loughs Agency stakeholders.

3.2 It was not possible for the regulations to be made earlier to facilitate compliance with the 21 day rule, as the requisite approvals were not in place.

4. Consultation

4.1 The regulations were the subject to a full public consultation which included local stakeholders.

5. Territorial Extent and Application

5.1 This Statutory Rule applies to the Foyle Area.

6. European Convention on Human Rights

6.1 The proposed legislation has been screened for these issues and none were identified.

7. Equality Impact

7.1 These regulations have been subject to equality screening, carried out by the Loughs Agency, which found that a full EQIA is not necessary as the proposals apply equally to, and will have no disproportionate effect on, the section 75 groups.

8. Regulatory Impact

8.1 A Partial Regulatory Impact Assessment was prepared for this instrument and circulated to stakeholders with the consultation papers.

9. Financial Implications

9.1 There will be short term costs for commercial fishermen both in the drift and draft commercial fishery. However, these costs must be considered against the long-term sustainability of the fishery.

10. Section 24 of the Northern Ireland Act 1998

10.1 These regulations comply with section 24 of the Northern Ireland Act 1998.

11. EU Implications

11.1 These regulations will enable the Loughs Agency to comply with the requirements of the Habitats Directive (92/43/EEC).

12. Additional Information

12.1 None