EXPLANATORY MEMORANDUM TO

The Marine Protected Areas (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2022

SR 2022 No. 292

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly. The Statutory Rule is subject to the negative resolution procedure in the Northern Ireland Assembly.

1.2. The Statutory Rule is made in exercise of the powers conferred by sections 19(1) and 124(1), (2) and (2A) of the Fisheries Act (Northern Ireland) 1966(**b**).

2. Purpose

2.1. The purpose of this Statutory Rule is to protect the marine features within the respective sites through the prohibition of fishing methods therein. Section 124 (2A) of the Fisheries Act (Northern Ireland) provides that the powers to make regulations may be exercised for (a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in those areas or (b) the conservation of flora or fauna which are dependent on, or associated with, a marine or coastal environment.

2.2. The Regulations therefore prohibit (with certain exceptions) specified fishing methods in a number of marine protected areas within the Northern Ireland zone. The marine protected areas are Carlingford Lough Marine Conservation Zone; Murlough Special Area of Conservation; Outer Belfast Lough Marine Conservation Zone; Rathlin Island Special Area of Conservation and Marine Conservation Zone; Red Bay Special Area of Conservation; Skerries and Causeway Special Area of Conservation; Strangford Lough Marine Conservation Zone restricted area; The Maidens Special Areas of Conservation; and Waterfoot Marine Conservation Zone.

3. Consultation

3.1. The Department carried out a consultation from 30 November 2020 until 31 March 2021 on proposed fisheries management measures in marine protected areas and the establishment of scallop enhancement sites.

3.2 At its meeting on 21 October 2021, the AERA Committee considered the Departmental response to the consultation and noted the DAERA Written Briefing - Synopsis of responses to consultation on fisheries management measures in Marine Protected Areas and establishment of scallop enhancement sites. The AERA Committee was content with the policy proposals and that the relevant legislation should be laid.

3.3 A separate Statutory Rule provides for the prohibitions within the established scallop enhancement sites.

Equality Impact

4.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality screening of the provisions in this Statutory Rule concluded that it is screened out from requiring a full equality impact assessment.

5. Regulatory Impact

5.1. The draft Regulatory Impact Assessment for the consultation was based on data from 2012-2016, the rationale being that the MCZs were designated in 2016 and therefore discounts any bias from changes in fishing activity as a result of the designations.

5.2 The fishing industry raised issues during consultation that the estimated values for fishing in MPAs were too low and there was insufficent evidence to make an accurate assessment.

5.3 AFBI was commissioned to reanalyse the data to include data up to 2020 and the revised valuations will be incorporated into the final Regulatory Impact Assessment which is published with this Statutory Rule.

6. Financial Implications

6.1. There are no financial implications for the Department associated with the making of this Rule.

7. Section 24 of the Northern Ireland Act 1998

7.1. This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

8. EU Implications

8.1. None.

9. Parity or Replicatory Measure

9.1. N/A

10. Additional Information

10.1. For further information contact Patrick Smith (Tel. 02844618111) or Colin Armstrong (Tel. 02890569235) at the Department of Agriculture, Environment and Rural Affairs or e-mail patrick.smith@daera-ni.gov.uk or seafisheries@daera-ni.gov.uk.