EXPLANATORY MEMORANDUM TO

The Scallop Enhancement Sites (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2022

SR 2022 No. 272

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.

2. Purpose

2.1. The purpose of this Statutory Rule is to provide protection for sites that have been identified as suitable for King scallop, *Pectin maximus*, stock enhancement measures. The Statutory Rule prohibits fishing for sea-fish by demersal mobile fishing gear or diving for scallops in a number of defined locations within the Northern Ireland zone which have been established as scallop reseeding sites.

2.2 The sites are located at Ballyquintin, Drumfad Bay, Roaring Rock and Whitehead. An exception to this prohibition applies to those who have a permit granted from the Department under section 14 of the Fisheries Act (Northern Ireland) 1966 to fish for scientific purposes.

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 in the proposed of scallop enhancement sites.

3.2 At its meeting on 21 October 2021, the Agriculture, Environment and Rural Affairs (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.

4. Equality Impact

4.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality sreening 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. Vessel monitoring and landings data is only available for the Drumfad Bay site and AFBI assessed the annual average landings to be £1782. No issues were raised with this value in the consultation responses.

5.2. A final Regulatory Impact Assessment has been published with this Statutory Rule.

6. Financial Implications

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