EXPLANATORY MEMORANDUM TO

The Shellfish Gathering (Conservation) Regulations (Northern Ireland) 2026

S.R. 2026 No. 001

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 124(1) and (2) of the Fisheries Act (Northern Ireland) 1966.

2. Purpose

2.1. The purpose of the Statutory Rule is to introduce a conservation measure for periwinkle (*Littorina littorea*) populations by prohibiting their harvesting during the peak spawning season. This conservation measure aims to protect the species during a critical part of its lifecycle and support the sustainability of local shellfish populations.

2.2. The Statutory Rule prohibits the taking of periwinkles by any means from intertidal areas between 1st January and 30th April, inclusive, each year. A scientific report published by the Agri-Food and Biosciences Institute (AFBI) in 2022 recommended that a closed season during the months of January to April would be best to protect the spawning stock. The “intertidal area” is the area between the high water mark and the low water mark of ordinary spring tides.

2.3. The prohibition imposed by this Statutory Rule does not apply to any person operating under the authority of, and in accordance with a permit granted under section 14 of the Fisheries Act (Northern Ireland) 1966.

3. Consultation

3.1. The Department conducted a public consultation titled “Intertidal Hand Gathering of Shellfish in Northern Ireland, a Call for Evidence” between June and September 2022. This consultation presented a range of potential management measures aimed at protecting intertidal shellfish stocks from unsustainable exploitation and safeguarding habitats and species potentially impacted by shellfish gathering activities.

3.2. Responses to this consultation indicated significant support for the measure outlined in this Statutory Rule.

4. Equality Impact

4.1. The proposals set out in the public consultation, "Intertidal Hand Gathering of Shellfish in Northern Ireland, a Call for Evidence" were subject to an Equality Impact Screening exercise. The proposals were screened out from requiring an equality impact assessment.

5. Regulatory Impact

5.1. A Regulatory Impact Assessment (RIA) was published with the public consultation, "Intertidal Hand Gathering of Shellfish in Northern Ireland, a Call for Evidence"

5.2. Of the three options in the RIA (which included a "do nothing" and a complete prohibition on gathering periwinkles) the preferred option was to introduce management measures that allow shellfish gathering to continue in a sustainable way, based on evidence and taking into account the views of stakeholders. Potential measures included a closed season, minimum landing size, night-time curfew, registration system for commercial gatherers and a bag limit for recreational gatherers.

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 is compliant with section 24 of the Northern Ireland Act 1998.

8. EU Implications

8.1. None.

9. Parity or Replicatory Measure

9.1. In England, a byelaw in the Southern Inshore Fisheries and Conservation Authority which covers Dorset, Hampshire, Isle of Wight provides for a closed season where periwinkles may be gathered by hand only during 15 May to 15 September inclusive.

9.2 There is currently no closed season for periwinkle harvesting in Wales, Scotland and the Republic of Ireland.

10.Additional Information

10.1 For further information contact Patrick Smith (Tel. 02844618111) or Fiona Taylor (02844618700) at the Department of Agriculture, Environment and Rural Affairs or e-mail patrick.smith@daera-ni.gov.uk or seafisheries@daera-ni.gov.uk.