



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Reservoirs Bill: Antrim and District Angling
Association and Armagh Fisheries Ltd

11 March 2014

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Mrs Jo-Anne Dobson
Mr William Irwin
Mr Declan McAleer
Mr Ian Milne
Mr Robin Swann

Witnesses:

Mr Maurice Parkinson	Antrim and District Angling Association
Mr Aidan Donnelly	Armagh Fisheries Ltd
Mr Cathal Doyle	Armagh Fisheries Ltd

The Chairperson: We have Maurice Parkinson, the chairman of Antrim and District Angling Association; Aidan Donnelly, the chairman of Armagh Fisheries Ltd; and Cathal Doyle from Armagh Fisheries Ltd. You are very welcome to the Committee for the scrutiny of the Reservoirs Bill. Do you have a presentation for us?

Mr Aidan Donnelly (Armagh Fisheries Ltd): Just a few points.

The Chairperson: We can go into questions afterwards.

Mr Donnelly: Armagh and District Angling Club is in broad agreement with the Reservoirs Bill and the need for appropriate legislation to minimise the risk of a breach and any subsequent detrimental effect that that would have on life and/or property. We also welcome the introduction of an appropriate maintenance regime to aid us to comply fully with the Bill. Our reservoirs supply angling not only to our local community but to visiting anglers and tourists. One of our reservoirs supplies the water necessary to run our fish hatchery, in which we raise the fish that we stock into lakes and rivers that are under our control. Angling in the Armagh area also supports local traders, including tackle shops, fish feed merchants and local fish farmers. Armagh and District Angling Club is a non-profit-making organisation that is run on a largely voluntary basis to improve angling and to enhance the flora and fauna environment. We promote the protection of our indigenous species of brown trout and are constantly aware of the need for biosecurity to minimise the introduction of alien species into our lakes and reservoirs.

The current plan to introduce legislation via the Reservoirs Bill will take into account health and safety issues that have perhaps never been fully addressed in Northern Ireland and that any right-minded

individual and angling club would wholly welcome. A major source of anxiety and concern for our club is the cost that may arise from registration, inspection, remedial work and upkeep. As a club, we do not have the necessary finance, and nor do we have any identifiable way of raising the money required. A major fear is that, without accessible grant aid from the Government and, perhaps, others, other clubs, including ours, will be forced into bankruptcy, and reservoirs could be left abandoned or in risk of breach through a lack of monitoring and possible dam wall failure.

Ultimately, we fear that the Government will have to pick up that bill. Grant aid, if provided by government, would allow us as a club, and other clubs, to continue to develop amenities that would benefit the community, boost the local economy and promote growth and tourism to the overall benefit of the Northern Ireland economy.

Management of our reservoirs also adds to the ecology of the Northern Ireland environment, which we are working with to plant indigenous trees and wild flowers around our reservoirs. That is all that I have to say at this point.

The Chairperson: Aidan, thank you very much. Maurice, do you have anything to add at this stage?

Mr Maurice Parkinson (Antrim and District Angling Association): Thank you very much for the opportunity to make a presentation on an issue that we regard as very important. It goes without saying that Antrim and District Angling Association has no difficulty with the Bill per se. We have about 400 members, which is a substantial number. In addition, we sell many permits, and we have season permit holders and so on. We are an extremely important resource. I emphasise, as Aidan did, that permits go to tourists, and we regard it as one of the best rivers — if not the best — in the Province and a very good reservoir.

We are a charity or, as we term it, a local community business. We are not there to make lots of money for anyone other than ourselves. We do not employ fisheries managers; in the main, all the work is done by our members. That is the way we operate. The bulk of the members are local. Most of them come from Antrim town, which is primarily a working-class area. Many of our members are retired, many are young and, obviously, there are lots in between.

Our fees tend to be lower because we try to make sure that our club is inclusive; that is what we are about. We could become exclusive and increase the fees, but the bulk of the members want to make it as inclusive a local community organisation as it can be.

I will refer to a number of points as I go along, specifically to individual clauses. We have had a reservoir for many years, and it is very well used. We stock it regularly. If you go there any day, you will see members introducing their kids or others to fishing and keeping an eye on it and managing it. Fortunately, it seems to be in reasonable condition. That is the initial assessment. However, members, I have to say to you that the future does not look so rosy in the context of the Bill. That is my initial message. I will go through some items to emphasise that.

Clause 1 mentions 10,000 cubic metres or more of water. I can see no reference to the definition of water. I am not too sure whether that includes slurry. At Greenmount College, for example, there are large areas for treating farmyard run-off. As far as we are concerned, a lot of those can amount to large amounts of leachate and could enter major rivers if they were not secure. That is another area. I am not sure whether that is water or slurry. The clause just states "water", so it does not seem to include that. I just want to make that point.

Clause 6 relates to reservoir managers. When I read all that, my first question was "How in the name of God will we ever get a reservoir manager?". It does not bear thinking about. In addition, if there is no reservoir manager per se, the club undertakes that role, and the question then arises, "Who in the club will be appropriately upgraded?" We do not have any officers. Who will pay? When someone leaves, who pays for retraining?

Clause 14 relates to the registration and administration of fees. It states, "The Department may by regulations." I have worked nearly all my life in public authorities, and I know exactly what that means. You do not need to tell my members that. "May" means "will". Therefore, there is an additional cost.

Clause 16 deals with offences in relation to registration. You just have to look at those items and ask: who in our club is going to manage that? It would seem as though they might spend most of their time in jail.

Clause 22(4) states:

"The Department may, after consulting the Institution of Civil Engineers and such other organisations or persons as it considers appropriate, by regulations make further provision about the matters that are to be taken into account".

In our case, who pays for all that?

Part 3 relates to the construction or alteration of controlled reservoirs. Clause 40 states:

"The reservoir manager of a controlled reservoir which is to be subject to relevant works must, not later than 28 days before the proposed relevant works begin, give notice to the Department of the proposed works."

It then states:

"The reservoir manager must, not later than 28 days before the proposed relevant works begin —

(a) commission a construction engineer,

(b) give notice to the Department of the commissioning."

Who pays?

Clause 41 relates to the supervision of relevant works and reservoir safety by a construction engineer. Who pays? Part 4 relates to other requirements for controlled reservoirs. Clause 53 relates to flood plans. It states, "The Department may by regulations". Of course it will do it, but who pays? Part 6 relates to civil enforcement, emergency powers and further offences. I really do not need to say any more.

Clause 69 relates to the Department's power to arrange the taking of safety measures. Subsection (6) states:

"The reservoir manager must pay the Department the amount of any costs reasonably incurred by it in making arrangements under this section."

Who pays?

Clause 75 relates to stop notices, and it raises the same question. Who pays?

Clause 78 relates to fixed monetary penalties. It is all there, members. Clause 80 relates to fixed monetary penalties and criminal proceedings and conviction, and it is exactly the same story. Clause 81 relates to yet more variable monetary penalties. Clause 86 relates to recovery by the Department of certain costs, under a range of miscellaneous items. Clause 93 is the same. Clause 95 relates to offences, and it is exactly the same. Subsection (3) states:

"A reservoir manager guilty of an offence under subsection (1) or (2)

(a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir is liable on summary conviction to a fine".

The association got a supplementary document: the explanatory and financial memorandum. I am sure that you have it. It comments on the financial effects of the Bill and mentions a grant scheme. Aidan has already made the point, and you can see exactly where we are coming from. It is very unfortunate that:

"no decision has been taken to introduce ... a [grant] scheme".

We have to be entirely pessimistic on that.

The document talks about human rights. I indicated to the Committee the make-up of Antrim: it is not the most salubrious town in the Province. The club, as I said, aims to make sure that it is a community facility, not an exclusive facility. I argue that it does impact on our human rights, without a shadow of a

doubt. You just have to look at the range of individuals. The very same thing applies to the equality impact statement. I must say that I am surprised that that was not undertaken.

In conclusion, the one thing missing from the Reservoirs Bill is that there is no mention of decommissioning. I will give you our association's scenario. We own the reservoir. If the association decided to say goodbye to the reservoir — no more fishing — the question that would arise is this: who would buy it under the Bill? If we do not want to continue, who takes that responsibility? Who would assume responsibility for safety and everything else? Who makes it safe? That is the scenario. If you take that to its ultimate conclusion, and the club had to make it safe but did not have the resources to do so, the club would fold. What happens to the reservoir? I must say that I am also surprised about the supplementary document. I got a note this morning about active communities consultation events, through which the Assembly is encouraging communities to be active, in this case in sport. It could apply to health, social inclusion and all that sort of stuff, yet the document makes no reference to that. That is what we are doing every day — we are doing those tasks — yet someone has come along and said that they are going to make it so difficult for us that we will not be able to do it. On the one hand, we are encouraged, and, on the other hand, we are told that they do not want us to do it and that they are going to stop us doing it.

Our organisation undertakes a very significant community role at no cost to anyone other than ourselves. I could introduce you to many of the members who spend hours making sure that our fishery is in good order, whether it is the dam or the river. It seems to me that the Bill says to us, "Well done, guys, for what you have done, and here is the reward". That is the message that our members are getting. Thank you very much.

The Chairperson: Thank you very much, Maurice and Aidan, for that presentation. Cathal, do you want to add anything at this stage or are you happy enough?

Mr Cathal Doyle (Armagh Fisheries Ltd): No, I am happy enough.

The Chairperson: I maybe let you go on a wee bit longer than I should have, Maurice.

Mr Parkinson: Sorry.

The Chairperson: No, your presentation was very forensic. That is to be applauded, and I was certainly not going to stop you mid-flight. Aidan, you were also very good in making your presentation. It is what the Committee needs to hear when we scrutinise a Bill.

Committee members will have questions that they want to ask you, which will glean a lot more information and maybe interrogate the points that you have made. However, I want the Committee to get a sense of where Antrim and Armagh angling clubs are in the whole scheme of things. Antrim has one reservoir — one lake. How many does Armagh have?

Mr Donnelly: We have two.

The Chairperson: Do you have any notion at this time of where those reservoirs will be in the scale of risk and whether they will be high, medium or low risk?

Mr Donnelly: Our two reservoirs will be high-risk.

The Chairperson: Have you been told that specifically by DARD?

Mr Donnelly: Yes. Their preliminary designation is high-risk.

The Chairperson: Maurice, have you had anything like that?

Mr Parkinson: No, we have not had a designation from the Department. However, as I said, our members want to look after our interests, and we have employed a consultant engineer. The situation can change very quickly. We just do not know. The reservoir is OK. There is no major cause for concern.

The Chairperson: What do you mean by OK? Do you mean that the structure is sound?

Mr Parkinson: It seems to be fine. It seems to be operating OK.

The Chairperson: This question is perhaps more directed to Aidan. Do you know the rationale and the reason why your reservoirs are high-risk?

Mr Donnelly: Yes. If you interpret the Bill, one or more dwellings would be in the inundation area if there were a breach. Obviously, there would be damage if there were a major breach of the reservoir walls. That is my understanding.

The Chairperson: You said that there would be one or two dwellings.

Mr Donnelly: I think that the Bill states that it will be high-risk if one or more dwellings could be impacted if there were a breach. I take it that that is why our reservoirs have been designated as high-risk.

The Chairperson: I will give you a bit of context. The reason why I asked the question is that, in the Bill, the rationale is very clear that you could have a state-of-the-art, modern reservoir akin to the Hoover dam, yet, because of the population in the inundation area or around that, the reservoir could be deemed as high-risk. So, really, your destiny is not in your own hands at that point, no matter what you have done in the past to keep the maintenance standard of a reservoir high and in good order. My fear is that a lot of groups, maybe even a lot of councils, are not aware of the full facts and figures behind the Bill. However, looking at what you have already done to date, I must say that you seem to be very much clued-in to the aspects of it.

I will now open the floor to members.

Mr Byrne: I am under pressure again for a question. I welcome the presentation from both the Antrim and District Angling Association and Armagh Fisheries Ltd. It was very refreshing. You are challenging the orthodoxy, which is always good. It is good to hear a former public servant say that he can read with some scepticism the words that are used in official documents. Does Northern Ireland Water take water from the Antrim reservoir?

Mr Parkinson: No, it does not.

Mr Byrne: So, that is a reservoir that is used purely by you.

Mr Parkinson: It is purely for our purpose, yes.

Mr Byrne: Are you its sole owners?

Mr Parkinson: Yes.

Mr Byrne: What is the reservoir's asset value?

Mr Parkinson: Under the Bill, it would be totally negative. There would be negative equity.

Mr Byrne: I notice that your company is called Armagh Fisheries Ltd, so it is a limited liability operation.

Mr Donnelly: Yes.

Mr Byrne: And you own two lakes.

Mr Donnelly: We have two.

Mr Byrne: Does NI Water take any water from you?

Mr Donnelly: No.

Mr Byrne: So, again, it is purely for recreational purposes.

Mr Donnelly: Absolutely.

Mr McAleer: I am glad that you are here. I can see how passionate you are about it all. I hope that you appreciate that we share these concerns, and I know that Thomas and others raised them in the Committee before. Indeed, I raised it here and in the Regional Development Committee when NIW came to meet us. I know exactly what you are saying. One of the reasons that I know is that, in my spare time, I chair a group at home. We lease a reservoir, which is the bedrock of the community development in the area where I live. We stock the reservoir and all that. We are looking at taking on a second lake. Obviously, the Bill may cause a bit of prohibition, so I would like to know what the implications will be for us, as ours is a voluntary organisation, like yours.

All that I can say is that the points that have been raised here today have completely reinforced some of our thinking. I think that we need to be very forceful with DARD so that it will provide clarity on those points. If needs be, we can put the brakes on it until we get some absolute clarity on the points that have been raised about who is liable and who pays for all that. They are very valid points. I know at first hand the value of taking an asset such as a reservoir and maximising its use for community benefit. I can understand where your passions and fears come from. So, all I want to say is that the message is being heard today louder and clearer than ever before. We should make sure that that is passed on to DARD, and we should demand that we get clarity around all the points that have been raised.

The Chairperson: Of course, DARD representatives have been following the journey that we are on. We have so many sessions and presentations to go through to get the Bill's full context. However, your concerns are well made, and I think that that is the Committee's sense at the present time. Are you happy enough with that?

Mr McAleer: I do not think that there is anything to add to what has been said, because those are the concerns of the organisations that might use such facilities.

Mr Milne: I have to say exactly the same as Declan said, and I agree with everything that you are saying. We have to explore and find out information from groups such as yours about how this might affect you. You said that the reservoir seemed to be in good shape but that it will not be good enough in time to come. You said that you have an engineer to look at it, but, in future and in real terms, if that engineer is not part of a panel of engineers that are experts in their field, I believe that his report would not be acceptable to DARD. It is very difficult to ask you how you will employ an engineer when you are saying that you are not in a position to pay anything.

I would imagine at this stage that there is a part in the Bill for grants. Yours is a charitable organisation, so I would imagine that part of the Bill has to accommodate charitable organisations such as yours to employ the likes of engineers and to go through the whole procedure at no cost to the group. Maybe I am wrong in that, Chair, but that is the way. Fair play to you for saying all the stuff that you did today, but I imagine that, when we come up with a Bill, it will not be left to a group such as yours to foot the bill.

That is all that I can add at this stage.

Mr Buchanan: I apologise for missing part of your presentation. However, I will certainly follow it up in Hansard.

Coming back to some of the things that Declan touched on, I will mention clause 6. It was previously assumed that any clubs, societies or charities that used reservoirs would be excluded from any liability through the Bill and that the reservoir owner would be held accountable. Some clarity is needed in the Bill, for it would seem now that some charities or other groups using a reservoir are the people who could be held responsible, rather than the owner.

When we questioned Northern Ireland Water on that, it said that it did not matter what charities used a reservoir. It would still be responsible, because it is the owner. Where do you stand in this situation?

Mr Parkinson: We own our reservoir.

Mr Buchanan: Does it not matter what charities, clubs or societies use it, you are still —

Mr Parkinson: Yes, we are the owner.

Mr Buchanan: Are you still taking full responsibility?

Mr Parkinson: Yes. Technically, we would be the reservoir manager.

Mr Donnelly: As, indeed, we would be. No other clubs use our reservoir. We are like Maurice in some ways. We have members who pay a yearly fee to fish that reservoir. We own those two reservoirs; therefore, we would be seen as the reservoir owner.

Mr Buchanan: Thank you. That clears that up.

Mr Irwin: I apologise for not being here for your presentation. You said that you own two reservoirs. Are you aware whether they are medium-, low- or high-risk?

Mr Donnelly: Yes, provisionally, from the Armagh point of view, we have been told that they are high-risk.

Mr Irwin: That would be causing you concern, I am sure.

Mr Donnelly: Quite a bit.

Mr Irwin: I think that the Bill says that high-risk reservoirs have to be inspected by engineers at least twice a year. So, as it stands, is it the case that you be liable for the cost of that?

Mr Donnelly: As it stands, without grant aid being agreed as part of the Bill, we would be incurring those costs, yes.

Mr Irwin: I think that many of us on the Committee have concerns in and around this. Some of us feel that much of this is almost like using a hammer to crack a nut.

Mr Donnelly: Yes.

The Chairperson: Maurice, you made the point that the decommissioning or drawing down of reservoirs is a live threat, although officials will tell you that that has not happened to date. From what we are led to believe, for that to take place, you would need planning permission in some instances. Is that something that you have considered investigating at this point, or does that process in itself scare you by the fact that it will also cost money?

Mr Parkinson: Exactly. Members have talked about this, and that is why they are concerned about the Bill. There is no getting away from it, and we have discussed it. It is not just the cost of what you are talking about but the ongoing cost of the whole exercise. We have already spent £3,500 on engineers' reports. We paid for that ourselves. You have to bear in mind that nearly half our members are honorary members and pensioners and that those bills quickly mount up. That is our credible concern now, never mind further down the road if we wanted to get rid of this thing. If you go to our reservoir, you will see that it is an absolutely stunning site. It is absolutely fabulous, and that is why people like it.

The Chairperson: Has Armagh considered going down that route?

Mr Donnelly: If we decommission reservoirs, our club dies. It is as simple as that, and that is not something that I am willing to consider at this point. Decommissioning it would certainly mean that it was no longer a risk, but that is really not what we are about as a community-based group. It does not help our situation, and it does not take us any further along. Yes, we have certainly looked at that, but, as far as we are concerned, it is a non-goer at this point.

The Chairperson: Maurice, could you detail what you have actually spent to date on consulting engineers?

Mr Parkinson: I do not have the detail here. There was an initial inspection, which was done primarily to make sure that everything was OK structurally. Off the top of my head, that cost about £2,600 or £2,700. Subsequent to that, there have been more inspections. The engineers are the only approved engineers in the Province, and they are expensive. For our own benefit, we had to make sure that, should anything happen to this thing, there was a process in place with records and everything else to try to protect us as much as we possibly could. We have to put in place a whole record of information of inspections and checkpoints. The engineers drew up the documentation on how that is done.

The Chairperson: Is it your understanding that the work that you have done to date could form part of the requirements? Clause 29 refers to the pre-commencement inspection report and to inspection timing and to the fact that a reservoir is the subject of a pre-commencement inspection report.

Mr Parkinson: I suspect that that will be part of it, yes.

The Chairperson: Do you feel that the work that you have done to date could be part of that?

Mr Parkinson: It was Scott Wilson, which used to be Ferguson McIlveen.

The Chairperson: If you have no concept or idea of what band you will sit in and whether it will be high, medium or low, you could have to endure a twice-yearly inspection. If you are in the low band, the cost could be minimal. Do you feel that your club's angst could be nullified if you were to fall into the low category?

Mr Parkinson: If you read through the proposed legislation, you will see that the parameters may change. The worry for members is that we just do not know. Members say that it looks pretty terrible, but there are a lot of occasions when the word "may" is used, and there are a lot of options open to the Department for how it will manage the thing going forward. It could change quite dramatically.

The Chairperson: Do you have any idea of your reservoirs' capacity? Maurice, you might have had that work done through work with your consulting engineer.

Mr Parkinson: No, we do not. I think that there is an issue about calculating the volume. We have not done that, because you have to have depth probes and everything else. I do not have the figure here. It is very rough, but it is obviously well in excess of that figure. I think that our reservoir is about five acres. It is substantial.

The Chairperson: So, does that mean that all three reservoirs that you have presented on today would be well above the 10,000?

Mr Donnelly: If yours is five acres and ours are 26 and 21, we are well above 10,000 cubic metres squared.

Mr Milne: May I just say something on that? Does the engineer not give you a report on how much water is in the reservoir?

Mr Parkinson: That is what I am saying. I think that he gave a rough estimate and so on, but you would obviously have to measure the depth and all that type of stuff to get an accurate assessment.

Mr Milne: I have one last question. Is he an expert on reservoirs?

Mr Parkinson: Absolutely. We used Scott Wilson engineers. In fact, I understand that that is the only company of consulting engineers on reservoirs in the Province.

The Chairperson: Apart from the size, scale and structure of your reservoir, there is also a requirement for a flood plan. Do you have any idea of that, or do you know the depth of detail that will have to go into that?

Mr Parkinson: No, we do not. I am not too sure. I have not seen the parameters of it or what is required and so on.

Mrs Dobson: I apologise for missing your briefing. My question might already have been answered. The Ulster Angling Federation is on record requesting that DARD consider financial help for private reservoir owners to conduct maintenance work. Do you support that call? What is your view on it?

Mr Parkinson: We would support anything. *[Laughter.]*

Mrs Dobson: I suppose it is a bit of a silly question.

Mr Parkinson: Obviously, there are the ongoing running costs and so on to consider. This is going to be an issue. As I indicated at the beginning, the circumstances can completely change at the drop of a hat. So, it is not just a matter of the immediate work; it is about what is required at other times. I emphasise that this is a community organisation; it is not some private business or consortium. We just do not know what the situation will be, going forward. We certainly do not have a lot of money to start doing major works.

Mrs Dobson: If you were to have an aspirational list, what would you like to see come forward from the Department?

Mr Donnelly: From Armagh's point of view, we would welcome virtually 100% grant aid.

Mr Doyle: We would fold without it. Our club would cease without 100% grant aid.

Mr Donnelly: Yes, we would go bankrupt. It is as simple as that.

Mrs Dobson: So, as you say, the club would cease to exist.

Mr Donnelly: Exactly.

Mr Parkinson: I think that that is the danger in all this. You were not here at the time that I painted the scenario of our club deciding to say, "Look, we have got to get rid of this reservoir. We will close it", there is the whole issue of decommissioning it and who would pay for all that. Under these circumstances, no one would buy it. That would be highly unlikely. So, were we to abandon this, who would accept responsibility? If the club went bust, who would take the responsibility? We would simply walk away and become bankrupt, but you would still have a problem.

Mrs Dobson: In essence, however, would you still be liable for it?

Mr Parkinson: Sorry?

Mrs Dobson: Would you still be liable for it?

Mr Parkinson: If we are bankrupt, we have gone, so it does not solve the problem.

The Chairperson: I would like that point clarified, so we will maybe get the Department to clarify it. In most cases, someone has to be liable. So, an organisation or a body could disappear, go bankrupt or fold and members would disperse. There could also be an object there that could mean that, God forbid, there was a failure and something horrendous happened. If those things were to occur, you would find it a bit like water, in that it always trickles down somewhere, and someone responsible would be sought. So, I think that that is a point that we will try to get clarified.

Mr Parkinson: Yes, that is a good point. Ultimately, it is the members of the club, because we are a member organisation. I do not know what the legal consequences would be if all the members said, "We resign". So, you could —

The Chairperson: The onus could well fall to the last reservoir manager, whoever that may be. It could be the chairman of the club.

Mr Parkinson: Yes, or the trustees.

The Chairperson: Yes, it could be the club trustees. So, that is something that I think we will need to clarify.

Mr McAleer: Thank you, Chair, for letting me back in again. I have a question. I know that it is early days for the legislation, and until it rolls out a bit further you will not see what its implications might be. However, from your early sight of it, do you think that the Bill will require you to do any more work than you habitually do to your reservoir anyway to keep it conforming to health and safety regulations?

Mr Donnelly: Yes. It will definitely make a huge difference.

Mr McAleer: Over and above what you do now?

Mr Donnelly: Yes. Absolutely.

Mr McAleer: Thank you, Chair. That is an important point.

The Chairperson: OK. Maurice you raised this point, but do you think that enough was done in the original consultation stage to make groups such as yours aware of the impact of the legislation? Obviously, you are used to reading the type of language and text that are in a Bill. However, when the people out there who are interested in angling read the Bill, will they really have any chance of understanding its impact?

Mr Parkinson: We are an inclusive group, and one or two individuals in the club might have some knowledge of what is expected. We were given a briefing when we were initially informed that this Bill was likely to happen. We were also told that it followed Bills that are progressing in Scotland, England and Wales. That is the avenue, the approach and the lead that we generally took. However, I have to say that club members do not understand it. The bulk of them do not understand their role as members or their liability and so on. Umpteen times, I as chairman have had to repeatedly emphasise their responsibilities as members, whether they are recruiting new members, undertaking certain tasks, making certain statements or whatever.

Mr Donnelly: To give you an analogy, it is a bit like being in a golf club. Most of the membership of a golf club will go only once a week, play a round of golf and go home. Only a very few core members deal with the administration of the club, legislation, health and safety, and all that. It boils down to literally half a dozen to a dozen members of each of those clubs who really keep their eye on the ball as best they can about what is going on in the larger picture with the environment, legislation and the whole lot. So, huge numbers of people are not aware. If you mention the Reservoirs Bill, anglers on reservoirs will not know about it.

Mr Parkinson: They will ask, "What is that?"

Mr Donnelly: It is only when it comes down to what the Bill is designed to do and how it impacts on our clubs that committees, directors and chairmen will really have to step up to the mark and read about it. Generally speaking, anglers are not terribly well informed about it.

The Chairperson: I must ask this question, because we are where we are now. Do you think that the body that deals with it — I mean the one or two, the sixes and sevens, the committee that takes to do with the day-to-day and week-to-week running of the club — aware of the law as it is at present? If, God forbid, there was a failure on their reservoir and someone sustained damage to their property or lost their life, would they be aware now of the present burden of responsibility on the club?

Mr Donnelly: I think that they would be blissfully unaware of it. It is not something that they regularly think about. They go out onto a lake to fish. It is a bit like parking your car in the drive. We know that if it were to roll down the drive and into someone else's property, that would be our problem, but until it happens, we do not think about it so much. I think that that is the kind of scenario that we are looking at here.

The Chairperson: You talked at the start about the principles of the Bill and how you were generally supportive of them. Let me ask this question. You do not have to answer it today, although that would be helpful. You can come back to us at any time, because we have time on this. Do you see any other legislative way to regulate reservoirs in a safe way to protect life?

Mr Donnelly: I think that all 151 reservoirs that exist are, generally speaking, old, established reservoirs that probably need inspection and some degree of year-on-year regulation, particularly those that are in high-risk designations.

Finance, or the lack of it, will be the key to this, in my opinion. I agree with you that, if clubs are forced to go to bankruptcy, there will always be somewhere where the buck stops. It is not as clear-cut as just walking away from it would be, because the problem, as Maurice says, continues if the reservoir is either occupied or unoccupied. There is no doubt that legislation is needed to bring us into line with the EU and with England, Scotland and Wales. There need to be inspections and remedial works. Depending on the reservoir's designation, whether it is low, medium or high, some regular inspection would then need to occur.

The Chairperson: Maurice, did you want to add to that?

Mr Parkinson: No, not really, except to emphasise generally what Aidan said. The difficulty, as I outlined, is that, if you just look at the monetary penalties and the liability of conviction and so on, you would find that our committee is aware of all that but that the general membership is not. If I was to say that to members or to raise it at an AGM and give the same presentation that I gave to you today, I know that there would be an immediate vote to get rid of it. We would get into the whole debate on how we could not do that. So, members at committee level are extremely concerned about this. We make no bones about it.

We are an organisation that has been around for a long time. We are really important in the local community. After the major fish kill in our river in 2008, it was just amazing that people were totally devastated. Those people were not just anglers but the whole community. They could not believe that a river such as the Sixmilewater could not have fish in it and that it could be polluted and destroyed in the way that it was. They were just devastated. The level of concern was amazing — just fantastic.

The Chairperson: I am sure that record books are kept, but do you have any awareness of having, at any time in your history, your reservoir, lough or lakes being drawn down to fix a structure or to ease a valve?

Mr Parkinson: Yes, that is an ongoing thing. You have to make sure that the outlets are OK and make minor alterations and so on, and it is quite easy to draw them down anyway.

The Chairperson: So, have you done that?

Mr Parkinson: Yes.

The Chairperson: Maybe "restock" is not the right word, but is that to —

Mr Parkinson: Yes, or to manage it. It could be done to control weeds and so on.

The Chairperson: So, that is something that you manage on a daily basis.

Mr Donnelly: Yes, at times of very high water, we control the level just by opening valves on one lake to avoid any impact on adjoining land.

The Chairperson: I will ask my final question. Where the lake is, there is bound to be a natural line where the water would lie, and the built-up structure of the reservoir would make it rise or be topped up to the way that it is now. Have you any idea or concept of where your natural line is that would make the bunging up or the reservoir redundant?

Mr Donnelly: I actually asked that of some of our longer-serving members, particularly about Lowry's Lough, which is our major reservoir. Those people were of the opinion that there was never a lake there until a dam wall was put in place. So, lowering that dam wall or by taking it away would mean that there is no natural level; it is literally a man-made structure.

Mr Parkinson: Ours were water reservoirs for water supply, so they are just built into the side of a hill.

Mr Doyle: As Aidan said, a lake that we control, Lowry's lake, used to be the reservoir for Armagh. Our club is over 60 years old. The members of the club were able to buy it off the government. We then bought the area where our hatchery is situated, which used to be the beds. What we own, we bought off the Government way back, years ago. Somebody had said, "If you buy this, you will have your own lake and your own hatchery, and you can develop your angling club." We have done that very successfully over the years. We go back generations.

The Chairperson: Do you have any relationship with the local council? Does it have any say on or responsibility for your lakes?

Mr Donnelly: We work well with the local council, but we have no definitive link with it whereby it comes in and does anything for us or we do anything for it. We are aware of the council. We meet the council quite regularly, but we have never actually needed to go to it for grants or anything of that nature. We have been quite lucky.

Mr Buchanan: What you are really telling us today is that, if this Bill goes forward as it is and is not followed up with a proper financial structure, your organisation and many more like it will go out of business and these reservoirs will be left in limbo with nobody to look after them, care for them or anything else.

Mr Donnelly: Yes, that is essentially it. We see that as factual. If the Bill goes through without significant grant aid, that would be unavoidable for us.

Mr Parkinson: There is a reservoir above us that the angling club has disowned. It was leased from Holywell Hospital, and the angling club that had it has, apparently, discontinued that lease. We understand that the reason why the angling club opted out is that it is in a pretty poor condition. Knowing that this was coming, it said, "No, we are not renewing the lease".

The Chairperson: OK. There are no further questions. Thank you very much for your attendance today. We have been struggling to get private owners of reservoirs up to see us. It has been very beneficial.

Mr Byrne: Chairman, I am sorry that I had to nip out. I lost the thrust of the debate. Given the level of analysis and commentary that these gentlemen have given us today, it would be welcome if they wanted to issue us with a further written submission with clarification on some matters.

The Chairperson: The session is being reported by Hansard; I am sure that you knew that before you came in. If you want to give us any supplementary information when it comes to mind, even at a later stage, send it to us and we will scrutinise it along with everything else. Cathal, Aidan and Maurice, thank you very much for your time.