



Northern Ireland  
Assembly

Committee for Culture, Arts and Leisure

# OFFICIAL REPORT (Hansard)

Prohibition of Sale of Rod Caught Salmon  
Regulations (Northern Ireland) 2013

25 April 2013

# NORTHERN IRELAND ASSEMBLY

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### Prohibition of Sale of Rod Caught Salmon Regulations (Northern Ireland) 2013

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**Members present for all or part of the proceedings:**

Miss Michelle McIlveen (Chairperson)  
Mr William Irwin (Deputy Chairperson)  
Mr Dominic Bradley  
Mr David Hilditch  
Mr William Humphrey  
Ms Rosaleen McCorley  
Mr Basil McCrea  
Mr Cathal Ó hOisín

**Witnesses:**

Mr Aidan Cassidy	Department of Culture, Arts and Leisure
Mr Seamus Connor	Department of Culture, Arts and Leisure
Mr Liam Devlin	Department of Culture, Arts and Leisure

**The Chairperson:** The statutory rule will be subject to the negative resolution procedure before the Assembly, and it is proposed that it will come into operation on 1 June 2013. We welcome the following officials to brief us: Aidan Cassidy, who is head of inland fisheries; Seamus Connor, who is chief fisheries officer; and Liam Devlin, who is a Department of Culture, Arts and Leisure (DCAL) official.

Gentlemen, you are very welcome to the Committee. Apologies for the delay, but I hope that you have had the opportunity to look around the planetarium while you were waiting. I invite you to make an opening statement, and members will follow up with some questions.

**Mr Aidan Cassidy (Department of Culture, Arts and Leisure):** Of course, Madam Chair. It is great to be here in Armagh. Thank you very much for the opportunity to brief the Committee on the proposed regulations to prohibit the sale of rod-caught salmon in the DCAL jurisdiction. I am head of policy and admin in inland fisheries. I am joined by my colleague Seamus Connor, who is the chief fisheries officer, and Liam Devlin, my deputy, who leads on the legislation side in DCAL.

These regulations are the first step in the implementation of salmon conservation measures as announced by our Minister in her statement to the Assembly in December 2012. As Committee members will be aware, we are still in a period of transition regarding the conservation of salmon, and catch-and-release methods are not yet mandatory throughout the fishing season. It is, therefore, imperative that we do all within our powers to discourage the killing of salmon and that these regulations will go some way to achieving that aim.

We very much appreciate the Committee's timely consideration of the regulations, as the operational date is scheduled for 1 June, which is the end of the current mandatory catch-and-release period for salmon.

Madam Chair, with your agreement, I would like to pass over to Liam, who is responsible for processing the legislative programme, and he will take the Committee through the detail of the process.

**Mr Liam Devlin (Department of Culture, Arts and Leisure):** As Aidan said, the issue under consideration today is the proposal to prohibit the sale of rod-caught salmon, which requires the introduction of a new set of regulations. It should be noted that the prohibition will also apply to sea trout as per the legal definition of salmon prescribed by the Fisheries Act (Northern Ireland) 1966 under which the regulations would be made.

The prohibition will apply to any salmon — or sea trout — caught by rod and line in any fishery within the DCAL jurisdiction. It is the Department's belief that the prohibition will be an effective salmon conservation measure, as it will discourage anglers from taking and killing salmon for profit and thus promote catch-and-release methods until such methods become compulsory in 2014.

The regulations also make it an offence to offer rod-caught salmon for sale, which will deter those who would attempt to poach and sell salmon as there would be no legal outlet for such sales. The Department has consulted widely with stakeholders on the issue. Our stakeholder group, the Salmon and Inland Fisheries Forum, is fully supportive of the prohibition. The Department also sought comments in its public consultation on salmon conservation, which closed in July 2012. An overwhelming majority of those who responded agreed with the proposal and acknowledged that it would contribute positively to salmon conservation and the promotion of recreational angling.

The prohibition will bring the DCAL jurisdiction into line with the prohibitions currently in place in the Loughs Agency area and the South of Ireland. Similar restrictions apply in England, Scotland and Wales. With the Committee's approval, it is hoped that the regulations can come into operation on or before 1 June 2013. Generally speaking, under current regulations, catch and release for salmon is compulsory for salmon angling from the beginning of the season until 31 May, with the exception of Lough Melvin. Bag limits for salmon apply thereafter until the end of the season. Therefore, if the regulations are in place at the end of the catch-and-release period, they would encourage anglers to continue catch and release until the end of the season.

We are now happy to take members' questions.

**The Chairperson:** Thank you very much. Obviously, this SL1 is very specific to the sale of rod-caught salmon regulations. The Committee is aware that other issues are being dealt with. Can you give us any idea of the timescale for those?

**Mr Cassidy:** The Minister wrote to the Committee setting out the time frame for taking forward that suite of measures. We are on schedule for that. Essentially, we hope to go out to consultation on the legislation within the next two or three weeks, and we will write to the Committee about that. Following that process, we will go back to the Minister to seek formal approval. We hope to come back to the Committee after the summer recess, which will be around the end of August or early September. As the Committee will appreciate, this is a very demanding piece of work. However, we are on schedule. With the Committee agreeing the regulations, we can, hopefully, get that first stage out of the way. We will then take forward the more substantive elements.

**The Chairperson:** What format will that take? Will it come through as a statutory regulation?

**Mr Devlin:** In their final format, the regulations will largely be a rewrite of our current set of regulations, the Fisheries Regulations (Northern Ireland) 2003, which govern the main body of subordinate legislation governing fishing activity, both commercial and angling. Those regulations will have to be rewritten to take into account the fact that there will be new methods of catch and release for angling and a prohibition on salmon netting. It will be quite a substantial rewrite of those regulations. There will also be two new sets of regulations governing salmon netting in particular, because there are particular issues within legislation. We will be going out to consultation on three sets of regulations in the next few weeks.

**The Chairperson:** In relation to what is before us today, where is the salmon usually sold? Is it through shop units or through a black-market trade, and is this likely to lead to a black-market trade?

**Mr Seamus Connor (Department of Culture, Arts and Leisure):** It is probably a combination of all, to be perfectly honest. We have had indications that some hotels, particularly in the past, would have taken them, along with some shops, and some house-to-house selling would also have taken place. So, what this essentially means is that any salmon sold within Northern Ireland, within the DCAL area, should be sold by registered dealers. That means that we will have control of the process. There are various sheets that they will have to fill out, and so on. It brings it under better control than it is currently.

**The Chairperson:** If it is currently a black-market trade, this regulation will not change it.

**Mr Connor:** It will not change some aspects. Obviously, the fact that it is outlawed means that there is more of a penalty attached to it than there was previously. Previously, there was no regulation at all and there was no penalty for anyone selling salmon caught by rod and line. This makes it an offence to sell salmon caught by rod and line.

**The Chairperson:** How will you police it, and what penalties are associated with it for anyone caught buying that type of salmon?

**Mr Connor:** We will carry out a number of patrols. We will inspect hotels and dealers regularly. We also work with angling clubs. If there is any information about people selling fish from door-to-door, or any suspicion about the sources that fish have come from, we will follow it up and investigate it. Liam, will talk to you about the penalties.

**Mr Devlin:** The penalties are very much at the discretion of the court when those cases come to court. The magistrate will have parameters set for the application of fines in cases where people are caught committing an offence under these regulations or others under the Fisheries Act (Northern Ireland) 1966.

**The Chairperson:** This is obviously something that is already in place in the other jurisdictions. Have you been able to learn anything from them as to how they police the regulations, how successful they have been or whether they have experienced an increase in the black-market trade?

**Mr Connor:** We met with the Loughs Agency about that and we have been talking to Inland Fisheries Ireland on that aspect. It is my understanding that, from the commencement of the legislation, the number of instances that they have dealt with has decreased. So it has had the desired effect of reducing the amount of fish going through that particular route.

**The Chairperson:** What about the level of penalties imposed in the other jurisdictions? Have there been any prosecutions in the other jurisdictions?

**Mr Cassidy:** We are not aware of any, but we will check that and get back to you on it.

**Mr Ó hOisín:** I thank the inland fisheries people for the hard work that they have done in the past number of years in bringing forward the catch-and-release scheme and the regulations on the sale of wild salmon. Before I go on, I declare an interest as a member of a number of associations.

I praise the work of the inland fisheries people, and I also praise the anglers because I think there has been a sea change, for want of a better phrase —

**Mr D Bradley:** No pun intended.

**Mr Ó hOisín:** — within angling circles with regard to catch and release. Anglers, more than anyone else, realise that wild salmon is an endangered species. Everyone is looking to work with that. I do not anticipate many prosecutions under this regulation. However, there is reticence in some areas. It would be foolish of us to pretend that there is not. In the consultation, did you detect reticence to engage in catch and release and with this regulation?

**Mr Cassidy:** Obviously, we consulted extensively with the Salmon and Inland Fisheries Forum and met with a whole range of angling clubs as a part of our broader remit. You are absolutely right. Anglers recognise that stocks are under severe threat at the moment. There has been a very positive attitude taken. The anecdotal evidence suggests that many anglers understand exactly what the position is with regard to our voluntary catch-and-release scheme, and have responded very responsibly to it. My colleagues and I have a sense that people see this as a sensible way forward. Banning the sale of salmon caught with rod and line brings us into line with the other jurisdictions. With the Committee's consideration and approval, if we were able to bring in a ban or a mandatory catch-and-release scheme for salmon, it would completely get rid of any issue that there may be which the Chair referred to earlier. That really would be a belt-and-braces approach.

However, I think it is fair to say that the angling community has taken a very responsible attitude. Certainly, we have been very pleased with the response.

**Mr Ó hOisín:** The regulation is due to come into operation on 1 June. Is that practicable?

**Mr Devlin:** Yes, it is practicable. The deadline for us laying regulations in the Business Office is 11 May, which will allow us to comply with the 21-day rule. So, we are confident that we can do that.

**Mr D Bradley:** Good afternoon, gentlemen. Is it not the case that poaching is a bigger threat to the salmon stock than rod-caught fish?

**Mr Cassidy:** I will ask Seamus, who leads on the enforcement and protection side, to answer that.

**Mr Connor:** There are probably two avenues. One is traditional poachers who work with nets. There is increasing concern, however, particularly among angling clubs, about commercial rodsmen, who are out to catch a large number of fish to sell for profit. Those two aspects are important to us.

**Mr D Bradley:** Are you taking action against poaching?

**Mr Connor:** Yes, we had a number of salmon poaching cases recently.

**Mr D Bradley:** Is there a good survival rate from catch and release?

**Mr Cassidy:** That is a very good question and we have been engaging with our scientists on that. It depends on a range of factors, and part of the new legislation will look at the best methods to ensure the survival of salmon. That may be the introduction of barbless hooks, for example, or it may be necessary to ban worm fishing because the salmon digest them.

The sense that we get, however, is that it depends on water temperature and how long a fish is played. As part of our work in educating anglers about this issue, we are producing a video on the best methods to ensure the survival of fish. I read figures suggesting a 90% to 95% survival rate if the fish are handled properly.

**Mr Connor:** Those are the figures that we currently have access to, so I concur with that.

**Mr B McCrea:** I understand that the purpose of the regulation is to shut off a route to market. A key way to deal with poachers is to be able to say that a salmon was caught by line and rod. Why have you extended the salmon regulations to include sea trout? There are indigenous species in Lough Neagh — you may know their name — that are a half-breed between salmon and trout and are also under threat. With regard to enforcement, how do you identify a trout as opposed to a sea trout or a salmon? You must have some methodology to shut off a route to market.

**Mr Connor:** One of the difficulties is that salmon and sea trout are very similar in looks, in particular. Anglers generally have difficulty in deciding which is salmon and which is trout, although there are certain features to look for.

The number of sea trout caught has declined in recent years, which indicates that they are also under considerable pressure. My colleague Liam explained that under the Fisheries Act, the definition of a salmon includes sea trout.

**Mr B McCrea:** Can you help me? What is that type of salmon called?

**Mr Connor:** Dollaghan.

**Mr B McCrea:** That is it; I was racking my brain trying to think of it. Will that be protected?

**Mr Connor:** We are looking at Lough Neagh in particular and are keen to develop a fisheries management plan. Initial studies have taken place with regard to the fish stocks in Lough Neagh, both coarse fish stocks and dollaghan, or trout stocks. We want to assemble all our data, look for gaps, consult with other stakeholders and bring forward a fisheries management plan. The key line for us in scientific evidence is the sustainability of a fishery.

**Mr B McCrea:** I did a scientific survey of one — *[Laughter.]* For preparation, I checked with some folk around Antrim coming in from Lough Neagh. Given that this is an indigenous species, I am sure that if the scientific evidence supports it, the salmon regulations should be extended to look after our native species as well. You will, no doubt, look at that in the fullness of time.

**The Chairperson:** Thank you for coming.