From the Office of the Minister of Agriculture, Environment and Rural Affairs

Department of Agriculture, Environment and Rural Affairs
An Roinn Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o' Fairmin, Environment an' Kintra Matthers
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Dear Robbie,

FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL – INTRODUCTION

I am writing to inform you that the First Minister and deputy First Minister, acting jointly under paragraph 2.14 of the Ministerial Code, have approved the introduction of the Fisheries, Aquaculture and Water Environment Bill to the Assembly. I now hope to introduce it as soon as possible.

Background
The Department currently has responsibility for inland fisheries, sea fisheries, aquaculture and the aquatic environment. The Department currently has powers under the Fisheries Act (Northern Ireland) 1966 (the 1966 Act) and is bringing forward provisions to amend that Act. The Department is also seeking to amend the Sea Fish (Conservation) Act 1967 and the Water (Northern Ireland) Order 1999. Through these amendments and additional new provisions, the Department aims to prevent deterioration in water quality, promote ecological improvement, and provide the Department with clearer, proportionate and flexible regulatory powers to control damaging activities, manage environmental risks and secure compliance.

Need for Legislation
The 1966 Act focuses on the protection of fisheries, without fully considering the wider ecosystem, species interactions, environmental changes or other stressors that are necessary to be fully aligned with the ecosystem-based approach and the principles of sustainable development.

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A new Bill is needed to modernise and give effect to Northern Ireland's fisheries policies so that these are consistent with the fisheries management framework provided by the UK Fisheries Act 2020. There is also a need to modernise the enforcement powers that are available to DAERA. The powers available under the 1966 Act are limited criminal prosecutions, which on conviction, result in fines and/or imprisonment. Modern enforcement systems which have been introduced by other governments for the purpose of regulating fisheries and the water environment provide alternative options that are proportionate to the offence that has been committed.

Waste Crime currently carries a £50,000 maximum penalty on summary conviction under the Waste and Contaminated Land (Northern Ireland) Order 1997 for certain controlled waste offences affecting the environment (which includes the water environment). The maximum penalty available under the Water (Northern Ireland) Order 1999 is £20,000 – there is a need for a consistent enforcement regime for water related offences, whether inland or in marine water bodies.

DAERA wishes to deter polluters and non-compliant operators, protect, restore our water environment and deliver improvements to water quality. Within the Lough Neagh Report there are key actions to explore and consult on enforcement methods, including the introduction of fixed penalty notices for non-compliance, and penalties and fines for pollution offences in current legislation. The Department seeks to ensure that enforcement mechanisms are proportionate and effective.

The Fisheries, Aquaculture and Water Environment Bill
The Bill has therefore been drafted based on the proposals on which my officials consulted last year.

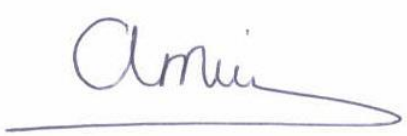
The Bill primarily:

- Introduces a policy framework for Inland Fisheries
- Consolidates enforcement powers for sea fisheries officers
- Provides for amended penalties for certain fishery offences
- Provides powers to introduce Fixed Penalty Notices for minor and moderate offences in the 1966 Act and the Water (NI) Order 1999
- Explicitly provides for Aquaculture licensing, including the ability to transfer licences

I have written to the Speaker proposing that the Bill is introduced to the Assembly as soon as possible. I am therefore pleased to attach a copy of the Bill at Annex A, and the Explanatory and Financial Memorandum for the Bill (EFM) at Annex B. These are shared on an in-confidence basis in advance of the Bill's formal introduction.

I look forward to working with the Committee over the coming months to help ensure that this Bill is enacted before the end of this mandate.

Yours sincerely



ANDREW MUIR MLA
Minister of Agriculture, Environment and Rural Affairs

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Attachments:
Annex A: (In-confidence) draft Fisheries, Aquaculture and Water Environment Bill.
Annex B: (In-confidence) Explanatory and Financial Memorandum.

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