Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o'
Fairmin, Environment an' Kintra Matthers
www.daera-ni.gov.uk

Minister's Office
1st Floor
Clare House
303 Airport Road West
Sydenham Intake
Belfast BT3 9ED
Tel: 028 774 45117
Email:
paul.mcgranaghan@daera-ni.gov.uk

FROM: **PAUL MCGRANAGHAN**
DAERA DALO

DATE: **29 OCTOBER 2026**

TO: **DR. JANICE THOMPSON**
AERA COMMITTEE CLERK

Fisheries, Aquaculture and Water Environment Bill – Part 1, Inland Fisheries.

Summary: The Committee is due to consider Part 1 (Inland Fisheries) of the Fisheries, Aquaculture and Water Environment Bill (FAWE Bill) on 3 November and has requested a briefing paper and officials to attend. The Department would also like to take this opportunity to provide additional information on a number of issues which have been raised with the Committee during its evidence gathering sessions with stakeholders.

Business Area: Marine and Fisheries Division – Fisheries and Water Environment Bill team

Issue: This briefing is to provide the Committee with an overview of the Inland Fisheries provisions in Part 1 of the Bill and issues raised by stakeholders during their evidence sessions at Committee stage.

Restrictions: None

Action Required: To note.

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Officials Attending: Colin Armstrong (Deputy Director of Water and Marine Policy and Legislation);
Tommy McCormick (Lead Official – Fisheries, Aquaculture and Water Environment Bill); and
Michelle McNally (Principal Fisheries Officer, Inland Fisheries).

BACKGROUND

The Fisheries, Aquaculture and Water Environment Bill was introduced to the Assembly on 22 June 2026 with its Second Stage completing on 30 June and is now with the Committee to consider.

Departmental officials provided an oral briefing to the Committee on 11 June prior to the introduction of the Bill.

The Committee has requested that officials attend the Committee's meeting on 3 November and brief the Committee on the Inland Fisheries provisions in Part 1 of the Bill and that further meetings will be arranged to discuss other parts of the Bill separately.

The Committee has heard evidence provided by stakeholders over the past 2 months and Departmental officials have followed these sessions and noted the issues raised by stakeholders.

Some of the matters raised fall outside the scope of the Bill and are more appropriately addressed through further policy development, guidance, subordinate legislation, or through further engagement with stakeholders. The Department would like to provide some additional information on some of the issues raised which the Committee may find helpful in their deliberations going forward and these are set out at **Annex A**.

One of the matters raised with the Committee was the Department's engagement with stakeholders in developing the policies underpinning the Bill. A list of the Department's engagements with stakeholders is set out in **Annex B**.

KEY ISSUES

Overview

Part 1 of the Bill is intended to provide a vehicle to update and modernise the Fisheries Act (NI) 1966 (1966 Act) and related legislation.

The policy intent is to take an ecosystem-based approach to protect and sustain fishing and aquaculture in Northern Ireland. In doing so the Department seeks to extend the approach taken in the UK Fisheries Act 2020 (the 2020 Act) in its application to sea fishing to inland fishing and aquaculture. The policy is also aligning

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inland fisheries management with the River Basin Management Planning system that is provided by the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017.

Throughout the co-design phase of policy development, stakeholders identified a number of areas of the 1966 Act which needed to be updated, replaced or removed. However, when it came to drafting the changes, it was considered too time consuming to go through all of the 1966 Act line by line and make the numerous technical changes across the entirety of the Act, as the Act is a set of intrinsically linked provisions covering the full remit of fishing in Northern Ireland.

Instead, the approach moved to expanding the regulation making power in section 26 of the 1966 Act, firstly to provide the Department with the power to take an ecosystem management-based approach to regulation and secondly to enable the Department to amend the 1966 Act and other primary legislation accordingly with the approval of the Assembly. The Department will involve stakeholders and others at each stage of developing the regulations under this provision.

Clause 1

This clause sets out policy objectives and their definitions in relation to fish and aquaculture activities (similar to section 1 of the 2020 Act).

Clause 2

Requires the Department to publish an Inland Fisheries Policy Statement setting out its policies to achieve or contribute to achieving the objectives (similar to section 2 of the 2020 Act). The clause also requires the Department to set out in the statement how the policy objectives have been interpreted and proportionately applied in the development of those policies.

Clause 3

Requires the Department to consult on a draft of the Inland Fisheries Policy Statement and any subsequent amendment to it (similar to section 3 of the 2020 Act). When consulting, this clause requires the Department to consult the public and to bring the consultation to the attention of any persons the Department considers likely to be interested or affected by the policies. The clause also requires the Department to have regard to any representations made about the draft consulted on.

Clause 4

Places a duty on the Department to exercise its functions in relation to inland fisheries and freshwater salmon fisheries, fishing in inland waters or aquaculture in inland waters in accordance with the policies contained in the Inland Fisheries Policy Statement unless a ‘relevant change’ (defined in paragraph (2)) in circumstances indicates otherwise (similar to section 10 of the 2020 Act).

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This clause also requires the Department to publish its decision and how the relevant change affected the decision.

Clause 5

This clause sets out the definitions used in Chapter 1 and provides a consistent approach where words/phrases are also used in the 1966 Act.

Clause 6

This clause replaces the current regulation making power in section 26 of the 1966 Act.

That section is currently limited to making regulations related to the duty of the Department to conserve and protect the salmon and the inland fisheries (set out in section 25). This new provision widens the regulation making scope to include protecting the 'aquatic environment' and 'protecting or improving the health of fish or other aquatic animals'.

The new provision also updates the matters which may be regulated under section 26(1) of the 1966 Act and are similar to the more modern provisions available to the Department in relation to sea fishing under Part 3 of Schedule 8 to the 2020 Act.

Tabled amendments to this section

The Department previously advised the Committee of the Minister's approval to bring forward amendments to the Bill and, in reference to this clause, amendments are sought in the new section 26 to paragraphs (3)(c) and 5(c), the insertion of a new paragraph (5A) and a consequential amendment to clause 11(1). Those amendments, along with amendments to clause 22 to provide for the introduction of aquaculture provisions, have now been tabled.

The reason for the amendments to this clause is that the new provision included in clause 6 of the Bill could inadvertently affect the enforceability of regulations made under the existing section 26 if the provision is taken forward in its current form. Additionally, any new regulations made under the new provision as drafted, which would be mainly technical in nature, would need to create an offence each time and be subject to the draft affirmative resolution procedure.

The policy intent in drafting this new section 26 was to update the current provisions by replicating the powers available in Part 3 of Schedule 8 to the Fisheries Act 2020. The provisions in Part 3 include a power to create an offence, and this was replicated in the draft section 26(3) in clause 6(1) of the Bill.

Section 26(4) of the 1966 Act currently provides that "If any person contravenes regulations under this section, he shall be guilty of an offence". The new section 26 being inserted by clause 6 of the Bill does not contain this general provision to provide for contravention of regulations made under it to be an offence. Therefore,

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there would be no offence for any contravention of any of the current regulations made under section 26.

To address this issue, it is proposed that the power to create an offence is removed and a provision which replicates the general offence currently in section 26(4) is inserted. This would preserve the effect of the existing section 26(4) offence in relation to regulations made under section 26 prior to commencement of the new provisions and to any future regulations, thereby ensuring continuity of enforcement arrangements.

NEXT STEPS

Departmental officials will be happy to engage further with the Committee to aid its scrutiny of the Bill.



Paul McGranaghan
Departmental Assembly Liaison Officer

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Annex A: Additional information on issues raised by stakeholders
Annex B: Summary of stakeholder engagement

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Annex A

Additional information on issues raised by stakeholders

Penalties and Fines

The policy intention is to introduce fixed penalty notices as an alternative to prosecution for lower-severity offences. Fixed penalty notices were considered the most appropriate enforcement mechanism for such cases, providing a proportionate and efficient means of addressing minor breaches. Their use was also specifically referenced within the Lough Neagh Action Plan, and the introduction of alternative civil sanctions would have required additional policy development.

More serious offences will continue to be considered by the courts, and the policy objective of the Bill is to strengthen deterrence by increasing the maximum fines available for higher-severity incidents.

The introduction of variable monetary penalties, which can be imposed up to the statutory maximum, would require substantial further policy development and is not considered feasible at this stage. The Department would need to establish a comprehensive framework setting out the circumstances in which such penalties could be applied, the offences to which they would relate, and the methodology for determining penalty levels. In addition, the introduction of variable monetary penalties would require careful consideration of a range of legal and human rights implications to ensure that any regime is fair, proportionate and compliant with relevant legislative safeguards.

Unlimited fines as opposed to increasing maximum penalty to £50,000

The Bill will increase the fines permittable under summary conviction, heard in the Magistrates Court, in many cases up to £50,000.

Unlike England and Wales, the underpinning courts legislation in NI does not allow for unlimited fines to be imposed in the Magistrates Courts in NI (**summary conviction**), that is, a maximum fine amount must be specified. However, for many offences where **conviction on indictment** is available, the legislation provides for the imposition of an unlimited fine by the Crown Court, reflecting the more serious nature of such cases.

Transboundary Issues

The Loughs Agency were involved during the policy development phase of the Bill and also took part in the stakeholder engagement on water quality. DAERA officials have been liaising with the Loughs Agency to keep them informed on the development of the Bill and will continue to engage once the Bill is enacted.

Officials are aware of, and continue to monitor, potential areas of regulatory divergence within the Foyle and Carlingford area arising from the proposed increases

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to maximum penalties for fisheries and water pollution offences. It is recognised that simultaneous amendments to the Foyle Fisheries Act 1952 and the Foyle Fisheries Act (Northern Ireland) will be required to maintain alignment in enforcement arrangements. Any such changes, however, would be subject to the agreement of the North South Ministerial Council and the appropriate cross-border governance processes.

Departmental officials will continue to engage with its counterparts in Ireland, to discuss the best way to bring forward the appropriate legislation in both jurisdictions at the same time.

POSITION IN GB/IRELAND/EU

As an EU Member State, Ireland is required to manage fisheries in accordance with the Common Fisheries Policy, Water Framework Directive, Marine Strategy Framework Directive and other relevant EU Directives and Regulations. Fisheries in Ireland are managed under the legislative framework provided by the Fisheries (Consolidation) Act 1959, the Inland Fisheries Act 2010 and related amendment Acts.

The Common Fisheries Policy no longer applies to the UK, and fisheries policy is largely a devolved matter. The UK Fisheries Management and Support Framework (the Fisheries Framework) outlines how the UK and devolved governments work together on fisheries policy.

The Fisheries Framework reflects the Fisheries Act 2020 and its requirements, the dynamic nature of fisheries management, the history of collaborative working between the fisheries policy authorities, and the extent of devolved competence in fisheries matters.

It consists of legislative and non-legislative elements; the legislative elements set out some common regulatory approaches and common principles, and policies to deliver the UK fisheries objectives as set out in Section 1 of the Fisheries Act 2020. The non-legislative elements set out how the fisheries policy authorities will work together on fisheries management, science and compliance. The Fisheries Framework incorporates and builds upon existing agreements and the well-established principles and ways of working on fisheries matters.

Main Acts in England, Wales and Scotland – Inland Fisheries
In England and Wales, the Salmon and Freshwater Fisheries Act 1975 applies.
In Scotland the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 applies.

Foyle and Carlingford Area

Specific arrangements for the management of the Foyle and Carlingford catchments are provided by the-

- Foyle Fisheries Act (Northern Ireland) 1952,

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- Foyle and Carlingford Fisheries (Northern Ireland) Order,
- Foyle Fisheries Act 1952, and
- Foyle and Carlingford Fisheries Act 2007,

along with associated subordinate legislation.

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Annex B

Stakeholder Engagement

Inland Fisheries

The Ulster Angling Federation and The Ulster Course Fishing Federation

- Angling forum was used to update the angling representative organisations on the Fisheries Bill. The forum met in March 2025, April 2025, November 2025 and April 2026.
- Officials gave a presentation on the Bill at the Lough Erne Fisheries Management Plan update event on 11th March 2025.
- A detailed presentation of the Bill was given by officials on 14th October 2024.
- Further updates on the Bill were provided at the quarterly meetings between UAF and NIEA.

Lough Neagh Fishermen's Co-Operative Society (LNFCS)

- 30 May 2023 - bi-annual liaison meeting between DAERA Inland Fisheries officials and representatives of the Society.
- 16 May 2024 - bi-annual liaison meeting at which fisheries management, eel-related matters and regulatory issues were discussed.
- 10 October 2024 - bi-annual liaison meeting at which officials provided an update on work relating to fisheries legislation, including proposals for a new Fisheries Bill and planned public consultation.
- 13 May 2025 - bi-annual liaison meeting during which a range of fisheries issues, including matters relating to fisheries legislation, were discussed.

Lough Neagh Fishermen's Association (LNFA)

- 30 May 2025 - bi-annual liaison meeting between DAERA Inland Fisheries officials and representatives of the Association. Discussions covered fisheries management, conservation, licensing, enforcement, and an update on the review of fisheries legislation.

Hydropower Representatives

- 27 April 2026 hydropower representatives met with officials.
- 7 October 2026 – officials attended and spoke at the British Hydropower Association policy forum. The Bill and its provisions were discussed.

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Sea Fisheries

The Inshore Fisheries Partnership Group - DAERA, AFBI, NIMTF, RSPB, ANIFPO, NIFPO, Seafish and fishermen

- 21 November 2024 – 25 September 2026: The Bill was discussed at four meetings, covering policy development, consultation, Ministerial consideration and, most recently, the Bill's introduction to the Assembly and progression to Committee Stage.

Producer Organisations

- May – December 2024: The Bill team met with the Producer Organisations on 4 occasions (during the policy development phase of bill development). This ensured that they had the opportunity to raise any issues which may require primary legislation to be made.

Industry Stakeholders – NIFPO and ANIFPO

- October 2024 – July 2026, the Bill was regularly discussed with industry stakeholders including substantive progress updates provided at nine DAERA/Industry meetings covering policy development, consultation, the Bill's introduction to the Assembly and progression to Committee Stage.
- Departmental officials met NIFPO and ANIFPO on 13 October 2026 and discussed the issues they had raised with the Committee on 6 October 2026.

Aquaculture

Loughs Agency

- 14 October 2024 - a meeting with Loughs Agency was held prior to consultation to discuss the proposed bill.

Aquaculture N.I (ANI)

- A number of meetings and updates were provided through Aquaculture NI (ANI), including a meeting with the Minister.

- ANI members were kept informed of developments as the work progressed.

- Separate meetings were also arranged with owners of inland fish farms who had concerns regarding the proposed removal of Fish Culture Licenses (FCLs).

RSPB

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- 16 January 2025 officials met with RSPB and discussed the Bill.

Sustainable Algae Stakeholder Steering Group

- 19 March 2026 the Sustainable Algae Stakeholder Steering Group discussed the Bill in relation to algaculture.

Water Quality

- 19 August 2025 stakeholder engagement event to inform the development of the water quality policy prior to consultation. Stakeholders involved included Mineral Product Association, Poseidon Fisheries Consultation, NI Grain Trade Association, Dale Farm, NI Water, Ulster Angling Federation, Lough Neagh Fishermen's Association, NI Meat Exporters' Association, NI Environment Link, Dairy Council, NI Marine Task Force, Industrial Pollution and Radiochemical Inspectorate (DAERA), AFBI, Lough Neagh Development Trust, The Office of Environmental Protection, Mid Ulster District Council's Sustainability Team, Tetra Tech, Armagh City, Banbridge and Craigavon Borough Council, Ballinderry Rivers Trust, Ulster Wildlife, Loughs Agency and Ulster Farmers Union.

- 29 August 2025 stakeholder engagement event, presentation of water quality policy and feedback gathering prior to consultation. Stakeholders included Lakeland Dairies, Mineral Production Associations, Dale Farm, NI Water, Ulster Farmers Union, Lough Neagh Fishermen's Co-Operative Society, NI Meat Exporters' Association, NI Environment Link, Dairy Council, AFBI, Lough Neagh Development Trust, Armagh City, Banbridge and Craigavon Borough Council, Ballinderry Rivers Trust, NI Grain Trade Association and Loughs Agency.

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