

# **FISHERIES, AQUACULTURE AND WATER ENVIRONMENT BILL**

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## **EXPLANATORY AND FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. This Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. 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.

#### **Inland Fisheries**

4. The Department is responsible for the development of angling and commercial fishing policy relating to the conservation, protection, development and improvement of inland fisheries in Northern Ireland.
5. Under the 1966 Act, the Department has statutory powers for the supervision and protection of fisheries and for fostering their establishment and development. The Department provides advice and guidance on the conservation, protection, development and promotion of salmon and inland fisheries (excluding the Foyle and Carlingford catchments) to angling clubs, fishery owners and other water users and interested parties.
6. However, the Department's powers under the 1966 Act are largely focused on individual fisheries and do not fully support an ecosystem-based management approach. This contrasts with the UK Fisheries Act 2020, which provides a more modern framework for the management of marine fisheries.

7. To meet current and future domestic and international commitments, the Department requires enhanced legislative powers. While the UK Fisheries Act 2020 contains provision to support international obligations, its scope is limited and does not extend comprehensively to inland waters. The Department is seeking to take equivalent powers to regulate for the conservation, protection, restoration and improvement of all aquatic species and the wider aquatic environment.
8. The Department, through the provisions in the Bill, seeks to ensure that commercial and recreational fishing are undertaken at sustainable levels and allow for the provision of recreational activity, high quality food, and benefits for rural communities.
9. This Bill will give the Department the power to broaden the existing focus of the 1966 Act from single fish populations and fisheries to managing the populations in an interconnected ecological system, manage inland recreational angling in accordance with the fisheries objectives set out in the Bill and ensure commercial and recreational fishing are undertaken at sustainable levels.

## **Aquaculture**

10. The Department currently licenses and regulates certain types of aquaculture (fish and shellfish farms) in Northern Ireland through the granting of Fish Culture Licences (FCL), Shell-Fish Fishery Licences (SFFL), Marine Fish Fishery Licences (MFFL) and Exemptions under the 1966 Act. These fish and shellfish farms are in both the marine and terrestrial environment.
11. A FCL is required for all fish and shellfish farms, a SFFL is optional and grants the operator exclusive rights to cultivate and harvest a specific shellfish species within a defined marine area. The effect of this is to confer on the licensee a right of several fishery in the licensed area in relation to shellfish of any kind specified in the licence. The final licence is a MFFL is also optional but applies to marine finfish and has the same effect as the SFFL.
12. The Department currently sets the conditions on FCLs related to aspects of the aquaculture activity including hygiene, disease control, environmental protection, movement of stock, production limits, equipment on site, inspection records, species cultivated, licensed area and abstraction/discharge.
13. There are additional consents required for prospective aquaculture development involving the Department and other agencies and organisations. These consents depend on the species being farmed, the location of the farm and how the farm operates.
14. The current legislative provisions of the 1966 Act, do not provide a definition for aquaculture and include only fish, shellfish and marine fish. As a result, the Department is only able to license fish and shellfish farms, while other types of “aquaculture”, such as seaweed farming or the cultivation of other aquatic plants or animals are not covered by the current legislative framework in the 1966 Act. The Department needs to be able to license all existing aquaculture sub-sectors and future proof the licensing regime to

account for novel forms of aquaculture. The gap is increasingly problematic as these sub-sectors grow in importance for sustainability and climate resilience.

15. The Bill therefore takes the approach of expanding the current FCL. The FCL will be renamed as an “Aquaculture Licence”, with a definition of aquaculture allowing expanded coverage, to allow all non-fish/shellfish aquaculture operations (e.g. seaweed) to be licensed, thereby supporting future development of any industry sub-sectors. In addition, an administrative change is also included in the Bill, with provisions setting out a procedure for the Department to approve the transfer of aquaculture licences (including former FCLs).

### **Inland and Sea Fisheries Enforcement**

16. The Department wants to ensure that fisheries officers, inland and sea, have access to all enforcement powers currently set out in legislation under one framework, enabling greater confidence in prosecution for offences and ensuring an efficient enforcement regime. This would provide officers with equivalent powers to their counterparts in other jurisdictions.
17. The enforcement powers available to fisheries officers are held within several pieces of legislation. While consolidation of the powers of sea fisheries officers has taken place in other jurisdictions, this has not taken place to date in Northern Ireland. The Bill will provide enforcement officers with the Common Enforcement Powers and Fisheries Enforcement Powers which are available to other jurisdictions through the Marine and Coastal Access Act 2009.
18. By enhancing its legislative framework governing fisheries in Northern Ireland, the Department will ensure its enforcement powers remain fit for purpose in the context of contemporary environmental, economic and regulatory challenges.
19. There is also a need to modernise the enforcement powers that are available to the Department. The powers available under the 1966 Act are limited to 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 such as Fixed Penalty Notices (FPNs) that are proportionate to the offence that has been committed.
20. Enforcement powers available under the 1966 Act are limited to 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 such as FPNs that are proportionate to the offence that has been committed.
21. The Bill will also increase the fines and penalties for fisheries offences and damage to fisheries to align with other jurisdictions.

## **The Water Environment**

22. Current legislation provides inconsistent maximum penalties for pollution offences. Establishing a uniform maximum penalty for all pollution-related offences would promote clarity, underline the importance of the protection of the water environment and ensure a consistent approach to enforcement.
23. The Bill will provide for additional enforcement tools which will provide a prompt response to minor and moderate breaches of regulations and deter behaviours which impact water quality. The Bill provides the Department with a power to make regulations which may introduce FPNs in relation to any offence under the Water (Northern Ireland) Order 1999 or any order or regulation made under it.

## **CONSULTATION**

24. The Department conducted two separate consultations which sought stakeholder and public views on policy proposals central to the development of a new Fisheries and Water Environment Bill.
25. The first was a 10-week public consultation (3 July – 11 September 2025) on policy proposals for the fisheries and aquaculture elements to inform the drafting of this Bill, aimed at modernising legislation governing inland and sea fisheries, and aquaculture in Northern Ireland. This consultation sought feedback from stakeholders and the public on policy proposals to support sustainable fisheries management, promote aquaculture, enhance enforcement mechanisms, and ensure environmental protection through an ecosystem-based approach. A total of 53 formal responses were received, with additional commentary from 9 emails.
26. The second was an 8-week public consultation (11 September – 6 November 2025) around regulatory and policy frameworks to protect water quality, ecosystems and our wider environment. A total of 63 formal responses were received, with additional commentary from 2 emails. There was also a petition of 1740 signatures in support of the water quality proposals.
27. The consultations revealed overall broad support for modernising fisheries and water environment legislation, with strong endorsement of the Department's regulatory role. Key themes in responses included:
  - Need for transparent, inclusive governance.
  - Desire for cross-departmental collaboration.
  - Importance of ecosystem-based management, data-driven policy, and balanced regulation.
28. The Department reviewed the responses to both consultations and captured a comprehensive list of the qualitative feedback provided by respondents to ensure that, regardless of whether it was indicated that a respondent agreed with the proposal or not, any caveats or cautions noted have been recorded and considered.
29. While some minor changes were made to the final policy in relation to aquaculture policy and the removal of FCL as a result of consultation responses and discussions with

stakeholders, given the widespread support to the proposals overall, the policies reflected in this Bill broadly follow the proposals included in public consultation in most respects, whilst detailed drafting has sought to deal with other minor concerns raised during the consultation.

30. A summary of the outcome of the consultation, and the Department's response to the comments can be found at <https://www.daera-ni.gov.uk/publications/summary-responses-consultations-fisheries-and-water-environment-bill-and-protection-water-environment>

## **OPTIONS CONSIDERED**

31. Option 1: Do nothing / business as usual. Continue using the 1966 Act. This would not allow the Department to meet the 8 objectives set out in the UK Fisheries Act 2020 or the high-level strategic policies set out in the UK Joint Fisheries Statement which the Department is required to pursue.
32. Option 2: Introduce a new Fisheries, Aquaculture and Water Environment Bill in this mandate. This would provide the Department with the powers to ensure that fishing, fisheries and aquaculture are developed in alignment with the eight objectives set out in the UK Fisheries Act 2020, ensuring that fish stocks can be fished, commercially and recreationally, both now and in the future. Bring forward provisions to include regulatory powers which will promote better control, help act as a deterrent to non-compliance and improve enforcement capability, all of which support the protection of fisheries, the aquatic environment and public health.
33. Option 3 – Introduce a new Fisheries, Aquaculture and Water Environment Bill in the following mandate. This would mean that the Department would not be able to deliver on the legislative programme. In addition, there is a risk that a Fisheries, Aquaculture and Water Environment Bill may not be a priority in the next mandate.
34. Option 4 – Do the minimum, bring the 1966 Act up to date by amending and revoking sections of the Act but do not extend the work to introducing the objectives of the UK Fisheries Act 2020 to inland waters. By choosing this option, only some of the required legislative changes would be enacted and the Department would not have all the necessary legislative tools required to deliver an ecosystem-based approach aligned with the objectives set out in UK Fisheries Act 2020 and risks losing the ability to keep pace with the rest of the UK's fisheries management authorities. This option would not provide the Department with the power to increase current fines and penalties for water pollution offences and therefore would not be able to offer a consistent enforcement regime.

## **OVERVIEW**

35. The Fisheries, Aquaculture and Water Environment Bill contains 23 clauses and 1 Schedule, making freestanding provision as well as amending the Sea Fish (Conservation) Act 1967, the Fisheries Act (Northern Ireland) 1966 and the Water (Northern Ireland) Order 1999. The Bill makes provision for managing inland fisheries and aquaculture. It also makes provision regarding regulation of sea and inland fisheries and pollution incidents which affect the water environment and includes powers to allow

fisheries and water offences to be dealt with through fixed penalty notices and to align sea fisheries enforcement powers with those already in place in neighbouring jurisdictions. The Bill increases maximum penalties in a range of fisheries and water offences to ensure parity with the rest of the United Kingdom. It also expands the existing licensing regime in section 11 of the 1966 Act to cover a broader range of aquaculture activity.

## **COMMENTARY ON CLAUSES**

### **Clause 1: Policy Objectives**

This clause lists and defines the inland fisheries policy objectives. The objectives are the subject of the Inland Fisheries Policy Statement which is provided for in clause 2.

### **Clause 2: Policy statement**

This clause places a duty on the Department to prepare and publish an Inland Fisheries Policy Statement which sets out its policies for achieving, or contributing to the achievement of, the inland fisheries objectives listed in clause 1. The clause places a duty on the Department to publish the Statement, to keep it under review and also permits the Department to amend or replace the Statement.

### **Clause 3: Statement : preparation, publication and laying**

This clause requires the Department to consult on a draft of the Inland Fisheries Policy Statement (or an amendment) and to have regard to any representations made to it about the draft. The Department must publish the Statement as soon as reasonably practicable and lay it (or an amendment) in the Assembly.

### **Clause 4: Duties of Department**

This clause requires the Department to exercise its functions relating to inland fisheries, 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 in circumstances indicates otherwise. This clause provides a non-exhaustive list of what might be considered a "relevant" change of circumstances and requires the Department to publish its reasons for not acting in accordance with the Statement. The purpose of this exception is to allow for flexibility in decision-making as it may occasionally be necessary to diverge from the policies in the statements.

### **Clause 6: Power to make regulations**

This clause amends the 1966 Act to replace section 26 (Regulations) with a broad power to make regulations for the purposes of managing, conserving, protecting and improving salmon fisheries and inland fisheries, conserving, improving and developing fish stocks, protecting the aquatic environment and protecting or improving the health of fish and other aquatic animals. It further provides for regulations to address the matters listed in the new subsection (2) and to confer functions, impose fees and create criminal offences. The clause also enables the Department to make regulations that can amend, repeal or revoke other statutory provisions, subject to a draft of the regulations being laid before the Assembly and approved by a resolution of the Assembly.

**Clause 7: Enforcement powers**

This clause provides that for the purposes of enforcing sea fisheries legislation, authorised officers (persons who are “British sea-fishery officers” by virtue of section 7(1) of the Sea Fisheries Act 1968) have the Common Enforcement Powers and Fisheries Enforcement Powers set out in Chapter 8 of Part 2 and Chapter 4 of Part 8 respectively, of the Marine and Coastal Access Act 2009. This provides Northern Ireland enforcement officers with the powers available to officers in other jurisdictions.

**Clause 9: Mode of trial and penalty for offences**

This clause gives effect to the provisions in the Schedule to the Bill. These provisions increase the maximum penalties that a court of summary jurisdiction may impose where a person is found guilty of having committed certain offences under the 1966 Act, the Sea Fish (Conservation) Act 1967 and the Water (Northern Ireland) Order 1999; and, in some cases, change the mode of trial so that offences become triable either-way instead of being triable summarily-only. The Schedule also provides for consequential and transitional provisions. The changes are being introduced to account for inflation and to achieve consistency with neighbouring jurisdictions. In effect, these changes provide the Department with greater capacity to uphold compliance with requirements imposed by the relevant legislation, allowing for prosecution of breaches with higher maximum fines, and where applicable prosecution on indictment for the most serious cases.

**Clauses 11 & 12: Certain offences under the 1966 Act and offences under the 1999 Order**

The enforcement powers within the 1966 Act and the Water (Northern Ireland) Order 1999 are limited to criminal prosecutions, which on conviction, result in fines and/or imprisonment. In other jurisdictions modern enforcement systems use fixed penalty notices as an alternative to prosecution in cases where issuing a notice is a proportionate response to the offence that has been committed.

Clause 11 provides that the Department may by regulations make provision for and in connection with the giving of fixed penalty notices in respect of any offence under any provision of the 1966 Act which is listed in subsection (2) or any regulations made under section 26 of that Act.

Clause 12 permits the Department by way of regulations to make provision for and in connection with the giving of fixed penalty notices in respect of any offence under the Water (Northern Ireland) Order 1999 or any order or regulations made under that Order.

**Clause 13: Regulations: general**

This clause sets out examples of what regulations made by the Department under clauses 11 and 12 may include. It also provides that any regulations made by the Department under those clauses must be laid before and approved by a resolution of the Assembly before being made.

**Clause 14: Effect on prosecution**

This clause provides that, where a person is given a fixed penalty notice in respect of an offence, proceedings against the person in respect of the offence may not be brought before the end of the period for payment of the penalty, unless the fixed penalty notice is withdrawn or a notice stating that that person does not intend to pay the fixed penalty is given.

It further provides that if a fixed penalty is paid before the end of the period for the payment of the penalty, the person in respect of whom the penalty is paid may not be convicted of the offence, unless the fixed penalty notice is withdrawn or the circumstances specified in regulations has been met for proceedings to be commenced after the payment of a fixed penalty in relation to that offence.

**Clause 15: Aquaculture licences under the 1966 Act**

Clause 15(1) firstly amends the heading before section 8 of the 1966 Act to refer expressly to aquaculture, given the subsequent amendments adding aquaculture licensing to the same part of the 1966 Act.

Clause 15(2) then makes a substitution of the current section 11 of the 1966 Act with a new section 11 to provide for the expanded “Aquaculture Licence” in place of the current “Fish Culture Licence”.

This substituted section 11 replaces the narrower concept of licensing the operation of a “fish farm” (an undertaking for the culture of fish) with the broader one of licensing of the operation of an “aquaculture farm”. The definition of “aquaculture farm” in the new section 11(6) allows the licensing regime to apply to a wider range of aquaculture practices and species (as set out in the later definitions of “aquaculture” and “aquaculture activities”). This represents a significant broadening of the former “fish culture licence” regime and expands the Department’s regulatory flexibility, and aligns the Act with contemporary aquaculture practices, including marine and inland operations.

Substituted sections 11(2) to (4) sets out the operation of the license and the conditions which may be applied to it, in a similar manner as already applies to fish culture licences under the current section 11 of the 1966 Act.

Substituted section 11(5) makes it a criminal offence to operate an aquaculture farm without a licence or to operate one otherwise in accordance with any conditions of that licence. This is an update of the equivalent offence in the current section 11(5), applying to the operation of a fish farm without a licence or not in accordance with fish culture licence conditions.

Substituted section 11(9) provides for the definitions of “aquaculture”, “aquaculture activities”, “aquaculture organisms” and “processing” for the purposes of the relevant Part of the 1966 Act together with specifying the territorial extent of the operation of an aquaculture farm.

The substituted section 11 also permits the Department, by way of regulations under section 11(7), to provide that specified descriptions of undertakings are to be treated as included in, or excluded from, the definition of “aquaculture farm”. Given the future-proofing and the wider type of activity captured by “aquaculture”, a wider variety of persons may be carrying out some form of aquaculture. This power allows adjustment of the licensing regime should that be thought necessary. Any such adjustment is subject to the regulations being laid before, and approved by a resolution of the Assembly.

Clause 15(3) to 15(5) of the Bill makes consequential amendments to sections 11A to 11C of the 1966 Act, which are the existing provisions supporting the section 11 licensing power by making provision for applications, amendments, suspensions and revocations of licences. The

consequential changes in the Bill adjust how these sections apply to “aquaculture licences”, as an update of how they apply to FCLs.

**Clause 16: Amendments consequential on section 15**

This clause makes a series of consequential amendments across the 1966 Act to ensure consistency with the new aquaculture licensing regime introduced with the new section 11. They update references to “fish culture licences”, “fish farms” and related terms with references to “aquaculture licences”, “aquaculture farm,”, etc. The amendments ensure that existing powers, offences, exemptions, and protections apply consistently to the new, broader aquaculture licensing framework established.

**Clause 17: Continuation of fish culture licences as aquaculture licences**

This clause introduces a set of transitional and consequential arrangements designed to ensure legal continuity and regulatory certainty when existing fish culture licences granted under the 1966 Act are renamed and continued as aquaculture licences following the substitution of the new section 11 of that Act.

The transition from a fish culture licence to an aquaculture licence happens automatically under this deeming provision. Existing licence holders do not need to make an application and there is no change in any existing fish culture licence conditions. All fish culture licences that are in force immediately before commencement are to be preserved, renamed, and treated as having been granted under the amended statutory powers.

In addition, these provisions safeguard the continuity of ongoing regulatory decisions and processes, such as applications, appeals, or enforcement actions, ensuring that these can continue uninterrupted under the new legislative framework.

This clause also permits the Department by way of regulations to provide for further transitional, transitory, saving provisions regarding the continuation and renaming of licences together with incidental, supplementary or consequential provisions in order to give full effect to this Part. These regulations are subject to the negative resolution procedure in the Assembly except if the regulations amend primary legislation, in which case the regulations are required to be laid before, and approved by a resolution of the Assembly.

**Clause 18: Transfer of aquaculture licences**

This clause inserts a new section 11D into the 1966 Act which introduces, an express statutory mechanism for the transfer of aquaculture licences to another person or business. The 1966 Act currently provides for the granting, amendment, suspension, and revocation of licences, but it does not contain a clear or comprehensive power to transfer a licence between operators. In practice, this has limited flexibility for businesses, succession planning, or restructuring within the aquaculture sector.

The new section 11D addresses this by establishing a formal, regulated transfer process that allows an application to be made to the Department to transfer a licence. Following an application, the clause allows the Department to refuse or approve a transfer and, where approved, the Department may amend a licence as it considers appropriate.

Both the licence holder and the proposed transferee must be notified of the decision. Either may appeal to the Appeals Commission against a refusal or against amendments made as part

of a transfer. The provisions also make clear that responsibility for any breach of licence conditions occurring before the transfer takes effect remains with the original licence holder.

#### **Clause 19: Fitness for fish dealer's licence**

This clause amends section 114 of the 1966 Act to remove the requirement for an application for a fish dealer's licence to be accompanied by a certificate from a justice of the peace confirming the applicant's fitness to be licensed. It also makes changes to sections 114 and 115 in connection with this change, to clarify that the grant and renewal of a dealer's licence are matters for the Department's discretion in each case (including in relation to questions about a person's fitness to hold a licence). Existing requirements relating to applications under section 114 (which are currently contained in section 114(1)(a) and (b) and (2)) are restated in subsections (1A) and (1B). These restated provisions provide a flexible framework for administering licenses by enabling the application form and fee to be set and updated by regulations and reinforce the integrity of the regime by maintaining the prohibition on the grant of a licence to any person who is disqualified under section 200 of the 1966 Act (Forfeiture of licences).

These amendments operate prospectively only and do not disturb the validity of licences granted or renewed before the commencement of this clause.

#### **Clause 20: Material removed from river bed**

This clause amends section 48 of the 1966 Act (taking etc. spawn or fry of salmon, trout or eels) to insert a provision which provides that where a person is convicted of an offence under section 48(5) in relation to the bed of any river, the Department may carry out such remedial works to the bed of that river as the Department considers necessary and recover from that person any expenses reasonably incurred in doing so.

### **FINANCIAL EFFECTS OF THE BILL**

36. Policy and legislation development costs are approximately £229,511 per annum in staff costs. The Department has the budgetary cover for the policy and legislation development up to March 2027.
37. Existing legislation already gives enforcement powers to authorised officers (both at sea and inland) and it is not therefore envisaged that the powers in the Bill will have any significant additional financial implications to Government from enforcing the updated rules.
38. A draft partial Regulatory Impact Assessment (RIA) that accompanied consultation on the proposals concluded that there were no direct nor substantial financial implications from the policy proposals, and that any costs were outweighed by the benefits. Consultees were asked to comment on these conclusions and no major issues were raised. The RIA was updated to reflect changes in the proposals stemming from the consultation, but its conclusion remained the same.

## **HUMAN RIGHTS ISSUES**

39. Prior to the consultations an impact assessment screening exercise was undertaken, and it concluded the Fisheries, Aquaculture and Water Environment Bill does not require a Human Rights Assessment.

## **EQUALITY IMPACT ASSESSMENT**

40. An Equality Impact Assessment screening exercise was undertaken and concluded there is no evidence that the proposed measures will have any impact on equality issues. The Department also considers that the proposals are compatible with the Human Rights Act 1998. Therefore, a full Equality Impact Assessment is not considered to be necessary.

## **SUMMARY OF THE REGULATORY IMPACT ASSESSMENT**

41. Many of the new powers simply clarify or regularise existing rules and therefore have no direct or substantive impact. Some powers, such as the direct enforcement of EU obligations or the power to include protection of the environment on sea fishing licence conditions will in time provide savings in making subordinate legislation (which in turn would free up resources to, for example, seek to address a stakeholder requirement to improve regulation and enforcement in the inshore area).
42. There may be some negligible and short-term costs in training officers, in issuing guidance and in drafting new subordinate legislation to reflect the policy contained in the Bill.
43. The powers in relation to fixed penalty notices will reduce financial burdens and uncertainty for fishermen/anglers accused of offences. As fixed monetary penalties require the same (criminal) standard of proof as for prosecution cases, there is little additional cost for enforcers, but there are clear potential savings for Government from not having to take some cases through courts.
44. The draft partial Regulatory Impact Assessment that accompanied consultation on the proposals concluded that there were no direct or substantial financial implications from the policy proposals.
45. Some issues were raised in relation to community and economic risks, including reduced rural participation, tourism decline, and potential closures of small businesses without adequate support. Concerns extend to missing cost estimates for compliance, enforcement, and legal processes, as well as cross-border governance implications but the conclusion did not change. It was therefore concluded that the benefits justify any costs. However, the final RIA will be published along with the final Bill and may be subject to change if new evidence is presented.

## **DATA PROTECTION IMPACT ASSESSMENT/DATA PROTECTION BY DESIGN**

46. A Data Protection Impact Assessment was not carried out, however, the Fisheries, Aquaculture and Water Environment Bill will have no impact on such issues, so an impact assessment is not required.

## **RURAL NEEDS IMPACT ASSESSMENT**

47. In line with the Rural Needs Act (Northern Ireland) 2016, a Rural Needs Impact Assessment (RNIA) was carried out. It discussed how fishing activities and the processing of the landed products are predominantly conducted by persons living or working in rural coastal areas. Consequently, any changes to regulations and enforcement for marine and fisheries purposes are likely to impact people in rural coastal communities more so than persons from urban areas financially, through employment opportunities, local tourism and trade, and general health and wellbeing. Without the sustainable management of our stocks, we would not have a seafood sector which supports jobs and rural and coastal communities for the future.
48. It looked at the effects of financial penalties for waterway pollution and set out that these will be applied consistently across all sectors, irrespective of geographic location. This means that both rural and urban polluters, as well as any operators found to be non-compliant with environmental regulations, will be subject to the same enforcement measures.
49. This approach ensures fairness and accountability, reinforcing that environmental protection is a shared responsibility across all communities and industries. However, it is noted that enforcement activities for pollution are more likely to affect rural dwellers and rural businesses due to their proximity to waterways.
50. Overall there was general satisfaction with the content of the RNIA provided it is flexible, and future policies can be adapted to evolving environmental and social conditions, ensuring it remains effective and relevant over time, however, some respondents emphasised the importance of ensuring conservation goals are balanced with livelihoods of rural communities advocating for sustainable development that benefits both ecosystems and people.

## **LEGISLATIVE COMPETENCE**

At Introduction the Minister of Agriculture, Environment and Rural Affairs had made the following statement under section 9 of the Northern Ireland Act 1998:

*“In my view the Fisheries, Aquaculture and Water Environment Bill would be within the legislative competence of the Northern Ireland Assembly.”*

## **SECRETARY OF STATE CONSENT**

The consent of the Secretary of State is not required.









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