



Northern Ireland  
Assembly

Committee for Culture, Arts and Leisure

# OFFICIAL REPORT (Hansard)

Salmon Conservation Regulations:  
DCAL Briefing

16 January 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Culture, Arts and Leisure

### Salmon Conservation Regulations: DCAL Briefing

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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  
Mrs Karen McKeivitt  
Mr Oliver McMullan  
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:** I welcome Aidan Cassidy, head of inland fisheries; Seamus Connor, chief fisheries officer; and Liam Devlin, Department of Culture, Arts and Leisure (DCAL) official. Gentlemen, you are very welcome. You are no strangers to the Committee. I ask you to make your presentation.

**Mr Aidan Cassidy (Department of Culture, Arts and Leisure):** Good morning. Thank you very much, Chair, for the opportunity to brief the Committee on the draft regulations. They will implement the agreed outcomes of the recent consultation on salmon conservation measures in the DCAL jurisdiction. You will recall from our briefing on 28 November 2013 that we had given due consideration to the views of a wide range of stakeholders during the consultation process. A series of proposals have now been agreed with the Minister. A set of regulations have been drafted to implement them across the DCAL jurisdiction.

Chair, with your agreement, I would like to pass to Liam, who is responsible on our side for the legislative programme. He will take the Committee through the detail of the draft regulations.

**Mr Liam Devlin (Department of Culture, Arts and Leisure):** Thanks, Aidan.

Aidan has already touched on the consultation, which closed in September 2013, in which we sought views of a wide range of stakeholders and comments on a range of proposals to regulate the implementation of catch and release and a ban on salmon netting. Following a briefing to the Committee in November, regulations have been drafted to implement the following agreed salmon conservation measures. The first is the introduction of mandatory catch and release for salmon and sea trout angling. This means that any salmon or sea trout that are caught after the introduction of those regulations must be returned to the water regardless of condition. There are some exceptions

to catch and release to operate on waters which consistently meet management targets for salmon stocks. At present, it is proposed that only Lough Melvin will be exempt in 2014, as data demonstrates that it has a sustainable surplus above conservation limits. Anglers would be able to take only two salmon from Lough Melvin during the entire season. Carcass tags for those fish would be administered by the local angling club.

With regard to methods, prawns and shrimps, and worms after the end of June, would continue to be permitted as salmon baits in conjunction with single and double barbless hooks. Salmon netting would be prohibited. However, the regulations would set criteria for the issue of salmon-net licences in the event of a resumption of netting and for compensation for affected netsmen. The regulations also establish criteria for a resumption of salmon netting should stocks recover. Such fishing can resume only when it does not adversely affect a special area as defined under the habitats directive or any rivers which do not meet such salmon management targets as may be determined by the Department.

The format of an angling licence has also been amended to facilitate the issue of one licence for all standard game angling and one for coarse angling. Licences will also incorporate an angling log book, which anglers will be required to complete to record angling effort for salmon and sea trout caught and released.

Following the Committee's recommendation at our briefing in November, the regulations also now provide clarity on the definition of barbless hooks, describing such hooks as a hook from which the barb or barbs have been removed or bent closed or which is manufactured without a barb. I trust that that will meet members' approval.

The legislative impact of those new measures is complex. The Departmental Solicitor's Office (DSO) has advised that the fisheries regulations 2003, which are the principal body of subordinate legislation regulating angling and commercial fishing activity, need to be completely rewritten to reflect the prohibition of salmon netting and the introduction of catch and release. That work has been completed. The new set of fisheries regulations have been drafted. They reflect the new legislative requirements and also incorporate all amendments made to the original regulations since their introduction in 2003.

With regard to salmon netting, two separate regulations are required. That is because the Department has only expressed powers under the Fisheries Act (Northern Ireland) 1966 to control the use of drift nets for the taking of salmon from the sea. For the other types of netting, namely bag nets and tidal draft nets, the Department has had to use its designation under the European Communities Act 1972 in relation to the environment to legislate for the prohibition of those nets. That designation has also been required to introduce a compensation package for affected netsmen. Thus, the salmon drift net regulations 2014 will prohibit the netting of salmon by means of a drift net. The salmon netting regulations 2014 will prohibit the use of bag and tidal draft nets and introduce a compensation package for netsmen who are affected.

With regard to the next steps, when approvals are in place, the regulations will be officially made and laid in the Assembly for scrutiny by Members for a period of 21 days. If no objections are raised, those regulations will come into operation by the specified date, which is 1 March 2014. It is also the start of the general game-fishing season.

We are now happy to take members' questions.

**The Chairperson:** Thank you very much. With regard to discussions with netsmen, are they on board and content with such matters as the issuing of licences in the future and their compensation levels?

**Mr Cassidy:** Yes, Chair. We have had a series of discussions with the netsmen concerned. That process is ongoing. We have a series of meetings over the next couple of weeks. There is broad agreement from the netsmen. They recognise the importance of the legislation. Over the past couple of years, they have demonstrated their commitment to it by volunteering not to fish. We have written into the legislation the condition that they have the right to apply for a licence in the future if they have held a licence in one of the past three years. So, if we reach a situation in the future where there are harvestable stocks of salmon, they can apply for a licence at that stage.

We have spoken to them in general terms about compensation. We will engage with Land and Property Services to assist in that process. That will take place with effect from early March subject to the regulations going through, of course.

**The Chairperson:** With regard to the next steps, will further information come to the Committee on the detail of that?

**Mr Cassidy:** Yes. We can provide the Committee with the detail of that. Essentially, it is a matter for Land and Property Services to engage with regard to coming up with a compensation package. The Committee will be aware that there are compensatory arrangements in the existing regulations, with regard to potential buyout schemes, for example. The intention now is to offer, at this stage, a one-off payment to compensate the fishermen concerned for the loss of income. As I said, we will engage with Land and Property Services to go through the detail of that with each of the netsmen concerned.

**The Chairperson:** Are you confident that those conversations will be concluded in a satisfactory manner in advance of the legislation being laid before the Assembly?

**Mr Cassidy:** That is a good question. Land and Property Services has agreed to start that work from March, so I cannot confirm that that will be the position. Each netsman has different circumstances and will want to set out his or her case for compensation. So, we will not have the conversations completed by the time the legislation comes into force.

**Mr Ó hOisín:** I declare an interest as an angler and as Chair of the Assembly's all-party group on angling. I have been lobbied by quite a number of the angling clubs and associations as well as by angling lobby groups like the No Salmon Nets (NSN) group. So, there are a number of technical questions that I want to go into because there is a lack of clarity.

In terms of hook usage, there was a recommendation for single or double barbless hooks. Where does that leave the use of treble set-ups, such as Devon Minnows, Mepps Spinners and Pennel Rigs, in coarse and trout fishing? Those hooks will still be allowed to be used for other species, so there will be a grey area there.

**Mr Cassidy:** Thanks for your question. Seamus, do you want to pick up on that?

**Mr Seamus Connor (Department of Culture, Arts and Leisure):** Essentially, these regulations apply to salmon fishing only. So, if you are fishing for brown trout or for coarse fish species, other methods are allowed. So, the regulations are aimed at those who are fishing for salmon and sea trout.

**Mr Ó hOisín:** That will cause an issue with the period, particularly for worm fishing, in that somebody can just say that they are fishing for brown trout outside of the period that is designated for salmon. Do you understand that that is a shortcoming in the legislation?

**Mr Connor:** Yes.

**Mr Ó hOisín:** In DCAL waters, it is illegal to be in possession of a salmon or sea trout carcass.

**Mr Cassidy:** Correct.

**Mr Ó hOisín:** Could that be clarified?

**Mr Cassidy:** Absolutely.

**Mr Ó hOisín:** There was some discussion about the dos and don'ts for the 2014 season. I am reflecting what people are saying to me, and they are not sure about that. Is any guidance, such as a booklet, being produced for anglers? A lot of the angling clubs are holding their annual general meetings (AGMs). There was some talk about a video as well. Where does that sit?

**Mr Cassidy:** Obviously, there is an important role for the Department in working with the angling clubs to raise awareness of the new regulations. Seamus Connor, who is our chief fisheries officer, is going to lead a programme of engagement with angling clubs. As part of that, we are going to produce a question-and-answer brief on all aspects of the new legislation, and that will be posted on our website.

We have also produced a video on catch and release, and, as part of the consultation meetings with the angling clubs, we will show it and post it online to give a clear illustration to anglers of what we see as permissible methods and the best way to handle catch and release.

**Mr Ó hOisín:** Will that be done before the start of the game season?

**Mr Cassidy:** Absolutely. Once the legislation has gone through the House, we will roll out a programme of meetings across the North.

**Mr Ó hOisín:** Is there any designation of those excepted rivers or stretches? What is the situation in terms of the Loughs Agency regarding tags for the incoming season?

**Mr Connor:** Any DCAL waters within the Loughs Agency's control will be subject to its regulations. *[Inaudible.]* as far as I am aware, the River Roe is the only one we have, and it is meeting its management target. So, it will be subject to the tag allocation. Within the DCAL area, Lough Melvin is the only exception.

**Mr Ó hOisín:** There was some talk, Seamus, about the Lower Bann, being excepted, but that has not happened?

**Mr Connor:** No, that is certainly not excepted. The Lower Bann is currently not meeting its conservation or management targets either. So it definitely will not be an exception.

**Mr Hilditch:** With the introduction of the various pieces of legislation which we hope to have in place for the start of the season, will there be there any impact on staff and resources? Are you content that there is enough in place to deal with everything?

**Mr Cassidy:** Yes, that is a very good question, Mr Hilditch. We recognise now that it is important that we manage these fisheries to ensure compliance with the new regulations. The Minister proposes to support the private water bailiff scheme by offering support to angling clubs by paying the initial cost of registration. Seamus Connor and his team are also going to offer training and advice to the angling clubs with respect to their role in supporting the Department to protect fisheries.

It will not have a direct impact on our staff at this stage. We have scoped this work and we are confident that we have the resources at present to do that. However, we rely very heavily on the anglers who, effectively, are our eyes and ears on the riverbank to help support our work in the protection of fisheries. As I have said, the Minister recognises that and will support a programme to assist the private water bailiffs in that respect.

**Mr Hilditch:** Will there be a policy of prosecution for breaches, or is there a warning system?

**Mr Connor:** We are keen to be strict on those caught with a salmon in their possession. Certainly, I am keen on enforcing this wherever it occurs. Each breach of the legislation will be looked at in its own right. However, I will put the message out for clubs with private water bailiffs that we effect this very clearly. It should be very clear to everyone that those caught in possession of a salmon are likely to face prosecution.

**Mrs McKeivitt:** Thank you very much for coming to the Committee this morning. I am a little confused over eligibility for compensation for the netsmen. I think I heard you say that, if they had a licence within the past three years, they would be eligible. Were there any issues with the licensing — given the fact that everything has been, sort of, up in the air over the last couple of years — that would exclude netsmen?

**Mr Devlin:** Over the past couple of years, the netsmen have signed up to a voluntary agreement not to fish. They were issued with their licences, and they provided those assurances to us. So they have all had licences, albeit they have not fished them. So, there is no eligibility issue with regard to the six netsmen who are currently eligible for a licence, in that they would have received a licence in one of the past three years.

**Mrs McKeivitt:** OK. Maybe I have missed it, but is there a minimum compensation level or threshold written into the regulations for the netsmen? If there is not, why not?

**Mr Devlin:** There is not a minimum threshold written into the legislation. Clearly, we will be guided by Land and Property Services on how the compensation will be calculated. It will take a variety of issues into consideration in doing that, including catch records over the past few years and the impact

on business. It will be about loss of income. Even if that loss of income is minimal, we will still have to consider making payment on that basis so that it is equal for all six netsmen.

**Mrs McKeivitt:** Is there not a disadvantage to the netsmen if you are talking about their catches in the past number of years, when they were not really catching?

**Mr Devlin:** They were not really catching, but the compensation will be based on loss of income. That is the material impact on the netsmen affected by these regulations. We have also protected the heritage and culture of netting as well, in that those six netsmen who are currently fishing will have the option of first preference, should netting ever resume. If not them, a nominee of theirs will be eligible for the issue of nets. So, we have considered both income and their cultural heritage in the making of the regulations.

**Mr Cassidy:** Can I just pick up on an earlier point that you raised in relation to the compensation and when we would have that in place? The reality is that, at the moment and until the legislation comes into force, we have no regulatory authority to engage in offering compensation. So we need the legislation in place before we can formally engage with the netsmen and Land and Property Services to determine the compensatory package.

**The Chairperson:** OK. Thank you. Now, with regard to the next steps in the laying of the statutory rule, on what date should we anticipate receiving that from the Department?

**Mr Devlin:** Once we get approval from the Committee, we will take steps to send the regulations to the printers and lay them before the Assembly, hopefully, in the next week or two. Then, under the 21-day rule, that will allow them to come into operation for the general start of the game season, which is 1 March.

**The Chairperson:** Thank you very much. Are members content that the Department proceeds to make the statutory rule?

*Members indicated assent.*