



Northern Ireland
Assembly

Research and Information Service Review of Costs

Paper 68/26

30 September 2026

NIAR 195-26

Fisheries, Aquaculture and Water Environment Bill: scrutinising key “public purse” implications

RaISe – Public Finance Scrutiny Unit

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key potential implications for the “public purse”, if the Fisheries, Aquaculture and Water Environment Bill would be enacted as introduced. It relies on the Bill’s accompanying Explanatory and Financial Memorandum and other relevant sources; and should be read in conjunction with RaISe Bill Paper [NIAR 279-2026](#) (dated 30 September 2026), addressing the Bill’s underlying policy.

This information is provided to a Member of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Summary of key points

- The Fisheries, Aquaculture and Water Environment Bill seeks to modernise Northern Ireland's legislative framework for inland fisheries, aquaculture licensing, fisheries enforcement and protection of the water environment. The Bill includes new regulatory powers, strengthened enforcement provisions, fixed penalty notices and increased maximum penalties for a range of offences.
- The Bill's accompanying Explanatory and Financial Memorandum (EFM) states that policy and legislative development costs are estimated at approximately £229,511 per annum in staff costs and that budgetary provision exists for this work until March 2027. The EFM further states that no significant additional financial implications for government are anticipated from enforcement of the updated provisions.
- DAERA's Regulatory Impact Assessment concluded that the Bill would not give rise to substantial direct financial implications and that any costs would be outweighed by anticipated benefits. Identified costs were largely limited to officer training, guidance and administrative implementation.
- Some uncertainty remains regarding the full cost of implementation. Areas where additional expenditure could arise include preparation and ongoing review of the proposed Inland Fisheries Policy Statement, officer training associated with new enforcement powers, administration of aquaculture licence transfer arrangements and implementation of future secondary legislation.
- The Bill is being considered within a challenging public expenditure environment. Northern Ireland Departments continue to face significant budgetary pressures, while DAERA has publicly highlighted concerns regarding the adequacy of proposed resource and capital allocations in the draft multi-year Budget.
- The Bill would substantially increase maximum fines and, in some instances, custodial penalties for offences under the Fisheries Act (Northern Ireland) 1966, the Sea Fish (Conservation) Act 1967 and the

Water (Northern Ireland) Order 1999. These changes are intended to strengthen deterrence and align Northern Ireland's penalty framework more closely with other UK jurisdictions. [https://niassembly-my.sharepoint.com/personal/nathan_mulholland_niassembly_gov_uk/_layouts/15/Doc.aspx?sourcedoc={42A02E75-3642-4583-A48B-39148936E849}&file=NIAR 195-26 Review of costs Fisheries, Aquaculture and Water Environment Bill.docx&action=default&mobileredirect=true](https://niassembly-my.sharepoint.com/personal/nathan_mulholland_niassembly_gov_uk/_layouts/15/Doc.aspx?sourcedoc={42A02E75-3642-4583-A48B-39148936E849}&file=NIAR%20195-26%20Review%20of%20costs%20Fisheries,%20Aquaculture%20and%20Water%20Environment%20Bill.docx&action=default&mobileredirect=true)

- Increased fines could generate additional income through successful prosecutions. However, any such income would be paid into the Consolidated Fund and would not automatically be available to offset implementation or enforcement costs incurred by DAERA.
- Increased custodial sentences could create costs for the justice system, particularly the Northern Ireland Prison Service and DoJ. The scale of any such costs is currently uncertain because it depends on future prosecution, conviction and sentencing patterns. Historical data indicates that no custodial sentences were imposed for offences under the relevant legislation during the period 2021 to 2025.
- Between 2021 and 2025, prosecutions under the Fisheries Act (Northern Ireland) 1966, the Sea Fish (Conservation) Act 1967 and the Water (Northern Ireland) Order 1999 ranged from 27 to 60 cases annually. All convictions resulted in monetary penalties rather than custodial sentences.
- The Bill contains a number of delegated powers that would require secondary legislation. The financial implications of these regulations cannot be fully assessed at this stage because the detailed policy and operational arrangements have not yet been developed.

[https://niassembly-my.sharepoint.com/personal/nathan_mulholland_niassembly_gov_uk/_layouts/15/Doc.aspx?sourcedoc={42A02E75-3642-4583-A48B-39148936E849}&file=NIAR 195-26 Review of costs Fisheries, Aquaculture and Water Environment Bill.docx&action=default&mobileredirect=true](https://niassembly-my.sharepoint.com/personal/nathan_mulholland_niassembly_gov_uk/_layouts/15/Doc.aspx?sourcedoc={42A02E75-3642-4583-A48B-39148936E849}&file=NIAR%20195-26%20Review%20of%20costs%20Fisheries,%20Aquaculture%20and%20Water%20Environment%20Bill.docx&action=default&mobileredirect=true)

Introduction

On 22 June 2026, the Minister of Agriculture, Environment and Rural Affairs introduced the [Fisheries, Aquaculture and Water Environment Bill](#) (the Bill) into the Northern Ireland Assembly (the Assembly). The Bill seeks to amend the [Fisheries Act \(Northern Ireland\) 1966](#), [Sea Fish \(Conservation\) Act 1967](#) and the [Water \(Northern Ireland\) Order 1999](#). Through these proposed amendments and additional new provisions, the Bill aims to:

...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.

See RaISe Bill Paper [Paper NIAR 279-2026](#) (dated 30 September 2026) for further information about the individual Bill clauses.¹

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key implications that could arise from the introduced Bill for the “public purse”, based upon the Bill’s accompanying [Explanatory and Financial Memorandum](#) (EFM). (A definition of the “public purse” is provided in section 1 below.) It

¹ Available at Northern Ireland Assembly, [Research and Information Service Publications 2026](#) (NIAR-65-2026)

draws on information available to the RalSe-Public Finance Scrutiny Unit (PFSU) at the time of writing. Its contents are not intended to be exhaustive and are structured as follows:

- [Section 1 - Background to the Bill proposals](#);
- [Section 2 – Bill, as introduced](#)
- [Section 3 – Challenging financial and budgetary context](#);
- [Section 4 – Key potential “public purse” considerations](#);
- [Section 5 – Use of secondary legislation](#); and,
- [Section 6 – Concluding remarks](#).

Included throughout are potential scrutiny points in blue boxes, which Members, including those in the Committee for Agriculture, may wish to draw on.

1 Recap of introduced Bill

The [Bill, as introduced](#), has 7 Parts, containing 23 clauses and 1 schedule, as follows:²

Table 1: Summary of the Bill as introduced³

Part	Clause	Effect of Clause if enacted
Part 1 – Inland fisheries etc	1	Establishes a set of inland fisheries policy objectives and defines them in legislation. These objectives provide the overall framework that will guide future fisheries policy and management decisions.
	2	Requires the Department to prepare, publish and maintain an Inland Fisheries Policy Statement explaining how it intends to achieve the objectives set out in Clause 1. The Department may review, amend or replace the statement over time.
	3	Requires consultation on draft policy statements or amendments before publication. The final statement must be published and laid before the Assembly.
	4	Places a duty on the Department to carry out relevant fisheries and aquaculture functions in line with the Inland Fisheries Policy

² See footnote 1

³ [Tree Protection Bill](#); as introduced (29 June 2026)

		Statement. It also allows departure from the statement where circumstances justify it, provided reasons are published
	5	Defines key terms used throughout the inland fisheries policy provisions, including aquaculture, inland waters, bycatch, fish activities and aquatic environment
	6	Modernises the Department's regulation-making powers by allowing regulations to support the management, conservation, protection and improvement of fisheries, fish stocks and the wider aquatic environment. It also enables regulations to create offences, impose fees and amend existing legislation subject to Assembly approval.
Part 2 – Fisheries and inland waters regulations etc	7	Provides Northern Ireland sea fisheries enforcement officers with the same enforcement powers available elsewhere in the UK through the Marine and Coastal Access Act 2009, strengthening enforcement capability and consistency
	8	Provides definitions and supporting provisions necessary for the operation of Clause 7, including explanations of enforcement powers, officers and relevant fisheries legislation.
Part 3 – Mode of trial and penalty for offences	9	Increases maximum penalties for a range of fisheries and water-related offences and, in some cases, allows more serious offences to be tried either summarily or on indictment. The aim is to improve deterrence and align enforcement with neighbouring jurisdictions.
Part 4 – Fixed penalty notices	10	Defines a fixed penalty notice as a notice that allows a person to discharge liability for an offence through payment of a prescribed penalty instead of facing prosecution.
	11	Allows the Department to introduce fixed penalty notices for specified offences under the Fisheries Act (Northern Ireland) 1966 and related regulations. This provides an alternative to prosecution for less serious offences.
	12	Enables the Department to introduce fixed penalty notices for offences under the Water (Northern Ireland) Order 1999 and related legislation, allowing proportionate enforcement responses.
	13	Sets out what regulations under Clauses 11 and 12 may contain and requires any such regulations to be approved by the Assembly before they come into effect.
	14	Establishes how fixed penalty notices interact with criminal proceedings. Payment of a fixed penalty generally prevents prosecution for the same offence, unless specified exceptions apply.

Part 5– Aquaculture licensing	15	Replaces the existing Fish Culture Licence system with a broader Aquaculture Licence regime. This expands licensing beyond fish and shellfish to cover a wider range of aquaculture activities, including emerging sectors such as seaweed farming.
	16	Updates references throughout the Fisheries Act (Northern Ireland) 1966 to ensure consistency with the new aquaculture licensing framework.
	17	Provides transitional arrangements so that existing fish culture licences automatically continue as aquaculture licences without requiring a new application. Ongoing regulatory processes are also preserved
	18	Creates a formal process allowing aquaculture licences to be transferred between operators, subject to Departmental approval. It also provides appeal rights and clarifies liability for past breaches.
Part 6 – Miscellaneous	19	Removes the requirement for applicants to obtain a certificate from a justice of the peace and instead gives the Department discretion to determine whether an applicant is fit to hold a fish dealer's licence
	20	Allows the Department to carry out remedial works where unlawful activity has damaged a river bed and to recover the costs of those works from the convicted offender.
Part 7 – Final provisions	21	Interpretation: Provides definitions for key terms used throughout the Bill, including references to the Department and relevant legislation.
	22	Commencement: Provides that most provisions come into force the day after Royal Assent, while the aquaculture licensing provisions in Part 5 may be commenced on a date appointed by the Department.
	23	Short Title: Set out the Bill's short title.

Source: RaISe-PFSU relying on Bills accompanying [EFM](#)

1.1 Background to the Bill proposals

According to the [EFM](#) accompanying the introduced Bill:

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.*⁴

The Bill addresses four distinct policy areas within the Department of Agriculture, Environment and Rural Affairs (DAERA) portfolio – those are, Inland Fisheries, Aquaculture, Inland and Sea Fisheries Enforcement and the Water Environment. To understand each, the following Table 1 provide background information concerning them, including development of the related individual Bill clauses.

Table 2. Policy area the Bill addresses and the objective the Bill is attempting to achieve

Policy Area	Policy objective of the Bill
Inland Fisheries	The Bill seeks to modernise inland fisheries legislation in Northern Ireland by moving from a narrow focus on individual fisheries towards a broader ecosystem-based approach. The current framework, contained in the Fisheries Act (Northern Ireland) 1966, is considered insufficient to address modern challenges such as biodiversity loss, environmental pressures and sustainable resource management. The Bill would provide the Department with enhanced powers to conserve, protect, restore and improve aquatic species and habitats, helping to meet environmental and biodiversity commitments. It also supports the sustainable management of commercial and recreational fishing while

⁴ [EFM - Fisheries, Aquaculture and Water Environment Bill ,as introduced](#)

	recognising the wider social, economic and environmental benefits that healthy inland waters provide to communities and rural areas.
Aquaculture,	The Bill seeks to modernise Northern Ireland's aquaculture licensing framework by replacing the current fish-focused system with a broader, more flexible approach. Existing legislation under the Fisheries Act (Northern Ireland) 1966 regulates fish and shellfish farming through a range of licences but does not define aquaculture and is largely limited to fish and shellfish production. As a result, emerging sectors such as seaweed cultivation and the farming of other aquatic plants and animals are not fully covered. The Bill would introduce a new Aquaculture Licence and a statutory definition of aquaculture, extending regulation across all aquaculture activities. It would also establish a process for approving licence transfers, creating a more efficient, future-proof framework to support industry growth, environmental sustainability and economic development.
Inland and Sea Fisheries Enforcement	The Bill seeks to strengthen and modernise fisheries enforcement arrangements in Northern Ireland by consolidating enforcement powers currently spread across multiple pieces of legislation into a single, more coherent framework. The Department considers that this will improve clarity, operational effectiveness and the ability of fisheries officers to investigate and prosecute offences. The Bill would introduce a range of common and fisheries-specific enforcement powers, bringing Northern Ireland's framework more closely into line with those operating elsewhere in the UK. It would also modernise enforcement by introducing Fixed Penalty Notices for certain offences, reducing reliance on criminal prosecution, while increasing fines and penalties for fisheries offences and damage to fisheries to provide a stronger deterrent against unlawful activity
Water Environment	The Bill seeks to strengthen the enforcement framework for water pollution offences in Northern Ireland by creating a more consistent and proportionate system of penalties. Under current legislation, maximum

	penalties for pollution-related offences vary, which can lead to inconsistencies in enforcement. The Bill would establish a uniform maximum penalty for such offences, improving clarity, supporting more effective enforcement and reinforcing the importance of protecting the water environment. It would also empower the Department to introduce Fixed Penalty Notices (FPNs) for offences under the Water (Northern Ireland) Order 1999 and related legislation. This would provide a more flexible enforcement toolkit, enabling minor and moderate offences to be addressed more quickly and proportionately, while reducing reliance on resource-intensive criminal proceedings and helping to deter activities that adversely affect water quality.
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Source: RaISe-PFSU relying on Bills accompanying [EFM](#)

A more comprehensive assessment of these policy areas and the Bill’s policy objective can be found in the accompanying RaISe Bill Paper [NIAR 279-2026](#).

2 Challenging financial and budgetary context

Before considering key public purse implications arising from the introduced Bill, some additional context-setting information is provided to highlight the challenging financial and budgetary context in which Assembly Members considers the introduced Bill. Initially, the term “public purse” is defined, followed by an overview summarising the challenging budgetary environment within which the DAERA is currently operating.

2.1 “Public purse” defined

The “public purse” refers to taxpayers’ money raised through taxation and other sources of government revenue. Government departments - including their Ministers and individual officials - are custodians of the public purse – meaning they are required to use public funds “efficiently, effectively and economically”. Moreover, departmental Accounting Officers are personally responsible for ensuring value for money in accordance with public finance management principles.

In Northern Ireland, the public purse comprises the Northern Ireland block grant allocated by His Majesty’s (HM) Treasury, locally generated revenues and any other public funding streams.

Any public purse costs that could arise from the Education Inspections Bill would be met by departmental spending – that is, either within the existing Department of Education budget, or through reprioritisation within the Executive’s overall spending envelope.

If the Bill would be enacted, as introduced, DAERA then would be responsible for covering costs arising when implementing the Bill, including the specified statutory duties. At the given time, DAERA would do so using its budget and/or seeking additional monies from the Executive.

2.2 Budgetary Context – central and devolved – generally speaking

The central and devolved budgetary contexts remain challenging across the United Kingdom, due to a number of contributory factors that are relevant to Assembly consideration of this Bill. **Figure 1** below summarises the most significant developments from February 2024 to the time of writing.

Figure 1: Challenging budgetary context - Contributory factors dating from February 2024 to present



UK Autumn Budget 2024 (October 2024)

The [Chancellor's Autumn Budget 2024](#) set out some of the multi-year competing pressures facing the United Kingdom Government, potentially adversely impacting the Government's spending power in certain areas, along with other decisions relating to social security - see RalSe Briefing Paper 47/24 entitled "[Chancellor's Autumn Budget 2024: initial considerations for Northern Ireland](#)".

Departmental Bids Exceed Budget Allocation (December 2024)

Northern Ireland Departmental bids for 2025/26 [resource and capital](#) expenditure exceeded the [Northern Ireland Budget](#) allocated by the United Kingdom Government to the Executive.

Later that month, the [2025/26 Draft Executive Budget](#) and accompanying [Written Statement](#) by the Minister for Finance highlighted ongoing "pay and inflationary pressures" and "growing demands" on public services.

UK Spring Statement 2025 (March 2025)

The [Chancellor's 2025 Spring Statement](#) updated the House of Commons on the United Kingdom economy and public finances. Her Statement was accompanied by an Economic and Fiscal Forecast from the [Office for Budget Responsibility](#) (OBR). It also announced a number of policy decisions, which included reforms to the welfare system, increased defence spending and a £3.25 billion (b) "[Transformation Fund](#)" to reform public services. (Important to note this central government development, as the Northern Ireland Executive Budget is a sub-cycle within the United Kingdom Government's Budget cycle.) DoF officials thereafter explained during the Assembly Finance Committee [meeting](#) that:

.... on the allocations out of that fund, it will depend on which Whitehall departments get allocations from it so we don't get it on the £3.25 billion we'll get it on the allocations

Executive Agrees 2025/26 Budget (3 April 2025)

The Executive agreed the [2025/26 Executive Budget](#), which the Finance Minister [described](#) as "sets out a direction of travel" which "clearly prioritises its Programme for Government priorities".

US Trade Tariffs (4 April 2025)

The American President announced substantial international trade tariffs, resulting in: plummeting stock markets across the globe; a collapsing American bond market; the subsequent 9 April 90-day pause on some new US tariffs; other countries' similar pauses; further consideration of retaliatory tariffs on the US; and an international trade war arising between the US and China.

US-UK Trade Deal (8 May 2025)

A non-binding trade deal was agreed by between the US and UK Governments. The general terms of the new trade deal were subsequently published in the [UK-US](#)

[Economic Prosperity Deal](#) (EPD); the deal non-binding, meaning on-going further negotiations to work through the detail of the deal.

Executive Spending Plans Published (24 June 2025)

The DoF published its [2025-26 Budget Factsheet](#), setting out the Executive's spending plans for the one-year period from 1 April 2025 to 31 March 2026.

Finance Minister Written Statement (3 October 2025)

The Executive's Finance Minister provided a Written Ministerial Statement detailing [Treasury Funding Available 2026-2029/30](#).

UK Autumn Budget 2025 (26 November 2025)

The Chancellor's Autumn Budget 2025 detailed the United Kingdom Government's resource spending plans up to 2028/29 and capital plans up to 2029/30.

NI Draft Multi-Year Budget (6 January 2026)

The Finance Minister published the [Draft Budget 2026-2029/30](#) (not Executive agreed) and announced an eight-week public consultation on the proposals.

Treasury Agrees £400m Reserve Claim (11 February 2026)

HM Treasury [agreed](#) a reserve claim for the Northern Ireland Executive, to provide £400 million for 2025/25, which is to be repaid over three years. The Finance Minister confirmed in a [written statement](#) that same day that the £400 million would be allocated as follows, as agreed by Executive:

- Department of Education - £214.6 million
- Department of Health - £185.4 million

Treasury Agrees £400m Reserve Claim (11 February 2026)

The [Chancellor delivered her Spring Forecast 2026](#)

Later that day, in an [Oral Statement](#) to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, comprising: Resource DEL - £380 million; and, Capital DEL - £9 million

UK Spring Forecast 2026 (3 March 2026)

The Chancellor delivered her [2026 Spring Forecast](#). Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, consisting of £380 million RDEL and £9 million CDEL.

Update on Multi-Year Budget Discussions (16 April 2026)

Speaking publicly following a meeting of Executive Ministers, the deputy First Minister stated that the Executive wanted a multi-year Budget agreed "as quickly as we can". She added

...but the reality is that there is a very, very significant shortfall...the moment that Budget would be agreed, unless we secure additional resource from the Treasury, would simply lead to significant cuts and massive impacts in terms of our public services and on the people that we are here to serve.

The Finance Minister echoed these sentiments, stating that "to achieve the ambition of the Budget is going to take an injection of investment from the British Government."

Parties Meet SoSNI on Budget Progress (2 July 2026)

Speaking after the meeting, Hilary Benn MP said they had 'agreed a programme of work' that will 'look, first of all, at the pressures that the Executive's finances are facing'.

He said the work would also look at the Executive's plan for "fiscal sustainability, efficiencies and public service transformation".

Budget Act Deadline Passes (31 July 2026)

As the Executive were unable to pass a Budget by this deadline, an automatic departmental expenditure limit of 95% of last year's funding was triggered under public finance laws.

Executive Writes to PM on Financial Pressures (13 August 2026)

The Executive collectively [wrote](#) to PM Andy Burnham, calling for a 'fair funding envelope'. The letter said the current funding from Westminster 'does not provide a sufficient basis to fund public services' in NI.

SoSNI Statement on Budget Impasse (24 August 2026)

SoSNI Chris Bryant MP [said](#) the Executive will have to engage in 'self-help' and look at revenue raising to resolve Northern Ireland's budget issues. He further added "I understand the financial pressures that there are in Northern Ireland, and I'm very happy to take them very seriously."

PM confirms SoSNI talks on the Budget (2 September 2026)

In response to a question at PMQs the PM stated:

Our first responsibility is to get Stormont government up and running and functioning properly with a budget. I have empowered the Northern Ireland Secretary to go into talks to resolve that issue, and we can continue the conversation on the broader issues about reform once we have got that in place.

2.3 Draft Budget 2026-29/30 – DAERA and DoJ allocations

The [Draft Budget 2026-2029/30](#) public consultation document - published by the Northern Ireland Finance Minister on 3 January 2026 - closed on 3 March 2026. That document outlined Departmental proposed allocations, including DAERA's, for the specified period, in terms of RDEL and CDEL, as well as previous Executive commitments, as explained in the below subsections [2.3.1](#) - [2.3.3](#). In addition, the provisions of the Bill could have an impact on the justice system, therefore included are the proposed budget allocations for DoJ, which should also be considered in relation to potential costs arising.

2.3.1 Proposed RDEL allocation

Table 3. Draft Budget 2026-2029/30 – DAERA RDEL allocation (£millions)

Department	2026-27	2027-28	2028-29
DAERA	674.3	687.3	692.9
DoJ	1575.4	1497.2	1525.7

Source: [Draft Budget 2026-29/30](#)

Thereafter, on 5 March 2026, the AERA Minister appeared before the Committee for Agriculture, Environment and Rural Affairs (CAERA), commenting on the inadequacy of the Finance Minister's proposed DAERA allocation:

In outline, we will struggle to stand still with the resource position. The finance director will set out more on that, but you know that there are challenges, particularly with resourcing, across all aspects of the Department — agriculture, the environment, rural affairs and climate change — and the resource budget will be extremely challenging.⁵

2.3.2 Proposed CDEL allocation

Table 3. Draft Budget 2026-2029/30 – DAERA and DoJ CDEL allocation (£millions)

⁵<https://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=38873&eventId=19073>

Department	2026-27	2027-28	2028-29	2029-30
DAERA	123.0	130.3	126.3	121.1
DoJ	118.2	116.5	113.5	122.3

Source: [Draft Budget 2026-29/30](#)

It should be noted that the DoJ raised concerns about the proposed allocations set out in the Draft Budget. In evidence to the Committee for Justice, summarised in its Response to the Committee for Finance on the Draft Budget, the Department highlighted both “stabilisation pressures” and “exceptional pressures” over the multi-year period. Stabilisation pressures were identified on the day-to-day running cost of business areas across the Department. The exceptional pressures were stated to be unaffordable within the Draft Budget allocation “under any circumstances”. Pressures falling into this category included pressures arising from “Holiday Pay and McCloud cases”. Evidence to the Committee for Justice also highlighted the concerns of DoJ non-departmental bodies. Within the context of this briefing, those NDPBs included the PSNI, who noted that budgetary allocation fell short of what was “required to cover anticipated pay increases and price inflation”.⁶

Similar detail is not available from the DAERA. The Committee for Finance’s “Report on the Minister for Finance’s 2026-29/30 Draft Budget” (dated 15 April 2026) noted that:

The Committee for Agriculture, Environment and Rural Affairs was advised that officials from the Department of Agriculture, Environment and Rural Affairs are continuing to work through the draft budget with the Minister and, consequently, have (to date) been unable to attend an evidence session with the Committee that would have enabled Members to undertake scrutiny. Accordingly, the Committee agreed to write to the Finance Committee to advise that,

⁶ [20260227-committee-for-justice-response---budget-2026-27-to-2029-2030_redacted.pdf](#)

at this stage of the process, it is unable to take a position on the draft budget.⁷

No additional subsequent commentary from the DAERA on the Draft Budget could be located in the Official Report of the Assembly or of the Committee for Agriculture, Environment and Rural Affairs (CAERA) at the time of writing.

Potential scrutiny points:

1. Facing serious budgetary challenges and competing pressures, how would the Minister of Agriculture ensure there would be appropriate resourcing to ensure the Bill's full implementation?
2. How did the DAERA factor the potential costs arising from this Bill, as introduced, into its return for the Department of Finance's Budget 2025-28 Information Gathering Exercise?
3. Did the DAERA factor into that consideration requirements/conditions arising from the Executive's agreed Budget Improvement and Sustainability
4. The committee may wish to also contact DoJ seeking its assessment of the potential financial impact the Bill could have on its finances and those of the wider justice system?

3 88 Key potential public purse considerations

To address key potential public purse considerations about the Bill, this section draws on the Bill as introduced, its accompanying EFM,⁸ and the related consultations on the policy proposals, as well as a Committee for Agriculture, Environment and Rural Affairs evidence session with DAERA officials and the

⁷ [Report on the Minister for Finance's 2026-29/30 Draft Budget](#)

⁸ Paragraph 36 to 38

Bill's Second Stage debate in the Assembly. It also highlights some "knowns" and apparent "unknowns" at the time writing, from which reasonably foreseeable potential financial implications arise if the Bill would be enacted as introduced.

3.1 DAERA Consultations

As noted in the EFM, which accompanied the Bill at introduction:

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.⁹

Those two consultations were:

- [The Fisheries and Water Environment Bill Consultation](#) – (ran 10-weeks from 3rd July to 11th September 2025)
- [Fisheries and Water Environment Bill – Protection of the Water Environment Consultation](#) - (ran 8 weeks from 11th September to 6th November 2025)

In the case of both consultations, no question was asked in relation to the financial implications of the proposed Bill on the public purse, rather from a financial perspective, the questions asked related to fines and maximum penalties for those convicted of waterway and groundwater pollution.

5. The committee may seek clarification on the approach taken in the consultations and the rationale for not including questions related to the potential costs that could arise from the provisions of the Bill?

3.2 EFM - Financial Effects of the Bill

⁹ Fisheries Aquaculture and Water Environment Bill [EFM - As Introduced](#) (accessed 17 August 2026)

The financial effects of the introduced Bill are considered at paragraphs 36 to 38 of its accompanying EFM. Paragraph 36 states:

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 2027.¹⁰

However, paragraph 37 explains:

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.¹¹

Finally, paragraph 38 further details:

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.¹²

As noted above, DAERA has identified:

...no direct nor substantial financial implications from the policy proposals, and that any costs were outweighed by the benefits". However, those are not detailed.¹³

RaISe-PFSU therefore contacted the DAERA as follows:

¹⁰ Fisheries Aquaculture and Water Environment Bill [EFM - As Introduced](#) (accessed 17 August 2026)

¹¹ See footnote 10 immediately above

¹² See footnote 10

¹³ See footnote 10

1. Any further costs that have been considered as part of any further assessment that has been carried out as indicated in the EFM?
2. As noted in the EFM there is - no direct nor substantial financial implications from the policy proposals, and that any costs were outweighed by the benefits – what are these costs that were considered “not substantial” or those that were “outweighed by the benefits”?
3. Any further cost related information that the department may have in relation to this Bill?¹⁴

The following sub-sections consider the potential financial effects of the Bill. Where applicable, DAERA’s response to RaISe-PFSU’s request for information are included.

3.3 Regulatory Impact Assessment (RIA)

On 30 May 2025, DAERA conducted a [Regulatory Impact Assessment](#) (RIA), which, in part, considered the monetised and non-monetised costs and benefits of the Bills proposals. In considering the Bill, the Department published a table which considers the Bills proposals and potential costs. The detail is presented in **Table 5** below:

Table 5. Fisheries Aquaculture and Water Environment Bill - Monetised and non-monetised costs and benefits

Proposal	Benefit	Cost
<i>Inland Fisheries policy framework.</i>	<i>Modernise the approach to managing inland fisheries, adopting an eco-system based approach that is consistent with the policy and</i>	<i>No anticipated additional costs.</i>

¹⁴ Correspondence between RaISe and Department of Agriculture, Environment and Rural Affairs (6 July 2026)

	<i>legislative framework that the UK Fisheries Act 2020 provides for marine stocks</i>	
<i>Modernisation of fisheries enforcement powers.</i>	<i>Sea Fisheries Officers would have the same powers as other enforcement agencies within the UK.</i> <i>New legislation would ensure appropriate tools are available to authorised officers which would assist with improving enforcement.</i>	<i>Some small cost in training officers, and in issuing guidance</i>
<i>Introduce Fixed Penalty Notices, Fixed and Variable Monetary Penalties and increase maximum fines for certain sea-fisheries and inland offences</i>	<i>This will increase deterrent from offending meaning a reduction in offences and better conservation of fish species.</i> <i>It will offer Fisheries alternative measures that will act as a swifter deterrent for offenders.</i>	<i>There will be no additional costs for legal fishing</i>
<i>Single aquaculture licence</i>		<i>There would be no costs directly associated with the primary legislative proposal</i>

Source: [Fisheries Aquaculture and Water Environment Bill - RIA](#)

In the [Second Stage debate](#) on the Bill (30 June 2026), the funding of the provisions of the Bill were raised with the AERA Minister. The Minister noted cost assessment in the RIA and concerns raised by the Chair of the AERA Committee but explained:

The regulatory impact assessment indicates that there will be no cost to businesses as a result of the Bill. As a result, no additional bid for funding has been made. The marine environment and fisheries fund will be available to provide financial assistance with the delivery of any new policies arising from the Bill, and it is important that we continue that support.¹⁵

3.4 Costs associated with the Bill

In response to RalSe-PFSU questions, the DoJ addressed anticipated costs arising from the Bill, which if enacted as introduced. RalSe-PFSU asked the DAERA to provide further clarification in its above statements and to detail any assessment that already has been carried out in relation to any potential costs that could arise. Arising from the response, factors to consider in relation to potential costs are set out as follows:

- [Inland Fisheries policy framework development](#)
- [Training](#)
- [Transfer of an Aquaculture licence](#)
- [Increased penalties](#)
- [Fixed Penalty Notices](#)

3.4.1 Inland Fisheries policy framework development

Clause 2 of the introduced Bill would require the Department to prepare and publish a document, to be known as the Inland Fisheries Policy Statement. The clause states:¹⁶

2. –

(1) The Department must prepare and publish a document, to be known as the Inland Fisheries Policy Statement, that sets out its

¹⁵ <https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2026/06/30&docID=492567#5653313>

¹⁶ [Fisheries, Aquaculture and Water Environment – As Introduced](#) (Accessed 19 August 2026)

policies for achieving, or contributing to the achievement of, the inland fisheries objectives.

(2) The Inland Fisheries Policy Statement must contain a statement explaining how the inland fisheries policy objectives have been interpreted and proportionately applied in formulating those policies.

(3) The Department must comply with subsection (1) as soon as reasonably practicable after this section comes into operation.

(4) The Department—

(a) must keep the Inland Fisheries Policy Statement under review, and

(b) may at any time prepare and publish a replacement or amendments of it.

(5) Section 3 applies in relation to the preparation and publication by the Department of an Inland Fisheries Policy Statement or amendments of that Statement.

(6) An Inland Fisheries Policy Statement comes into effect or an amendment of that Statement comes into effect when the statement or amendment is published in accordance with section 3(4).

(7) Where the Department publishes a replacement of an Inland Fisheries Policy

Statement it may publish a document revoking a prior Inland Fisheries Policy Statement.

As such, if enacted as stated, DAERA would incur resource costs to produce and review the noted guidelines. However, the policy statement was considered

in the RIA (See [sub-section 4.3](#)) and the Department determined that there would be “no anticipated additional costs”.¹⁷

Moreover, the EFM does not mention any costs that could be incurred specifically in relation to the above, potentially suggesting that there would be capacity within existing Departmental resources to produce such a policy statement. However the EFM does detail:

*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.*¹⁸

Therefore it is unclear at present if the policy and legislation development costs identified include the production of the Inland Fisheries Policy Statement or whether this will be assumed within existing departmental workload.

Potential scrutiny point

6. Members may wish to seek clarification on whether the cost of producing the Inland Fisheries Policy Statement is included in the £229,511 per annum in staff costs identified in the EFM?
7. If not, it is assumed that the development of the policy statement will be absorbed into existing departmental workload?

3.4.2 Training

As previously stated Paragraph 38 of the EFM considered:

A draft partial Regulatory Impact Assessment (RIA) that accompanied consultation on the proposals concluded that there

¹⁷ [Fisheries Aquaculture and Water Environment Bill - RIA](#)

¹⁸ Fisheries Aquaculture and Water Environment Bill [EFM - As Introduced](#) (accessed 19 August 2026)

were no direct nor substantial financial implications from the policy proposals, and that any costs were outweighed by the benefits

RaISe contacted the Department seeking further clarification of these costs which the Department deemed “not substantial”. In response, DAERA informed RaISe:

In relation to “not substantial” costs; when the Department consulted on the policy proposals for the Bill, the Regulatory Impact Assessments conducted at the time identified that there would be a small cost to the Department in training enforcement officers on the proposals in the Bill modernising the powers available to them and, that there may be increased costs to some businesses to ensure their compliance with legislation to avoid financial penalties. The latter mentioned costs are not attributable directly to the Bill as the Bill does not introduce additional offences.¹⁹

As noted by DAERA, the [Regulatory Impact Assessment](#) (RIA), conducted on 30 May 2025 in relation to the Bill acknowledged short-term cost in training officers. Specifically the RIA states:

Many of the proposed new powers allow the Department to strengthen existing arrangements and introduce a range of enforcement measures. Some powers, such as the revised penalties will strengthen the current enforcement powers of the Department and there may be some small, short-term costs to the Department for training officers. Some businesses may have increased costs to ensure compliance in order to avoid financial penalty for breach of legislation, however these costs are not attributable to the introduction of revised enforcement measures – no new offences are being created.²⁰

¹⁹ Correspondence between RaISe and Department of Agriculture, Environment and Rural Affairs (7 August 2026)

²⁰ [Fisheries Aquaculture and Water Environment Bill - Regulatory Impact Assessment](#) (30 May 2025)

Within the RIA the Department produced a table considering

3.4.3 Transfer of an Aquaculture licences

Clause 18 of the Bill relates to “transfer of aquaculture licences”, in its response to RaISe-PFSU the Department highlighted this clause and the potential for costs to arise. The Department states:

The Department is considering the cost associated with the introduction of section 18(2)(d) of the Bill (transfer of an Aquaculture licence) although this is envisaged to be set in line with other comparable fees set by the Department and based on cost recovery in line with [Managing Public Money Northern Ireland] MPMNI guidance.²¹

Specifically, Clause 18(2) is as follows:

2) An application under subsection (1) must be in such manner and form as determined by the Department, accompanied by—

(a) such information as the Department may reasonably require;

(b) where the aquaculture licence has been granted subject to the consent of the owner or lawful occupier of the foreshore, bed of the sea, estuary or any fishery, the consent in writing of that owner or lawful occupier, as the case may be, to the proposed transfer of the licence;

(c) copies of any other consents or approvals (or information in relation to applications for such consents or approvals) which are necessary for the operation by the proposed transferee of the aquaculture farm in accordance with the licence;

(d) such fee as may be determined by the Department;

²¹ Correspondence between RaISe and Department of Agriculture, Environment and Rural Affairs (7 August 2026)

(e) the licence.

While the Department notes Clause 18(2)(d) in reference to fees, it should be considered that the other sub-clauses would require Departmental resource to carry out such administrative tasks. If the level of fee does not match the equivalent cost of staff time, the requirements of this provision of the Bill could constitute a cost to the Department.

3.4.4 Increased Penalties

Clauses 3 to 8 of the Bill, amend a number of sections of the [Fisheries Act \(Northern Ireland\) 1966](#) (the 1966 Act), the [Sea Fish \(Conservation\) Act 1967](#) (the 1967 Act) and the [Water \(Northern Ireland\) Order 1999](#) (the 1999 Order). These amendments would see an increase to the maximum penalties for those found guilty of committing an offence under the Act. DAERA acknowledged the potential for costs in its response to RalSe-PFSU detailing:

Regarding “costs outweighed by the benefits”, the increase in the maximum penalties was identified as a potential impact on the public, however, these are increases to existing offences and will ensure parity with other jurisdictions and enhance compliance.²²

In considering the Bill, RalSe has identified in each Clause the change in penalties each clause would create, if the Bill is enacted, as introduced, these are:

- Clause 3 – Increased fines and imprisonment terms
- Clause 4 – Increased fines and imprisonment terms
- Clause 5 – Increased fines and imprisonment terms
- Clause 6 – Increased fines
- Clause 7 – Increased fines
- Clause 8 – Increased fines and imprisonment terms

²² Correspondence between RalSe and Department of Agriculture, Environment and Rural Affairs (7 August 2026)

3.4.4.1 Penalties imposed under the current provisions of the 1966 Act, 1967 Act and 1999 Order

For context RalSe-PFSU contacted DAERA and the Department of Justice (DoJ) seeking information on the number of prosecutions initiated and convictions secured under the provisions of the 1966 Act, 1967 Act and 1999 Order over the last five years. **Tables 6 -11** below provides detail of the number of prosecutions and convictions that have been made under the Acts and order over the last five years. The tables then include other details relating to the offences including:

- Disposal types imposed following conviction
- Fines (Including; Minimum, Maximum, Mean and Median)
- Other information
- Notes

The tables below detail the information received from each department. It should be noted that there are inconsistencies in the information provided by each department. This should be considered when examining the tables, however, as detailed in the accompanying notes the departments took different approaches to cases. For example, where two separate offences have been submitted as one case as reported by DAERA.

Scrutiny Point

8. The committee may seek clarification from DAERA on the figures provided on the number of prosecutions and convictions? The committee may wish to seek detail on the approach and rationale taken in recording this data?
9. The committee may wish to ask the same of DoJ?
10. The committee may wish to seek clarification from DAERA and DoJ on the number of prosecutions and convictions that occurred between 2021 and 2025? In this, the committee

may wish to ask for agreed figures on the cases detailed in the tables?

3.4.4.1.1 The Sea Fish (Conservation) Act 1967

Table 6. DoJ provided information relating to prosecutions and convictions at courts for an offence committed under the Sea Fish (Conservation) Act 1967, 2021-2025 – including; disposal type imposed following conviction and level of fine imposed

Year	Prosecutions and convictions		Disposal types imposed following conviction						Fine (£)			
	Prosecutions	Convictions	Imprisonment	Suspended Sentence	Community Sentence	Monetary Penalty	Discharge / Other	Total	Minimum	Maximum	Average (mean)	Average (median)
2021	-	-	-	-	-	-	-	-	-	-	-	-
2022	*	*	-	-	-	*	-	*	*	100	*	*
2023	-	-	-	-	-	-	-	-	-	-	-	-
2024	-	-	-	-	-	-	-	-	-	-	-	-
2025	-	-	-	-	-	-	-	-	-	-	-	-

Note:

1. Figures relate to initial disposals at courts.
2. Figures relate to cases where there was a conviction for at least one offence committed under The Sea Fish (Conservation) Act 1967.
3. Figures relate to cases prosecuted on behalf of police and other Governmental bodies.
4. Figures relate to main disposal imposed following conviction.
5. Figures for fine data have been suppressed due to the small number of cases.
6. * means a figure less than 3 has been treated under rules of disclosure

7. # means a figure of 3 or more has been treated to prevent disclosure of a small number elsewhere.

Table 7. DAERA provided information relating to prosecutions and convictions at courts for an offence committed under the Sea Fish (Conservation) Act 1967, 2021-2025 – including; total fines and further information

Year	Total Prosecutions/Convictions	Total Fines	Other Information	Notes
2024	1	0	1 individual with 2 charges against them	Forfeiture Order; Summary/Indictment N/A

3.4.4.1.2 Fisheries Act 1966

Table 8. DoJ provided information relating to prosecutions and convictions at courts for an offence committed under the Fisheries Act 1966 (2021-2025) – including; disposal type imposed following conviction and level of fine imposed

Prosecutions and convictions		Disposal types imposed following conviction							Fine (£)			
Year	Prosecutions	Convictions	Imprisonment	Suspended Sentence	Community Sentence	Monetary Penalty	Discharge/ Other	Total	Minimum	Maximum	Average (mean)	Average (median)
2021	31	25	-	-	-	18	7	25	40	400	133	88
2022	19	17	-	-	-	#	*	17	25	500	163	150
2023	34	25	-	-	-	25	-	25	50	500	153	100
2024	10	10	-	-	-	#	*	10	50	500	145	80
2025	13	10	-	-	-	10	-	10	50	600	210	100

Note:

1. Figures relate to initial disposals at courts.
2. Figures relate to cases where there was a conviction for at least one offence committed under the Fisheries Act 1966.
3. Figures relate to cases prosecuted on behalf of police and other Governmental bodies.
4. Figures relate to main disposal imposed following conviction.
5. * means a figure less than 3 has been treated under rules of disclosure.
- 6.# means a figure of 3 or more has been treated to prevent disclosure of a small number elsewhere.

Table 9. DAERA provided information relating to prosecutions and convictions at courts for an offence committed under the Fisheries Act 1966, 2021-2025 – including; total fines and further information and penalty range

Year	Prosecuted	Convictions	Total Fines	Other Information	Fine/Penalty Range
2021	13	6	£1,125	Fisheries (NI) Act	£75-£250
2022	20	6	£4,725	Fisheries (NI) Act	£75-£250
2023	12	6	£1,241	Fisheries (NI) Act	£25-£500
2024	7	3	£2,830	Fisheries (NI) Act	£50-£526
2025	14	2	£350	Fisheries (NI) Act	£100-£250

Notes:

- All convictions were summary offences

3.4.4.1.3 Water (Northern Ireland) Order 1999

Table 10. DoJ provided information relating to prosecutions and convictions at courts for an offence committed under the Water (Northern Ireland) Order 1999 (2021-2025) – including; disposal type imposed following conviction and level of fine imposed

Year	Prosecutions and convictions		Disposal types imposed following conviction						Fine (£)			
	Prosecutions	Convictions	Imprisonment	Suspended Sentence	Community Sentence	Monetary Penalty	Discharge/ Other	Total	Minimum	Maximum	Average (mean)	Average (median)
2021	15	14	-	-	-	#	*	14	400	6,000	1,685	1,000
2022	21	18	-	-	-	18	-	18	500	3,000	1,167	1,000
2023	26	12	-	-	-	12	-	12	200	10,000	2,709	750
2024	17	13	-	-	-	13	-	13	250	5,000	1,479	750
2025	19	18	-	-	-	18	-	18	200	2,500	1,031	1,000

Note:

- Figures relate to initial disposals at courts.
 - Figures relate to cases where there was a conviction for at least one offence committed under the Water (Northern Ireland) Order 1999.
 - Figures relate to cases prosecuted on behalf of police and other Governmental bodies.
 - Figures for disposals relate to the main disposal imposed following conviction.
 - The analysis on fines excludes one case in 2023 and one in 2024 where the monetary penalty related to other party compensation rather than a fine.
- * means a figure less than 3 has been treated under rules of disclosure.
means a figure of 3 or more has been treated to prevent disclosure of a small number elsewhere.

Table 11. DAERA provided information relating to prosecutions and convictions at courts for an offence committed under Water (Northern Ireland) Order 1999, 2021-2025 – including; total fines and further information and penalty range

Year	Prosecutions	Convictions	Total Fines	Other Information	Fine/Penalty Range	Notes
2021	15	14	21900	14 Water Order	£0 Conditional Discharge to £6,000	1 Adult Caution for 2017 incident.
2022	19	18	30000	18 Water Order	£500 to £3,000	1 Adult Caution; one case total fine £10,000 from 8 offences
2023	25	24	28800	24 Water Order	£0 Conditional Discharge to £3,500	13 cases amalgamated; total fine £10,000
2024	14	14	24000	13 Water Order incl. fraud; 1 NAP Regulations	£0 Conditional Discharge to £5,000	
2025	20	18	19050	18 Water Order	£200 to £2,500	2 Adult Cautions

Notes:

- The table below is based on Court Outcome dates from 2021 to 2025.
- All but one of the cases was pursued under the Water (Northern Ireland) Order 1999 (as amended). The remaining case, heard in 2024, was prosecuted under the Nutrient Action Programme Regulations (Northern Ireland) 2019.
- All convictions were summary offences
- Two separate pollution incidents were investigated and subsequently amalgamated into a single case file for submission to the Public Prosecution Service (PPS), they have been recorded and counted as one case for the purposes of this table

In summary the tables above show:

- All convictions resulted in monetary penalties or other disposals, with no imprisonment, suspended sentences or community sentences recorded between 2021 and 2025.
- Under the Sea Fish (Conservation) Act 1967 only one persecution/convictions occurred between 2021-2025, this was in 2024 –
 - DAERA records only one conviction in 2024, involving one individual with two charges. No fine was imposed, but a forfeiture order was made.
- Prosecutions under the Fisheries Act (Northern Ireland) 1966 ranged from 10 to 34 prosecutions annually
- Fine levels were generally low under the Fisheries Act (Northern Ireland) 1966:
 - DoJ data shows maximum fines ranging from £400 to £6000 annually. Average fines ranged between approximately £133 and £210.
 - DAERA data similarly indicates relatively low penalties, with most fines falling within a range of £25 to £526.
- Under the Water (Northern Ireland) Order 1999 saw between 15 and 26 prosecutions annually and between 12 and 18 convictions annually from 2021-2025.
- Fines under the Water (Northern Ireland) Order 1999 were substantially higher than fisheries fines:
 - Maximum individual fines ranged from £2,500 to £10,000.
 - Average fines ranged from approximately £1,031 to £2,709

3.4.4.2 Potential income from fines

The Bill will increase the levels of fine significantly compared to the previous maximum as required by the 1966 Act, as amended. For example, a number of clauses will see fines increase from £500 to £50,000, if the Bill were enacted as introduced. However, with an increased level of fine, there remains the unknown level of prosecution that may occur should the bill be enacted as

introduced, it is uncertain what level of fine income could result from the Bill's provisions.

In addition to questions about the amount of potential fine income there are questions regarding the extent to which any income could be used to directly offset any costs arising from the Bill's provision. This is because funds raised through fines are paid into the Consolidated Fund of Northern Ireland.²³

According to the Northern Ireland Audit Office:

*All payments from the Fund must have legislative authority and may either be charged to it directly by statute or voted by the Assembly each year in the Budget Acts.*²⁴

The Bill, as introduced, does not include any provision that would provide legislative authority for DAERA to directly receive fine income to recover any cost imposed by the provisions of the Bill. Instead, income raised through fines would be distributed through the Assembly's budget process.

3.4.4.3 Potential cost from increase in imprisonment terms

The Bill will increase the term length of imprisonment of those convicted of committing an offence under the 1966 Act, as amended. For example, a number of clauses will see imprisonment term lengths increase from 6 months to two years, if the Bill were enacted as introduced.

Here, it is worth noting the Northern Ireland Prison Service [Annual Report and Accounts 2024-25](#), which state:

*The Cost per Prisoner Place (CPPP), which excludes exceptional payments and the cost of the Prisoner Escorting and Court Custody Services, was £57,180 in 2024-25 (2023-24: £54,024).*²⁵

²³ [Administration of Justice Act \(Northern Ireland\) 1954](#)

²⁴ [NIAO Report NI Budget Process Report Combo 4 WEB.pdf/](#)

²⁵ [Northern Ireland Prison Service Annual Report and Accounts 2024-25](#)

The CCCP was reaffirmed by DoJ - in a response to an [Assembly Written Question](#) (AQW) dated 14/04/2026 - confirming the cost of £57,180 in 2024/25, but also noting:

Northern Ireland Prison Service costs have increased due to the need to re-open and provide staff for previously closed accommodation to house the increasing numbers of prisoners, in addition to pay and price increases. The trend in recent years suggests that further increases are likely, and the Prison Service is planning on that basis, within the funding it has available.²⁶

Increases in prison sentence, will have a cost to the public purse, specifically the prison service. However, as with fines the level of impact is unknown, as there remains the unknown level of prosecution that may occur should the bill be enacted as introduced, and if such changes would lead to changes in behaviour.

As shown in Tables 5 -10 above, the majority of those convicted under the 1966 Act, 1967 Act and 1999 Order received a monetary penalty (a fine), while no person convicted was sentenced to imprisonment. If such conviction trends continued under the amendments proposed in the Bill, it is likely that a significant increase in fine income could be obtained as detailed in [sub-section 4.2.4.1](#). Conversely, if their continued to be no convictions leading to imprisonment, the potential costs considered in [sub-section 4.2.4.2](#) would not arise.

3.4.5 Fixed Penalty Notices

Clauses 11 and 12 give the Department the power to make regulations to established Fixed Penalty Notices (FPNs) for offences under the 1966 Act and the 1999 Order. Clause 13 of the Bill provides a list of what any future regulations may cover in relation to FPNs, these include:

²⁶ <https://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=479669>

13.—(1) *Regulations under section 11 or 12 may, in particular, make provision about—*

- (a) the offences in respect of which fixed penalty notices may be given;*
- (b) the circumstances in which fixed penalty notices may be given;*
- (c) the persons who may give fixed penalty notices;*
- (d) the form and content of fixed penalty notices;*
- (e) the amount of a fixed penalty;*
- (f) the period within which a fixed penalty is payable;*
- (g) the payment of fixed penalties;*
- (h) the withdrawal of fixed penalty notices;*
- (i) the giving, by the recipient of a fixed penalty notice, of a notice stating that that person does not intend to pay the fixed penalty;*
- (j) circumstances in which proceedings for an offence may be commenced after the payment of a fixed penalty in relation to that offence.*

As such, this leaves a number of questions in relation to the FPN process and the potential costs that could arise as a result of these regulations. A number of potential areas of cost, that could arise are considered in the following **Table 12**.

Table 12. Potential costs arising in relation to the proposed FPN scheme

Areas in which costs could arise in relation to FPNs	Detail on potential costs
Development of the fixed penalty scheme	The drafting of regulations, potential for legal advice and any consultation exercise that may be required in establishing FPN scheme

Recruitment/Training authorised officers	Who will be able to issue FPNs remains undefined. As such there is potential that new posts may be created for such a role. If no new posts are created, there existing staff may require additional training on the circumstances in which fixed penalty notices may be issued and clarification on the interpretation of discretion to the person giving the FPN as to the amount of the penalty would be in a given circumstance.
Administrative systems	New systems may need to be created or existing systems may need updated for the issuing of notices, processing payments, recording enforcement action, handling appeals or representations, and monitoring compliance
Guidance and communications	DAERA may chose to issue guidance or run communications campaigns in order to inform stakeholders of the new FPNs scheme
Enforcement	Where a FPN has been issued, failure to pay may incur additional administration in the department. The legislation does not specify any appeals process, but if such a process was developed then costs may arise from investigating such cases. In addition, the regulations may allow for legal proceedings to be commenced against non-payment, this would incur costs for the legal system to conduct such cases.

Source: RaISe-PFSU relying on Bills accompanying [EFM](#)

Potential Scrutiny Point

11. The committee may wish to seek detail on the proposed regulations that would be required to introduce a FPN scheme. In addition, the committee may wish to seek information in regards the potential costs that arise from such regulations?

4 Use of secondary legislation

If the Bill would be enacted and implemented as introduced, a number of its provisions would require secondary legislation.

When considering key potential public purse implications that could arise from the Bill, it is important to consider such regulations - secondary legislation - that subsequently could be enacted under the Bill. That secondary legislation could incur costs when implemented, and those costs typically cannot be estimated until the detail of the secondary legislation would become available. For that reason, it is important to factor this consideration into Assembly deliberations on the Bill at the time of scrutinising the proposed enabling legislation (the primary legislation) – here, this Bill.

And when doing so, also bear in mind the specified Assembly resolution procedure by which the specified secondary legislation subsequently would be brought forward under the Bill, as said procedure bears a relationship to the scrutiny that the Assembly would apply to that secondary legislation, as highlighted below:

- ‘Draft Affirmative’ or ‘Affirmative Resolution’: Both these Assembly procedures require Assembly approval of the subordinate legislation before it could become effective – i.e. come into operation.
- ‘Negative Resolution’: This Assembly procedure enables Departments to make secondary legislation, which can come into operation before Assembly approval of it. **But** the Assembly has a specified period in which it could decide to pass a motion to disapprove said legislation and thereby make it ineffective (not in force).

- ‘Confirmatory Resolution’: This Assembly procedure enables Departments to make secondary legislation, which becomes operational before Assembly approval. However, the Assembly must confirm that legislation if that legislation is to continue to have effect. Without such confirmation, the legislation ceases to be effective.

Further note that where the primary legislation does not specify an Assembly resolution procedure, Assembly scrutiny can take various forms, including Written or Oral Questions, through to full Ad Hoc debates that an individual Assembly Member could use to bring to the attention of the Assembly any secondary legislation that the Member thinks is flawed or deserves consideration. However, such scrutiny would not have legal effect: instead, it would have political effect - and ultimately could force a Departmental Minister to reconsider and, if necessary, replace the relevant legislation.²⁷

The introduced Bill specifies the following Assembly resolutions would be required as presented in **Table 13** below:

Table 13. Clauses relying on secondary legislation

Clause	Provision	Secondary legislation	How considered by the Assembly under its Standing Orders
Clause 6(1)	Power to make regulations (Replacing section 26 in the 1966 Act)	Regulations	Draft Affirmative
Clauses 11-13	Certain offences under the 1966 Act and offences under the 1999 Order	Regulations	Draft Affirmative

²⁷ *Deconstructing Legislation: A practical guide to legislative scrutiny*, Daniel Greenberg (on behalf of Northern Ireland Assembly (2015), p 23 (available in Assembly Library).

Clause 15(2)	Aquaculture licences under the 1966 Act (Replacing section 11 in the 1966 Act)	Regulations	Draft Affirmative
Clause 17(5)	Continuation of Fish Culture Licenses as Aquaculture Licenses	Regulations	Draft Affirmative where the regulations contain amending provisions, otherwise Negative Resolution
Clause 22 (2)	Commencement	Order	No procedure

Source: [Delegated Powers Memorandum](#)

12. If the Bill would be enacted and implemented as introduced, the AERA Committee may wish to ask the for DAERA for regular updates regarding any costings compiled by the Department when drafting the new rules, regulations or orders.

13. If the Bill would be enacted and implemented as introduced, the Committee may wish to ask the DAERA for any costings it would compile or have others compile when formulating any of the specified secondary legislation under this Bill, to ensure that the public purse implications of such secondary legislation would receive adequate Assembly scrutiny.

5 Concluding remarks

This Review of Costs has considered the key potential implications for the public purse arising from the Fisheries, Aquaculture and Water Environment

Bill, as introduced. While the accompanying EFM concludes that the Bill is not expected to have significant financial implications and that any costs are outweighed by anticipated benefits, a number of potential direct and indirect costs nevertheless should be considered by the Committee.

The Bill primarily seeks to modernise existing legislative and regulatory frameworks relating to inland fisheries, aquaculture licensing, fisheries enforcement and protection of the water environment. In several areas, the Department has indicated that implementation can be managed within existing structures and resources. However, the extent to which current staffing and operational budgets can absorb new statutory duties, policy development requirements, administrative processes and enforcement activities remains unclear.

From a public finance perspective, the evidence currently suggests that implementation costs are likely to be relatively modest in the short term. The Department has identified policy and legislative development costs of approximately £229,511 per annum and has stated that existing enforcement powers mean that the Bill is not expected to generate significant additional enforcement costs. The accompanying RIA similarly concluded that no substantial direct financial implications were anticipated beyond limited expenditure associated with training, guidance and implementation activities.

Notably, uncertainty remains regarding a number of potential cost that could arise from the Bill, as introduced. These include the preparation and periodic review of the proposed Inland Fisheries Policy Statement, training requirements associated with new enforcement powers, administrative costs linked to aquaculture licence transfers, and the implementation of future secondary legislation. While some of these costs may be relatively modest on their own, their cumulative effect may become more significant when considered alongside DAERA's wider budgetary pressures and the constrained financial environment facing the Northern Ireland Executive.

The Bill also proposes substantial increases in maximum fines and custodial penalties for certain offences. Although these changes may strengthen deterrence and improve compliance, any financial consequences for the justice

system, as therefore DoJ are difficult to quantify in advance. Historical prosecution and conviction data suggest that monetary penalties have been the main disposal for relevant offences, with no custodial sentences imposed between 2021 – 2025. Consequently, the future extent of additional fine income or any prison-related costs remains uncertain and will depend largely on enforcement activity and judicial decisions in convicting for offenses committed under the Bill.

An additional consideration relates to the Bill's reliance on secondary legislation. Several important operational elements of the proposed framework would be established through regulations following enactment. As detailed policy and implementation arrangements are not yet available, the associated financial implications cannot presently be assessed fully. This may limit the Assembly's ability to understand the total cost of implementation at the primary legislation stage.

Taken together, the available evidence suggests that the Bill is unlikely to require substantial new expenditure in the short term. Nevertheless, a number of assumptions underpin that assessment and several areas of uncertainty remain. In light of current pressures on public finances, Members may wish to seek further clarification from DAERA regarding implementation costs, assumptions underpinning the Regulatory Impact Assessment, ongoing resource requirements and any future cost estimates developed in support of subordinate legislation. Such information may assist the Assembly in determining whether the anticipated benefits of the Bill can be achieved within available resources and whether any additional public expenditure may arise over time.