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Assembly

Research and Information Service Bill Paper

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Fisheries, Aquaculture and Water Environment Bill

NIAR 279-26

This Bill paper provides an overview of the Fisheries, Aquaculture and Water Environment Bill as introduced to the Assembly on 22 June 2026. This paper is complemented by [NIAR 195-26](#) which deals with the potential cost implications of the Bill.

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Key Points

- Introduced on 22 June 2026, the Bill modernises the Fisheries Act (Northern Ireland) 1966, Sea Fish (Conservation) Act 1967 and Water (Northern Ireland) Order 1999.
- The Bill contains 23 clauses and one Schedule covering:
 - Inland fisheries;
 - Aquaculture; and
 - Water environment and enforcement.

Inland Fisheries

- Establishes Northern Ireland's first statutory framework for inland fisheries management.
- Introduces seven fisheries objectives to guide future policy: Sustainability; Precautionary approach; Ecosystem management; Scientific evidence; Bycatch reduction; National benefit; and Climate change adaptation.
- Requires DAERA to publish and maintain an **Inland Fisheries Policy Statement** explaining how these objectives will be delivered.
- Represents a shift from a traditional fisheries-focused approach to a broader **ecosystem-based management framework**.

Aquaculture

- Replaces the existing **Fish Culture Licence** system with a new **Aquaculture Licence** regime.
- Extends licensing beyond fish and shellfish farming to include activities such as **seaweed cultivation** and other emerging aquaculture sectors.
- Existing fish culture licences will automatically transition to aquaculture licences.
- Introduces a mechanism allowing licence transfers between operators, subject to DAERA approval.

Enforcement

- Provides fisheries officers with enhanced powers broadly aligned with those available elsewhere in the UK.
- Intended to improve enforcement capability and consistency with neighbouring jurisdictions.

Fixed Penalty Notices

- Enables DAERA to introduce **Fixed Penalty Notices (FPNs)** for specified fisheries and water-environment offences.
- FPNs would provide an alternative to prosecution for lower-level offences.
- Details of offences covered and penalty amounts would be set out later in regulations subject to Assembly approval.

Key Issues for Scrutiny

1. Breadth of Regulation-Making Powers (Clause 6)

- Clause 6 significantly expands DAERA's powers by replacing the existing regulation-making provisions in the Fisheries Act (Northern Ireland) 1966.
- A key question for scrutiny is whether these powers are proportionate and subject to sufficient legislative oversight and safeguards.

2. Significant Increases in Penalties

- The Bill proposes substantial increases in maximum penalties for fisheries and water-environment offences.
- Key changes include:
 - Fisheries offences increasing from £500 to up to £10,000, £20,000 or £50,000;
 - Water pollution fines rising from £20,000 to £50,000 on summary conviction;
 - Introduction of indictment-level penalties for many offences.
- DAERA states these changes improve deterrence and align Northern Ireland with neighbouring jurisdictions.

3. Effectiveness of Enforcement Measures

- DAERA data indicates relatively low levels of prosecutions and convictions under existing fisheries legislation.
- Historic court fines have often been well below existing maximum penalties.
- This raises questions as to whether higher penalties alone will improve compliance and enforcement outcomes.

4. Fixed Penalty Notices and Civil Sanctions

- Consultation proposals referred to a wider range of civil sanctions, including Fixed Monetary Penalties and Variable Monetary Penalties.
- The Bill currently provides only for Fixed Penalty Notices (FPNs).
- Members may wish to explore:
 - Why other civil sanctions were not included;
 - Whether additional enforcement tools may be introduced later; and
 - How Northern Ireland's approach compares with other UK jurisdictions.

5. Comparison with Other Jurisdictions

- The proposed inland fisheries framework appears more comprehensive than current arrangements in England and Scotland.
- In some respects, it more closely reflects emerging approaches in Ireland and Wales.
- The Bill would place Northern Ireland in a distinctive position within the UK regarding inland fisheries governance.

Overall Summary

- The Bill represents a major reform of Northern Ireland's fisheries, aquaculture and water-environment legislation. Key scrutiny issues are likely to focus on:
 - The breadth of delegated powers under Clause 6;
 - The scale and effectiveness of increased penalties;

- The scope of Fixed Penalty Notice powers;
- The balance between primary legislation and future regulations and need for a review mechanism;
- Whether the Bill is sufficiently comprehensive to address long-term fisheries, aquaculture and environmental challenges.

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1 Overview of the Bill

The Fisheries, Aquaculture and Water Environment Bill was introduced to the Assembly on 22 June 2026.

The Bill had its second stage debate on 30 June 2026, and the official report of the second stage can be accessed [here](#).

The Bill's passage from second stage to Committee stage was resolved without the need for a division.

The Bill as introduced is made up of 23 Clauses and one Schedule with three distinct parts. The Schedule provides details the proposed amendments to mode of trial and level of penalty for a range of offences.

Table 1 provides an overview of the clauses and their associated provisions.

For background purposes, if Members wish to consider the scale and issues impacting Fisheries, Aquaculture and the Water Environment in Northern Ireland we suggest accessing the following RaISe papers:

- [Northern Ireland's marine and freshwater fish stock health, RaISe paper NIAR 124-26](#)
- [An overview of algal bloom in Lough Neagh, RaISe paper NIAR 138-23](#)
- [Aquaculture Overview - UK and Ireland, RaISe paper NIAR 50-25](#)

Table 1: Overview of Bill clauses and associated provisions

Part	Clause	Provisions
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 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

Part	Clause	Provisions
		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.

Part	Clause	Provisions
	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.

Part	Clause	Provisions
	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 riverbed 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: Sets out the Bill's short title.

2 Public consultation

2.1 Public consultation – Fisheries and Aquaculture

The [consultation](#) on proposed changes to fisheries (sea and inland) and aquaculture provisions occurred between 3 July and 11 September 2025.

A total of 53 formal responses were received, with additional commentary from 9 emails and 2 late submissions excluded from analysis.

In summary¹:

- Strong support for DAERA retaining powers to manage and conserve fisheries, regulate angling, and protect inland waters.
- High support for Fishery Management Plans, technical conservation measures, and sea fisheries permitting.
- Recognition of recreational angling's benefits for wellbeing, inclusion and local communities.
- Very strong support for stronger and more consistent enforcement powers, including higher penalties and administrative sanctions.
- Concerns about potential overregulation and the need for clearer strategic direction.
- Lower support for inland aquaculture licensing, with calls for a more streamlined and proportionate licensing system.
- Need for robust environmental safeguards and ongoing stakeholder engagement.
- Concerns that enforcement must be visible, consistent and supported by cross-border cooperation.
- Importance of transparent permit conditions and ensuring ecosystem protection within sea fisheries permitting.

¹ [Fisheries and Water Environment Bill, Responses to Consultations, Analysis and Summary, DAERA, 10 April 2026](#)

2.2 Public Consultation – Water Environment

The [consultation](#) on the policies for the protection of the water environment took place from 11 September to 6 November 2025.

DAERA engaged with both internal and external stakeholders and partners during the consultation period. A total of 63 formal responses were received, with additional commentary from 2 emails².

In summary:

- Very high level of support for the proposed measures in relation to protection of the water environment including increasing of penalties to £50,000 and additional enforcement tools for minor offences e.g. fixed penalty notices.
- However, increased fines alone are not enough, and need to be backed up with robust enforcement, adequate resourcing and inter-agency cooperation.
- Changes should be part of a broader review of regulation and enforcement. And the need for clear enforcement strategies and sentencing guidelines.
- The importance of extending the four pillars (education, investment and incentivisation, regulation and enforcement) to River Basement Management Plans, and not as a stand-alone model.

2.3 Impact Assessments

- **Regulatory Impact Assessments (RIA), equality and human rights (EQIA), rural needs, strategic environmental assessment (SEA)**
- After receiving feedback in relation to issues with the assessments accompanying the first consultation, assessments were amended and published with the second consultation. In summary:

² [Summary of the responses to the Consultations on The Fisheries and Water Environment Bill and The Protection of the Water Environment | Department of Agriculture, Environment and Rural Affairs](#)

- Respondents generally supported reform and viewed both the RIA and SEA as credible, but requested greater detail on costs, implementation, governance, monitoring, climate change impacts, and cumulative environmental effects.
- Stakeholders called for stronger evidence and economic analysis, clearer funding and accountability arrangements, and more inclusive engagement, including better access for Section 75 groups through translated materials, rural outreach, and simplified guidance.
- In response to this the Department replied:
- *The Impact Assessments prepared for primary legislation are **live documents** which are refined as the process develops, and such will not contain the level of detail at this stage that some may expect to see. A final version of the Impact Assessments will be published once legislation is enacted.*³
- **Members may wish to clarify:**
- Whether the reference to impact assessments prepared for primary legislation as being live documents, is a new, or normal, approach with impact assessments?
- Will the Committee be kept informed as and when impacts assessments are added to, updated etc. Or is this something the Committee will need to ask for throughout the scrutiny process?
- Are Members happy with final versions to accompany the legislation once enacted? Does this help the scrutiny of the Bill?

³ [Fisheries and Water Environment Bill Combined Consultation Responses - Analysis & Summary_0.pdf](#) p.92

3 Thematic issues for consideration

This section of the paper considers a number of broad thematic issues that impact the Bill as a whole.

3.1 Could the Bill be more comprehensive and ambitious?

The Bill as introduced seeks to amend provisions within the Fisheries Act (Northern Ireland) 1966, the Sea Fish (Conservation) Act 1967 and the Water (Northern Ireland) Order 1991.

There was a previous proposal to amend significant portions of the 1966 Act within a previous mandate, but the Bill that achieved Royal Assent, namely the Fisheries Act (Northern Ireland) 2016⁴, was much more limited in scope as opposed to the Bill that was introduced.

The Fisheries, Aquaculture and Water Environment Bill as introduced is also more limited in the scope of what it actually aims to achieve.

With regards to the 1966 Act, the Bill replaces or amends a number of sections within the Act, but it should be recognised that there are more than 200 sections and 8 Schedules within the Act.

Similarly, the changes to the 1967 Act and 1990 Order are also limited in nature.

Within this context, and this is also a point raised by some stakeholders, there are potential questions around whether the Bill could go further and across a wider range of specific policy areas.

Given this context there are a number of potential questions that Members may wish to consider as follows:

- Is a more comprehensive review of enforcement and regulation needed?
Will this happen, how will it tie in with this?

⁴ [Fisheries Act \(Northern Ireland\) 2016](#)

- Will this Bill help to address the recommendations of the [Independent Review of Environmental Governance \(2025\)](#) on the need for greater clarity and coherence in terms of roles, responsibilities, regulation and legislation (p.6)?
- Building on the previous point, does DAERA see a need for a wider review of existing legislation with a view towards consolidation?

3.2 The rise in penalties for offences – appropriate, excessive or underpowered?

Whilst the Bill creates no new offences, it does propose increases in penalties for the three pieces of legislation as follows:

- Fisheries Act (Northern Ireland) 1966;
- Sea Fish (Conservation) Act 1967; and
- Water (Northern Ireland) Order 1999

In an effort to summarise the proposed changes Table 2 provides the headline details.

Table 2: Proposed penalty change headlines within Bill provisions

Legislation	Proposed penalty change headlines
Fisheries Act (Northern Ireland) 1966	• 26 offences see fines on summary conviction rise from £500 to £20,000 • 35 offences see the introduction of a fine for conviction on indictment • 21 offences see fines on summary conviction rise from £500 to £10,000 • 21 offences see the introduction of a fine, imprisonment not exceeding 2 years or both on indictment

Legislation	Proposed penalty change headlines
	• 2 offences see the removal of summary conviction • 29 offences see fines on summary conviction rise from £500 to £50,000 • 6 offences see fines on summary conviction rise from £1,000 to £50,000 • 3 offences see fines on summary conviction rise from £200 to £5,000 • 1 offence sees a fine rise from £1,000 to £20,000 on summary conviction • 1 offence sees a daily fine rise from £50 per day to £500 per day on summary conviction
Sea Fish (Conservation) Act 1967	• 2 offences see fines on summary conviction rise from £5000 to £20,000; • 2 offences see the addition of a fine upon conviction on indictment.
Water (Northern Ireland) Order 1990	• 5 offences see fines on summary conviction rise from £20,000 to £50,000

It is evident from Table 3 that the Bill will deliver significant penalty increases across the three pieces of legislation which are being amended.

With specific regards to the proposed changes to the Fisheries (Northern Ireland) Act 1966, it would appear that the increased penalties for summary conviction (particularly as they relate to a fine of up to £50,000 on summary conviction) could most accurately be described as broadly matching those utilised within GB under section 11 of the Sea Fish (Conservation) Act 1967.

In relation to the proposed changes to the Water Order 1999, it would appear that the increased penalties for summary conviction to £50,000 is less compared to the unlimited fine in England and Wales, but higher than the £40,000 fine in Scotland and the £5000 fine in Ireland. For more detail see Appendix 2: Levels of water pollution related fines across the jurisdictions.

An increase in potential penalties may not, however, necessarily result in an increase in either prosecution, convictions or associated fines under any of the amended legislation.

In response to a researcher request⁵, DAERA provided data on the number of prosecutions, convictions and the level of imposed penalties as they related to existing provisions under the 1966 Act, 1967 Act and 1990 Order over the last five years, and this data is provided in the tables below⁶.

Fisheries Act (Northern Ireland) 1966

- All convictions were summary offences

Table 3: Fisheries Act (Northern Ireland) 1966 – prosecution and conviction data for last five years

Court outcome in year	Prosecuted	Convictions	Total fines	Fine/Penalty range
2021	13	6	£1,125	£75-£250
2022	20	6	£4,725	£25-£500
2023	12	6	£1,241	£50-£526
2024	7	3	£2,830	£100-£515
2025	14	2	£350 ⁷	£100-£250

⁵ DAERA DALO response letter – 18 September 2026

⁶ Summary offences are lower level and tried in a Magistrates Court, whilst indictable offences are more serious and tried in a Crown Court.

⁷ 1 individual with 2 charges against them

Sea Fish (Conservation) Act 1967

Table 4: Sea Fish (Conservation) Act 1967- prosecution and conviction data for last five years

Court outcome in year	Total	Prosecuted	Convictions	Total fines	Penalty
2024	1	0	0	0	Forfeiture Order

Water (Northern Ireland) Order 1999

- 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.

Table 5: Water (Northern Ireland) Order 1999-prosecution and conviction data for last five years

Court outcome in year	Prosecuted	Convicted	Total fines	Fine/Penalty range
2021	15	14	£21,900	£0 Conditional Discharge to £6,000 1 Adult Caution for 2017 incident. Low Severity, Breach of Consent conditions
2022	19	18	£30,000 ⁸	£500 to £3,000 1 Adult Caution
2023	25	24	£28,800 ⁹	£0 Conditional Discharge to £3,500 1 Adult Caution
2024	14	14	£22,000 £2,000	£0 Conditional Discharge to £5,000
2025	20	18	£19,050	£200 to £2,500 2 Adult Cautions

It is evident from the data provided that the number of convictions secured across the last five years is relatively modest, as is the total value of fines generated.

More specifically and looking at the fine ranges over the period, many fines over the last five years have not been up to the available maximum amount as provided by each of the current legislative instruments.

⁸ One case the Total Fine was £10,000 this was made up of 8 separate Offences, each Fine was £1,250

⁹ 13 individual cases amalgamated and dealt with as one case for Offences between 20 June 2019 and 9 November 2020; total Fine £10,000 (counted in this Table as 13)

In light of this information Members may wish to consider the following questions:

- Whether the max fine under each of the pieces of legislation was ever used? If not, why not?
- Does the Dept feel the use of the max proposal on summary conviction for £50,000 is needed. Why? And will measures included in the Bill see increased use of it?
- With specific regards to the proposed changes to the penalties under the Fisheries Act (Northern Ireland) 1966 does the creation of an unspecified fine amount in relation to conviction on indictment mean that the fine is unlimited?
- Does DAERA believe that a greater level of fines at a higher level will result from the provisions coming into force? Is there any evidence to support this supposition?
- Where does all fine income go under these provisions? Towards fisheries, aquaculture and water quality or Consolidated Fund?
- What about repeat offenders and offences?
- What about Northern Ireland Water (NIW) immunity in relation to the Water Order Provisions?
- Does the Bill give consideration to NIW and the Statement of Regulatory Principles and Intent (SORPI) as it relates to the Water Order provisions? See recommendations under the [Independent Review of Environmental Governance \(2025\)](#)p.12.

3.3 The use of subordinate legislation

A number of clauses within the Bill could be classed as enabling in nature as they would empower DAERA to make Regulations in a number of policy areas, and these are summarised below:

- **Draft Affirmative** – Clause 6 (substantial regulation powers under Fisheries Act 1966); Clause 11 & 12 (fixed penalty notices); Clause 15 (7) (definition of aquaculture farm),

- **Negative resolution** – Clause 17 (5) (fish culture licenses). Unless a provision amends, repeals or revokes any of the rest of any NI legislation or Act (then draft affirmative).
- **Form of Assembly approval is not identified** – Clause 19 (1A) (fish dealer's licence and fee).

Members may wish to consider the following question:

- Whilst most of the identified Regulations and associated powers would be subject to draft affirmative resolution what is DAERA's rationale for relying heavily on Regulations, particularly in relation to Clause 6?

3.4 Fixed penalty notices – clarifications on application

The two public consultations that underpinned the Bill development process both make reference to the use of a range of financial penalties as part of a revised enforcement process.

By way of example the first public consultation exercise, which focussed on Bill components relating to inland fisheries, sea fishing and aquaculture, and which ran between 3 July and 11 September, included the following statement¹⁰:

This policy would introduce a more flexible enforcement system including a range of sanctions including fixed penalty notices and civil sanctions, like fixed and variable monetary fines for low to moderate breaches of legislation, in addition to criminal sanctions.

The second public consultation, which ran between 11 September to 6 November 2025 and focused on the water environment components of the Bill included the following statement¹¹ in relation to additional enforcement mechanisms:

¹⁰ [Fisheries and Water Environment Bill, Consultation Document, DAERA 2025, page 29](#)

¹¹ [Fisheries and Water Environment Bill, Protection of the Water Environment Policy Consultation, DAERA, 2025](#)

It is proposed to provide a power in primary legislation to make regulations at a later stage to introduce Fixed Penalty Notices and Fixed and Variable Monetary Fines as additional enforcement mechanisms.

Based on this information it does appear that DAERA was considering a broad range of options to enhance enforcement effectiveness.

Within this context it is useful to consider that the Bill as introduced makes specific and explicit reference to the Bill including powers that would enable the introduction of Fixed Penalty Notices (Part 4, Clauses 10,11,12,13 and 14).

There are, however, no explicit references to lower level civil sanctions such as fixed or variable monetary penalties within the Bill as introduced. Paragraph 43¹² of the Explanatory and Financial Memorandum introduced alongside the Bill reads as follows:

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.

It should be noted that DAERA is proposing using Fixed Monetary Penalties within a related area of policy, namely in relation to offences within Marine Protected Areas. The recent public consultation document¹³ published by DAERA sets out the rationale for using Fixed Monetary Penalties and the process for their use, including the fact that there is a right of appeal.

¹² [Explanatory and Financial Memorandum, Fisheries, Aquaculture and Water Environment Bill](#)

¹³ [Consultation on Guidance on the Use of Fixed Monetary Penalties in Marine Protected Areas, DAERA, June 2026](#)

Appendix 3 (Fixed Penalty Notices/Fixed Monetary Penalties regimes across jurisdictions) provides an overview of regimes used by other jurisdictions in the UK and Ireland as they relate to water quality. By way of a summary it appears:

- England, Wales and Scotland use a broad suite of civil sanctions, which include Fixed and Variable Monetary Penalties (FMPs) for minor water pollution offences.
- Ireland does not appear to offer either civil sanctions or FPNs.
- The FMPs appear to range from £100 (for individuals) – £300 (body corporate) in England and £300- £1000 in Scotland.
- England provides for unlimited Variable Monetary Penalties.
- Non-payment options appear to differ with other jurisdictions and the Bill. For example, FMPs (England, Wales, Scotland) resulting in a recoverable civil debt, while FPN under the Bill may lead to criminal proceedings.
- Scotland also offers a late payment penalty.

It may be of interest that Recommendation 26 of the [Independent Review of Environmental Governance \(2025\)](#) suggests that DAERA should adopt civil sanctions and/or third-party undertakings for other environmental areas to broaden the toolkit available to the regulator.

In light of this information Members may wish to consider the following questions:

- What did DAERA mean by including references to civil sanctions in the form of fixed and variable monetary fines with both public consultation documents that supported Bill development?
- More specifically did DAERA consider the adoption of additional provisions for civil sanctions for minor offences within the Bill such as Fixed Monetary Penalties, which unlike Fixed Penalty Notices can be appealed?
- Could the language in paragraph 43 be clearer given that Fixed Monetary Penalties are a distinct civil sanction tool which differ from Fixed Penalty Notices? Are references in paragraph 43, particularly in

sentence 2 actually just an expansion on the explanation for proposing the use of Fixed Penalty Notices within the Bill?

- Is DAERA effectively using the terms Fixed Penalty Notice and Fixed Monetary Penalty interchangeably for the same provision?
- In light of the proposed use of Fixed Monetary Penalties within the Marine Protected Areas policy area does DAERA risk further complicating the issue of enforcement in policy areas with potential overlap?

3.5 Lack of a commitment to operational review

The Bill as introduced contains no provisions to enable a review of the operation of the provisions contained within it, should it receive Royal Assent.

With this observation in mind, Members may wish to consider the following questions:

- What were DAERA's reasons and rationale for not including an operational review provision within the Bill?

4 Potential specific issues for consideration

4.1 Inland fisheries – Differences to neighbouring jurisdictions

Clauses 1 to 5 within the Bill deal with the proposed inland fisheries objectives and associated Inland Fisheries Policy Statement.

The clauses represent a new and distinct direction for Inland Fisheries management.

It should be noted that the proposed seven inland fisheries objectives are as follows:

- Sustainability objective
- Precautionary objective
- Ecosystem objective
- Scientific evidence objective

- Bycatch objective
- National benefit objective
- Climate Change objective

These proposed policy objectives are nearly identical to the ones set out in Section 1 of the UK Fisheries Act 2020¹⁴ with one notable exception, namely the proposed objectives do not include an objective for equal access.

Within Section 1 of the 2020 Act, 'equal access' is defined as follows:

*...the access of UK fishing boats to any area within British fishery limits is not affected by—(a)the location of the fishing boat's home port, or
(b)any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.*

The Bill proposals, if enacted, will see Northern Ireland developing an Inland Fisheries Policy Statement, which would put Northern Ireland in a distinctly different position to GB and potentially align more with approach in Ireland. The Table in Appendix 1 provides a brief summary of the current approach in neighbouring jurisdictions.

Issues that Members may wish to consider here include:

- What is DAERA's rationale and evidence for adopting an approach which appears to be distinct from other UK administrations?

4.2 Inland Fisheries – Scientific evidence objective

Clause 1 subsection 5 deals with the collection of scientific data and the management of inland fisheries and aquaculture activities being based on the best available scientific evidence.

In light of this information Members may wish to consider the following questions:

¹⁴ [Fisheries Act 2020, Section 1](#)

- What is DAERA's assessment of the quality and extent of scientific data for fisheries and aquaculture activities within inland waters?
- Will the proposed adoption of the scientific evidence objective see DAERA actively engaged in seeking to improve the scientific data for inland fisheries and aquaculture?
- In the context of the previous points how is DAERA defining 'best available scientific advice'?

4.3 Inland Fisheries – Bycatch objective

Clause 1 subsection 6b which deals with the bycatch objective makes it clear that the Department wishes to record and account for catches of fish in inland waters.

Members may wish to consider the following questions in relation this issue:

- Who would have direct responsibility for recording and accounting for catches of fish in inland waters? Does the burden lie on anglers, the Department or both?
- If the Department has responsibility does it have the systems or staffing to ensure accurate reporting?
- Has any assessment been made of the costs of meeting this objective and how would these would be borne by the Department or anglers?

4.4 Inland Fisheries – Climate change objective

Clause 2, subsection 8 establishes that the Inland Fisheries Policy Statement will be informed by the need to minimise the adverse effect on inland fish and aquaculture activities from climate change, whilst also stating that fish and aquaculture activities adapt to climate change.

There are a number of questions that Members may wish to consider here as follows:

- What assessment has DAERA made of the potential impacts on inland fisheries and aquaculture from climate change? Are these impacts costed?

- Minimising adverse effects and adaptation suggests that there may be a need for mitigating actions or support. What role will DAERA have to play here and what specific form would any such support take?

4.5 Inland Fisheries – Precautionary approach to fisheries management

Section 9b within Clause 1 of the Bill establishes the definition of a proposed “precautionary approach to fisheries management”. The definition set out is as follows:

“precautionary approach to fisheries management” means an approach in which the absence of sufficient scientific information is not used to justify postponing or failing to take management measures to conserve target species, associated or dependent species, non-target species or their environment....

This definition is identical to the one utilised within the UK Fisheries Act 2020, but as outlined in section 4.2 of this paper the context in Northern Ireland as it relates to the provision of scientific stock data for inland fisheries may present challenges.

Members may wish to consider the following questions:

- Will the use of the proposed definition of the precautionary approach present particular problems for inland fisheries management within Northern Ireland?
- How will the objective actually operate given the limits of existing data?

4.6 Inland Fisheries Statement – Preparation, publication and laying

Clause 3 of the Bill makes it clear DAERA must prepare a consultation draft inland fisheries statement and must bring this to the attention of the public in general and more specifically those interested in or affected by the policies contained within.

The Department must have regard to any representations made about the consultation draft and must lay the finalised statement before the Assembly.

Members may wish to consider the following questions in this area:

- What would 'having regard' to any representations made around the consultation draft actually mean in real terms?
- Is there means for stakeholders to challenge the status of the finalised statement if they believe that the Department did not have regard for their representations?
- Whilst the finalised statement is to be laid before the Assembly, should the AERA Committee have a more formalised role in considering and approving the Inland Fisheries Policy statement?

4.7 Clause 6 – Powers to make Regulations

Clause 6 within the Bill replaces the existing Section 26 within the Fisheries Act (Northern Ireland) 1966.

It should, however, be noted that the proposed areas in which DAERA would then be enabled to bring forward Regulations appears to be greater than those in the original 1966 Act.

Table 6 highlights these material differences.

Table 6 – Regulation making powers under current section 26 and proposed section 26 of 1966 Act

1966 Act – Original Section 26 – areas in which Department can make Regulations.	Proposed new Section 26 of the 1966 Act – created by Clause 6 – Areas in which Department can make Regulations.
(a)The regulation of fishing and preservation of good order amongst persons fishing; (b)the times and seasons for the taking of fish or for any mode of taking fish and the conditions subject to which fish may be taken; (c)prohibiting any mode of taking or destroying fish; (d)the times and places at, or the mode in, which any fishing engine may be used; (e)the description and form of nets or other fishing engines to be used, and the size of the meshes of those nets or the apertures in those other engines; (f)the size (whether determined by measurement or by weight) of fish which may be taken;	(a) managing, conserving, protecting or improving salmon fisheries and inland fisheries; (b) conserving, improving or developing stocks of fish in inland waters; (c) protecting the aquatic environment from the effects of fishing or aquaculture in inland waters, or of related activities; (d) protecting or improving the health of fish or other aquatic animals in inland waters. (2) Without prejudice to the generality of subsection (1), regulations may make provision with respect to the following matters— (a) setting and enforcing targets in relation to stocks of fish;

1966 Act – Original Section 26 – areas in which Department can make Regulations.	Proposed new Section 26 of the 1966 Act – created by Clause 6 – Areas in which Department can make Regulations.
(g)the making of applications for, and the issue, alteration, renewal and revocation of, fishing licences, whether generally or in specified cases; (h)the form of, and the conditions attaching to, fishing licences; (i)the duties payable in respect of fishing licences; (j)the protection of waters from any predatory animals; (jj)the regulation or prohibition of the sale of any species of fish caught by rod and line; (k)the prohibition of any practice whatsoever tending to impede the lawful capture of fish or to be in any manner detrimental to the fisheries; (l)the attachment of such identification marks as may be specified in the regulations to any salmon captured;	(b) bycatch; (c) the protection of waters from any predatory animals; (d) prohibiting any mode of taking or destroying fish; (e) licensing of or requiring permits for fishing; (f) conditions for fishing, including the setting of times, seasons or geographical areas for fishing; (g) the regulation of fishing and preservation of good order among persons fishing; (h) methods of fishing; (i) the design of fishing equipment; (j) the use of fishing equipment; (k) the retrieval of lost or discarded fishing equipment; (l) sizes of fish that may be taken;

1966 Act – Original Section 26 – areas in which Department can make Regulations.	Proposed new Section 26 of the 1966 Act – created by Clause 6 – Areas in which Department can make Regulations.
(m) anything relating in any manner to the management and protection of the fisheries; (n) anything which under this Act may be prescribed by regulations or in respect of which regulations are by this Act authorised to be made. (2) The power to make regulations under this section in relation to the regulation of fishing for salmon may be exercised for— (a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas (including the geological or physiological features) or of any features of archaeological or historic interest on those areas; or (b) the conservation of flora or fauna which are dependant on, or associated with, a marine or coastal environment.	(m) the attachment of such identification marks as may be specified in the regulations to any salmon captured; (n) the prohibition of any practice whatsoever tending to impede the lawful capture of fish or to be in any matter detrimental to the fisheries; (o) processing of fish; (p) the regulation or prohibition of the sale of any species of fish caught by rod and line; (q) the regulation or prohibition of the sale of any fishery products other than a species of fish caught by rod and line; (r) the marketing of fishery products (including labelling and traceability); (s) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in— (i) fish and aquaculture activities, or

1966 Act – Original Section 26 – areas in which Department can make Regulations.	Proposed new Section 26 of the 1966 Act – created by Clause 6 – Areas in which Department can make Regulations.
	(ii) monitoring, or enforcing, compliance with the regulation of fish and aquaculture activities; (t) the functions, objectives or regulation of producer organisations or inter-branch organisations; (u) the use in aquaculture, or transport, of aquatic organisms that are members of an alien species or a locally absent species; (v) monitoring, or enforcing, compliance with the regulation of any of the matters mentioned in the preceding paragraphs of this subsection. (3) Regulations under subsection (1) may— (a) confer a function, including a function involving the exercise of a discretion, on any person, (b) impose fees, or

1966 Act – Original Section 26 – areas in which Department can make Regulations.	Proposed new Section 26 of the 1966 Act – created by Clause 6 – Areas in which Department can make Regulations.
	(c) create a criminal offence, but not one punishable with imprisonment. (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any statutory provision (apart from this section).

Of particular note in relation to table 6, the proposed new section 26 would give DAERA powers to bring forward Regulations that would enable them to do the following:

- confer functions on persons or bodies;
- impose fees;
- create criminal offences; and
- amend or repeal existing legislation through regulations.

These powers would be significant as they would enable the department to alter primary legislation.

It should be noted that Regulations made under Section 26 of the Fisheries Act (Northern Ireland) 1966 are subject to negative resolution.

Certain Regulations made under the proposed new Section 26 set out within Clause 6 would be subject to affirmative resolution, as set out in subsection 5. More specifically this would apply if the Regulations contain provisions:

(a) adding to, replacing or omitting, any part of the text of Northern Ireland legislation or an Act of Parliament,

(b) imposing fees, or

(c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence.

However, subsection 4 clarifies that the power to make Regulations is:

capable of being exercised so as to amend, repeal or revoke any statutory provision

In light of this information Members may wish to consider the following questions:

- What is the justification for this increased range of powers that DAERA is seeking?
- How many Regulations does DAERA envisage bringing forward under the provisions of Clause 6 in the years ahead and in what specific policy areas?

- What functions does DAERA envisage conferring on persons or bodies under the auspices of subsection 3a?
- How many of the Regulations that DAERA intends to bring forward under the provisions of this clause will be subject to draft affirmative Assembly procedure, as set out in subsection 5?
- How many Regulations does DAERA envisage will be subject to negative resolution as set out in the proposed amendment to Section 19(2) of the 1966 Fisheries Act? Will this apply to the majority of potential Regulations moving forward?

4.8 Clause 7 – Enforcement Powers

Clause 7 of the Bill would see local enforcement officers having the same enforcement powers as their equivalents within GB.

Clause 7 would effectively align enforcement powers with those found under Chapter 8 of Part 2 and Chapter 4 of Part 8 within the Marine and Coastal Access Act 2009¹⁵.

These powers provided by the 2009 Act are set out in Table 7.

Clause 7 does not appear to repeal the existing sea fisheries enforcement powers available under the Part XI of the Fisheries Act (Northern Ireland) 1966¹⁶ and Section 8 of the Sea Fisheries Act 1968¹⁷ which are summarised in table 8.

¹⁵ [Marine and Coastal Access Act 2009](#)

¹⁶ [Part XI of the Fisheries Act \(Northern Ireland\) 1966](#)

¹⁷ [Section 8 of the Sea Fisheries Act 1968](#)

Table 7: Enforcement powers within Marine and Coastal Access Act 2009

Marine and Coastal Access Act 2009	Powers
Part 8 – Chapter 2	• Section 246 - Power to board and inspect vessels and marine installations • Section 247 - Power to enter and inspect premises • Section 248 - Power to enter and inspect vehicles • Section 251 - Power to require production of documents, etc where an enforcement officer is exercising a power of inspection conferred by section 246, 247 or 248 • Section 252 - Powers of seizure, etc where an enforcement officer who is exercising a power of inspection conferred by section 246, 247 or 248 • Section 255 - Power to record evidence of offences • Section 256 - Power to require name and address • Section 257 - Power to require production of licence, etc • Section 258 - Power to require attendance of certain persons • Section 259 - Power to direct vessel or marine installation to port • Section 260 - Assistance etc - an enforcement officer may bring any other person and any equipment or materials. • Section 261 – Power to use reasonable force.
Part 8 – Chapter 4	• Section 264 - Power to inspect and seize objects at sea • Section 268 - Power to seize fish for purposes of forfeiture • Section 269 - Power to seize fishing gear for purposes of forfeiture

	• Section 279 - Power to detain vessels in connection with court proceedings • Section 284 - Power to require production of certain equipment
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Table 8: Existing sea fisheries enforcement powers under 1966 and 1968 Acts

Fisheries Act (Northern Ireland) 1966 – Part XI enforcement powers	Sea Fisheries Act 1968 – Section 8 enforcement powers
• Section 172 - General powers of authorised persons includes - allows authorised officers to access fisheries and waters, inspect fishing activities and equipment, investigate suspected offences, and seize fish, gear and other evidence. • Section 174 - Boarding and examination of fishing boats. • Section 175 - Detention of sea-fishing boats, etc. • Section 176 – Apprehension of offenders • Section 177 - Powers in relation to fishing engines, etc. • 178 - Powers of inspection, examination and detention. • 179 - Persons using, etc., fishing engines to produce fishing licence therefor on demand. • 179A - Production of permits issued under section 7A.	• Boarding and inspection of fishing vessels • Examination and investigation powers • Detention powers • Power to direct vessel movements • Enforcement of collision regulations

Questions Members may wish to consider in relation to this clause are as follows:

- Can DAERA confirm that the adoption of powers provided by the Marine and Coastal Access Act 2009 will supplement rather than replace existing powers under the outlined provisions within the Fisheries (Northern Ireland) Act 1966 and the Sea Fisheries Act 1968?
- Does DAERA have any plans to repeal the existing enforcement provisions under the 1966 and 1968 Acts?
- In the absence of any repeals could the field of enforcement become more complicated and confusing for implementers and those subject to enforcement given what appear to be areas of potential overlap?
- Would DAERA enforcement officers be adequately trained and resourced to deliver the new powers that Clause 7 would deliver?
- Would these officers be adequately trained to utilise their additional powers on the day after Royal Assent, when this section of the Bill would come into force?
- Has any assessment been made by DAERA of the potential costs for additional required training, equipment or administration to enable use of these additional powers?
- With specific regard to the additional power, enabling the use of reasonable force, as set out in Section 261 of the 2009 Act, what guidance will DAERA be providing to local enforcement officers on the potential use of this power?

4.9 Clause 11 – Use of fixed penalty notices for certain offences under the 1966 Act

Clause 11 identifies those offences within the 1966 Act which DAERA may seek to utilise fixed penalty notices for. These offences are as follows:

- Section 7a(3) – Use of a fishing engine without a permit;
- Section 11(5) – Offences relating to aquaculture licensing;
- Section 26 – Contravention of various inland fisheries Regulations;
- Section 41(3) – Prohibition of unlicensed fishing;

- Section 45(1) – Falsification etc of licences including as that section applies (by virtue of section 7A(4)) in relation to permits issued by the Department under section 7A(1);
- Section 62 (1) (2) and (3) – Penalty for using certain devices for taking fish;
- Section 87(2) – Possession of unlawful fishing engines etc;
- Section 96 – Angling for salmon or trout during annual close season;
- Section 118(1) – Failure by holder of fish dealer’s licence to display Licence;
- Section 120 (9) and (10) – Contravention of requirements relating to register to be kept by holder of fish dealer’s licence;
- All of Part 8 –
 - Section 124 Sea-fishing regulations, contravention can result in a fine up to the value of £1,000 on summary conviction,
 - Section 126 – Landing etc., fish caught in contravention of regulations – contravention can result in a fine up to the value of £1,000 on summary conviction;
 - Section 127 – Minimum sizes of sea-fish – contravention can result in a fine up to the value of £1,000 on summary conviction;
 - Section 128 – Use of beaches, etc., by fishermen for purposes of sea-fishing;
 - Section 129 – Use by fishermen of land adjoining fishing places;
- Section 160 – Obstructing persons lawfully fishing;
- Section 163(2) – Failure to paint name of owner on fishing boats;
- Section 164 – Unauthorised entry on several fishery;
- Section 179(1) – Failure of person using a fishing engine to produce fishing licence on demand;
- Section 179(1) – Failure to produce section 7A permit on demand;
- Section 184 – Giving warning to persons unlawfully fishing.

Other than as indicated, all of the 21 offences areas listed above can see an offender on summary conviction currently being subject to a fine up to £500 under the provisions of Section 201 of the 1966 Act. (It should be

noted that the proposed penalty amendment to Section 201 of the 1966 Act will see this amount increased to a fine up to £10,000).

There are approximately 90+ offences within the Fisheries (Northern Ireland) Act 1966.

Members may wish to consider the following questions:

- What process did DAERA employ to determine those offences within the 1966 Act to which Fixed penalty notices could apply?
- If the rationale is that fixed penalty notices should be deployed in instances of minor offences, what criteria were used in this determination?
- Is the assumption that all the offences identified in Clause 11 are minor offences valid?
- Given the low levels of conviction for offences under the 1966 Act over the last 5 years (as set out in Section 3.2) is the proposed introduction of fixed penalty notices in the areas listed in Clause 11 an admission that the existing offences and penalties are not effective?

4.10 Clause 13 – Regulations relating to fixed penalties

Clause 13 within the Bill sets out those provisions which the fixed penalty notices, referenced in clauses 11 and 12, would have to include

One of these potential provisions that may benefit from clarification is set out within subsection 1(j) which states the following:

(j) circumstances in which proceedings for an offence may be commenced after the payment of a fixed penalty in relation to that offence.

It should also be noted that Clause 13 makes no reference to any potential impact/effect for repeat offences.

In light of these observations Members may wish to consider the following questions:

- What specific circumstances would enable proceedings for an offence to be commenced after the payment of a fixed penalty in relation to that offence? This is potentially significant, given the general assumption that payment of a fixed penalty results in the discharge of liability to prosecution for that offence.
- Would a repeat offence qualify as a specific circumstance?
- Why is there no consideration of repeat offences as an area that fixed penalty notice Regulations may make provision for?

4.11 Clause 18 – Transfer of aquaculture licences

Clause 18 within the Bill will create a new section 11D within the Fisheries (Northern Ireland) Act 1966 and will provide a means for the holder of an aquaculture licence to transfer this to another person.

The creation of this new provision raises a number of questions as follows:

- What demand or evidence of the same has informed DAERA's decision to propose the introduction of this new provision?
- The proposed subsection 2(d) within the proposed section 11D makes it clear that DAERA will determine the fee for an aquaculture licence transfer. What is this fee likely to be, and will the creation of such a fee require Regulation?
- What will be the driving influence around any fee – cost recovery or affordability for applicants?
- What checks and balances will there be to protect current licence holders from potentially fraudulent attempts to deprive them of their licence?

4.12 Clause 19 – Fitness for fish dealer's licence – definition

Clause 19 proposes amendments to sections 114 and 115 of the Fisheries (Northern Ireland) Act 1966 as they relate to the issuance and renewal of a fish dealer's licence.

The proposed Subsections 1 and 2 make reference to DAERA either issuing or renewing a licence 'if it considers it appropriate'.

Members may wish to consider the following questions:

- What criteria or data will DAERA use in these considerations and what will be the threshold for either approval or renewal?
- Additionally, will any such criteria have any effect on the existing appeals process for refusal of either a licence or licence renewal set out in section 116 of the 1966 Act?

4.13 Commencement date

Clause 22 of the Bill deals with the commencement date for the provisions within the Bill upon receipt of Royal Assent.

Clause 22 makes it clear that all of the provisions in the Bill will come into operation on the day after Royal Assent, with the exception of Part 5 which deals with Aquaculture Licensing (Clauses 15 to 18)

Subsections 2 and 3 within Clause 22 state the following:

(2) The provisions of Part 5 come into operation on such day or days as the Department may by order appoint.

(3) An order under subsection (2) may include transitional, transitory or saving provision.

Given this information Members may wish to consider the following questions:

- What is the rationale behind Part 5 of the Bill not coming into operation on the day after Royal Assent?
- When would DAERA envision Part 5 coming into operation and which of the options set out in subsection 3 is the most likely outcome and what would this actually look like?

5 Appendix 1: Inland Fisheries Policy provisions – GB and Ireland

Jurisdiction	Inland fisheries Policy provisions
England	No standalone and comprehensive Inland Fisheries policy document or statement. Closest thing to a comprehensive document is the National Angling Strategy 2019-24¹⁸ and is based on the following objectives: • Objective 1 - Develop awareness and knowledge of angling; • Objective 2 - Increase participation in angling; • Objective 3 - Develop social benefits through angling; • Objective 4 - Develop Sustainable Places to Fish; • Objective 5 - Increase Angling's Economic Impact; • Objective 6 - Understand angling data and evidence
Ireland	Irish Government published Towards a Policy Framework for Inland Fisheries in Ireland: A Roadmap in 2021¹⁹. Roadmap focussed on key objectives as follows: • conservation;

¹⁸ [Angling for Good, National Angling Strategy 2019-2024, Environment Agency](#)

¹⁹ [Towards a Policy Framework for Inland Fisheries in Ireland - A Roadmap, Government of Ireland, 2021](#)

	• sustainable management; • climate-change resilience; • water quality; • stakeholder engagement; • sustainable funding; • enabling the sector to realise its economic potential Implementation of finalised policy framework was projected for 2022 but suggestions seem to be that development is ongoing. Inland Fisheries Ireland's current 2026-30 Strategy²⁰ has four strategic priorities as follows: • Safeguarding and conserving fish biodiversity. • Enforcing legislative powers and strengthening inter-agency cooperation; Scaling up nature-based solutions and programmes that restore habitats and remove river barriers. • Leading the restoration efforts through the rehabilitation of aquatic habitats. • Provide an authoritative, evidence-led voice advocating for inland fisheries and aquatic biodiversity.
Scotland	Focus on individual strategies such as the Scottish Wild Salmon Strategy²¹ published in 2022. The salmon strategy has the following objectives:

²⁰ [Statement of Strategy, 2026-30, Inland Fisheries Ireland, December 9 2025](#)

²¹ [Scottish Wild Salmon Strategy, Scottish Government, January 2022](#)

	• Scotland's rivers have healthy, self-sustaining populations of wild Atlantic salmon that achieve good conservation status. • Wild salmon management is evidence-based and underpinned by integrated data gathering, research and dissemination. • The environmental and socio-economic benefits arising from healthy wild Atlantic salmon populations are identified and maximised through partnerships between the public, private and charitable sectors. Also a focus on individual fisheries management plans by individual fisheries districts (44 such districts²²) and catchments. Currently lacks a comprehensive national policy – focus is on devolved and decentralised powers.
Wales	Wales has a single and coherent policy document in the form of Climate resilient fisheries: a strategy for the sustainable management of migratory and freshwater fishes and fisheries of Wales, 2026-2031²³. The Strategy covers all of Wales and has three key objectives as follow: • Welsh fisheries are resilient to climate change; • Declining and vulnerable stocks are protected and where possible on the path to recovery. • More people are connected to nature through fishing.

²² [Scotland's Fishery Management Plans, Marine Scotland, Crown Estate Scotland, SFCC & FMS](#)

²³ [Climate resilient fisheries: a strategy for the sustainable management of migratory and freshwater fishes and fisheries of Wales, 2026 – 2031, Natural Resources Wales](#)

6 Appendix 2 – Levels of water pollution related fines across the jurisdictions

Jurisdiction	Summary conviction (lower court)	Conviction on indictment (higher court)
Northern Ireland (current Water Order 1999)	Up to £20,000	A fine" (effectively unlimited) and/or imprisonment
Bill proposal	Up to £50,000	A fine" (effectively unlimited) and/or imprisonment
England & Wales The Water Resources Act 1991 (as amended) ²⁴	Amendments (in 2015) changed the limit of £20,000 to an unlimited "fine"	Unlimited fine and/or imprisonment.
Scotland Environmental Authorisation (Scotland) Regulations 2018 (EASR) Reg 7 as amended	Up to £40,000 and 12 months imprisonment.	Unlimited fines and up to 5 years imprisonment.
Ireland Local Government (Water Pollution) Act 1977 s.3 (as amended)	Up to €5,000, or imprisonment for a term not exceeding 3 months, or both	Up to €15,000,000 or imprisonment for a term not exceeding 5 years, or both

²⁴ the £20,000 on summary convictions under 161D (2) was changed to an unlimited "fine" by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015](#) Schedule 4, paragraph 24(5):

7 Appendix 3 - Fixed Penalty Notices/Fixed Monetary Penalties regimes (water pollution) across jurisdictions

Jurisdiction	Legislation	Regime	Failure to pay
Bill proposal	Part 4 Clause 12-14	Specific FPN for water pollution offences -to be detailed through regs.	Legal proceedings
England & Wales	Respective Environmental Civil Sanctions Orders 2010 ²⁵ Environmental Permitting (England and Wales) Regulations 2016 (as amended) ²⁶	FMP (£100/£300) and VMPs (unlimited) as part of broader civil sanctions used by the EA. Enforcement undertakings (Schedule 4) ²⁷	Becomes a civil debt recoverable by the Authority (A)

²⁵ The [Environmental Civil Sanctions \(England\) Order 2010](#) and the [Environmental Civil Sanctions \(Wales\) Order 2010](#)

²⁶ The [Environmental Permitting \(England and Wales\) \(Amendment\) \(England\) \(No. 2\) Regulations 2023](#) removed the previous £250,000 threshold for VMP, [allowing unlimited penalties](#). For more info: [Environmental Permitting Regulations \(EPR\) offences - GOV.UK](#)

²⁷ Actions offered by the offender to ensure the offence does not continue/recur, restoration, compensation to persons affected by the offence, actions to benefit/improve the environment.

Scotland	<u>Environmental Regulation (Enforcement Measures) (Scotland) Order 2015</u>	FMP (£300 -£1000) VMP (UP £40,000) as part of civil penalties used by SEPA.	Late payment penalty (40%). Failure becomes a civil debt recoverable by the Authority (SEPA).
Ireland	<u>Local Government (Water Pollution) Act 1977</u>	Generally No - relies on notices, prosecution and court penalties.	N/A