



Northern Ireland
Assembly

**COMMITTEE FOR
CULTURE, ARTS AND LEISURE**

**OFFICIAL REPORT
(Hansard)**

**Departmental briefing on the proposed
Fisheries (Amendment) Regulations**

13 May 2010

NORTHERN IRELAND ASSEMBLY

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Regulations

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Members present for all or part of the proceedings:

Mr Barry McElduff (Chairperson)
Mr Declan O’Loan (Deputy Chairperson)
Lord Browne
Mr Billy Leonard
Miss Michelle McIlveen

Witnesses:

Mr Liam Devlin)
Mrs Karen Simpson) Department of Culture, Arts and Leisure

The Chairperson (Mr McElduff):

I welcome Karen Simpson and Liam Devlin to the meeting this morning. Good morning and thank you for coming along. I will hand over straight away to Karen so that she can introduce herself and discuss her and Liam’s remits in the Department.

Mrs Karen Simpson (Department of Culture, Arts and Leisure):

Thank you, Chair. I am Karen Simpson, and I am the head of the inland fisheries branch in the Department of Culture, Arts and Leisure (DCAL). With me today is Liam Devlin, who heads up the team in the branch that is responsible, for among other things, developing legislation and processing it through the various necessary channels. I will begin with a brief introduction, and, following that, if there are any questions from Committee members, Liam and I will be happy to answer them.

DCAL proposes to introduce a statutory rule in the form of the Fisheries (Amendment) Regulations. The purpose of the proposed regulations is twofold: first, to designate all waters as public rainbow trout waters; and secondly, to amend the appeal process against a refusal to issue a fishing licence.

Discussing the rainbow trout waters first, the annual close season for game angling runs from 1 November to the end of February the following year. However, the annual close season does not apply to waters that are designated as rainbow trout waters. That means that the fisheries concerned can remain open all year round and that the fishery owners can generate income from the sale of permits during what would have otherwise have been the annual close season. A fishery owner can apply to the Department to designate his fishery as a rainbow trout fishery, and, providing that the Department's technical officers are satisfied that the water meets requirements that ensure that the rainbow trout cannot get into the wild, we would be content to allow that. The fishery owner must also prove that he owns the fishing rights and has ownership of the water.

To date, the Department has four outstanding applications for designation as rainbow trout waters. Those are: McCutcheon's Lake in Moorfields, Ballymena; Dunalis reservoir; the Quoillie reservoir; and Castle Hume Lough in County Fermanagh. The Department's technical officers have inspected those waters, and they are content that the necessary works have been completed and that the waters are suitable for designation. That being the case, schedule 6 to the Fisheries Regulations (Northern Ireland) 2003, which simply lists all currently designated rainbow trout waters, will be amended to include those inland fisheries.

The second purpose of the proposed regulations is to amend the appeal procedure against a refusal to issue a fishing licence or a decision to revoke a fishing licence. The former Fisheries Conservancy Board was responsible for issuing fishing licences, and appeals against a refusal to issue a licence used to be directed to the Department. Given that the former Fisheries Conservancy Board has been abolished and its functions transferred to the Department, the Department now issues fishing licences, so it would not be appropriate for it to hear an appeal against a decision that it made. Therefore, the Public Authorities (Reform) Act (Northern Ireland) 2009, which transferred the board's functions to the Department, amended the Fisheries Act (Northern Ireland) 1966 to provide for appeals to be made to a Magistrate's Court rather than to the Department. The second purpose of the by-laws is to simply make a consequential

amendment to the regulations to that end.

The Chairperson:

Can you provide details of who is represented on the Salmon and Inland Fisheries Forum?

Mrs K Simpson:

I will hand over to Liam to provide the details on that, but, in broad terms, the former Fisheries Conservancy Board was a stakeholder board that was designed to provide an opportunity for stakeholders such as recreational and commercial fishermen, landowners and others to air their views and for those views to be fed back to the Department. That stakeholder voice was lost with the closure of the board, and the Department established the Salmon and Inland Fisheries Forum to provide a channel for the expression of views and to allow the Department to consult. After a consultation exercise that increased representation from some stakeholder groups and removed others, a list of stakeholders was agreed to reflect the type of representation that was on the former board.

Mr Liam Devlin (Department of Culture, Arts and Leisure):

Karen has covered most of the detail. The forum, which held its first meeting in December 2009, consists of stakeholder groups that fall within the statutory remit of the inland fisheries branch of DCAL. The stakeholders that are represented include: landowners; affiliated and unaffiliated anglers; commercial fishermen; fishery owners; eel fishermen; and representatives from the Institute of Fisheries Management. Therefore, the forum has quite a wide remit in that it represents all the areas for which the branch is responsible.

Mr Leonard:

Good morning. It would be helpful if you could outline the types of tests and checks that were carried out at the four locations that you mentioned so that the way ahead could be prepared and assurances given that everything is OK. I am aware that escape is a big issue, as is how the environmental impacts are mitigated. You obviously know a great deal about that process, but perhaps the Committee is not so well informed about it.

Mrs K Simpson:

On the administrative side, the Department asks for proof of fishing rights, be those by lease, conveyance or ownership. On the technical side, our technical colleagues arrange to meet the

owners on site, and the main issue for the Department is the escape of the rainbow trout to the wild. Rainbow trout compete with the wild stock for food, and they can actually eat them. They also interbreed with the wild stock, and that can result in hybridisation. Therefore, any inlets to or outlets from the rainbow trout water require appropriate gratings or grilles to protect any ingress or egress of fish. If a fishery happens to be purely self-contained — indeed, some of them are very small — the Department seeks to ensure that evaporation during very warm summers does not cause the water to become deoxygenated to the extent that the fish do not survive if they are stocked into the pond or lake. That sometimes means monitoring the fishery over a period of months. The Department also wants to ensure that, even when grates or grilles are installed, there is not a drop in height from the outlet from the lake that would make the grille inefficient in times of high water. Those are the main issues that the Department looks for.

Mr Leonard:

Therefore, is it the bottom line that physical things have to be in place?

Mrs K Simpson:

Yes. Those issues would have to be addressed before the Department would recommend designation.

Mr O'Loan:

Are there any other environmental impacts that the Department has examined and is satisfied with?

Mrs K Simpson:

Each water is taken on its own merits. If the water is an interconnecting fishery, the Department examines whether there are any other fishery or environmental issues in the area, particularly downstream of the fishery in question. That means that if there were a change in the chemical discharge from the rainbow trout water, there would be no adverse impact.

Mr O'Loan:

Are the four fisheries in question all NI Water lakes and reservoirs?

Mrs K Simpson:

No; they are privately owned.

Mr Devlin:

A couple are leased from NI Water and are privately managed, and some are privately owned.

Mr O'Loan:

Is it the fishery aspect that is privately owned? I suspect that one of the main purposes of many of the waters is to provide water for supply. Is that correct?

Mr Devlin:

The NI Water waters no longer provide a water supply as such, and they are leased out to whoever wants to lease the fishing rights to stock them with fish. Dunalis reservoir and the Quoilie reservoir are leased from NI Water. The person leases the fishing rights from NI Water on a yearly basis and applies to the Department to designate the water as a rainbow trout water.

Mr O'Loan:

Is that person the beneficiary of the sale of permits to others?

Mr Devlin:

Yes. That person takes the income from the fishing permits that are sold for that particular inland fishery.

Mr O'Loan:

Do they manage the stocking of the reservoirs?

Mr Devlin:

Yes.

Lord Browne:

Will there be any cost implications of the regulations?

Mrs K Simpson:

Do you mean for the Department?

Lord Browne:

Yes.

Mrs K Simpson:

There are no cost implications, other than the cost of the administrative process of designation and the inspection process.

Lord Browne:

Therefore, is there no great cost?

Mrs K Simpson:

No.

The Chairperson:

I thank Karen and Liam for coming along and for assisting the Committee with its understanding of the proposed regulations.