

## **EXPLANATORY MEMORANDUM TO**

### **The Marine Protected Areas (Prohibited Methods of Fishing) (Amendment) Regulations (Northern Ireland) 2022**

**SR 2022 No. 303**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly. The Statutory Rule is subject to the negative resolution procedure in the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made in exercise of the powers conferred by sections 19(1) and 124(1), (2) and (2A) of the Fisheries Act (Northern Ireland) 1966**(b)**.

#### **2. Purpose**

- 2.1. The purpose of this Statutory Rule is to make a number of minor corrections to the Marine Protected Areas (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2022 (S.R. 2022 No. 292) which were laid at the Northern Ireland Assembly on 1 November 2022 and come into operation on 1 January 2023. These amendments do not alter the agreed policy position.
- 2.2. These corrections to Statutory Rule S.R. 2022 No. 292 include the removal of the words “restricted area” from regulation 3(1)(g) to reflect the correct name of the marine protected area, the insertion of the word metres at regulation 4(3), the substitution of a number of correct latitude and longitude coordinates in Schedule 5 (Red Bay Special Area of Conservation) and Schedule 6 (Skerries and Causeway Special Area of Conservation) respectively, and an amendment to the heading at Schedule 9 so that it refers to the Waterfoot Marine Conservation Zone.

#### **3. Consultation**

- 3.1. The Department carried out a consultation from 30 November 2020 until 31 March 2021 on proposed fisheries management measures in marine protected areas and the establishment of scallop enhancement sites.
- 3.2. At its meeting on 21 October 2021, the AERA Committee considered the Departmental response to the consultation and noted the DAERA Written Briefing - Synopsis of responses to consultation on fisheries management measures in Marine Protected Areas and establishment of scallop enhancement sites. The AERA Committee was content with the policy proposals and that the relevant legislation should be laid.

- 3.3 A separate Statutory Rule S.R. 2022 No. 272 provides for the prohibitions within the established scallop enhancement sites.

## **Equality Impact**

- 4.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality screening of the provisions in the Statutory Rule S.R. 2022 No. 292 concluded that it is screened out from requiring a full equality impact assessment.

## **5. Regulatory Impact**

- 5.1. The draft Regulatory Impact Assessment for the policy consultation was based on data from 2012-2016, the rationale being that the MCZs were designated in 2016 and therefore discounts any bias from changes in fishing activity as a result of the designations.
- 5.2 The fishing industry raised issues during consultation that the estimated values for fishing in MPAs were too low and there was insufficient evidence to make an accurate assessment.
- 5.3 AFBI was commissioned to reanalyse the data to include data up to 2020 and the revised valuations were incorporated into the final Regulatory Impact Assessment which was published with the Statutory Rule S.R. 2022 No. 292.

## **6. Financial Implications**

- 6.1. There are no financial implications for the Department associated with the making of this Rule.

## **7. Section 24 of the Northern Ireland Act 1998**

- 7.1. This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

## **8. EU Implications**

- 8.1. None.

## **9. Parity or Replicatory Measure**

- 9.1. N/A

## **10. Additional Information**

10.1. For further information contact Patrick Smith (Tel. 02844618111) or Colin Armstrong (Tel. 02890569235) at the Department of Agriculture, Environment and Rural Affairs or e-mail [patrick.smith@daera-ni.gov.uk](mailto:patrick.smith@daera-ni.gov.uk) or [seafisheries@daera-ni.gov.uk](mailto:seafisheries@daera-ni.gov.uk).