

EXPLANATORY MEMORANDUM TO
THE FISHERIES ACT 2020 (SCHEME FOR FINANCIAL ASSISTANCE)
REGULATIONS (NORTHERN IRELAND) 2024

S.R. 2024 No. 141

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.
- 1.2. The Statutory Rule is made under powers conferred on the Department by paragraph 3 (1) (d) of Schedule 6 to the Fisheries Act 2020 and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1 This Statutory Rule establishes a scheme for financial assistance in relation to Northern Ireland for the purposes provided for in paragraph 3(1) of Schedule 6 to the Fisheries Act 2020.
- 2.2 The Statutory Rule specifies that the Department may consider grant applications under the scheme and provides the Department with the power to make grant payments. It specifies the application procedure, lists specific areas which are ineligible for funding and provides the Department with powers to attach conditions to grants, require the repayment of grants if certain conditions are not satisfied and provides for the enforcement function in relation to potential offences (for example fraudulent applications).
- 2.3 This Statutory Rule will allow for the funding of grant for activities defined in the Fisheries Act 2020 relating to commercial aquaculture activities, commercial fish activities, fisheries management plans, the marine and aquatic environment and fish processing.

3. Background

- 3.1. Schedule 6 to the Fisheries Act 2020 provides a power for the Department through regulations to establish a new scheme for financial assistance.
- 3.2. This financial assistance may be provided for any of the purposes specified in the Schedule. These include:
 - the conservation, enhancement or restoration of the marine and aquatic environment;
 - the promotion or development of commercial fish or aquaculture activities;

- the reorganisation of businesses involved in commercial fish or aquaculture activities;
 - contributing to the expenses of persons involved in commercial fish or aquaculture activities;
 - maintaining or improving the health and safety of individuals who are involved in commercial fish or aquaculture activities;
 - the training of individuals who are, were or intend to become involved in commercial fish or aquaculture activities, or are family members of such individuals;
 - the economic development or social improvement of areas in which commercial fish or aquaculture activities are carried out;
 - improving the arrangements for the use of catch quotas or effort quotas; and
 - the promotion or development of recreational fishing.
- 3.3. Prior to the United Kingdom leaving the European Union, financial support to the fisheries, aquaculture and seafood sectors was primarily delivered through the EU-wide “European Maritime and Fisheries Fund”. Following its exit the UK is able to establish and administer replacement schemes and this Statutory Rule enables the Department to deliver support to those sectors in Northern Ireland and increase the economic prosperity of coastal communities as well as encouraging environmental sustainability and increasing scientific awareness training to those working in the sectors.

4. Consultation

- 4.1. In November 2022 the Department carried out a public consultation on the Outline Strategy for Future Marine and Fisheries Support 2023 – 2028. This consultation phase included a number of public events to present the funding proposals ahead of developing the content of the scheme which is provided for in this Statutory Rule.

5. Equality Impact

- 5.1 An equality impact assessment has been carried out. The Statutory Rule that gives effect to the policy for this scheme of financial assistance for the purposes provided for in Schedule 6 to the Fisheries Act 2020 has been screened out.

6. Regulatory Impact

- 6.1 An impact assessment has not been prepared for this Statutory Rule as it does not impose costs or restrictions on business or other entities. Instead, it provides for a scheme of financial support and the opportunity for fisheries and aquaculture businesses to avail of funding.

7. Financial implications

- 7.1 Funding for investment in fisheries operations has been traditionally provided by the European Commission and, since 2021, HM Treasury and/or the Northern Ireland Executive. Any scheme of financial assistance that will be provided under this legislation will require to be justified by a proportionate business case to determine affordability against available budgets when they become known, the strategic benefits that will be delivered and the other priorities within the Department at that time.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 This Statutory Rule is compliant with section 24 of the Northern Ireland Act 1998.

9. EU implications

- 9.1 The Windsor Framework limits the state aid that can be provided to industry to £4.01m in any one year and £16.93m over any five-year rolling period

10. Parity or Replicatory Measure

- 10.1 This Statutory Rule and the scheme of financial assistance it provides for replicates similar schemes which have already come into force in England, Scotland and Wales respectively under similar devolved powers in the Fisheries Act 2020.

11. Additional information

- 11.1 For further information about this Statutory Rule contact Ronnie McBride (Sea Fisheries Grants Team) on 028 4461 8029 or Fiona Taylor (Head of Sea Fisheries Policy and Grants Team) on 028 4461 8700.