



## Committee for Agriculture and Rural Development

# OFFICIAL REPORT (Hansard)

**Fisheries Bill:  
Anglo-North Irish Fish  
Producers' Organisation**

12 January 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture and Rural Development

Fisheries Bill: Anglo-North Irish Fish Producers' Organisation

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**Members present for all or part of the proceedings:**

Mr William Irwin (Chairperson)

Mr Sydney Anderson

Mr Kieran McCarthy

Mr Oliver McMullan

Mr Edwin Poots

Mr Robin Swann

**Witnesses:**

Mr Alan McCulla

Anglo-North Irish Fish Producers' Organisation

**The Chairperson (Mr Irwin):** I welcome Alan McCulla of the Anglo-North Irish Fish Producers' Organisation. You are very welcome, Alan; I ask you to take up to 10 minutes or so to give a presentation, and then we will ask some questions.

**Mr Alan McCulla (Anglo-North Irish Fish Producers' Organisation):** Mr Chairman, I first of all thank you and the Committee for the opportunity to discuss the Fisheries Bill with you. I assure you that the presentation will not take 10 minutes.

Given the legislative constraints placed upon the local management of our fisheries by the EU's common fisheries policy, the Fisheries Bill represents one of the most important pieces of legislation to be examined by the Assembly that has a direct impact upon Northern Ireland's fishing fleet.

Members of DARD's Fisheries Bill team met with us on several occasions when development of the Fisheries Bill was still at what they call a "high-level stage". We very much welcomed the opportunity to feed into that process. On 6 November 2014, a presentation about the draft Bill was made to the fishing industry task force, which is convened by DARD, and a handout was provided, summarising the stages in the passage of the proposed Bill, post-consultation. As an organisation, we replied to the public consultation on 10 November 2014, focusing on what we considered to be five key areas of the Bill. I have a copy of our submission with me, which I am happy to leave with the Committee. We received an acknowledgement of our submission to the consultation on 11 November 2014.

In preparation for this meeting, I looked again at the DARD handout that was referred to earlier. We can see that we are about six months behind what DARD had envisaged to be the original schedule. In the original schedule, six months had also been set aside for the Bill to progress through the Committee Stage.

Overall, I have to confess that we were a little surprised when we learned that the Bill had been submitted to the Assembly on 7 December last, with a planned hasty progression through the scrutiny

and Assembly process. Whilst I am sure it was a coincidence, we note that the Bill was laid in the Assembly the week before the EU December Fisheries Council, which is the most important meeting of the year for the industry. In the run up to the end of the year, when all of our focus was placed between the EU Council, its aftermath and the Christmas holidays, we did not have sufficient time to scrutinise the Bill in the manner that it deserved. This is a concern that, I understand, we share with the Committee.

We are grateful to the Committee for forwarding to us the relevant Hansard reports covering evidence given to the Committee by officials, as well as the other relevant documents.

I cannot claim to be an expert on the interpretation of legislation, and without further discussion with officials, we are unable to say what consideration has been given to any of the five issues that we raised during the consultation stage.

The Committee's concerns about rushing proper consideration of the Bill before the end of the Assembly's mandate has, I understand, resulted in agreement with the Minister to limit the consideration to clause 6. As you know, that will allow the authorities here to directly enforce all EU Fisheries legislation.

Our Northern Ireland fishing fleet has been acting in a manner which assumes that all EU fisheries legislation is enforceable on it. Any suggestions that fishing vessels based here in Northern Ireland have been able to avoid EU fisheries legislation are certainly not accurate. Indeed, the only query made by fishermen in the light of the revelation that EU fisheries legislation may not have been, or may not currently be, directly enforceable in Northern Ireland, is with regard to whether they would be allowed to take an action against the Department for loss of earnings as a result of the closures and restrictive quotas etc, which have been enforced on them, and which, one could say, should not have been.

Clause 6, which aligns Northern Ireland legislation with that in place across the rest of the United Kingdom and the Republic of Ireland, seems to be straightforward. We do not have a problem with that.

There may be issues which we wish to consider further in relation to the level of penalties, but that falls outwith clause 6. We trust that, as an industry, we will have the opportunity to address the Committee at a future date on this and other matters in what will be the new Bill.

**The Chairperson (Mr Irwin):** Given that clause 6 is to be introduced, do you feel there will be adequate consultation with industry, given the short time frame?

**Mr McCulla:** As I said Chairman, I think we all would have preferred more consultation. We welcome the fact that DARD officials very much involved us in 2014, when the Bill was still at the high level. I think there is maybe fault on both sides — on the part of DARD and indeed on the part of the industry — in that, over the last 12 months at least, we have really lost touch with the progress that the Bill has made. To answer your question directly, the consultation and communication could have been better on both sides.

**The Chairperson (Mr Irwin):** Clearly for us as a Committee, we felt strongly that clause 6 was the only doable portion of the Bill, as we wanted to ensure that the industry was protected against infraction.

**Mr McCulla:** I agree with that. I believe that there are other clauses in the Bill that need more scrutiny. Again, I am very happy to leave with the Committee the submission that we made to DARD back in 2014. I am not qualified to say, without further discussion with DARD, whether those five key areas have been addressed, but one of them relates to the fact that the industry has asked DARD for legislation which would allow more rules and regulations to be introduced at a local level. We provided an example of that, and I would appreciate some further discussion with officials to see if what is in the Bill, outside of clause 6, would actually permit those issues and those gaps to be filled.

**The Chairperson (Mr Irwin):** OK. Do any other members have questions?

**Mr McMullan:** You talked about an example. Can you expand on that?

**Mr McCulla:** The example that I gave relates to the queen scallop fishery along the north Antrim coast, which, for detailed reasons that I do not want to take the Committee's time up with now, has seen a tremendous explosion in effort over the past few years. The fishing industry has been asking DARD to put the necessary measures in place so that that fishery can be properly controlled and managed. We know that the current legislation has not allowed some actions that we would like to have seen taken to be taken, but we are not clear whether the Bill would allow those actions to be taken. I am not saying that it does not, but I need further discussions with DARD to explore that issue.

**The Chairperson (Mr Irwin):** Are there any other questions?

**Mr McCarthy:** I am sorry, Alan, that I missed all of your wise counsel. I congratulate you on the work that you have done up until now and on your partial success in Brussels last December. It is moving in the right direction. Do you recognise that the idea behind the Fisheries Bill is to improve the lot of the fishing industry in Northern Ireland and to bring it into line with other regions, etc? Are you confident that that is what will happen?

**Mr McCulla:** Mr McCarthy, thank you for your question. As I said, we have absolutely no problem with clause 6 and aligning legislation in Northern Ireland with other parts of the United Kingdom and, indeed, the Republic of Ireland. When I read previous evidence, I said to myself that people may have been reading into it, unwisely — DARD officials confirmed the same — that, somehow, the fleet in Northern Ireland was acting outside EU legislation. That has certainly not been the case. We very much welcome the fact that that anomaly has been corrected. We would appreciate further discussion on other clauses in the Bill, one being the level of penalties that may be enforceable.

**The Chairperson (Mr Irwin):** Alan, thank you very much.