



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Fisheries Bill: Key Issues and Formal
Clause-by-clause Consideration

26 January 2016

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture and Rural Development

Fisheries Bill: Key Issues and Formal Clause-by-clause Consideration

26 January 2016

Members present for all or part of the proceedings:

Mr William Irwin (Chairperson)
Mr Sydney Anderson
Mrs Jo-Anne Dobson
Mr Declan McAleer
Mr Kieran McCarthy
Mr Ian McCrea
Mr Oliver McMullan
Mr Ian Milne

The Chairperson (Mr Irwin): I refer members to the relevant papers in their packs, which include a copy of the Fisheries Bill, the explanatory and financial memorandum (EFM) and the consolidated version of section 30(1) of the Fisheries Act 1981. A copy of the joint statement issued after the Second Stage debate and the Hansard report of the evidence sessions with the Anglo North Irish Fish Producers' Organisation and DARD are also attached. There are also written submissions from the Northern Ireland Marine Task Force and the Northern Irish Fish Producers Organisation. I also refer members to a letter from the Department that indicates that it has received further correspondence from the European Commission on the pilot case. I ask members to note that correspondence.

I refer members to the revised delegated powers memorandum, specifically for clause 6, which has been provided by DARD and which is included in your tabled papers pack. That was forwarded to the Examiner of Statutory Rules for consideration late last week. In his response, which is also in your tabled papers, the Examiner indicated that:

"In the context of section 30(2) of the Fisheries Act 1981, and given the amendments already in place for England and Wales, the expanded power seems to be appropriate as a delegated power and subject to an appropriate degree of Assembly scrutiny."

Are members content with that position?

Members indicated assent.

The Chairperson (Mr Irwin): I also refer members to the tabled correspondence from DARD on the financial aspects of the Bill. That is a response to the briefing paper that the Committee received from the Assembly's financial scrutiny unit. Annex A is a detailed response to the issues that were identified in the Research and Information Service (RaISe) paper. There is also a table at annex E that sets out the cost of the Bill as introduced. Members know that, the only substantive clause that will move forward will be clause 6. Nevertheless, information on all clauses has been provided. I ask members to take a few minutes to consider those papers. Are members content to note that information and pass it to the RaISe team for information?

Members indicated assent.

The Chairperson (Mr Irwin): I advise members that we were due to hear from the Irish Federation of Sea Anglers at the meeting last week. That was cancelled due to unforeseen circumstances. However, a late written brief has been received and tabled. DARD officials are in the Public Gallery to address any concerns that members may have with that briefing or, indeed, on any other aspect of the Bill.

Please note that if members have any issues or concerns about the Bill that they wish to raise, this is their last opportunity as the Committee will complete its formal clause-by-clause scrutiny of the Bill today. As there seem to be no issues, do members wish to raise any issues or concerns, of any nature, about clause 6?

Members indicated dissent.

The Chairperson (Mr Irwin): I advise members that, on the basis of the evidence that we have taken and the three written submissions received, no major issues have been identified by stakeholders in relation to clause 6. We will now begin the informal clause-by-clause consideration.

Members will recall that, at the meeting on 14 December 2015, the Committee agreed to undertake Committee Stage scrutiny of only clause 6 and the appropriate general provisions. At that meeting, the Committee agreed, with the assent of the Minister, that the remaining clauses should not stand part of the Bill. We heard from DARD on 12 January that the only general provision that is required is clause 19, which relates to the short title. Members will find further information on that on page 91 of the pack.

On 12 January 2016, the Committee agreed to write to the Minister, inviting her to co-sign the amendments to that affect. We have been informed by DARD officials that the Minister has agreed to the proposal to jointly table notices of intent that any clauses that the Committee is not content with will not stand part of the Bill at Consideration Stage.

I will now take members through each clause and clarify the Committee position. I remind members that the only clauses that need to be agreed are clauses 6 and 19. Are members content with clauses 1 to 5?

Members indicated dissent.

The Chairperson (Mr Irwin): Are members content that we instruct the Bill Office to draft the appropriate amendments so that those clauses do not stand part of the Bill?

Members indicated assent.

The Chairperson (Mr Irwin): No matters were raised in connection with clause 6, "Enforcement of EU rules". Are members content with clause 6?

Members indicated assent.

The Chairperson (Mr Irwin): Are members content with clauses 7 to 15?

Members indicated dissent.

The Chairperson (Mr Irwin): Are members content that we instruct the Bill Office to draft the appropriate amendments so that those clauses do not stand part of the Bill?

Members indicated assent.

The Chairperson (Mr Irwin): We will now consider the general provisions of the Bill. Members may wish to refer to page 91 of the pack, where DARD officials outline the reasons why clauses 16 to 18 are not required.

We will move on to clause 16. At the meeting of 12 January 2016, the Committee was informed that, if only clause 6 is progressed, there is no need for clause 16 on interpretation, as none of the terms

defined in it relates to clause 6. The Committee, therefore, agreed that clause 16 will not stand part of the Bill. Are members content with clause 16?

Members indicated dissent.

The Chairperson (Mr Irwin): Are members content that we instruct the Bill Office to draft the appropriate amendment so that the clause will not stand part of the Bill?

Members indicated assent.

The Chairperson (Mr Irwin): We move on to clause 17. At the meeting on 12 January 2016, the Committee was informed that, if only clause 6 is processed, there is no need for clause 17, which relates to the power to make consequential amendments, as the Department cannot envisage any consequential amendments being required to clause 6 or related to clause 6. The Committee is, therefore, agreed that clause 17 will not stand part of the Bill. Are members content with clause 17?

Members indicated dissent.

The Chairperson (Mr Irwin): Are members content that we instruct the Bill Office to draft the appropriate amendment so that the clause will not stand part of the Bill?

Members indicated assent.

The Chairperson (Mr Irwin): We move on to clause 18. At the meeting of 12 January 2016, the Committee was informed that, if only clause 6 is processed, the Act as a whole would commence at Royal Assent and there is no need for clause 18. Are members content with clause 18?

Members indicated dissent.

The Chairperson (Mr Irwin): Are members content that we instruct the Bill Office to draft the appropriate amendment so that the clause will not stand part of the Bill?

Members indicated assent.

The Chairperson (Mr Irwin): Clause 19 relates to the short title. At the meeting of 12 January 2016, the Committee indicated that the name of the reduced Bill could be changed but there was no strong case to do so. It is proposed to keep it as it is. As a result, no matters were raised in connection with the clause. Are members content with clause 19?

Members indicated assent.

The Chairperson (Mr Irwin): That completes our informal clause-by-clause consideration. I advise members that, as no issues were identified, I propose that we move immediately to the formal clause-by-clause scrutiny. Are members content with that approach?

Members indicated assent.

The Chairperson (Mr Irwin): We are now in a position to proceed with the formal clause-by-clause consideration of the Bill. I advise members that the Committee will take a formal vote on each clause in the Bill. The options available to the Committee are as follows: first, to agree that the Committee is content with the clause; secondly, to agree that the Committee is content with the clause as amended; and thirdly, to agree that the Committee is not content with the clause and either vote that it is not content or agree that a Committee amendment is required.

Question, That the Committee is content to oppose the Question that clause 1 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 2 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 3 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 4 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 5 stand part, put and agreed to.

Question, That the Committee is content with clause 6, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 7 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 8 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 9 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 10 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 11 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 12 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 13 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 14 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 15 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 16 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 17 stand part, put and agreed to.

Question, That the Committee is content to oppose the Question that clause 18 stand part, put and agreed to.

Question, That the Committee is content with clause 19, put and agreed to.

The Chairperson (Mr Irwin): That concludes the clause-by-clause scrutiny of the Fisheries Bill.

Mr McMullan: Are we opposing clause 13?

The Committee Clerk: Yes.

Mr McMullan: On gratings?

The Committee Clerk: Yes.

Mr McMullan: On what evidence?

The Committee Clerk: On the evidence that the Committee for Culture, Arts and Leisure did not wish to do it. This Committee agreed on 12 January that it would not do it.

The Chairperson (Mr Irwin): We are content with only clause 6, and that is the reason. Do you understand?

Mr Anderson: Clauses 6 and 19.

The Committee Clerk: Clauses 6 and 19, yes.

Mr Anderson: Do not forget 19.

The Chairperson (Mr Irwin): The Committee staff will now draft a Committee report for consideration and approval by the Committee on 2 February 2016.